ATTACHMENT I

STIPULATED EXHIBITS 38

38. A copy of the Variance Package from the October 2014 Variance Hearing (where the variance was withdrawn by the town before a decision was made)

State of North Carolina
Department of Justice

ROY COOPER
Attorney General

PO Box 629
Raleigh, North Carolina
27602

Reply to: Elizabeth Jill Weese
Environmental Division
Phone: (919) 716-6600
Fax: (919) 716-6767
jweese@ncdoj.gov

TO: Coastal Resources Commission

FROM : Elizabeth Jill Weese
Assistant Attorney General EJW

DATE: October 8, 2014 (for the October 22-23 CRC Meeting)

RE: **Variance Request by the Town of Carolina Beach. (CRC-VR-14-10)**

On November 18, 2013, the Petitioner, the Town of Carolina Beach ("Town") applied for a CAMA minor development permit requesting approval of the Carolina Beach Boardwalk Improvement Project - Phase 2 for replacement and expansion of the Carolina Beach Boardwalk. The Division of Coastal Management denied the Permit Application because the development extended oceanward of the ocean hazard setback distance, and did not meet any of the applicable exceptions listed in 15A NCAC 07H .0309(a). The Town next sought a variance for the entire project from the Coastal Resources Commission ("Commission" or "CRC"). At its February 2014 meeting, the Commission granted the Town a variance for enlargement of the existing boardwalk and associated improvements, but was denied the Town's request for a variance for the northern extension of the Boardwalk.

On May 6, 2014, the Town again applied for a CAMA minor development permit requesting approval of the northern extension of the Boardwalk Improvement Project - Phase 2. On June 2, 2014, the Division of Coastal Management denied the May 6, 2014 permit application because the development extended oceanward of the ocean hazard setback distance, and did not meet any of the applicable exceptions listed in 15A NCAC 07H .0309(a). The Town now seeks a variance for the northern extension of the boardwalk. For the reasons stated in Attachment C, Staff believes that the Town meets all four variance criteria.

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:	Stipulated Exhibits
Attachment E:	Petitioner's Variance Request Materials
Attachment F:	Public Comments

cc: Charlotte Noel Fox, Esq., Counsel for Petitioner, electronically
Mary L. Lucasse, Counsel to CRC, electronically
Jerry Haire, Project Manager, Town of Carolina Beach, electronically
Robb L. Mairs, Field Representative, DCM, electronically
Debra Wilson, Wilmington Region District Manager, DCM, electronically

RELEVANT RULES ATTACHMENT A

15A NCAC 7H .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. The setback distance is determined by both the size of development and the shoreline erosion rate as defined in 15A NCAC 07H .0304. Development size is defined by total floor area for structures and buildings or total area of footprint for development other than structures and buildings.

. . .

(2) 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. . . .

15A NCAC 7H .0309(a) 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:

(1) campsites;

(2) driveways and parking areas with clay, packed sand or gravel;

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

(4) beach accessways consistent with Rule .0308(c) of this Subchapter;

(5) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less;

(6) uninhabitable, single-story storage sheds with a foundation or floor consisting of wood, clay, packed sand or gravel, and a footprint of 200 square feet or less;

(7) temporary amusement stands;

(8) sand fences; and

(9) swimming pools.

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 of local zoning, subdivision or health regulations; and meets all other non-setback requirements of this Subchapter.

. . .

STIPULATED FACTS ATTACHMENT B

1. Petitioner, The Town of Carolina Beach ("Town"), is a North Carolina municipal body politic organized and existing in Carolina Beach, New Hanover County, North Carolina.

2. The Carolina Beach Building Line Act was passed in 1963. The 1963 Session Law granted the Town title to the land between the building line and the low water mark of the Atlantic Ocean subject to the public trust rights. The 1963 Session Law also provides that no building or structure shall be built and erected on the made and built-up land lying East of "the building line" and further provides that all made and constructed land lying East of "the building line" shall be at all times kept open for the purpose of street and highways for the use of the public and further for the development and uses as a public square or park, as the governing authorities of the Town of Carolina Beach by ordinance shall determine…." (See 1963 Session Law attached).

3. In 1985, the Legislature amended the State Lands Act, found in Chapter 146, by adding a new section addressing title to land in or immediately along the Atlantic Ocean raised above the mean high water mark. Act of May 30, 1985, 1985 N.C. Sess. Laws Ch. 276, sec. 2 (codified at N.C.G.S. §146-6(f)). Under this section, publicly funded projects involving hydraulic dredging or deposition of spoil materials or sand vest title to the raised land in the State.

4. In its CAMA permit application, the Town provided the following Statement of Ownership as required by 15A NCAC 7J .0204(b)(4): Title to all lands east of the established "building line" was conveyed to the Town of Carolina Beach in the 1963 NC General Assembly House Bill 612, Chapter 511. Based on the Town's representation of ownership, DCM staff processed the Town's permit application.

5. DCM lacks jurisdiction to make determinations of property ownership and made no such determination here by either processing the Town's permit application or by proceeding with the variance process.

6. In accordance with 15A NCAC 07J .1200 *et seq*., the Town of Carolina Beach has had a static line exception in place for five (5) years. During its May 14, 2014 meeting, the CRC reviewed Petitioner's static line exception and allowed it to remain in place for five more years.

7. The proposed northern extension of the Carolina Beach Boardwalk project is within the delineated limits of the Static Line Exception. Based on an on-site meeting and a survey dated July 12, 2013, provided by Petitioner, DCM Staff determined that the actual vegetation line on that date was approximately 90'oceanward of the static vegetation line. (See attached survey.)

8. In August of 2013, DCM notified the Town that it was awarding the Town a Public Beach and Coastal Waterfront Access grant. The total grant amount was $602,900, with a Local Match of $247,560 and a Local in-kind contribution of $202,760. The grant is for the project proposed in this variance (and the portion of the project approved by the Coastal Resources Commission at its February 2014 meeting), including the replacement and extension of the existing boardwalk, nine beach access ramps, a gazebo, lighting, bike racks, trash bins and benches. The grant contract has not yet been signed, pending the approval of a CAMA permit and variance. If granted, the contract award date will determine the expiration date of the grant.

9. The Town has received a $500,000 grant from New Hanover County to support the proposed project. Additionally, in 2010 the Town received a grant from the Department of Environment and Natural Resources, Division of Water Resources ("DENR" and "DWR") for $250,000 to facilitate land acquisition for a pier; however, other funding for the proposed pier

was not available. In 2013 DENR/Water Resources approved the Town's request to transfer the funding to the proposed Boardwalk project.

10. On November 18, 2013, the Petitioner applied for a CAMA minor development permit (Permit Application Number CB13-12) requesting approval of the Carolina Beach Boardwalk Improvement Project – Phase 2 for replacement and expansion of the Carolina Beach Boardwalk. On December 20, 2013 the Division of Coastal Management denied the Permit Application because the development extended oceanward of the ocean hazard setback distance, and did not meet any of the applicable exceptions listed in 15A NCAC 07H .0309(a).

11. The Town sought a variance for the entire project from the CRC; however, at its February 2014 meeting, the CRC granted in part and denied in part the Town's variance petition. The Town was granted a variance for enlargement of the existing boardwalk and associated improvements, but was denied a variance for the northern extension of the Boardwalk.

12. On May 6, 2014, the Town applied for a CAMA minor development permit (Permit Application Number CB 14-03) requesting approval of the northern extension of the Boardwalk Improvement Project – Phase 2. While the Town of Carolina Beach has an implementation and enforcement program which authorizes the designated local official to issue CAMA minor permits, because the Town is the applicant in this case, pursuant to N.C.G.S. § 113A-121(b) the minor permit must be considered and determined by the Division of Coastal Management.

13. In its May 2014 CAMA permit application, the Town proposed an 875' in length by 16' in width northern extension of the existing boardwalk which includes three new 10' in width public beach access ways and the rebuilding of three existing private beach access ways, and five new 100 sq. ft. bump-outs for benches and swings.

14. On June 2, 2014, the Division of Coastal Management denied the May 6, 2014 permit application based on N.C.G.S. §113A-120(a)(8) which requires denial of an application for a permit when the development is inconsistent with State guidelines (i.e., the CRC rules).

15. Rule 15A NCAC 07H .0306(a)(2), which applies to "General Use Standards for Ocean Hazard Areas," states that no development, including any portion of a building or structure, shall extend oceanward of the ocean hazard setback distance, with the exception of those types of development defined in 15A NCAC 07H .0309(a).

16. The proposed northern extension of the Carolina Beach Boardwalk is inconsistent with the strict application of 15A NCAC 07H .0306(a)(2) in that the entire structure is located oceanward of the Ocean Hazard 60'setback and portions of the new structure would extend oceanward of the static vegetation line. The boardwalk expansion does not conform to any of the exceptions set forth in 15A NCAC 07H .0309(a).

17. After the June 2, 2014 denial of the CAMA permit application by DCM staff, Petitioner has indicated that it is seeking a variance for the northern extension which is 875' in length by 16' in width.

18. If the Commission deems it necessary, the Petitioner is willing to construct the northern extension at a reduced width of 8' which would reduce the width originally proposed by half, to be taken off the landward side of the northern extension design reviewed in the May 2014 application. (See attached site plan and aerial photograph showing 8 foot width)

19. Currently, there is no public beach access in the 875 foot proposed northern extension to the Boardwalk located between Harper Avenue to the south and Pelican Lane to the north, except for the existing public beach access at the end of Pelican Lane.

20. DCM has received a significant number of comments from the public concerning the proposed development. Copies of comments received by DCM through September 24, 2014, are attached.

21. The Town contacted five adjacent property owners, or their representative boards (in the case of Homeowners' Associations or "HOAs"), where the proposed northern extension of the Boardwalk will be located. (See the Town's variance petition section titled "Project Description -June 17, 2014" at page 2, 3rd full paragraph)

22. Town of Carolina Beach officials met with the Cabana Homeowners Association members in November, 2013 and again in January, 2014 to discuss concerns and issues regarding the Boardwalk. These issues are summarized in a letter from the HOA dated April 21, 2014. The Town Manager responded to these concerns in a letter dated May 7, 2014. An additional meeting was held Thursday, June 19, 2014 to continue discussion of the issues. (See attached correspondence).

23. Town of Carolina Beach officials also met with adjacent property owner, James Averette, his daughters, and his attorney on March 29, 2014. Town of Carolina Beach officials presented options to Mr. Averette regarding security and access to his existing deck structure. (See attached correspondence).

24. Because the structure will be elevated above the existing dune system, the boardwalk should have only temporary minimum impact during the installation of pilings.

25. The proposed northern extension of the Carolina Beach Boardwalk would provide public access by allowing safe convenient access to a section of the public beach which currently lacks such access for the general public and for handicapped members of the public.

PETITIONER'S AND STAFF'S POSITIONS

I. Will strict application of the applicable development rules, standards or orders issued by the Commission cause the petitioner unnecessary hardships? Explain the hardships.

Petitioner's Position: Yes.

Strict application of 15 NCAC 07H .0306(a) and 15 NCAC 07H .0309(a) will prevent TCB from, in accordance with 15A NCAC 07H .0203 and 15A NCAC 07H .0207(c), "providing and protecting public rights for navigation and recreation and to conserve and manage the public trust areas so as to safeguard and perpetuate their biological, economic and aesthetic values"). These rules were designed, in part, to limit a private individual's ability to infringe on the public's access to the public trust areas. Here the applicant is a municipality and the Town of Carolina Beach is committed and has always been committed to providing access to the public trust areas to the general public.

As staff has previously argued in support of variance petitions before the Commission,

> In creating the Coastal Area Management Act (CAMA), the legislature recognized the importance of preserving and protecting the public's opportunity to enjoy the physical, esthetic, cultural and recreational qualities of the shorelines of the State. Included among the stated goals of CAMA are (1) insuring the orderly and balanced use and preservation of coastal resources on behalf of the people of North Carolina and the nation and (2) the establishment of policies, guidelines, and standards for economic development, recreation and tourist facilities, preservation and enhancement of the historic and cultural aspects of the coastal area. *Staff's position CRC-VR-14-02*

The Carolina Beach Boardwalk has existed in some respect since the early 1930s. The existing Boardwalk was permitted by CAMA and built in 1989. Due to the proximity of the Boardwalk to the Atlantic Ocean, the Boardwalk is a popular means for the public to view or access the Atlantic Ocean. The access to the Ocean provided by the Boardwalk has a significant economic impact on businesses located adjacent to the Boardwalk, the Central Business District of Carolina Beach, the Town of Carolina Beach and New Hanover County.

The proposed northern extension of the Boardwalk creates a unique opportunity for the general public without other means of access to view and access the ocean and dune ecosystem from a variety of locations. With an increased demand for access to the beach and Ocean from elderly and handicapped individuals, the northern extension will allow elderly and handicapped individuals convenient beach access as well as the ability to view the dune ecosystem. An undue hardship to the public would be created from strict application of the development rules,

standards, or orders issued by the commission. Specifically, handicapped individuals would be denied a convenient and safe means of accessing the beach and/or viewing the ocean and dune ecosystem. Furthermore, general public's access to the ocean and view the dune ecosystem would be impaired. A lack of safe access, as provided by the proposed Boardwalk, could result in damage to the dune ecosystems by those creating their own means of access to the beach.

Staff's Position: Yes.

Staff agrees that strict application of the Commission's rule prohibiting development oceanward of the ocean hazard setback distance causes Petitioner unnecessary hardships.

In creating the Coastal Area Management Act (CAMA), the legislature recognized the importance of preserving and protecting the public's opportunity to enjoy the physical, esthetic, cultural and recreational qualities of the shorelines of the State. Included among the stated goals of CAMA are (1) insuring the orderly and balanced use and preservation of coastal resources on behalf of the people of North Carolina and the nation and (2) the establishment of policies, guidelines, and standards for economic development, recreation and tourist facilities, preservation and enhancement of the historic and cultural aspects of the coastal area. See N.C.G.S. §113A-102(a) and (b). The Commission's rules also recognize the need to balance protecting the coastal lands and waters of the State with common law and statutory rights of access to the public trust areas.

Carolina Beach has been nourished through a Corps of Engineers project for the last 50 years. Consequently, the relevant oceanfront setback for the beach at this location is the static line, which is based on a pre-nourished vegetation line. See 15A NCAC 7H .0306(a) and 15A NCAC 7H .0305(a). Strict application of the oceanfront erosion setback will cause the Town unnecessary hardship because here the static line is significantly landward of the actual vegetation line's location. Additionally, this public project will aid access to the beach by the public.

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

Petitioner's Position: Yes.

TCB's property upon which the northern extension of the Boardwalk will be expanded is located within the dunes and beachfront between Charlotte Avenue and Pelican Lane, Carolina Beach, New Hanover County, NC. This dune area is public trust area, not the property of private property owners. Specifically, the hardship exists due to the strict application of the Commissions regulations to a project to be constructed upon the public trust lands for public use. As it has historically done, TCB is attempting to improve access to

the public trust lands to the general public through the northern extension of the existing Boardwalk. The Boardwalk is proposed to be expanded in a manner that improves access to the public trust lands for the general public. Additionally, in keeping with its commitment to providing ADA accessible access to the handicapped public, the majority of crossover ramps will meet the ADA requirements. TCB recently acquired beach wheelchairs for use by handicapped individuals on the beach. These wheelchairs are available by reservation for no fee.

Staff's Position: Yes.

Petitioner's hardship is caused by conditions peculiar to Petitioner's property. The hardship of not meeting the oceanfront erosion setback for the northern extension of the existing boardwalk is due to an historic static line on a beach nourished for the last 50 years, where the actual vegetation line is significantly waterward of the static line. While this situation would be covered by the static line exception if the proposed development were a house, a parallel shoreline boardwalk is not included in the exceptions to the rule. See 15A NCAC 7H .0309(a). Accordingly, Staff agrees that Petitioner meets this variance criterion.

III. Do the hardships result from action taken by the Petitioner. Explain.

Petitioner's Position: No.

Specifically, the hardship exists due to the strict application of the Commission regulations to a project to be constructed upon the public trust lands for public use. Additionally, the hardship exists due to the fact that there is limited public property available for access to the beaches due to significant value in property adjacent to the Atlantic Ocean. In the area proposed for the northern extension, there are currently no beach accesses available for the general public's use. TCB is attempting, by construction of the northern extension of the Boardwalk, to eliminate hardships to members of the general public who do not have convenient access to the public trust lands and to allow access to the public trust lands to handicapped and elderly individuals.

Staff's Position: No.

Allowing the northern extension of the boardwalk to be located within the ocean hazard setback may be a rare exception; however, Staff agrees that making the public beach more accessible to individuals with disabilities and members of the general public is in keeping with the Legislature's mandate to provide and preserve the public's opportunity to enjoy the physical, esthetic, cultural and recreational qualities of the shorelines of the State.

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

Petitioner's Position: Yes.

The Commission's regulations are intended, in part, to limit private property owners from infringing upon the general public's right to access and preservation of the public trust lands. Additionally, see below.

(d)(1) The variance requested by TCB will be consistent with the spirit, purpose and intent of the rules, standards or orders issued by the Commission. 15A NCAC 07H .0203 states that:

> It is the objective of the Coastal Resources Commission to conserve and manage estuarine waters, coastal wetlands, public trust areas, and estuarine and public trust shorelines, as an interrelated group of ABCs, so as to safeguard and perpetuate their biological, social, economic, and aesthetic values…Furthermore, it is the objective of the Coastal Resources Commission to protect present common-law and statutory public rights of access to the lands and waters of the coastal area.

The beach in the area of the proposed location of the northern extension of the Boardwalk is not in a natural state. It has renourished for years by the Army Corps of Engineers. In addition, the static line is significantly landward of the actual vegetation line on this portion of the beach. The dune system will not be significantly impacted.

In addition to the foregoing, in accordance with 15A NCAC 07H .0207, TCB is attempting, through construction of the northern extension of the Boardwalk to "protect public rights for navigation and recreation and to conserve and manage the public trust areas so as to safeguard and perpetuate their biological, economic and aesthetic value. The proposed project will improve the biological value of the public trust lands by increasing the dune eco system and facilitating access in a manner that preserves the dune eco system.

(d)(2) The variance requested by TCB will secure the public safety and welfare.

Safe and convenient access to the public trust area for the public, including those who are handicapped, improves the public safety and welfare. With the proposed northern extension of the Boardwalk, elderly and handicapped individuals will be provided the ability to view the ocean and dune ecosystems at a various points without endangering themselves by accessing the beach itself. Without the access proposed to be provided by TCB with the northern extensions of the Boardwalk, public access to the beach and ocean will be more limited. Additionally, without the Boardwalk structure as proposed, the public could attempt access to the beach across the dune ecosystem which would, over time, endanger the public's safety and welfare. The proposed Boardwalk would protect rare natural habitat within the dunes.

(d)(3) The variance requested by TCB will preserve substantial justice.

The construction of the proposed Boardwalk will preserve substantial justice by affording those without private access to public trust lands with safe and convenient access. The proposed Boardwalk will preserve substantial justice by creating safe and convenient handicap accessible access to the public trust land.

Staff's Position: Yes.

Staff agrees that granting the requested variance would be consistent with the spirit, purpose and intent of the Commission's rules. The combination of the width of the beach at this location based on the location of the actual vegetation line, the fact that the beach is not in a natural state due to the years of beach nourishment by the ACOE and the increased access for all visitors, including those with disabilities, would meet these goals with minimal adverse impacts to the dune system.

Staff also agrees that granting this variance would secure the public safety and welfare, and preserve substantial justice. The proposed boardwalk expansion to the north will also enhance the community economically, which is an important aspect of the Commission's role in balancing development with the protection and preservation of the coastal area of North Carolina.

In its current variance petition the Town has stated a desire to work with the concerns of community members regarding safety, lighting, and disruption to residential areas along the proposed northern extension of the boardwalk. Staff received and reviewed numerous public comments about this variance, and the Division has concerns about the extent of public opposition to the project. However, to the extent the public comments reflect concerns about the location of the proposed northern extension of the boardwalk within the relevant oceanfront setback and other CAMA-related laws and rules, Staff believes such concerns were considered and addressed prior to its decision to support this variance. To the extent the comments reflect other concerns of the community, Staff takes no position and believes that the Town is responsible for receiving and representing the differing interests of its citizens. That is, the only decision relevant to CAMA and the CRC in this variance petition is whether regulatory relief is appropriate in relation to the Commission's oceanfront erosion setback rules. The Staff position focuses solely on whether the proposed development activity itself is consistent with the spirit, purpose, and intent of the rules, standard, or orders of the Commission.

Finally, Staff again notes that the grant-issuing function of DCM and the permitting function of DCM are separate. The fact that DCM has approved the Town for a CAMA grant is not a guarantee that a CAMA permit will be granted and, in this case, is unrelated to this Staff Recommendation and consideration of a variance by the Commission.

ATTACHMENT D

Stipulated Exhibits

1. 1963 Session Law
2. Survey dated July 12, 2013
3. Site plan
4. Application for Minor CAMA permit dated May 1, 2014
5. Denial Letter dated June 2, 2014
6. Aerial Photograph showing 16 foot wide boardwalk
7. Aerial Photograph showing 8 foot wide boardwalk
8. Correspondence between the Town and Cabana Del Mar HOA
9. Correspondence between the Town and James Averette
10. Affidavit of Michael Cramer, Town Manager for Town of Carolina Beach
11. Letter dated August 12, 2013 from Secretary Skvarla to Bob Lewis, Mayor, Town of Carolina Beach re: $602,900 public access grant.

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 511
HOUSE BILL 612

AN ACT RELATING TO THE TITLE TO THE LAND BUILT UP AND CONSTRUCTED IN THE TOWN OF CAROLINA BEACH IN THE COUNTY OF NEW HANOVER AS A RESULT OF CERTAIN EROSION CONTROL WORK IN SAID TOWN.

WHEREAS, during the course of many years in the Town of Carolina Beach, in the County of New Hanover, North Carolina, much of the land abutting and fronting on the Atlantic Ocean in said town formerly belonging to various property owners has been and is now being washed away by successive storms, tides and winds; and

WHEREAS, the said Town of Carolina Beach, with aid from the State of North Carolina, the United States Government, and with its own funds, has from time to time made available funds with which to control the erosion caused by said tides and winds and other causes, and to that end the said town has pumped sand from Myrtle Grove Sound and also pushed up sand and hauled sand, and as a result thereof there has been, is now, and will be made and constructed new land on the ocean front of said town which will change the ordinary and usual low water mark of the waters of the Atlantic Ocean along the front of said town, and when the work has been completed the question will arise as to whom title to the said new land shall belong; and

WHEREAS, it is the desire of the authorities of the Town of Carolina Beach, as well as the State of North Carolina, to fix and define the title to such new land and to fix and determine its use, and to further define the littoral rights of the property owners abutting on the ocean front which will be destroyed or taken by and through the making of such new made lands: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. All land filled in, restored, and made, and to be filled in, restored, and made, as the result of the recitals in the preamble to this Act, which will exist between the present eastern property line of the lot owners at present bordering on said ocean and the low water mark of the Atlantic Ocean after the work referred to in the preamble hereof is completed, shall be within the corporate limits of the Town of Carolina Beach and so much of said lands so filled in, restored and made which will lie West of "the building line" to be defined and determined by Section 2 of this Act, is hereby granted and conveyed in fee simple to the land owner, to the extent that his land abuts thereon, and the balance of said land lying East of said "building line" to be fixed and determined by Section 2 of this Act is hereby granted and conveyed in fee simple to

Exhibit 1

the Town of Carolina Beach, provided, however, that no building or structure shall be built and erected on said made and built-up land lying East of "the building line" to be defined and set out in Section 2 of this Act, and provided further that all made and constructed land lying East of "the building line" shall be at all times kept open for the purpose of street and highways for the use of the public and further for the development and uses as a public square or park, as the governing authorities of the Town of Carolina Beach by ordinance shall determine; and provided further that if any such property as is hereby granted and conveyed to the Town of Carolina Beach shall cease to be used for the purposes or in the manner prescribed in this Act, it shall revert and become the property of the State of North Carolina, and provided further that the owners of the property abutting on said newly made or constructed land, shall, in front of their said property possess and keep their rights, as if littoral owners, in the waters of the Atlantic Ocean, bordering on said newly acquired and constructed land.

Sec. 2. Within thirty (30) days from the date of the completion of said work to be carried on by the Town of Carolina Beach and referred to in the preamble hereof, the said Town of Carolina Beach shall, at its own cost, survey or have surveyed by a competent engineer a line to be known as "the building line", and which shall constitute and define "the building line" referred to in Section 1 of this Act, and which shall run the full length of the beach within the town limits, and after "the building line" shall have been surveyed and fixed and determined, the said authorities of the Town of Carolina Beach shall immediately cause to be prepared a map showing, fixing, and determining "the building line", which map so prepared shall be immediately recorded in the office of the Register of Deeds of New Hanover County in a map book kept for said purposes, after the engineer has appended an oath to the effect that said line has been truly and properly surveyed and laid out and marked on said map, and the register of deeds shall properly index and cross-index said map, and when so recorded in said map book or entered or placed therein, in lieu of inserting a transcript thereof, and indexed, the said map shall be competent and prima facie evidence of the facts thereon, without other or further proof of the making of said map, and shall conclusively fix and determine "the building line" referred to in Section 1 of this Act.

Sec. 3. Any property owner or claimant of land who is in any manner affected by the provisions of this Act, and who does not bring suit against the Town of Carolina Beach, or assert such claims by filing notice thereof with the governing body of the town, either or both, as the case may be, or any claimant thereto under the provisions of this Act, or their successor or successors in title, within six (6) months after "the building line" is surveyed and established, and the map thereof recorded, as provided for herein, shall be conclusively presumed to have acquiesced in, and to have accepted the terms and conditions hereof, and to have abandoned any claim, right, title or interest in and to the territory immediately affected by and through or as a result of the doing of act or acts or thing or things herein mentioned, and shall be forever bound from maintaining any action for redress upon such claim.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

Exhibit 1

In the General Assembly read three times and ratified, this the 22nd day of May, 1963.

Exhibit 1

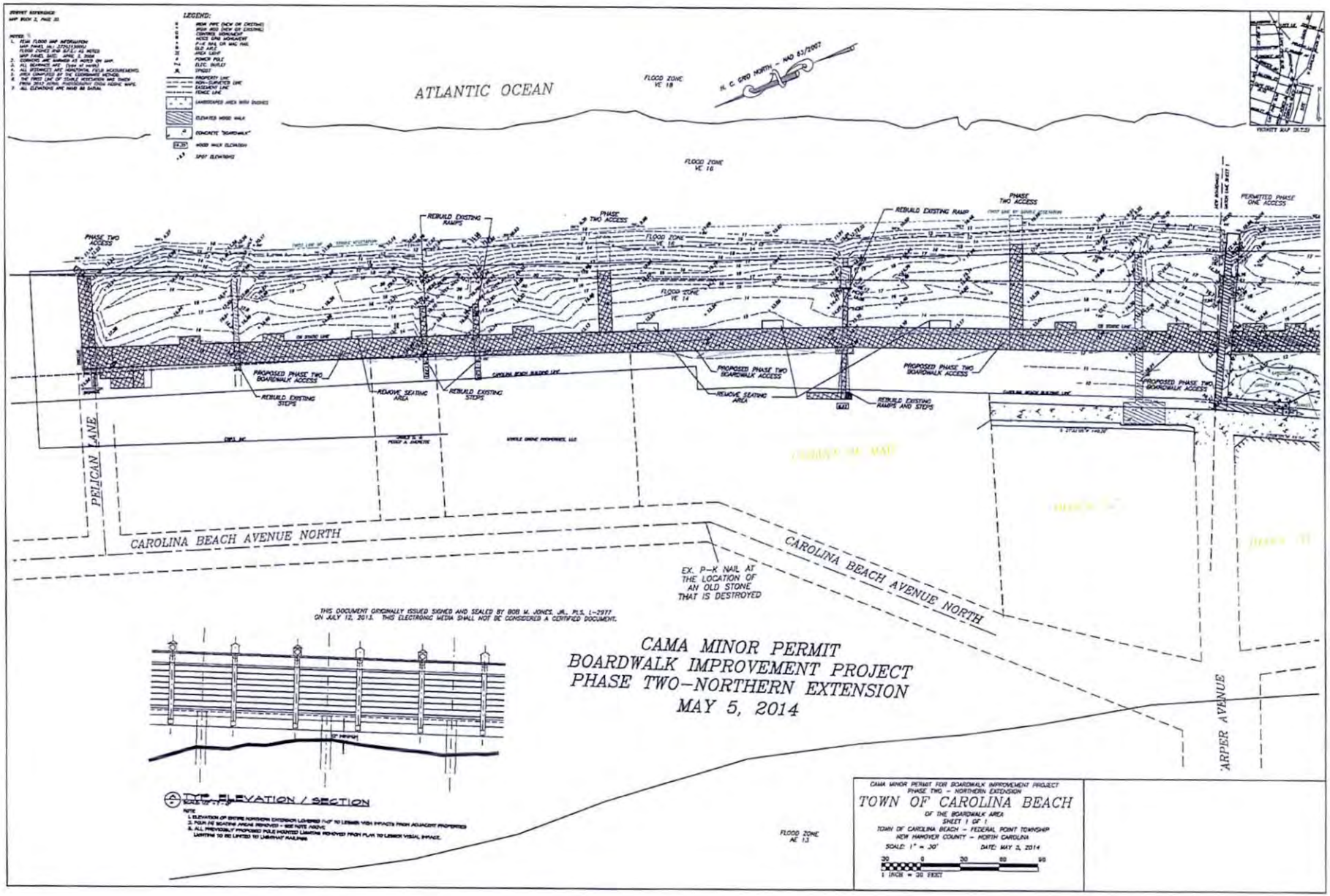

ATLANTIC OCEAN
FLOOD ZONE VE 19
FLOOD ZONE VE 16
FLOOD ZONE VE 14
FLOOD ZONE AE 13
N. C. GRID NORTH - NAD 83/2007
PHASE TWO ACCESS
REBUILD EXISTING RAMPS
PERMITTED PHASE ONE ACCESS
PROPOSED PHASE TWO BOARDWALK ACCESS
REMOVE SEATING AREA
REBUILD EXISTING STEPS
REBUILD EXISTING RAMPS AND STEPS
PELICAN LANE
CAROLINA BEACH AVENUE NORTH
EX. P-K NAIL AT THE LOCATION OF AN OLD STONE THAT IS DESTROYED
HARPER AVENUE
CAMA MINOR PERMIT
BOARDWALK IMPROVEMENT PROJECT
PHASE TWO-NORTHERN EXTENSION
MAY 5, 2014
TYP. ELEVATION / SECTION
TOWN OF CAROLINA BEACH
SHEET 1 OF 1
SCALE: 1" = 30'
DATE: MAY 5, 2014

Exhibit 2

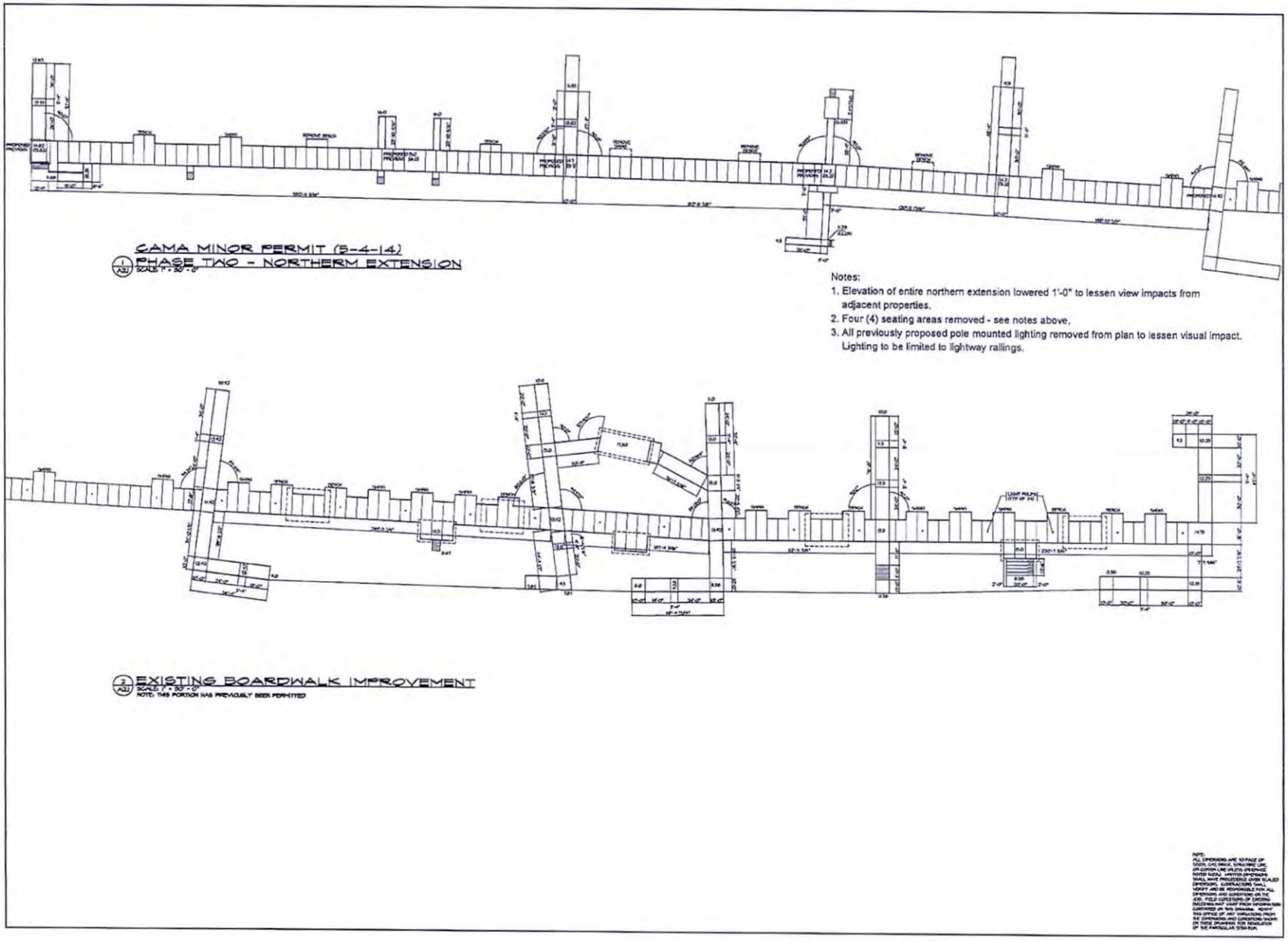

CAMA MINOR PERMIT (5-4-14)
PHASE TWO - NORTHERN EXTENSION
SCALE: 1" = 30'-0"
Notes:
1. Elevation of entire northern extension lowered 1'-0" to lessen view impacts from adjacent properties.
2. Four (4) seating areas removed - see notes above.
3. All previously proposed pole mounted lighting removed from plan to lessen visual impact. Lighting to be limited to lightway railings.
EXISTING BOARDWALK IMPROVEMENT
SCALE: 1" = 30'-0"
NOTE: THIS PORTION HAS PREVIOUSLY BEEN PERMITTED
CAMA MINOR PERMIT - NORTHERN EXTENSION
PROPOSED FACILITY FOR THE
BOARDWALK IMPROVEMENT PROJECT
CAROLINA BEACH, NORTH CAROLINA
SHEET NUMBER
A2.1

Exhibit 3

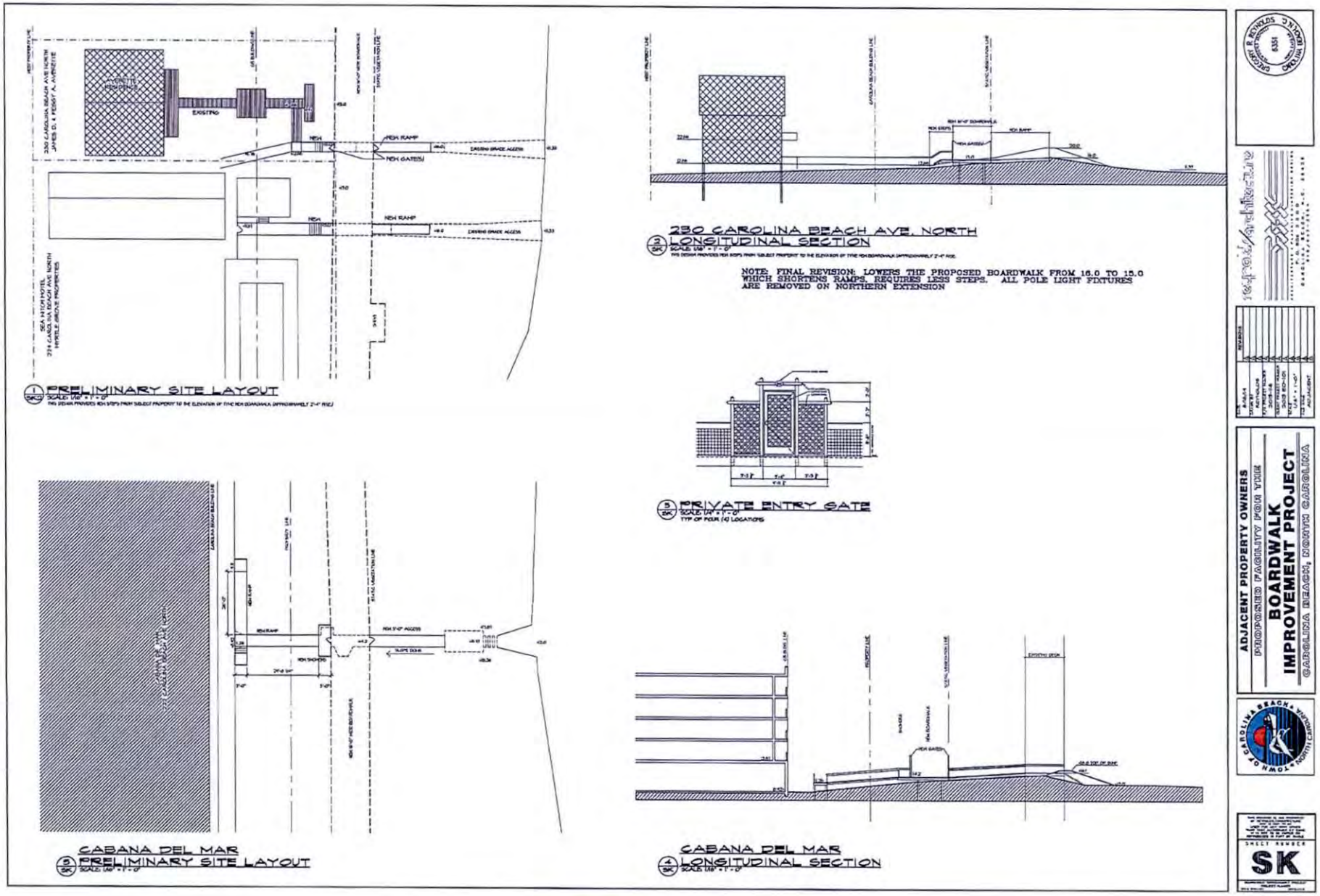

PRELIMINARY SITE LAYOUT
230 CAROLINA BEACH AVE. NORTH
LONGITUDINAL SECTION
NOTE: FINAL REVISION LOWERS THE PROPOSED BOARDWALK FROM 16.0 TO 15.0 WHICH SHORTENS RAMPS, REQUIRES LESS STEPS. ALL POLE LIGHT FIXTURES ARE REMOVED ON NORTHERN EXTENSION
PRIVATE ENTRY GATE
CABANA DEL MAR
PRELIMINARY SITE LAYOUT
CABANA DEL MAR
LONGITUDINAL SECTION
ADJACENT PROPERTY OWNERS
PROPOSED FACILITY FOR YOU
BOARDWALK
IMPROVEMENT PROJECT
CAROLINA BEACH, NORTH CAROLINA
SHEET NUMBER
SK

Exhibit 3

SITE DRAWING/APPLICATION CHECKLIST

Please make sure your site drawing includes the following information required for a CAMA minor development permit. The Local Permit Officer will help you, if requested.

PHYSICAL DIMENSIONS

_____ Label roads
_____ Label highways right-of-ways
_____ Label local setback lines
_____ Label any and all structures and driveways currently existing on property
_____ Label adjacent waterbody

PHYSICAL CHARACTERISTICS

_____ Draw and label normal high water line (contact LPO for assistance)
_____ Draw location of on-site wastewater system

If you will be working in the ocean hazard area:
_____ Draw and label dune ridges (include spot elevations)
_____ Draw and label toe of dunes
_____ Identify and locate first line of stable vegetation (contact LPO for assistance)
_____ Draw and label erosion setback line (contact LPO for assistance)
_____ Draw and label topographical features (optional)

If you will be working in a coastal shoreline area
_____ Show the roof overhang as a dotted line around the structure
_____ Draw and label landward limit of AEC
_____ Draw and label all wetland lines (contact LPO for assistance)
_____ Draw and label the 30-foot buffer line

DEVELOPMENT PLANS

_____ Draw and label all proposed structures
_____ Draw and label areas that will be disturbed and/or landscaped
_____ Note size of piling and depth to be placed in ground
_____ Draw and label all areas to be paved or graveled
_____ Show all areas to be disturbed
_____ Show landscaping

NOTE TO APPLICANT

Have you:

- completed all blanks and/or indicated if not applicable?
- notified and listed adjacent property owners?
- included your site drawing?
- signed and dated the application?
- enclosed the $100.00 fee?
- completed an AEC Hazard Notice, if necessary? (Must be signed by the property owner)

FOR STAFF USE

Site Notice Posted _____ Final Inspection _____ Fee Received _____

Site Inspections _____

_____

_____

Date of Action _____ Issued _____ Exempted _____ Denied _____ Appeal Deadline (20 days from permit action) _____

RECEIVED
DCM WILMINGTON, NC
2014

Exhibit 4

N.C. DIVISION OF COASTAL MANAGEMENT

APPLICATION FOR

CAMA MINOR DEVELOPMENT PERMIT

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

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

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

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

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

Coastal Resources Commission
Division of Coastal Management

DCM Form #B1952-2013/Revised April 2014

RECEIVED
MAY 06 2014

APPLICATION: Boardwalk Improvement Project
Northern extension
Phase 2
LOCALITY: Town of Carolina Beach

PERMIT ISSUED USING STATIC LINE EXCEPTION?
YES ☐ NO ☐

CK rcvd 5-7

Locality CB CB14-03 Permit Number _____

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

(For official use only)

GENERAL INFORMATION

LAND OWNER

Name Town of Carolina Beach

Address 1121 N. Lake Park Blvd.

City Carolina Beach State NC Zip 28428 Phone 910-458-2526

Email ed.parvin@carolinabeach.org

AUTHORIZED AGENT

Name Ed Parvin, Assistant Town Manager

Address same

City _____ State _____ Zip _____ Phone 910-458-2526

Email ed.parvin@carolinabeach.org

LOCATION OF PROJECT: (Address, street name and/or directions to site. If not oceanfront, what is the name of the adjacent waterbody.) Dunes and beachfront between Harper Ave. and Pelican Lane Beach Access

DESCRIPTION OF PROJECT: (List all proposed construction and land disturbance.) See attached project description

SIZE OF LOT/PARCEL: 28,000 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: NA 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: NA square feet (includes the area of the roof/drip line 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 Water Quality?

YES ☐ NO ☑

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

RECEIVED
DCM WILMINGTON, NC
MAY 07 2014

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 _____, see Deed Book _____ page _____ in the _____ County Registry of Deeds.

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

☑ Other interest, such as written contract or lease, explain below or use a separate sheet & 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) See attached

(2) _____

(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 01 day of MAY, 2014

Ed Parvin, ASSISTANT TOWN MANAGER

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.*

Exhibit 4

AEC HAZARD NOTICE

Project Is In An: ____ Ocean Erodible Area X High Hazard Flood Area ____ Inlet Hazard Area

Property Owner: Town of Carolina Beach, N.C.

Property Address: Oceanfront dunes + beach area between Harper Ave. + Pelican Lane

Date Lot Was Platted: NA

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 420 feet landward in a major storm.

The flood waters in a major storm are predicted to be about 12-16 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.

E J Rom — 01 MAY 2014

Applicant 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 remeasured. Also, the occurrence of a major shoreline change as the result of a storm within the 60-day period will necessitate remeasurement 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:

Jeremy Hardison
Local Permit Officer

Town of Carolina Beach
~~1121-N Lake Park Blvd~~
Address Carolina Beach, NC 28428

Locality

425-1991
Phone Number

RECEIVED
DCM WILMINGTON, NC
MAY 07 2014

Revised 2/07

Exhibit 4

Town of Carolina Beach – CAMA Minor Development Permit

Boardwalk Improvement Project Phase 2 Northern Extension

Project Description – April 30, 2014

The Boardwalk Improvement Project consists of demolition and replacement of the existing 750 foot boardwalk, beach access crossovers, and extension of the boardwalk 875 feet north from Harper Ave. to Pelican Lane. The new wider structures will provide safer, more functional and handicapped accessible facilities for beach access and enjoyment of the dune ecosystem. Phase 1 for the project was approved under CAMA Minor Development Permit #CB13-10 in September, 2013. Phase 1 was focused on the existing Boardwalk and included replacement of crossover beach accesses, viewing platform improvements, and excavation of non-dune landscaped coves westward of the Boardwalk and redistribution of the sand from these areas to enhance dune low spots eastward of the Boardwalk. Phase 2 of the project involves the development of the remainder of the existing structure and amenities as well as the new northern extension. The design for the northern extension is identical to that proposed for the existing structure – 16' wide with 3 new 10 foot wide public accesses, 3 re-built existing private accesses, and five 96 sf bump outs for benches and swings. A lattice trellis is proposed at the Pelican Lane Access.

On February 26, 2014 the Coastal Resources Commission approved part of the Town's variance request for Phase 2 including the entire existing Boardwalk redevelopment as proposed. The northern extension was not approved due to concerns over potential impacts to an adjacent residential property. Impacts noted included views, noise, trespassing, and potential hazards from structural debri during major storms.

To address these concerns the Town has made substantial modifications to the project plans. The elevation of the entire 875 foot northern extension has been lowered one foot (see plans). Previously the elevation averaged 2-3 feet above the ground and slightly below the frontal dune elevation. Lowering the structure to 1-2 feet above grade and over a foot below the frontal dune will substantially lessen view impacts from adjacent properties. In addition, a total of 4 seating area "bump outs" have been removed from in front of the 2 residential properties adjacent to the northern extension (see plans). Removing these seating areas will substantially reduce potential noise impacts from Boardwalk users congregating in these areas.

To address trespassing, the Town has previously committed to providing security gates at the private beach accesses from adjacent residential properties to and through the Boardwalk. Currently these property accesses are unsecured wooden or sand walkways.

To address storm hazards, the Boardwalk has been structurally engineered as a "heavy timber" type construction with a 139 mph windspeed design and pilings driven to a minimum 16 feet below grade.

Reference attached drawings "CAMA Minor Permit Boardwalk Improvement Project Phase Two Northern Extension – May 5, 2014, and Sheet A2-1.

RECEIVED
DCM WILMINGTON, NC
MAY 01 2014

Exhibit 4

Justification/Considerations:

- The northern extension enhances public beach access from Harper Avenue north to Pelican Lane by providing 2 new wider access ramps and 1 reconstructed wider ramp at Pelican Lane. At present this entire 875' stretch in the downtown area is privately owned with no public access points.

- Boardwalk has been in place in some form or fashion since the 1890's; is recognized as a historic icon and focal point for the community in providing beach access for the central business district and the hundreds of thousands of visitors each year.

- Federal /state funds were used in the 1930's to construct boardwalk.

- 1989 Permit cited that boardwalk construction would result in some trampling and minor short term loss of dune vegetation, but "On the other hand the structure would control public access to the beach and prevent the development of multiple paths across dune vegetation by beachgoers and tourists. (Note that with 18 adjacent properties the potential exists for 18 accesses in this area. This project will allow a total of 8 public accesses and 3 rebuilt private accesses.) The project should also enhance handicapped and elderly access and use"

- While the cross over accesses provide direct access to the beach, the Boardwalk it self also provides an ideal facility for enjoying the coastal dune ecosystem, similar in function to boardwalks built through marsh areas for observation It should be noted that the variety of vegetation in the man-made dune system along the Boardwalk now includes red cedar, one of the first indicators of maritime forest development.

- In accordance with 15A NCAC 07J, the Town has had a Static Line Exception in place for 5 years. The Boardwalk project is within the limits of the Static Line Exception. The required progress report has been submitted and is under review. The latest beach maintenance event occurred earlier this year.

- Project includes enhancement of existing dunes using sand from enlarged landscaped coves between the crossover accesses.

- Existing boardwalk functions as sand fence – obvious dune growth as sand piles along the structure.

- The Town was awarded a $603,000 CAMA Public Beach Access Grant for the project in August of this year. The project is fully funded and ready to proceed.

RECEIVED
DCM WILMINGTON, NC
MAY 07 2004

Exhibit 4

with a $250,000 NC DENR Water Resources Grant, a $500,000 grant from New Hanover County, and $250,000 in Tourism Development Authority funding.

Statement of Ownership

Title to all lands east of the established "building line" was conveyed to the Town of Carolina Beach in the 1963 NC General Assembly House Bill 612, Chapter 511.

RECEIVED
DCM WILMINGTON, NC
MAY 07 2014

Exhibit 4

North Carolina Department of Environment and Natural Resources

Pat McCrory,
Governor

John E. Skvarla, III
Secretary

June 2, 2014

CERTIFIED MAIL – 7011 0110 0000 3789 2648
RETURN RECEIPT REQUESTED

Town of Carolina Beach
c/o Mr. Ed Parvin, Assistant Town Manager
1121 N. Lake Park Boulevard
Carolina Beach, N.C. 28428

RE: **DENIAL OF CAMA MINOR DEVELOPMENT**
PERMITAPPLICATION NUMBER- CB14-03

PROJECT ADDRESS- Town of Carolina Beach property located within dunes and beachfront between Harper Avenue and Pelican Lane (Public Boardwalk), Carolina Beach, New Hanover County, N.C.

Dear Mr. Parvin:

After reviewing your application in conjunction with the development standards required by the Coastal Area Management Act (CAMA), it is my determination that no permit shall 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 consists of an approximately 875 feet expansion towards the north of the existing public beachfront boardwalk, proposed within the minimum setback (measured 60 feet from the First Line of Stable Natural Vegetation (FLSNV), or 30 times the shoreline erosion rate of 2 feet/year).

Your proposal is inconsistent with **15 NCAC 07H .0306(a)(2) GENERAL USE STANDARDS OF OCEAN HAZARD AREAS**, which states: "*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*"; and **15 NCAC 07H .0309(a) USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS**, which states: "*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: (1) campsites; (2) driveways and parking areas with clay, packed sand or gravel; (3) elevated decks not exceeding a footprint of 500 square feet; (4) beach accessways consistent with Rule .0308(c) of this Subchapter; (5) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less; (6) uninhabitable, single-story storage sheds with a foundation of floor consisting of wood, clay, packed sand or gravel, and a footprint of 200 square feet or less; (7) temporary amusement stands; (8) sand fences; and (9) swimming pools*".

127 Cardinal Drive Ext., Wilmington, NC 28405
Phone: 910-796-7215 \ FAX: 910-395-3964 Internet: www.nccoastalmanagement.net

An Equal Opportunity \ Affirmative Action Employer

Exhibit 5

If you wish to appeal this denial, you are entitled to a hearing. The hearing will involve appearing before an Administrative Law Judge who listens to evidence and arguments of both parties and then makes a recommendation to the Coastal Resource Commission (CRC). Your request for a hearing must be in the form of a written petition, complying with the requirements of §150B of General Statutes of North Carolina, and must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714, within twenty (20) days from this date of this letter. Please contact me so I can provide you with the proper forms and any other information you may require.

However, you may also petition for a variance from the CRC by means of the procedures described in **15A NCAC 07J .0700**. I have enclosed a copy of the current rules as well as the CAMA Variance Request Form (DCM Form 11).

Respectfully yours,

Robb Mairs, Acting LPO
127 Cardinal Drive Extension
Wilmington, NC 28405

cc: Braxton Davis, NCDCM-Morehead City
Jerry Haire, Project Manager, Town of Carolina Beach
Wilmington Files

Exhibit 5

BOARDWALK IMPROVEMENT PROJECT
NORTHERN EXTENSION
16' WIDE STRUCTURE

Legend

- Building Line
- 16 Foot Wide Structure

1 inch = 65 feet

June 2014 Brenda Butler

Exhibit 6

BOARDWALK
IMPROVEMENT
PROJECT
NORTHERN EXTENSION
8' WIDE STRUCTURE

Legend
Building Line
8 Foot Wide Structure

1 inch = 65 feet

June 2014 Brenda Butler

Exhibit 7

April 21, 2014

The Honorable Mayor and Council
Town of Carolina Beach Town Council
Town Hall
1121 North Lake Boulevard
Carolina Beach, NC 28428

Reference: Points of Understanding with Cabana Home Owners Association and Town of Carolina Beach--Reference Carolina Beach Boardwalk Extension.

Mayor Wilcox and Council Members,

The purpose of this letter is to voice concerns that were outlined in a meeting held in November of 2013 with officials of the Town of Carolina Beach and in January 2014 with members of the Cabana Home Owners Association. The purpose of these prior meetings was to identify, recognize and discuss the impact of a future Carolina Beach Boardwalk extension on security, privacy and property value at Cabana. In no way should this letter be construed as an expression of support or opposition of any potential Boardwalk extension by the Cabana Board of Directors or the Cabana Home Owners Association.

The following items were identified as concerns expressed by Cabana Homeowners with a north extension of the current boardwalk:

1. Elevation. The elevation of the Boardwalk that extends between the ocean and the Cabana must be at the level of the dune so as not to block the 1st floor Cabana view of the beach.
2. Width of Structure. The proposed width of 16 feet would have a significant impact on traffic, noise and obstruct the ocean view of Cabana home owners.
3. Crowds and Noise- Seating areas or benches located on the Boardwalk area in front of the Cabana are undesirable.
4. Security – Concerns has been expressed by homeowners that the proposed Boardwalk will increase vandalism and property trespassing. Security must be maintained at the Cabana, consistent with the existing Cabana fencing and property access:

    - Two lockable gates will be required for homeowners to access Cabana's private beach access walkway. This creates a cumbersome situation for homeowners and guests to navigate across the proposed boardwalk.
    - Locked access gates, with Cabana approved hardware, between the Boardwalk and the Cabana and between the boardwalk and Cabana's private beach access must be included to maintain the existing security level of the Cabana.
    - Screened fencing surrounding the Cabana pool would be required to assure privacy and security. The Boardwalk will extend alongside the Cabana pool.

Exhibit 8

Homeowners on the first floor level have expressed concerns their ocean view will be blocked by this type of screen.

5. The new boardwalk's proposed public beach access (as currently designed in the middle of the Cabana) must be moved to one end of the Cabana's property line or the other so that it is not in direct view of the Cabana homeowners.
6. Shower Placement- The showers and foot washes would be required to move closer to the Cabana, as they are currently where the proposed boardwalk would be installed.
7. Appropriate ADA compliant wheelchair access between Cabana and the Boardwalk Extension would be required.
8. Any Boardwalk extension lighting in front of the Cabana would have to be installed at the level of the boardwalk floor to minimize any "spotlight" effect, brightness, and negative viewing conditions for Cabana owners and guests.
9. Storm and Hurricane Damage- Cabana homeowners have raised concerns about the debris damage that a large horizontal structure will inflict on our building when a major storm occurs.

The Cabana Board of Directors have the right to pre-approve the design including the choice of hardware and materials associated with any construction connecting with Cabana property, if the boardwalk extension is extended northward.

- No construction of the Boardwalk Extension between the ocean and Cabana should occur between Memorial Day and Labor Day.
- Construction of the Boardwalk Extension between the Ocean and Cabana (including all construction on Cabana property) needs to be completed within 90 days of start.

There is also another issue outside of the proposed boardwalk that was brought to the attention of Town officials during the November 2013 meeting. A storm water drain line was severed by Carolina Beach city workers several years ago. The damaged drain is located on the street side of the Cabana and has been rendered useless. As a result, and at considerable expense to Cabana homeowners, a pump system for drain water overflow had to be installed to guard against further erosion of soil underneath the building concrete parking area and the building's foundation and footings. We are still waiting for the City to rectify this issue that has been forced upon us.

The Cabana Board of Directors looks forward to further dialogue regarding any potential implementation issues surrounding the proposed project and the above listed concerns. As stated above, this letter should not be construed as an expression of support or opposition of the proposed project. Our purpose is to communicate the issues that homeowners have voiced about a project of this magnitude and the potential impact it brings upon the Cabana property. The support or opposition of the Cabana Homeowners will be determined through this dialogue with a better understanding of how these issues will be resolved.

The Cabana Home Owners Association would like to express our appreciation to the

Exhibit 8

Carolina Beach Town Management for their willingness to continue this dialogue.

Sincerely,

Cabana Homeowners Association Board

Cc: Mayor- Dan Wilcox
Mayor Pro Tem-LeAnn Pierce
Council Member-Sarah Friede
Gary Doetsch-Council Member
Steve Shuttleworth-Council Member
Michael Cramer-Town Manager
Ed Parvin-Assistant Town Manager

Exhibit 8

Dan Wilcox
Mayor

Sarah Friede
Council Member

Steve Shuttleworth
Council Member

LeAnn Pierce
Mayor Pro Tem

Gary Doetsch
Council Member

Michael Cramer
Town Manager

TOWN OF CAROLINA BEACH
1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428
910 458 2996
FAX 910 458 2997

May 7, 2014

Eddie Buchanan, President
Cabana Homeowners Association Board
222 Carolina Beach Ave. N.
Carolina Beach, N.C. 28428

Re: Boardwalk Extension Points of Understanding

Dear Mr. Buchanan:

On behalf of the Town, thank you for your April 21, 2014 letter regarding our Boardwalk project. We appreciate your diligence in working with our staff and designers in identifying concerns and solutions. Please accept the following as our response and status of the items as presented in your letter:

1. **Elevation:** Originally the boardwalk handrail was a little over 3 feet below the Cabana first floor elevation and equal to the frontal dune elevation. We have since lowered the entire northern extension 1 foot, so the new handrail elevation of 17.7 is just shy of 4 feet lower than the first floor elevation of 21.6, and .3 feet lower than the frontal dune at 18 feet.

2. **Width:** The intent of widening the Boardwalk from 8 to 16 feet is to improve circulation, safety and handicapped accessibility. While we understand the concern, it is our feeling that narrowing the width would have little if any impact on number of users, noise or views.

3. **Crowds and noise:** There are 3 proposed seating bumpouts along the Cabana's 300 feet of frontage – one at your northern and southern property boundaries and one in the middle. In response to your concern we are removing all three of these areas.

4. **Security:** The fencing and gates as described is consistent with what was agreed to at our meetings. Staff will meet with their maintenance supervisor to further review pool screening options.

Exhibit 8

5. **Public Beach Access:** As discussed at the January HOA meeting, the access originally planned in front of the Cabana has been moved north to the Sea Witch frontage.

6. **Showers:** The Town will replace the showers at your preferred location.

7. **ADA:** The Town will construct the new private beach access from the Cabana to the Boardwalk and from the Boardwalk down to the beach to meet Building Code and ADA standards.

8. **Lighting:** We have already removed all pole mounted lighting for the northern extension. The walkway "puck" style lighting will be mounted to the railing. We have selected a lower voltage fixture for the extension.

9. **Storm damage:** The structure is engineer designed to be "heavy timber" type construction. This design includes 139 mph windspeed per the Building Code with pilings driven to a minimum 16 feet below grade.

10. **Pre-approval of construction design and materials:** We certainly agree that the Cabana Board should pre-approve all design and materials connecting with the property.

11. **Construction period:** Construction will begin after Labor Day and is projected to be completed within a 5-6 month time frame for the existing Boardwalk and the extension so actual construction in front of the Cabana should be much less than 90 days.

12. **Stormwater:** It is my understanding that our Public Works Director is working with the Cabana staff on this issue.

We look forward to continuing to work with you as the project continues. Hopefully we have addressed the bulk of your concerns satisfactorily. Please call at 458-2994, or email at michael.cramer@carolinabeach.org if you have additional comments or concerns.

Sincerely,

Michael Cramer
Town Manager

Exhibit 8

Dan Wilcox
Mayor

Sarah Friede
Council Member

Steve Shuttleworth
Council Member

LeAnn Pierce
Mayor Pro Tem

Gary Doetsch
Council Member

Michael Cramer
Town Manager

TOWN OF CAROLINA BEACH
1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428
910 458 2996
FAX 910 458 2997

May 22, 2014

Cabana de Mar Association, Inc.
Attention: Eddie Buchanan, President
222 Carolina Beach Avenue N
Carolina Beach, NC 28428

Re: Boardwalk Extension

Dear Mr. Buchanan,

I hope this letter finds you doing well.

Over the past several months, the Town, in good faith, after discussions with the Board of Directors of Cabana de Mar Association, Inc. ("Association") has been making modifications to the plans for the proposed northern extension boardwalk. These modifications have been made based on discussions during Association meetings held in November 2013 and January 2014, numerous conversations with you, and correspondence received from you on April 21, 2014.

Last week, the Town became aware that owners of Units in the Association were communicating amongst themselves and with CAMA staff about the proposed northern extension of the Boardwalk. While some of these communications expressed support for the northern extension of the Boardwalk, many did not. It was the understanding of the Town that you were communicating with Unit owners in the Association about the feared impacts to the Common Area of the Association and the Town's willingness to address those concerns. From the correspondence recently sent to CAMA by Unit Owners, it does not appear that the Board has communicated with the Unit Owners about the Board's ongoing discussions with the Town. Regardless of any past miscommunications we are hoping to continue working with you to ensure all of the Association's comments have been addressed.

To improve our communications and educate your individual unit owners we need your help. As you are aware, pursuant to the Declaration filed in Book 1273, Page 0767 of the New Hanover County Registry, the pool area of the Association is defined common area. The Association, through its Board, is charged with management of the common area. For that reason, the Town has relied on your requests for modifications to the proposed Boardwalk extension as they pertain to the common areas. The Town is confident that the concerns of the

Exhibit 8

Unit Owners can be addressed. At this time, the Town requests that the Board of Directors call a special meeting, in accordance with Article III, Section 4 of the Association's Bylaws. The Town will send a representative to this meeting to discuss with the Unit Owners the proposed Boardwalk extension and to address the concerns expressed by the Unit Owners in the correspondence addressed to CAMA.

Please let me know as soon as possible when the Special Meeting will be held.

Sincerely,

Michael Cramer
Town Manager
Town of Carolina Beach

Exhibit 8

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:

James Donald Averette
503 Faucette St.
Fuquay-Varina, NC 27526

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* C. Date of Delivery 5/7/14

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

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7014 0510 0001 0467 8505

Exhibit 9

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-154

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 6.48

Postmark Here

James Donald Averette
503 Faucette St.
Fuquay-Varina, NC 27526

GE & FOX
& COUNSELORS AT LAW
/ Wilmington, North Carolina 28401
acsimile: (910) 815-1095 / www.craigeandfox.com

ASHLEY MICHAEL
BONNIE M. BRAUDWAY

May 5, 2014

James Donald Averette
503 Faucette Street
Fuquay-Varina, NC 27526
Via regular and certified mail

Re: Carolina Beach Boardwalk Expansion

Dear Mr. Averette,

I hope this letter finds you doing well.

It was a pleasure to meet you and your daughters on March 29, 2014. Thank you for allowing me and the representatives of the Town of Carolina Beach ("Town") to show you the proposed location of the Boardwalk in relation to your property line to again present you proposals for tying your existing beach access into the Boardwalk and to address the concerns outlined in your February 18, 2014 letter to Braxton Davis.

I understand from our meeting that you have historically had issues with individuals trespassing on your property to access the beach. Your daughters have expressed concern that the Boardwalk will result in increased vandalism to and trespassing on your property. As we discussed, the proposals the Town submitted to you for your review include a locked door adjacent to the Boardwalk which will prevent individuals utilizing the Boardwalk from exiting the Boardwalk at your property. Furthermore, the Town would be willing to install a locked gate adjacent to the street to prevent individuals from attempting to access the Boardwalk by trespassing on your property. Your existing gate is unsecured.

Your daughters expressed much concern that the families to which you rent your cottage will find the locked gates a hassle and the Boardwalk an inconvenience. As discussed, the locks and gates installed by the Town will be marine grade and able to withstand the salt air environment. If ever a problem did occur, the Town would address it immediately. The Boardwalk will allow the families that rent your cottage to stroll safely to the Central Business District for dinner, ice cream, and the summer festivities held. The inconvenience of the gates would be minimal and significantly outweighed by the improved security to your property and the ease of access to the Central Business District afforded by the Boardwalk.

Exhibit 9

A unique identifier for your mailpiece
A record of delivery kept by the Postal Service

CRAIGE & FOX
ATTORNEYS & COUNSELORS AT LAW
701 Market Street / Wilmington, North Carolina 28401
Telephone: (910) 815-0085 / Facsimile: (910) 815-1095 / www.craigeandfox.com

LAWRENCE S. CRAIGE*
CHARLOTTE NOEL FOX
*Board Certified Specialist in Elder Law
*Certified Elder Law Attorney by ABA Accredited National Elder Law Foundation

ASHLEY MICHAEL
BONNIE M. BRAUDWAY

May 5, 2014

James Donald Averette
503 Faucette Street
Fuquay-Varina, NC 27526
Via regular and certified mail

Re: Carolina Beach Boardwalk Expansion

Dear Mr. Averette,

I hope this letter finds you doing well.

It was a pleasure to meet you and your daughters on March 29, 2014. Thank you for allowing me and the representatives of the Town of Carolina Beach ("Town") to show you the proposed location of the Boardwalk in relation to your property line to again present you proposals for tying your existing beach access into the Boardwalk and to address the concerns outlined in your February 18, 2014 letter to Braxton Davis.

I understand from our meeting that you have historically had issues with individuals trespassing on your property to access the beach. Your daughters have expressed concern that the Boardwalk will result in increased vandalism to and trespassing on your property. As we discussed, the proposals the Town submitted to you for your review include a locked door adjacent to the Boardwalk which will prevent individuals utilizing the Boardwalk from exiting the Boardwalk at your property. Furthermore, the Town would be willing to install a locked gate adjacent to the street to prevent individuals from attempting to access the Boardwalk by trespassing on your property. Your existing gate is unsecured.

Your daughters expressed much concern that the families to which you rent your cottage will find the locked gates a hassle and the Boardwalk an inconvenience. As discussed, the locks and gates installed by the Town will be marine grade and able to withstand the salt air environment. If ever a problem did occur, the Town would address it immediately. The Boardwalk will allow the families that rent your cottage to stroll safely to the Central Business District for dinner, ice cream, and the summer festivities held. The inconvenience of the gates would be minimal and significantly outweighed by the improved security to your property and the ease of access to the Central Business District afforded by the Boardwalk.

Exhibit 9

I understand that the existing environment surrounding your cottage has impacted the enjoyment of your tenants and your family. Specifically, there has been an impact from the live music from the bar across the street, the increased noise from the two hotels adjacent to your property, and an increase in trespassing and vandalism. As we discussed, your cottage is now located in the Central Business District and other than enforcing the existing ordinances, the Town is not able to lessen the impact of the permitted uses of the surrounding properties.

Although currently it is not possible to see the ocean from the existing first floor deck of your cottage, in response to your expressed concerns about the impact to your view, the Town has modified the original plans for the Boardwalk to lower it in front of your property. Furthermore, it is my understanding from your former attorney that your tenants occupy the first floor residence of the cottage and you occupy the second floor apartment. The installation of the Boardwalk will not affect your view of the ocean from the second floor deck.

I understand from your former attorney that there is no interest on your part in engaging in any further discussions about the Town's willingness to address concerns you may have about the Boardwalk extension. I regret that is your position. However, as I indicated during our meeting, if the Coastal Resource Commission grants the Town's request for a variance and the Boardwalk extension is built, I assure you that the Town will work with you to minimize the impacts to your property.

Please do not hesitate to contact me with any questions.

Sincerely,

CRAIGE AND FOX, PLLC

By: Charlotte Noel Fox

Charlotte Noel Fox

Exhibit 9

CRAIGE & FOX

ATTORNEYS & COUNSELORS AT LAW

701 Market Street / Wilmington, North Carolina 28401
Telephone: (910) 815-0085 / Facsimile: (910) 815-1095 / www.craigeandfox.com

LAWRENCE S. CRAIGE*
CHARLOTTE NOEL FOX

ASHLEY MICHAEL
BONNIE M. BRAUDWAY

*Board Certified Specialist in Elder Law
*Certified Elder Law Attorney by ABA Accredited National Elder Law Foundation

May 5, 2014

Ned Barnes
Attorney at Law
A-3 Pleasure Island Plaza
Carolina Beach, NC 28428

Re: Averette Meeting on March 29, 2014

Dear Mr.Barnes,

I hope this letter finds you doing well. I was contacted by Mr. Averette's daughter, Renee Lewis, and informed her that you no longer represent Mr. Averette in connection with the northern extension of the Carolina Beach Boardwalk.

I would like to thank you for your considerable efforts to arrange a meeting with Mr. Averette and his daughters at his cottage on March 29, 2014. It was disappointing to learn that Mr. Averette and his daughters had not previously reviewed the options the Town presented to him to minimize potential impacts of the proposed extension. Their persistent refusal to engage in a conversation about their concerns and the Town's ability to address those concerns is frustrating.

Once again, thank you for your efforts and please contact me with any questions.

Sincerely,

CRAIGE AND FOX, PLLC

By: Charlotte Noel Fox

Charlotte Noel Fox

Exhibit 9

AFFIDAVIT OF MICHAEL CRAMER

1. My name is Michael Cramer. I am the Town Manager of the Town of Carolina Beach.
2. I am over the age of eighteen (18), suffer from no disability or impairment, have personal knowledge of the contents herein and am competent to testify to the matters herein.
3. In connection with the Town's efforts to work with the property owners adjacent to the proposed northern extension of the Boardwalk who have expressed concern about the extension, I have met with Mr. James Averette and met and corresponded with the Board of Directors for Cabana de Mar Association, Inc.

Averette Property

I met with Mr. Averette and his two daughters ("Averette Daughters") at Mr. Averette's house on March 29, 2014. The meeting was attended by Noel Fox (Town Attorney), Jerry Haire (Project Manager), Ed Parvin (Assistant Town Manager), Ned Barnes (Former Attorney for Mr. Averette)

4. Previous to the meeting, with the permission of Mr. Averette's attorney, the location of the 1963 building line and the proposed location of the boardwalk were staked out in the dunes to provide a visual of the height and width of the proposed northern extension.
5. At the beginning of the meeting, those in attendance stepped out onto to the porch to observe the location of the 1963 building line and the proposed location of the boardwalk.
6. Mr. Averette and the Averette Daughters were unaware of the location of the 1963 building line in relation to the existing decking attached to Mr. Averette's residence.
7. During the meeting, Mr. Averette, the Averette Daughters and Mr. Averette's attorney, Ned Barnes, were given an opportunity to ask questions and express their concerns about the design, location and security of the proposed northern extension of the Boardwalk.
8. The plans previously sent to Mr. Averette detailing several options to connect his existing access to the Boardwalk were placed on the kitchen counter in front of Mr. Averette, Mr. Barnes, and the Averette Daughters. During the meeting, the Averette Daughters indicated that they had not previously reviewed the plans and were not interested in reviewing the plans.
9. In addition to aforementioned plans, the project manager reviewed with those in attendance the significant modifications to the design of the Boardwalk which were made after the February Coastal Resource Commission meeting and in response to the concerns expressed by Mr. Averette.
10. Much of the discussion between those in attendance centered on the longstanding issues Mr. Averette has experienced with trespassing and vandalism as a result of the commercial establishments that surround his property.

11. According to the Averette Daughters, as a result of an unsecured gate, the general public cuts through Mr. Averette's property to access the beach. Often times, those individuals litter or vandalize Mr. Averette's property.
12. The Averette Daughters indicated that they were concerned, if the northern extension of the Boardwalk was constructed, that the trespassing on Mr. Averette's property would increase.
13. In my capacity as Town Manager, I assured Mr. Averette and the Averette Daughters of the Town's commitment to ensure that the Boardwalk would not result in additional trespassing on Mr. Averette's property. Additionally, I indicated that the Town would be willing to assist with installing and maintaining locks on the existing street side gate to reduce the longstanding trespass issues.
14. During the meeting, the Averette Daughters informed those in attendance that the lower floor of Mr. Averette's property was rented out to families and that Mr. Averette used the separate residence on the second floor.
15. The Averette Daughters expressed concern that the families that rented Mr. Averette's property would disapprove of the Boardwalk.
16. It is not possible to view the ocean from the lower deck of the Averette cottage.
17. It is possible to view the ocean from the upper deck of the Averette cottage.
18. I assured Mr. Averette and the Averette Daughters that, in the event the northern extension of the Boardwalk was approved, the Town would work with Mr. Averette to lessen any impacts and to address the ongoing trespassing issue.

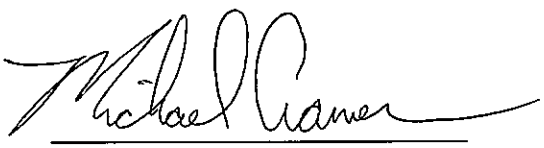
Cabana de Mar Association, Inc.

1. I attended a meeting with the Cabana De Mar Association, Inc. Board of Directors ("Condominium Board") on November 8, 2013 to discuss the proposed northern extension of the Boardwalk and to hear and address any concerns of the Association.
2. During that meeting, I communicated to the Condominium Board that the Town was prepared to address the concerns they expressed.
3. On or about April 21, 2014, I received correspondence from the Cabana De Mar Association, Inc. Board of Directors ("Condominium Board") which itemized concerns expressed by owners of units at Cabana de Mar ("Cabana") and suggested courses of action for the Town to take to address the concerns.
4. In response to the April 21, 2014 correspondence and other feedback received from Mr. Averette, the Town modified the plans to:
    a. Lower the elevation of the structure which resulted in a handrail elevation on the Boardwalk nearly 4 feet lower than the first floor elevation of Cabana De Mar.
    b. Remove all proposed seating bumpouts in front along Cabana.
    c. Agreed to install fencing, security gates and screening along the Boardwalk.
    d. Moved a proposed beach access north of Cabana.
    e. Agreed to replace the Cabana's showers to a location selected by Cabana.

f. Removed all pole mounted lighting for the northern extension and lowered the voltage fixture.
g. Agreed the Condominium Board could pre-approve all design and materials connecting the Boardwalk to Cabana.
h. Agreed to construct an ADA accessible private beach access from Cabana to the Boardwalk and from the Boardwalk to the beach.

5. Over the course of several months, the Town continued to work with the Condominium Board to address each of the concerns related to the proposed northern extension of the Boardwalk.
6. On June 19, 2014, I attended a meeting with members of the Condominium Board, and Noel Fox (Town Attorney), Jerry Haire (Project Manager).
7. During the meeting, those in attendance reviewed the structural plans, discussed the implementation of the previously agreed upon items (see above) and walked around the property to better understand the concerns of individual Unit Owners at Cabana.
8. One area of concern of the Condominium Board was the design of the structure and its ability to withstand damage from storms. The structure is designed to tolerate a windspeed tolerance of 139 miles per hour and all pilings will be driven to depth of 16 feet below grade and in accordance with building code.
9. Upon information and belief, more than fifty (50) percent of the units at Cabana are rented by the week.
10. Due to the Condominium Board's concerns about disruption to the rental season, the Town agreed that no construction would occur between Memorial Day and Labor Day and that the construction would be complete within ninety (90) days of start.
11. The Town is committed to work with the Condominium Board to reduce any impact related to the proposed northern extension of the Boardwalk.

Further the affiant sayeth not.



Michael Cramer

Subscribed and sworn before me this 22 day of September 2014.

Exhibit 10

Sheila P. Nicholson

Notary Public

SHEILA P. NICHOLSON
NOTARY PUBLIC
New Hanover County
North Carolina
My Commission Expires Apr. 13, 2019

My Commission expires: April 13, 2019

Exhibit 10

North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

August 12, 2013

The Honorable Bob Lewis
Mayor, Town of Carolina Beach
1121 N. Lake Park Boulevard
Carolina Beach, N.C. 28428

Dear Mayor Lewis:

I am pleased to announce that the Town of Carolina Beach has been awarded a public access grant of $602,900 through the North Carolina Beach and Waterfront Access Program.

The Division of Coastal Management will be administering this grant. If you have any questions concerning this grant, please contact John Thayer in our Morehead City office at (252)808-2808 Ext. 204.

Congratulations on being selected for this grant. I hope these funds will help you as you work to provide better public access to our beautiful coastal beaches and waterways.

Sincerely,

John E. Skvarla, III
NCDENR Secretary

cc: Joseph Harwood, DENR Ombudsman
Braxton C. Davis, Director, DENR Division of Coastal Management

1601 Mail Service Center, Raleigh, North Carolina 27699-1601
Phone: 919-707-8600 \ Internet: www.ncdenr.gov

An Equal Opportunity \ Affirmative Action Employer – 50% Recycled \ 10% Post Consumer Paper

Exhibit 11

ATTACHMENT E

PETITIONER'S VARIANCE REQUEST

Town

CRAIGE & FOX PLLC

ATTORNEYS & COUNSELORS AT LAW

701 Market Street / Wilmington, North Carolina 28401
Telephone: (910) 815-0085 / Facsimile: (910) 815-1095 / www.craigeandfox.com

LAWRENCE S. CRAIGE*
CHARLOTTE NOEL FOX

*Board Certified Specialist in Elder Law
*Certified Elder Law Attorney by ABA Accredited National Elder Law Foundation

ASHLEY MICHAEL
BONNIE M. BRAUDWAY
JENNIFER N. MARSHALL

June 18, 2014

Braxton Davis, Director
Division of Coastal Management
North Carolina Department of Environment and Natural Resources
400 Commerce Avenue
Morehead City, North Carolina 28557

Re: Town of Carolina Beach
Boardwalk Modification
Permit Application Number- CB 14-03

Dear Mr. Davis,

Enclosed please find the Town of Carolina Beach's Variance Petition for the northern extension of the Boardwalk.

As you will see from the enclosed materials, since appearing before the Coastal Resource Commission in February 2014, the Town has made significant modifications to the plans for the Boardwalk. Additionally, the Town has attempted to engage all adjacent property owners in a conversation about the modifications which have been made to reduce the impacts of the Boardwalk.

The Town would be willing to make other modifications to the width of the Boardwalk to further minimize the impacts to adjacent property owners.

Thank you very much for your assistance.

Sincerely,
CRAIGE & FOX, PLLC

By: Charlotte Noel Fox (psn)
Charlotte Noel Fox, Attorney
for the Town of Carolina Beach

CNF/psn

RECEIVED
JUN 18 2014
DCM-MHD CITY

RECEIVED
JUL 1 2014
N.C. Dept. of Justice
Environmental Division

Town of Carolina Beach – Coastal Resources Commission Variance Request

Boardwalk Improvement Project Phase 2 – Northern Extension

June 17, 2014

Table of Contents

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

PETITIONER'S NAME Town of Carolina Beach

COUNTY WHERE THE DEVELOPMENT IS PROPOSED New Hanover

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;

NA 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);

NA 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.

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

Signature of Petitioner or Attorney

6/17/2014
Date

Charlotte Noel Fox
Printed Name of Petitioner or Attorney

cnfox@craigeaultfox.com
Email address of Petitioner or Attorney

701 Market St.
Mailing Address

(910) 815-0085
Telephone Number of Petitioner or Attorney

Wilmington NC. 28401
City State Zip

(910) 815-1095
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

North Carolina Department of Environment and Natural Resources

Pat McCrory,
Governor

John E. Skvarla, III
Secretary

June 2, 2014

CERTIFIED MAIL – 7011 0110 0000 3789 2648
RETURN RECEIPT REQUESTED

Town of Carolina Beach
c/o Mr. Ed Parvin, Assistant Town Manager
1121 N. Lake Park Boulevard
Carolina Beach, N.C. 28428

RE: DENIAL OF CAMA MINOR DEVELOPMENT
PERMITAPPLICATION NUMBER- CB14-03

PROJECT ADDRESS- Town of Carolina Beach property located within dunes and beachfront between Harper Avenue and Pelican Lane (Public Boardwalk), Carolina Beach, New Hanover County, N.C.

Dear Mr. Parvin:

After reviewing your application in conjunction with the development standards required by the Coastal Area Management Act (CAMA), it is my determination that no permit shall 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 consists of an approximately 875 feet expansion towards the north of the existing public beachfront boardwalk, proposed within the minimum setback (measured 60 feet from the First Line of Stable Natural Vegetation (FLSNV), or 30 times the shoreline erosion rate of 2 feet/year).

Your proposal is inconsistent with **15 NCAC 07H .0306(a)(2) GENERAL USE STANDARDS OF OCEAN HAZARD AREAS**, which states: "*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*"; and **15 NCAC 07H .0309(a) USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS**, which states: "*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: (1) campsites; (2) driveways and parking areas with clay, packed sand or gravel; (3) elevated decks not exceeding a footprint of 500 square feet; (4) beach accessways consistent with Rule .0308(c) of this Subchapter; (5) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less; (6) uninhabitable, single-story storage sheds with a foundation of floor consisting of wood, clay, packed sand or gravel, and a footprint of 200 square feet or less; (7) temporary amusement stands; (8) sand fences; and (9) swimming pools*".

127 Cardinal Drive Ext., Wilmington, NC 28405
Phone: 910-796-7215 \ FAX: 910-395-3964 Internet: www.nccoastalmanagement.net

An Equal Opportunity \ Affirmative Action Employer

If you wish to appeal this denial, you are entitled to a hearing. The hearing will involve appearing before an Administrative Law Judge who listens to evidence and arguments of both parties and then makes a recommendation to the Coastal Resource Commission (CRC). Your request for a hearing must be in the form of a written petition, complying with the requirements of §150B of General Statutes of North Carolina, and must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714, within twenty (20) days from this date of this letter. Please contact me so I can provide you with the proper forms and any other information you may require.

However, you may also petition for a variance from the CRC by means of the procedures described in **15A NCAC 07J .0700**. I have enclosed a copy of the current rules as well as the CAMA Variance Request Form (DCM Form 11).

Respectfully yours,

Robb Mairs, Acting LPO
127 Cardinal Drive Extension
Wilmington, NC 28405

cc: Braxton Davis, NCDCM-Morehead City
Jerry Haire, Project Manager, Town of Carolina Beach
Wilmington Files

Town of Carolina Beach – Coastal Resources Commission Variance Request

Project: Boardwalk Improvement Project Phase 2 - Northern Extension

Location: Dune and Beachfront Area between Harper Ave. and Pelican Lane

Project Description – June 17, 2014

The Carolina Beach Boardwalk has been in place in some form or fashion since the 1890's. It is recognized as a unique historic icon and focal point for the community in providing beach access for the central business district and the hundreds of thousands of visitors each year. Extension of the existing Boardwalk and construction of new accessways with newer wider structures will provide safer, more functional and handicapped accessible facilities for beach access and enjoyment of the dune ecosystem.

The 1989 CAMA Permit cited that boardwalk construction would result in some trampling and minor short term loss of dune vegetation, but "On the other hand the structure would control public access to the beach and prevent the development of multiple paths across dune vegetation by beachgoers and tourists."

In accordance with 15A NCAC 07J, the Town has a Static Line Exception in place. The Exception was extended for another 5 years by the CRC at their May 2014 meeting. The Boardwalk project is within the limits of the Static Line Exception. The latest beach maintenance event occurred earlier this year.

The project has received strong financial support from local and state agencies. The Town was awarded a $602,900 CAMA Public Beach Access Grant for the project in August of last year. Other funding includes a $250,000 NC DENR Water Resources Grant, a $500,000 grant from New Hanover County, and $250,000 in Tourism Development Authority funding. With a total project budget of $1.6 million, the project is fully funded

Phase 1 for the project was approved under CAMA Minor Development Permit #CB13-10 in September, 2013. Phase 1 included replacement of crossover beach accesses, viewing platform improvements, and excavation of non-dune landscaped coves westward of the existing Boardwalk and redistribution of the sand from these areas to enhance dune low spots eastward of the existing Boardwalk.

A portion of Phase 2 of the project proposed by CAMA Minor Development Permit # CB13-12 was approved by the CRC on the Town's petition for a variance. Specifically, a variance was granted for the demolition of the existing Boardwalk and crossovers, widening of the existing Boardwalk, and installation of five new public beach accesses, the addition of roof on a viewing platform, installation of showers at the Harper Ave. access, and installation of a splash pad/ water park facility.

The Town applied for a CAMA Minor Permit in May to extend the Boardwalk 875 feet north from Harper Avenue to Pelican Lane. That permit was denied on June 2, 2014 (attached). The design proposed in that permit is identical to that approved for the new southern section of the Boardwalk by the CRC in February – 16' wide with three (3) new ten (10) foot wide public

accesses, three (3) re-built existing private accesses, and five (5)ninety-six (96)square foot bump outs for benches and swings. A lattice trellis is proposed at the Pelican Lane Access.

The proposed area for the northern extension is located within the Town's Central Business District. There are a total of five property owners adjacent to the proposed northern extension. Three of the adjacent property owners are hotels. One of adjacent properties is a seventy two unit (72) high rise condominium complex that has common area containing amenities adjacent to the proposed structure. The final property is a two story single family residence owned by Mr. James Averette. The lower floor of Mr. Averette's residence is rented out during the summer season.

The proposed northern extension enhances public beach access from Harper Avenue north to Pelican Lane by providing two (2) new wider access ramps and one (1) reconstructed wider ramp at Pelican Lane. At present, there are no public access points located within the proposed 875 feet extension.

The Town is committed to securing public safety and welfare in its effort to preserve substantial justice by improving the general public's access to the public trust area. In response to comments made by Commissioners during the February 26, 2014 Coastal Resources Commission meeting, the Town has significantly redesigned aspects of the northern extension to reduce potential impacts to adjacent residential property owners. The Town approached each property owner adjacent to the proposed northern extension and attempted to engage the property owner in discussion centered on minimizing potential impacts to the adjacent property and addressing concerns regarding the structure and the potential impacts from flood driven debris.

The elevation of the entire 875 foot northern extension has been lowered one foot (see plans). Previously the elevation averaged 2-3 feet above the ground and slightly below the frontal dune elevation. Lowering the structure to 1-2 feet above grade and over a foot below the frontal dune will substantially lessen view impacts from adjacent properties.

In response to concerns voiced by residents over the location, bulk and scale of the Boardwalk, the Town is proposing an alternative design to reduce the width of the structure from 16 feet to 8 feet wide. The 8 feet would be removed from the landward side of the design to increase the buffer area from the residential properties. The 8 foot width is identical to the existing Boardwalk and would be permittable for residential properties under a CAMA Minor Permit provided the structure was behind the Static Line and public benefit is demonstrated. The Town would propose that this design benefits the public by providing new public access and improved handicapped access at a scale acceptable for residential properties.

A total of 4 seating area "bump outs" have been removed from in front of the two residential properties adjacent to the northern extension (see plans). Removing these seating areas will substantially reduce potential noise impacts from Boardwalk users by preventing users from congregating in front of residential properties. The remaining seating areas are in front of the hotel properties. The Town would propose as an alternative to remove all remaining seating areas to further reduce noise.

To alleviate concerns of pedestrians trespassing, the Town is committed to providing security gates at the private beach accesses from adjacent properties to and through the northern

extension of the Boardwalk. Each of the adjacent properties currently has an unsecured wooden or sand walkway.

To reduce the risks of flood or wind driven debris damaging the structures adjacent to the proposed northern extension of the Boardwalk, the structure has structurally engineered with "heavy timber" type construction elements, a 139 mph windspeed design, and pilings driven to a minimum 16 feet below grade. This is in excess of the requirements for construction the adjacent property owners would be held to if they constructed a beach access in front of their respective properties.

Attached drawings and exhibits:

- Site Plan –" CAMA Minor Permit Boardwalk Improvement Project Northern Extension"
- Sheet A2.1 – CAMA Minor Permit – Northern Extension
- Sheet SK – Adjacent property Owners
- Aerial photo with 16 foot structure
- Aerial photo with 8 foot structure

Statement of Ownership

Title to all lands east of the established "building line" was conveyed to the Town of Carolina Beach in the 1963 NC General Assembly House Bill 612, Chapter 511. The property is now Public Trust Land for the State of North Carolina.

Town of Carolina Beach – Coastal Resources Commission Variance Request

Boardwalk Improvement Project Phase 2 Northern Extension

June 17, 2014

Adjacent Property Owner Notification Letters and Receipts

June 17, 2014

Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolina
Division of Coastal Management - Coastal Resource
the Carolina Beach Boardwalk on Public Trust Lands
beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com,** or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsem	
Total Po	

Postmark Here

Sent To :abana De Mar COA, Inc
:22 Carolina Beach Ave. N
:arolina Beach, NC 28428

Street, Apt. or PO Box

City, State,

PS Form 3800, August 2006 See Reverse for Instructions

7008 0150 0002 8277 6681

June 17, 2014

Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolina
Division of Coastal Management - Coastal Resource
the Carolina Beach Boardwalk on Public Trust Lands
beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com**, or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

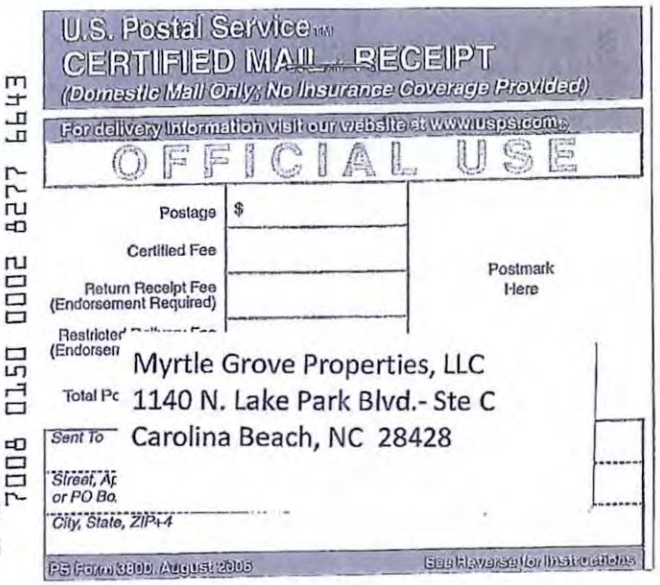
Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)

June 17, 2014



Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolina
Division of Coastal Management - Coastal Resources
the Carolina Beach Boardwalk on Public Trust Lands
beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com,** or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

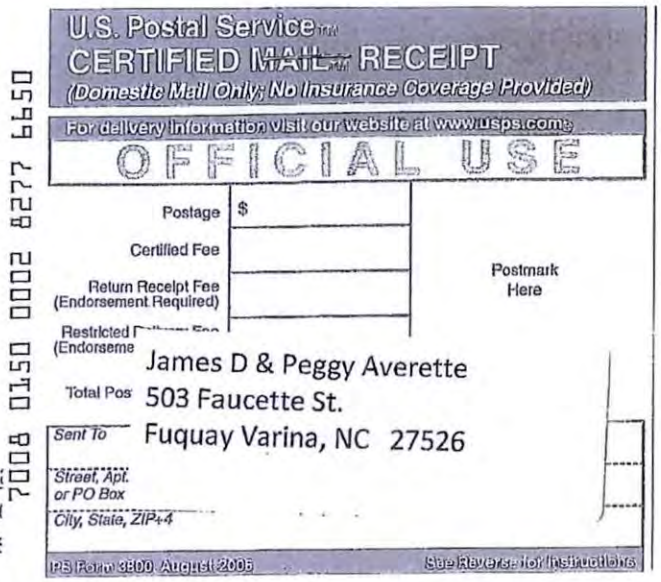
Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)

June 17, 2014



Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolina Division of Coastal Management - Coastal Resourc the Carolina Beach Boardwalk on Public Trust Land beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com,** or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

7008 0150 0002 8277 6674

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsem	
Total Po	

Postmark Here

CBP3, Inc
1121 N. Lake Park Blvd.
Carolina beach, NC 28428

Sent To
Street, Ap
or PO Box
City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

June 17, 2014

Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolina
Division of Coastal Management - Coastal Resource
the Carolina Beach Boardwalk on Public Trust Lands
beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email cnfox@craigeandfox.com, or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

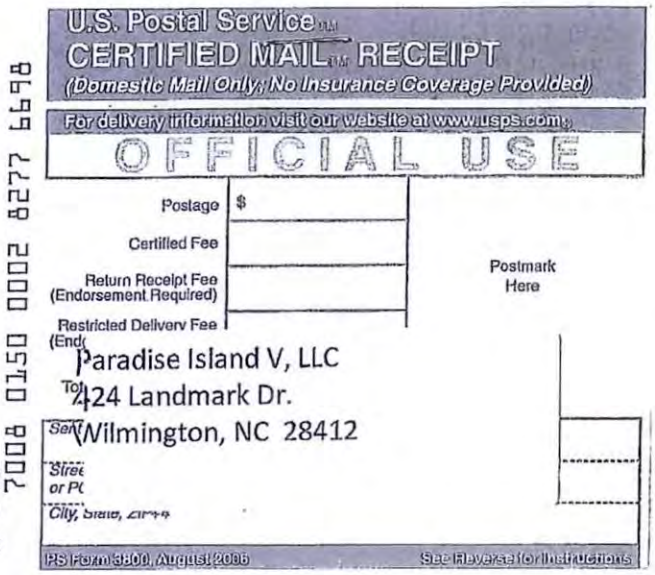
400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)



June 17, 2014

Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolina Bea
Division of Coastal Management - Coastal Resources Co
the Carolina Beach Boardwalk on Public Trust Lands adja
beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com**, or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

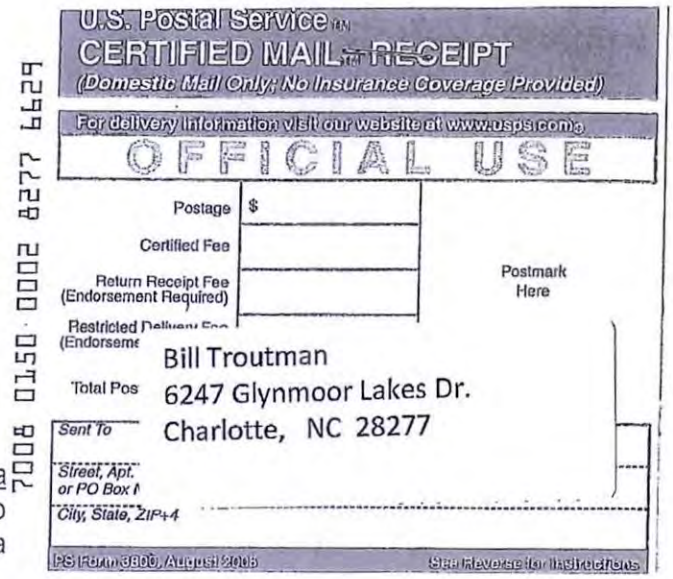
400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)



June 17, 2014

Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolina Bea Division of Coastal Management - Coastal Resources Co the Carolina Beach Boardwalk on Public Trust Lands adja beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com,** or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)

WRITTEN REASONS AND ARGUMENTS

Petitioner Town of Carolina Beach ("TCB") meets the four variance criteria listed in the CAMA Variance Request Form for the following reasons. TCB incorporates herein by reference in each section below the Attachments and Exhibits to this Petition.

(A) Will strict application of the applicable development rules, standards or orders issued by the Commission cause the petitioner unnecessary hardships? Explain the hardships.

Yes. Strict application of 15 NCAC 07H .0306(a) and 15 NCAC 07H .0309(a) will prevent TCB from, in accordance with 15A NCAC 07H .0203 and 15A NCAC 07H .0207(c), "providing and protecting public rights for navigation and recreation and to conserve and manage the public trust areas so as to safeguard and perpetuate their biological, economic and aesthetic values"). These rules were designed, in part, to limit a private individual's ability to infringe on the public's access to the public trust areas. Here the applicant is a municipality and the Town of Carolina Beach is committed and has always been committed to providing access to the public trust areas to the general public.

As staff has previously argued in support of variance petitions before the Commission,

> In creating the Coastal Area Management Act (CAMA), the legislature recognized the importance of preserving and protecting the public's opportunity to enjoy the physical, esthetic, cultural and recreational qualities of the shorelines of the State. Included among the stated goals of CAMA are (1) insuring the orderly and balanced use and preservation of coastal resources on behalf of the people of North Carolina and the nation and (2) the establishment of policies, guidelines, and standards for economic development, recreation and tourist facilities, preservation and enhancement of the historic and cultural aspects of the coastal area. *Staff's position CRC-VR-14-02*

The Carolina Beach Boardwalk has existed in some respect since the early 1930s. The existing Boardwalk was permitted by CAMA and built in 1989. Due to the proximity of the Boardwalk to the Atlantic Ocean, the Boardwalk is a popular means for the public to view or access the Atlantic Ocean. The access to the Ocean provided by the Boardwalk has a significant economic impact on businesses located adjacent to the Boardwalk, the Central Business District of Carolina Beach, the Town of Carolina Beach and New Hanover County.

The proposed northern extension of the Boardwalk creates a unique opportunity for the general public without other means of access to view and access the ocean and dune ecosystem from a variety of locations. With an increased demand for access to the beach and Ocean from elderly and handicapped individuals, the northern extension will allow elderly and handicapped individuals convenient beach access as well as the ability to view the dune ecosystem. An undue hardship to the public would be created from strict application of the development rules, standards, or orders issued by the commission. Specifically, handicapped individuals would be denied a convenient and safe means of accessing the beach and/ or viewing the ocean and dune ecosystem. Furthermore, general public's access to the ocean and view the dune ecosystem

would be impaired. A lack of safe access, as provided by the proposed Boardwalk, could result in damage to the dune ecosystems by those creating their own means of access to the beach.

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

Yes. TCB's property upon which the northern extension of the Boardwalk will be expanded is located within the dunes and beachfront between Charlotte Avenue and Pelican Lane, Carolina Beach, New Hanover County, NC. This dune area is public trust area, not the property of private property owners. Specifically, the hardship exists due to the strict application of the Commissions regulations to a project to be constructed upon the public trust lands for public use. As it has historically done, TCB is attempting to improve access to the public trust lands to the general public through the northern extension of the existing Boardwalk. The Boardwalk is proposed to be expanded in a manner that improves access to the public trust lands for the general public. Additionally, in keeping with its commitment to providing ADA accessible access to the handicapped public, the majority of crossover ramps will meet the ADA requirements. TCB recently acquired beach wheelchairs for use by handicapped individuals on the beach. These wheelchairs are available by reservation for no fee.

(C) Do the hardships result from action taken by the petitioner. Explain.

No. Specifically, the hardship exists due to the strict application of the Commissions regulations to a project to be constructed upon the public trust lands for public use. Additionally, the hardship exists due to the fact that there is limited public property available for access to the beaches due to significant value in property adjacent to the Atlantic Ocean. In the area proposed for the northern extension, there are currently no beach accesses available for the general public's use. TCB is attempting, by construction of the northern extension of the Boardwalk, to eliminate hardships to members of the general public who do not have convenient access to the public trust lands and to allow access to the public trust lands to handicapped and elderly individuals.

(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 justice? Explain.

Yes. The Commissions regulations are intended, in part, to limit private property owners from infringing upon the general public's right to access and preservation of the public trust lands. Additionally, see below.

(d)(1) The variance requested by TCB will be consistent with the spirit, purpose and intent of the rules, standards or orders issued by the Commission. 15A NCAC 07H .0203 states that:

> It is the objective of the Coastal Resource Commission to conserve and manage estuarine waters, coastal wetlands, public trust areas, and estuarine and public trust shorelines, as an interrelated group of AECs, so as to safeguard and perpetuate their biological, social,

economic, and aesthetic values… Furthermore, it is the objective of the Coastal Resources Commission to protect present common-law and statutory public rights of access to the lands and waters of the coastal area.

The beach in the area of the proposed location of the northern extension of the Boardwalk is not in a natural state. It has been renourished for years by the Army Corp of Engineers. In addition, the static line is significantly landward of the actual vegetation line on this portion of the beach. The dune sytem will not be significantly impacted.

In addition to the foregoing, in accordance with 15A NCAC 07H .0207, TCB is attempting, through construction of the northern extension of the Boardwalk to "protect public rights for navigation and recreation and to conserve and manage the public trust areas so as to safeguard and perpetuate their biological, economic and aesthetic value. The proposed project will improve the biological value of the public trust lands by increasing the dune eco system and facilitating access in a manner that preserves the dune eco system.

(d)(2) The variance requested by TCB will secure the public safety and welfare.

Safe and convenient access to the public trust area for the public, including those who are handicapped, improves the public safety and welfare. With the proposed northern extension of the Boardwalk, elderly and handicapped individuals will be provided the ability to view the ocean and dune ecosystems at a various points without endangering themselves by accessing the beach itself. Without the access proposed to be provided by TCB with the northern extension of the Boardwalk, public access to the beach and ocean will be more limited. Additionally, without the Boardwalk structure as proposed, the public could attempt access to the beach across the dune ecosystem which would, over time, endanger the public's safety and welfare. The proposed Boardwalk would protect rare natural habitat within the dunes.

(d)(3) The variance requested by TCB will preserve substantial justice.

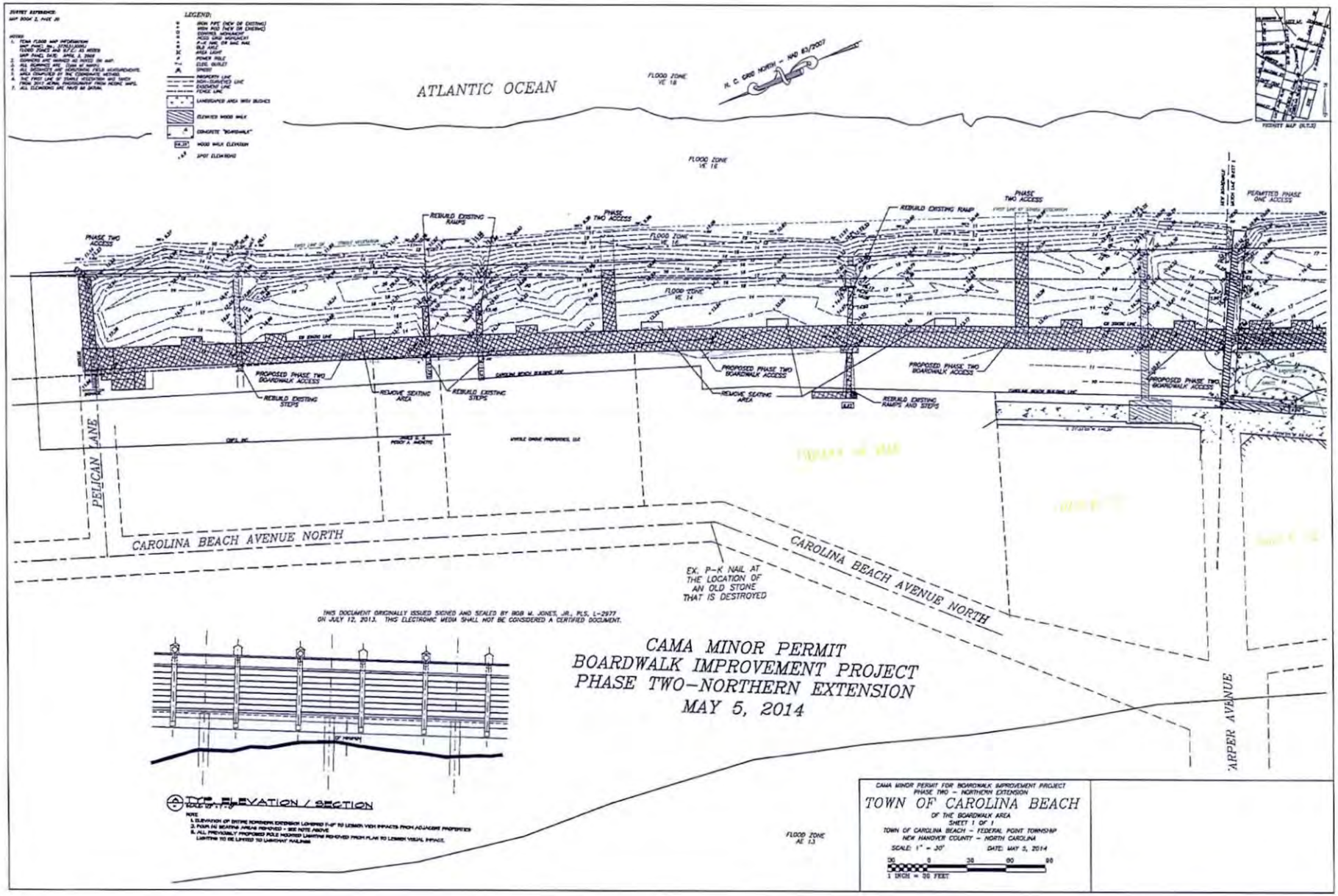
The construction of the proposed Boardwalk will preserve substantial justice by affording those without private access to public trust lands with safe and convenient access. The proposed Boardwalk will preserve substantial justice by creating safe and convenient handicap accessible access to the public trust land.

PROPOSED STIPULATED FACTS

1. The Town of Carolina Beach ("Petitioner") is a North Carolina municipal body politic organized and existing in Carolina Beach, New Hanover County, North Carolina.
2. The Carolina Beach Building Line Act was passed in 1963 [Session Law 1963, Chapter 511] which granted the Town title to the land between the building line and the low water mark of the Atlantic Ocean subject to the public trust rights.
3. The Public Beach (land from the low water mark westward to any land raised by a publicly financed beach renourishment project) is owned by the State of North Carolina in accordance with N.C.G.S. §146-6(f) and the Public Trust Doctrine.
4. In accordance with 15A NCAC 07J, the Town of Carolina Beach has had a static line exception in place for five (5) years.
5. The proposed northern extension of the Carolina Beach Boardwalk project is within the delineated limits of the Static Line Exception. The actual vegetation line is approximately 90' oceanward of the static vegetation line.
6. In August of 2013, DCM notified the Town that it was awarding the Town a Public Beach and Coastal Waterfront Access grant. The total grant amount was $602,900, with a Local Match of $247,560 and a Local in-kind contribution of $202, 760. The grant, in part, is for the project proposed in the variance.
7. The Town has received a $500,000 grant from New Hanover County to support the proposed project. Additionally, in 2010 the Town received a grant from DENR Water Resources for $250,000 to facilitate land acquisition for a pier; however, other funding for the proposed pier was not available. In 2013 DENR/Water Resources approved the Town's request to transfer the funding to the proposed Boardwalk project.
8. On May 06, 2014, the Petitioner applied for a CAMA minor development permit (Permit Application Number- CB 14-03) requesting approval of the northern extension of Carolina Beach Boardwalk Improvement Project – Phase 2. While the Town of Carolina Beach has an implementation and enforcement program which authorizes the designate local official to issue CAMA minor permits, because the Town is the applicant in this case, the minor permit must be considered and determined by the Division of Coastal Management, pursuant to N.C.G.S. § 113A-121(b).

9. The proposed northern extension includes three new 10' in width public beach access ways and five new 100sq. ft. bump-outs for seating areas.
10. Currently, there is no public beach access in the 875 foot proposed northern extension to the Boardwalk.
11. TCB has approached each of the five property owners adjacent to the public trust area where the proposed northern extension of the Boardwalk will be located.
12. TCB has engaged with discussions with each of the five property owners adjacent to the public trust area where the proposed northern extension of the Boardwalk to assuage fears about noise, loitering, trespass, and impacted views.
13. The Cabana Suites is a seventy two (72) unit oceanfront condominium complex adjacent to the proposed Boardwalk. The proposed elevation of the Boardwalk handrail is 17.7 feet above sea level and the first floor elevation of the Cabana Suites is 21.6 feet, a difference of 3.9 feet. Therefore, the Boardwalk structure will not impede views from the first floor condominium units. See attached plans.
14. TCB official met with the Cabana Homeowners Association members in November, 2013 and again in January, 2014 to discuss concerns and issues regarding the Boardwalk. These issues are summarized in a letter from the HOA dated April 21, 2014. The Town Manager responded to these concerns in a letter dated May 7, 2014. TCB officials have a meeting scheduled for Thursday, June 19, 2014 to continue discussion of the issues. (See attached correspondence).
15. TCB officials met with adjacent property owner, James Averette, his daughters, and his attorney on March 29, 2014. TCB again presented options to Mr. Averette regarding security and access to his existing deck structure. Mr. Averette and his daughters were unwilling to engage in any discussions about what modifications to the plans, in addition to those previously made by TCB, they would request be made. (See attached correspondence).
16. Mr. Averette's residence is a single family residence located in the central business district. It is surrounded by hotels and businesses.
17. On June 2, 2014 the Division of Coastal Management denied the Permit Application pursuant to NCGS § 113A-130(a)(8) which requires denial for projects inconsistent with State guidelines for Areas of Environmental Concern.

18. Rule 15A NCAC 07H .0306(a)(2) states that no development, including any portion of a building or structure, shall extend oceanward of the ocean hazard setback distance, with the exception of those types of development defined in 15A NCAC 07H .0309.
19. The proposed northern extension of the Carolina Beach Boardwalk is inconsistent with the strict application of 15A NCAC 07H .0306(a)(2).
20. The proposed northern extension of the Carolina Beach Boardwalk will provide access to the public trust areas for the general public.
21. The proposed northern extension of the Carolina Beach Boardwalk will preserve and perpetuate the biological and aesthetic value of the public trust area.
22. The proposed northern extension of the Carolina Beach Boardwalk will operate as a sand fence and improve and preserve the dune ecosystem.
23. The proposed northern extension of the Carolina Beach Boardwalk enhance existing dunes by using sand from enlarged landscaped coves between the proposed crossover accesses.
24. The proposed northern extension of the Carolina Beach Boardwalk will increase access to the public, including handicapped individuals, to the public trust areas.
25. The proposed northern extension of the Carolina Beach Boardwalk will not diminish the dune's capacity as a protective barrier against flooding and erosion.
26. The proposed northern extension of the Carolina Beach Boardwalk meets a public purpose and a need that cannot be met otherwise which is allowing safe, convenient access to the public and handicapped public to the public trust areas.
27. In response to concerns voiced by residents over the location, bulk and scale of the Boardwalk, the Town is proposing an alternative design to reduce the width of the structure from 16 feet to 8 feet wide. The 8 feet would be removed from the landward side of the design to increase the buffer area from the residential properties. The 8 foot width is identical to the existing Boardwalk and would be permittable for residential properties under a CAMA Minor Permit provided the structure was behind the Static Line and public benefit is demonstrated. The Town would propose that this design benefits the public by providing new public access and improved handicapped access at a scale acceptable for residential properties. Ref. aerial photos



THIS DOCUMENT ORIGINALLY ISSUED SIGNED AND SEALED BY BOB M. JONES, JR., PLS, L-2977 ON JULY 12, 2013. THIS ELECTRONIC MEDIA SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT.

CAMA MINOR PERMIT
BOARDWALK IMPROVEMENT PROJECT
PHASE TWO–NORTHERN EXTENSION
MAY 5, 2014

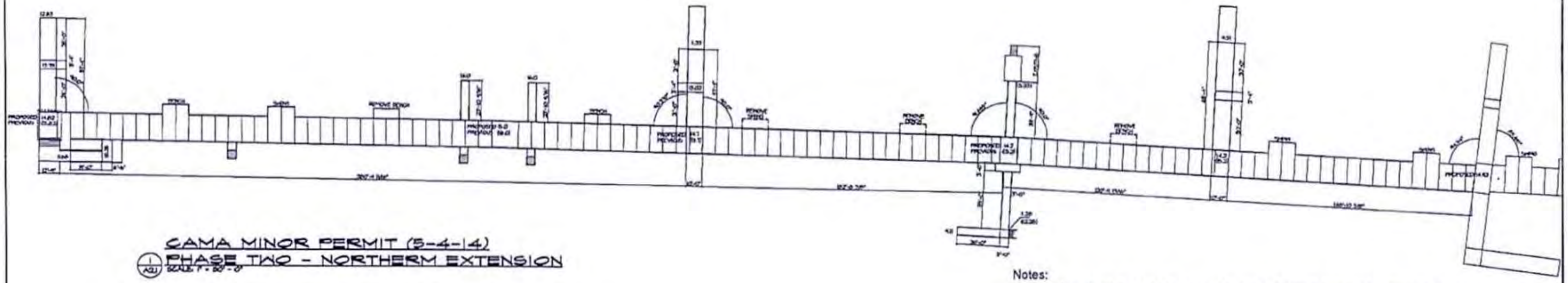
TYP. ELEVATION / SECTION

NOTE:
1. ELEVATION OF ENTIRE NORTHERN EXTENSION LOWERED 1'-0" TO LESSEN VIEW IMPACTS FROM ADJACENT PROPERTIES
2. PIER (N) SEATING AREAS REMOVED - SEE NOTE ABOVE
3. ALL PREVIOUSLY PROPOSED POLE MOUNTED LIGHTING REMOVED FROM PLAN TO LESSEN VISUAL IMPACT. LIGHTING TO BE LIMITED TO LANDMARK BUILDING.

CAMA MINOR PERMIT FOR BOARDWALK IMPROVEMENT PROJECT
PHASE TWO – NORTHERN EXTENSION

TOWN OF CAROLINA BEACH

OF THE BOARDWALK AREA
SHEET 1 OF 1
TOWN OF CAROLINA BEACH – FEDERAL POINT TOWNSHIP
NEW HANOVER COUNTY – NORTH CAROLINA
SCALE: 1" = 30' DATE: MAY 5, 2014
30 0 30 60 90
1 INCH = 30 FEET



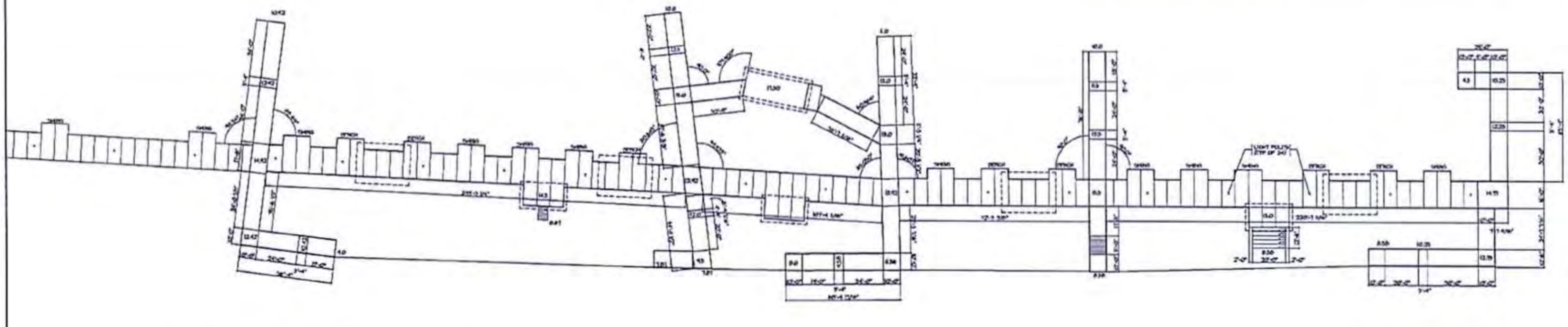
CAMA MINOR PERMIT (5-4-14)

1/A2.1 PHASE TWO - NORTHERM EXTENSION

SCALE: 1" = 30' - 0"

Notes:

1. Elevation of entire northern extension lowered 1'-0" to lessen view impacts from adjacent properties.
2. Four (4) seating areas removed - see notes above.
3. All previously proposed pole mounted lighting removed from plan to lessen visual impact. Lighting to be limited to lightway railings.



2/A2.1 EXISTING BOARDWALK IMPROVEMENT

SCALE: 1" = 30' - 0"

NOTE: THIS PORTION HAS PREVIOUSLY BEEN PERMITTED

CAMA MINOR PERMIT - NORTHERN EXTENSION

PROPOSED FACILITY FOR THE

BOARDWALK IMPROVEMENT PROJECT

CAROLINA BEACH, NORTH CAROLINA

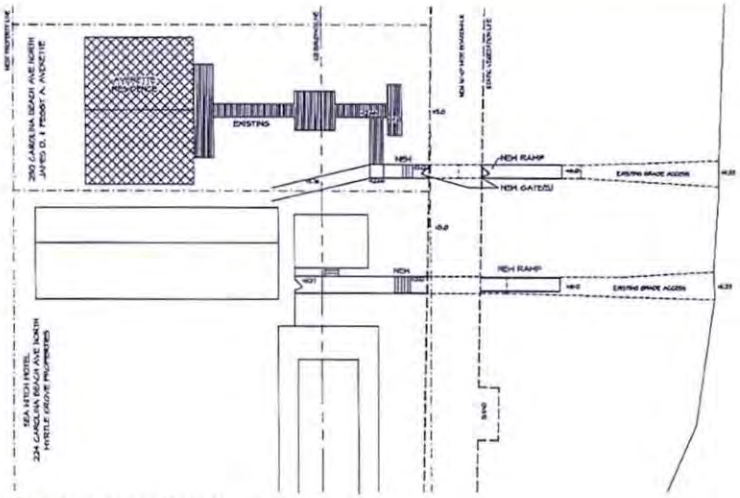
TOWN OF CAROLINA BEACH NORTH CAROLINA

reynolds/architecture

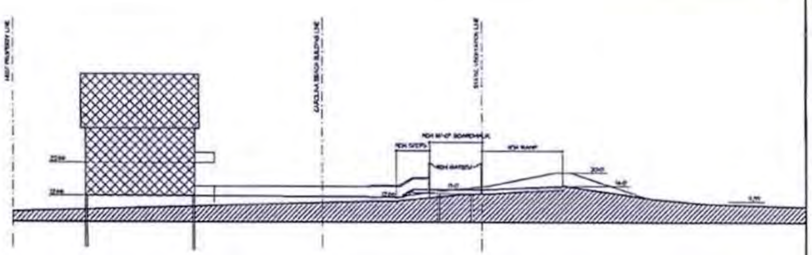
GREGORY R. REYNOLDS 6331 CAROLINA BEACH N.C.

SHEET NUMBER

A2.1

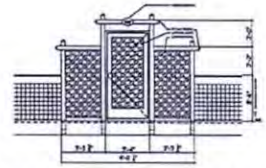


1 SK PRELIMINARY SITE LAYOUT
SCALE: 1/8" = 1'-0"
THIS DESIGN PROVIDES NEW STEPS FROM SUBJECT PROPERTY TO THE ELEVATION OF THE NEW BOARDWALK (APPROXIMATELY 2'-4" RISE)

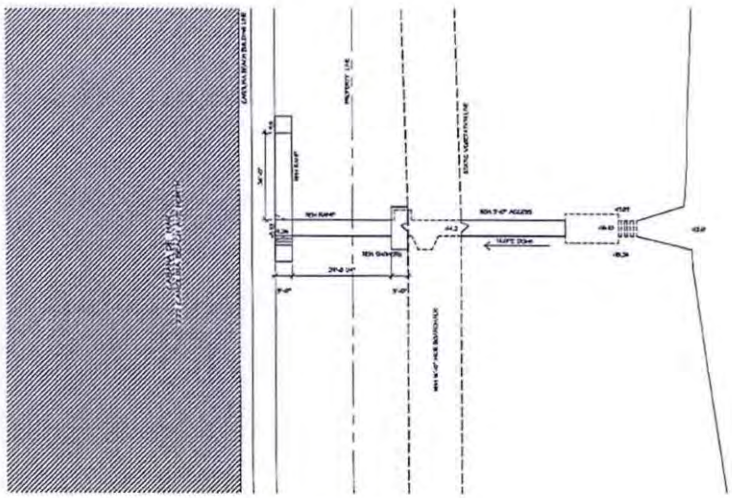


2 SK 230 CAROLINA BEACH AVE. NORTH LONGITUDINAL SECTION
SCALE: 1/8" = 1'-0"
THIS DESIGN PROVIDES NEW STEPS FROM SUBJECT PROPERTY TO THE ELEVATION OF THE NEW BOARDWALK (APPROXIMATELY 2'-4" RISE)

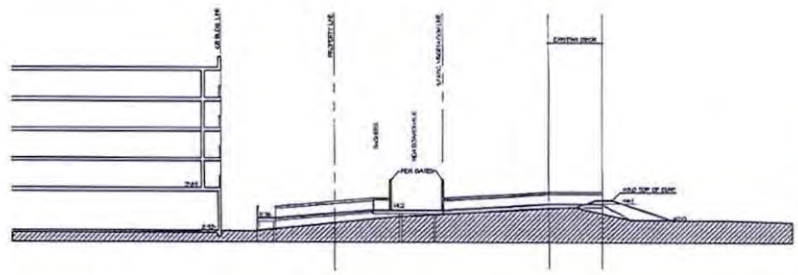
NOTE: FINAL REVISION: LOWERS THE PROPOSED BOARDWALK FROM 16.0 TO 15.0 WHICH SHORTENS RAMPS, REQUIRES LESS STEPS. ALL POLE LIGHT FIXTURES ARE REMOVED ON NORTHERN EXTENSION



5 SK PRIVATE ENTRY GATE
SCALE: 1/4" = 1'-0"
TYP OF FOUR (4) LOCATIONS



3 SK CABANA DEL MAR PRELIMINARY SITE LAYOUT
SCALE: 1/8" = 1'-0"



4 SK CABANA DEL MAR LONGITUDINAL SECTION
SCALE: 1/8" = 1'-0"

ADJACENT PROPERTY OWNERS
PROPOSED FACILITY FOR THE
BOARDWALK IMPROVEMENT PROJECT
CAROLINA BEACH, NORTH CAROLINA

reynolds/architecture

SHEET NUMBER
SK

BOARDWALK IMPROVEMENT PROJECT NORTHERN EXTENSION 16' WIDE STRUCTURE

Legend

- Building Line
- 16 Foot Wide Structure

1 inch = 65 feet

June 2014 Brenda Butler

BOARDWALK IMPROVEMENT PROJECT NORTHERN EXTENSION 8' WIDE STRUCTURE

Legend
Building Line
8 Foot Wide Structure

1 inch = 65 feet

June 2014 Brenda Butler

April 21, 2014

The Honorable Mayor and Council
Town of Carolina Beach Town Council
Town Hall
1121 North Lake Boulevard
Carolina Beach, NC 28428

Reference: Points of Understanding with Cabana Home Owners Association and Town of Carolina Beach--Reference Carolina Beach Boardwalk Extension.

Mayor Wilcox and Council Members,

The purpose of this letter is to voice concerns that were outlined in a meeting held in November of 2013 with officials of the Town of Carolina Beach and in January 2014 with members of the Cabana Home Owners Association. The purpose of these prior meetings was to identify, recognize and discuss the impact of a future Carolina Beach Boardwalk extension on security, privacy and property value at Cabana. In no way should this letter be construed as an expression of support or opposition of any potential Boardwalk extension by the Cabana Board of Directors or the Cabana Home Owners Association.

The following items were identified as concerns expressed by Cabana Homeowners with a north extension of the current boardwalk:

1. Elevation. The elevation of the Boardwalk that extends between the ocean and the Cabana must be at the level of the dune so as not to block the 1st floor Cabana view of the beach.
2. Width of Structure. The proposed width of 16 feet would have a significant impact on traffic, noise and obstruct the ocean view of Cabana home owners.
3. Crowds and Noise- Seating areas or benches located on the Boardwalk area in front of the Cabana are undesirable.
4. Security – Concerns has been expressed by homeowners that the proposed Boardwalk will increase vandalism and property trespassing. Security must be maintained at the Cabana, consistent with the existing Cabana fencing and property access:

    - Two lockable gates will be required for homeowners to access Cabana's private beach access walkway. This creates a cumbersome situation for homeowners and guests to navigate across the proposed boardwalk.
    - Locked access gates, with Cabana approved hardware, between the Boardwalk and the Cabana and between the boardwalk and Cabana's private beach access must be included to maintain the existing security level of the Cabana.
    - Screened fencing surrounding the Cabana pool would be required to assure privacy and security. The Boardwalk will extend alongside the Cabana pool.

Homeowners on the first floor level have expressed concerns their ocean view will be blocked by this type of screen.

5. The new boardwalk's proposed public beach access (as currently designed in the middle of the Cabana) must be moved to one end of the Cabana's property line or the other so that it is not in direct view of the Cabana homeowners.
6. Shower Placement- The showers and foot washes would be required to move closer to the Cabana, as they are currently where the proposed boardwalk would be installed.
7. Appropriate ADA compliant wheelchair access between Cabana and the Boardwalk Extension would be required.
8. Any Boardwalk extension lighting in front of the Cabana would have to be installed at the level of the boardwalk floor to minimize any "spotlight" effect, brightness, and negative viewing conditions for Cabana owners and guests.
9. Storm and Hurricane Damage- Cabana homeowners have raised concerns about the debris damage that a large horizontal structure will inflict on our building when a major storm occurs.

The Cabana Board of Directors have the right to pre-approve the design including the choice of hardware and materials associated with any construction connecting with Cabana property, if the boardwalk extension is extended northward.

- No construction of the Boardwalk Extension between the ocean and Cabana should occur between Memorial Day and Labor Day.
- Construction of the Boardwalk Extension between the Ocean and Cabana (including all construction on Cabana property) needs to be completed within 90 days of start.

There is also another issue outside of the proposed boardwalk that was brought to the attention of Town officials during the November 2013 meeting. A storm water drain line was severed by Carolina Beach city workers several years ago. The damaged drain is located on the street side of the Cabana and has been rendered useless. As a result, and at considerable expense to Cabana homeowners, a pump system for drain water overflow had to be installed to guard against further erosion of soil underneath the building concrete parking area and the building's foundation and footings. We are still waiting for the City to rectify this issue that has been forced upon us.

The Cabana Board of Directors looks forward to further dialogue regarding any potential implementation issues surrounding the proposed project and the above listed concerns. As stated above, this letter should not be construed as an expression of support or opposition of the proposed project. Our purpose is to communicate the issues that homeowners have voiced about a project of this magnitude and the potential impact it brings upon the Cabana property. The support or opposition of the Cabana Homeowners will be determined through this dialogue with a better understanding of how these issues will be resolved.

The Cabana Home Owners Association would like to express our appreciation to the

Carolina Beach Town Management for their willingness to continue this dialogue.

Sincerely,

Cabana Homeowners Association Board

Cc: Mayor- Dan Wilcox
Mayor Pro Tem-LeAnn Pierce
Council Member-Sarah Friede
Gary Doetsch-Council Member
Steve Shuttleworth-Council Member
Michael Cramer-Town Manager
Ed Parvin-Assistant Town Manager

Dan Wilcox
Mayor

Sarah Friede
Council Member

Steve Shuttleworth
Council Member

LeAnn Pierce
Mayor Pro Tem

Gary Doetsch
Council Member

Michael Cramer
Town Manager

TOWN OF CAROLINA BEACH
1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428
910 458 2996
FAX 910 458 2997

May 7, 2014

Eddie Buchanan, President
Cabana Homeowners Association Board
222 Carolina Beach Ave. N.
Carolina Beach, N.C. 28428

Re: Boardwalk Extension Points of Understanding

Dear Mr. Buchanan:

On behalf of the Town, thank you for your April 21, 2014 letter regarding our Boardwalk project. We appreciate your diligence in working with our staff and designers in identifying concerns and solutions. Please accept the following as our response and status of the items as presented in your letter:

1. **Elevation:** Originally the boardwalk handrail was a little over 3 feet below the Cabana first floor elevation and equal to the frontal dune elevation. We have since lowered the entire northern extension 1 foot, so the new handrail elevation of 17.7 is just shy of 4 feet lower than the first floor elevation of 21.6. and .3 feet lower than the frontal dune at 18 feet.

2. **Width:** The intent of widening the Boardwalk from 8 to 16 feet is to improve circulation, safety and handicapped accessibility. While we understand the concern, it is our feeling that narrowing the width would have little if any impact on number of users, noise or views.

3. **Crowds and noise:** There are 3 proposed seating bumpouts along the Cabana's 300 feet of frontage – one at your northern and southern property boundaries and one in the middle. In response to your concern we are removing all three of these areas.

4. **Security:** The fencing and gates as described is consistent with what was agreed to at our meetings. Staff will meet with their maintenance supervisor to further review pool screening options.

5. **Public Beach Access:** As discussed at the January HOA meeting, the access originally planned in front of the Cabana has been moved north to the Sea Witch frontage.

6. **Showers:** The Town will replace the showers at your preferred location.

7. **ADA:** The Town will construct the new private beach access from the Cabana to the Boardwalk and from the Boardwalk down to the beach to meet Building Code and ADA standards.

8. **Lighting:** We have already removed all pole mounted lighting for the northern extension. The walkway "puck" style lighting will be mounted to the railing. We have selected a lower voltage fixture for the extension.

9. **Storm damage:** The structure is engineer designed to be "heavy timber" type construction. This design includes 139 mph windspeed per the Building Code with pilings driven to a minimum 16 feet below grade.

10. **Pre-approval of construction design and materials:** We certainly agree that the Cabana Board should pre-approve all design and materials connecting with the property.

11. **Construction period:** Construction will begin after Labor Day and is projected to be completed within a 5-6 month time frame for the existing Boardwalk and the extension so actual construction in front of the Cabana should be much less than 90 days.

12. **Stormwater:** It is my understanding that our Public Works Director is working with the Cabana staff on this issue.

We look forward to continuing to work with you as the project continues. Hopefully we have addressed the bulk of your concerns satisfactorily. Please call at 458-2994, or email at michael.cramer@carolinabeach.org if you have additional comments or concerns.

Sincerely,

Michael Cramer
Town Manager

letter from Noel Fox to James Averette 4-27-14

James Donald Averette
503 Faucette Street
Fuquay Varina, NC 27526

Re: Carolina Beach Boardwalk Expansion

Dear Mr. Averette,

I hope this letter finds you doing well.

It was a pleasure to meet you and your daughters on March 29th. Thank you for allowing me and representatives of the Town to show you the proposed location of the Boardwalk in relation to your property line and to again present you proposals for tying your existing access into the Boardwalk and to address the concerns outlined in your February 18, 2014 letter to Braxton Davis.

I understand from our meeting that you have historically had issues with individuals trespassing on your property to access the beach. Your daughters are concerned that the Boardwalk will result in increased vandalism to and trespassing on your property. As we discussed, the proposals the Town has submitted to you for your review include a locked door adjacent to the Boardwalk which will prevent individuals utilizing the Boardwalk from exiting the Boardwalk at your property. Furthermore, the Town would be willing to install a locked gate adjacent to the Street to prevent individuals from attempting to access the Boardwalk by trespassing on your property. Your existing gate is unsecured.

Your daughters expressed much concern that the families to which you rent your cottage will find the locked gates a hassle and the Boardwalk an inconvenience. As we discussed, the locks and gates installed by the Town will be marine grade and able to withstand the salt air environment. If ever a problem did occur, the Town would address it immediately. The Boardwalk will allow the families that rent your cottage to stroll safely to the Central Business District for dinner, ice cream and summer festivities held. The inconvenience of the gates would be minimal and significantly outweighed by the improved security to your property and the ease of access to the Central Business District afforded by the Boardwalk.

I understand that the existing environment surrounding your cottage has impacted the enjoyment of your tenants and your family. Specifically, there has been an impact from the live music from the bar across the street, the increased noise from the two hotels adjacent to your property, and the trespassing and vandalism you associate with the change in uses of the surrounding properties. As we discussed, your cottage is now located in the central business district and other than enforcing the existing ordinances, the Town is not able to lessen the impact of the permitted uses of the surrounding properties.

While currently, from the existing first floor deck of your cottage, it is not possible to see the ocean, in response to your expressed concerns about the impact to your view, the Town has modified the original plans for the Boardwalk to lower it in front of your property. Furthermore, it is my understanding from your former attorney that your tenants occupy the first floor residence of the cottage and you occupy the second floor apartment. The installation of the Boardwalk will not affect your view of the Ocean from the second floor deck.

I understand from your former attorney that there is no interest on your part in engaging in any further discussions about the Town's willingness to address concerns you may have about the Boardwalk extension. As I indicated during our meeting, if the Coastal Resource Commission grants the Town's request for a variance and the Boardwalk extension is built, I assure you that the Town will work with you to minimize the impacts to your property.

Please do not hesitate to contact me with any questions.

Letter from Noel Fox to Ned Barnes 4-27-14

Ned Barnes
Attorney at Law
A-3 Pleasure Island Plaza
Carolina Beach, NC 28428

Re: Averette Meeting- March 29, 2014

Dear Ned,

I hope this letter finds you doing well.

I was contacted by Mr. Averette's daughter, Renee Lewis, and informed that you no longer represent Mr. Averette in connection with the northern extension of the Carolina Beach Boardwalk.

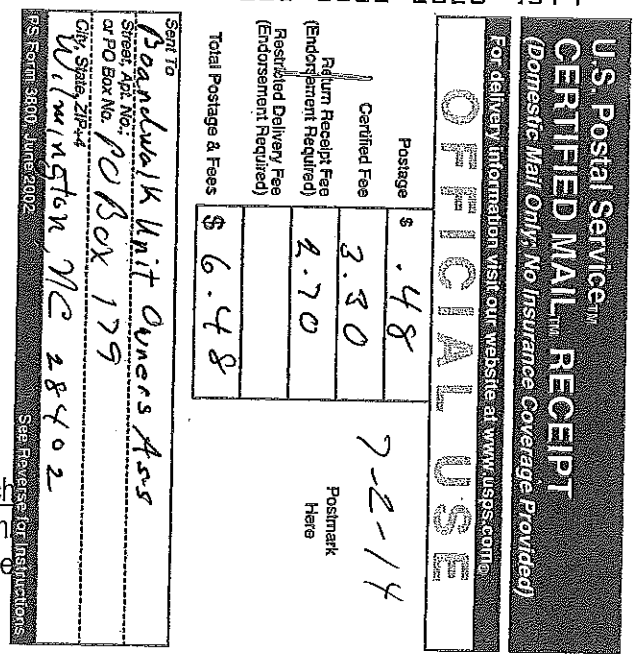
I want to thank you for your considerable efforts to arrange the meeting with Mr. Averette and his daughters at Mr. Averette's cottage on March 29th. It was disappointing to learn that Mr. Averette and his daughters had not previously reviewed the options the Town presented to Mr. Averette to minimize any potential impacts of the proposed Boardwalk extension. Their persistent refusal to engage in a dialogue about their concerns regarding the Boardwalk extension and the Town's ability to address those concerns is frustrating. However, I do appreciate your efforts.

ATTACHMENT E (con't)

Attachments to Petitioner's Variance Package

1. Notices of Variance Request dated July 2, 2014 to Adjacent Property Owners/Commenters*

*These notices are in addition to the notices sent June 17, 2013.



July 2, 2014

Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolina Beach Division of Coastal Management - Coastal Resources Com the Carolina Beach Boardwalk on Public Trust Lands adjace beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com,** or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

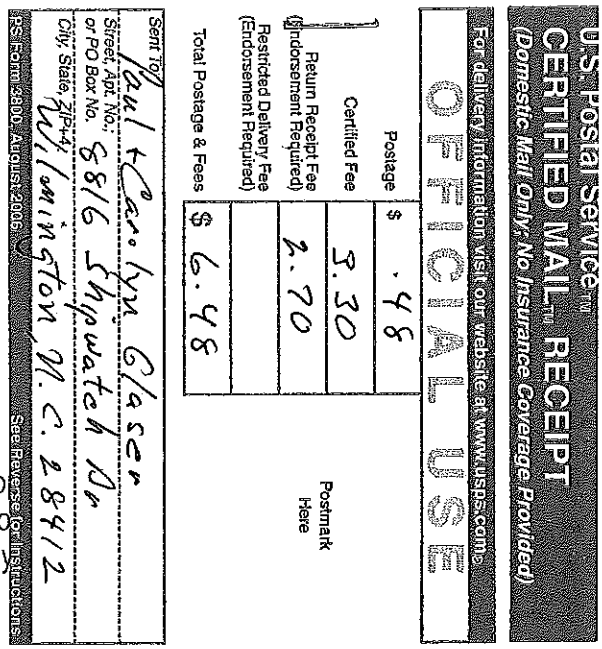
Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)

7008 0150 0002 8277 6940



July 2, 2014

Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolina Beach is ap
Division of Coastal Management - Coastal Resources Commissio
the Carolina Beach Boardwalk on Public Trust Lands adjacent to y
beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com,** or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

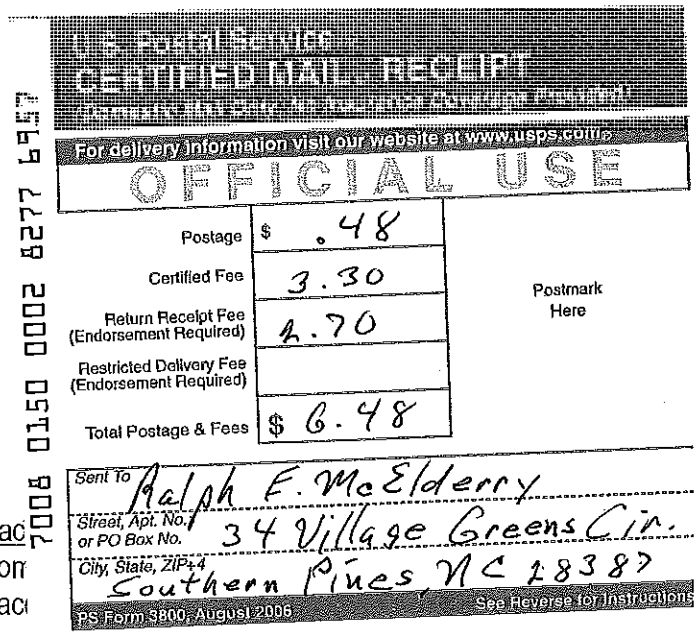
400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)



July 2, 2014

Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolina Beac
Division of Coastal Management - Coastal Resources Com
the Carolina Beach Boardwalk on Public Trust Lands adjac
beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com,** or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

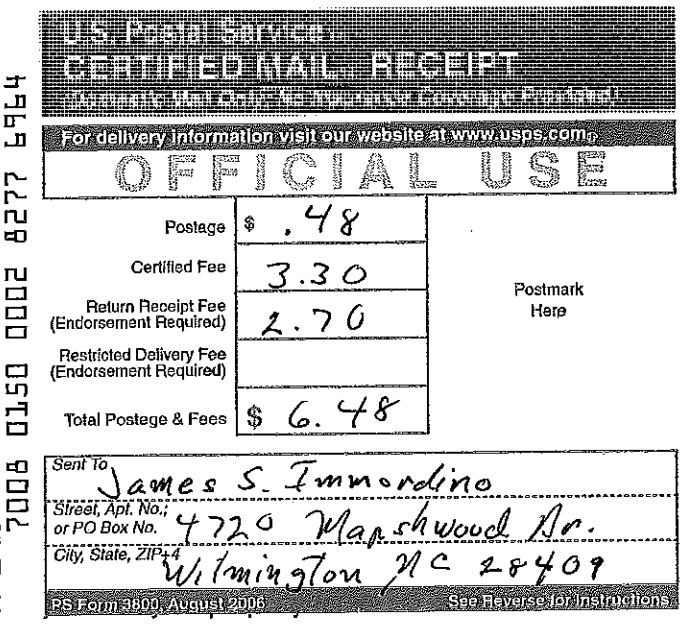
400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)



July 2, 2014

Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolin
Division of Coastal Management - Coastal Resourc
the Carolina Beach Boardwalk on Public Trust Land
beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com**, or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

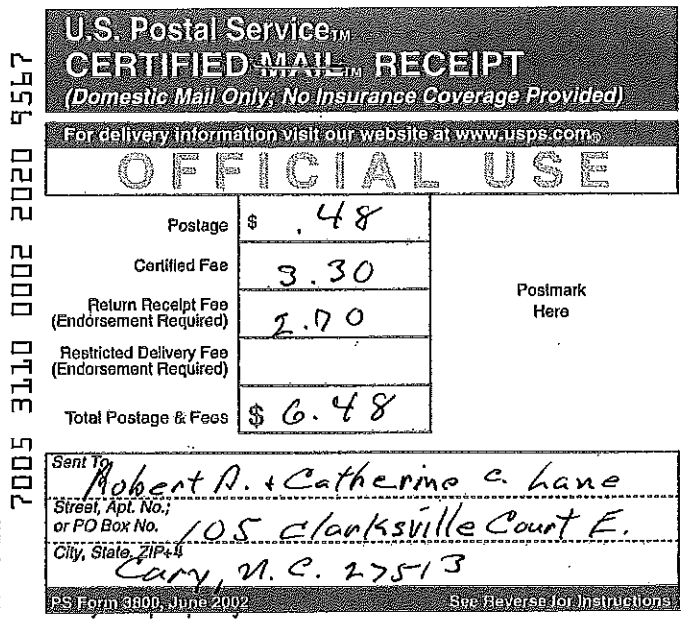
400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)



July 2, 2014

Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolina Bea
Division of Coastal Management - Coastal Resources Cc
the Carolina Beach Boardwalk on Public Trust Lands adja
beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com**, or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

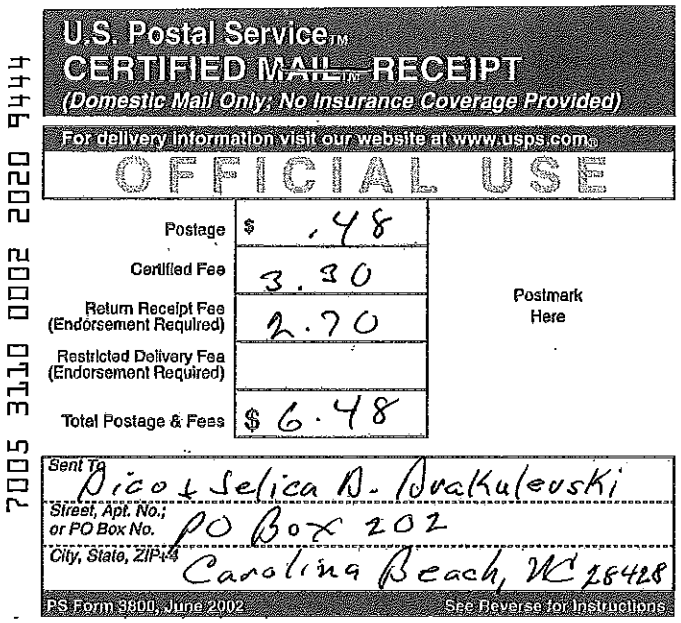
400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)



July 2, 2014

Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolina I
Division of Coastal Management - Coastal Resources
the Carolina Beach Boardwalk on Public Trust Lands a
beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com**, or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

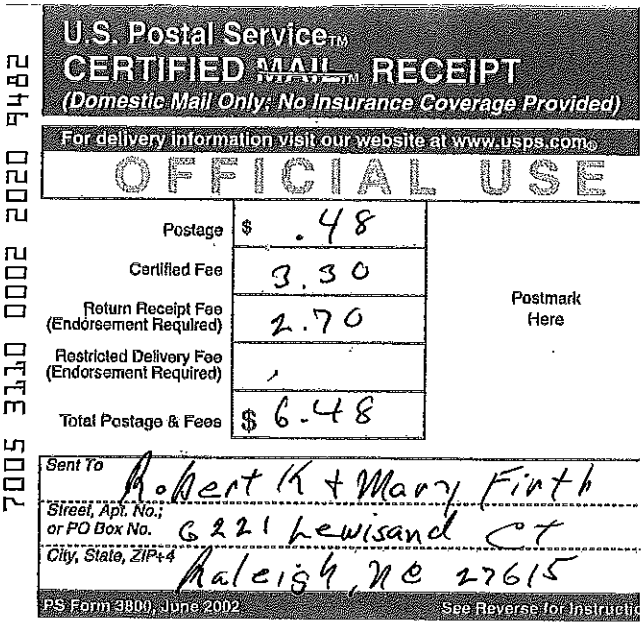
400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)



July 2, 2014

Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolina Beach Division of Coastal Management - Coastal Resources Comm the Carolina Beach Boardwalk on Public Trust Lands adjacer beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com,** or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)

July 2, 2014

7008 0150 0002 8277 7008

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	$ .48
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 6.48

Postmark Here

Sent To: Emily E. Dressel
Street, Apt. No.; or PO Box No.: 8844 Orchard Grove Way
City, State, ZIP+4: Raleigh, NC 27612

PS Form 3800, August 2006 — See Reverse for Instructions

Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolina Be
Division of Coastal Management - Coastal Resources C
the Carolina Beach Boardwalk on Public Trust Lands adj
beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com,** or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

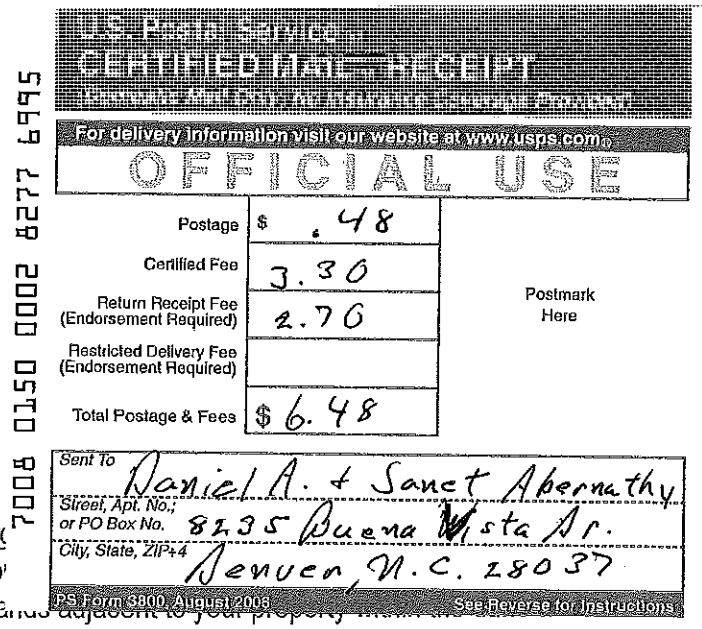
400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)



July 2, 2014

Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carc
Division of Coastal Management - Coastal Reso
the Carolina Beach Boardwalk on Public Trust La
beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com,** or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

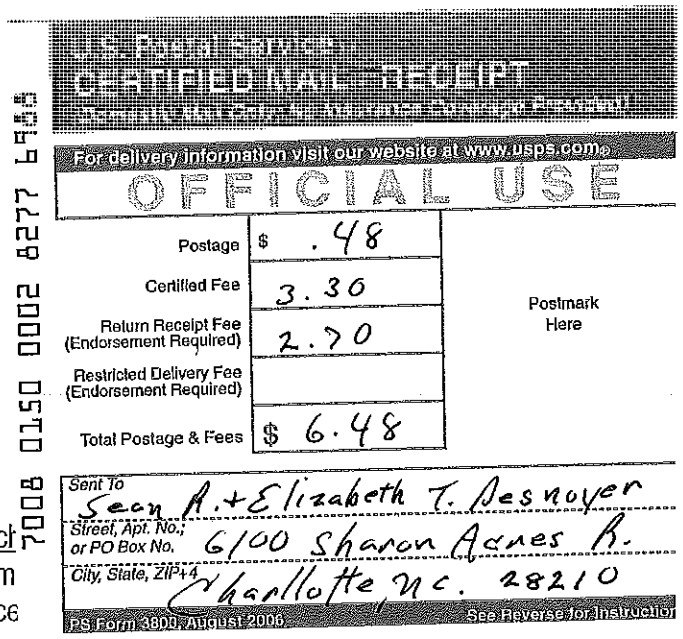
400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)



July 2, 2014

Dear Adjacent Property Owner:

This letter is to inform you that, The Town of Carolina Beach Division of Coastal Management - Coastal Resources Com the Carolina Beach Boardwalk on Public Trust Lands adjace beachfront between Harper Ave. and Pelican Lane.

The variance request will be heard at the next regular meeting of the CRC to be held on July 30 and 31 at the Coastal Reserve Headquarters, 101 Pivers Island Road, Beaufort, NC.

If you have any questions or comments about my proposed project, please contact me at (910) – 815-0085, email **cnfox@craigeandfox.com,** or by mail at the address listed below. If you wish to file written comments or objections with the Division of Coastal Management, you may submit them to:

Braxton Davis, Director, Ext. 201
E-mail: Braxton.Davis@ncdenr.gov

400 Commerce Ave.
Morehead City, NC 28557
252-808-2808 / 1-888-4RCOAST (1-888-472-6278)
Fax: 252-247-3330

Sincerely,

Charlotte Noel Fox, Town Attorney
Town of Carolina Beach
(Property Owner)

1121 N Lake Park Blvd
(Mailing Address)

Carolina Beach NC 28428
(City, State, Zip Code)

ATTACHMENT E (con't)

Amended Statement of Ownership:
Title to all lands of the established "building line" was conveyed to the Town of Carolina Beach in 1963 General Assembly House Bill 612, Chapter 511. The Public Beach (land from the low water mark westward to any land raised by a publicly financed beach renourishment project) is owned by the State of North Carolina in accordance with N.C.G.S. §146-6(f) and the Public Trust Doctrine.

ATTACHMENT F

PUBLIC COMMENTS RECEIVED BY DCM

TO: Robb Mairs, NC Division of Coastal Management

FROM: Mark and Ann-Marie Richard

RE: CAROLINA BEACH BOARDWALK EXTENSION

DATE: May 2, 2014

Attached are the emails for or against the Carolina Beach Boardwalk Extension. Included is a tally sheet indicating the number of units responding from the Cabana as of May 2, 2014. More will come!!

Thank you for your help.

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

BOARDWALK EXTENSION TALLY

NAME	UNIT #	FOR	AGAINST
Mark and Ann-Marie Richard	132		1 - Unit
Jan Elliott	316 & 301		2 – Units
Karl and Anna Kemper	222		1 – Unit
Larry Edward Holsten	130		1 – Unit
Ollin Manning	307 & 309	2 – Units	
Mike Stepp	214		1 – Unit
Alice and John Zachodzki	312		1 – Unit
Amanda Ventura	110		1 – Unit
Lawrence Canning	122		1 – Unit
Sharon Lyons	310		1 – Unit
Dan and Heather McNamara	404		1 – Unit
Robert (Bob) Chetwynd	105		1 – Unit
Martin and Kathleen Ensey	106		1 – Unit
Vivian Corbett	206 & 210		2 – Units
Sarah Underwood	126		1 – Unit
Stephen and Kimberly Ray	213		1 – Unit
Matthew Dunker	107		1 – Unit
Steve Falcone and Rosanne Pritchett	220		1 – Unit
TOTAL		**2 - Units**	**19 - Units**

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Michael Dean Murphy
545 Vardon Circle
Hemet, CA 92545
951.599.4391
mastermurphy@msn.com

May 4, 2014

Mr. Braxton Davis
Director, Division of Costal Management
400 Commerce Ave.
Morehead City, NC 28557

RE: Carolina Beach Boardwalk Extension

Dear Mr. Davis,

The purpose of this letter is to voice my concerns regarding the extension of the existing Carolina Beach Boardwalk that is currently under consideration. Please be advised that I am writing as a homeowner of two condominiums in the Cabana De Mar complex, #216 and #409, located at 222 Carolina Beach Avenue North, Carolina Beach, NC 28428.

This letter should be construed as an expression of opposition to any Boardwalk extension, either North or South, of the existing Boardwalk currently in place. After reading my concerns below I believe that you will see the concerns are valid and the extension is not the right thing to do. Please review my concerns as follows:

1. This project will severely affect property owners at the Cabana

RECEIVED
DCM WILMINGTON, NC
MAY 06 2014

dupe

De Mar Condominium complex. There are 76 individually owned units affected by the boardwalk extension. Of major concern will be:

A. **SAFETY:** Increased issues of vandalism and property trespassing will become an issue and result in loss of privacy and security. This proposal will bring loitering on boardwalk sitting benches, noise, increased foot traffic, litter and trash all in front of a private development.

B. **ELEVATION & WIDTH:** As proposed, the elevation of the boardwalk has the potential to block the ocean and beach view of homeowners on the first floor. The width of the proposed boardwalk will increase foot, bike and skateboard traffic thus increasing further security and noise concerns to the 76 individual Cabana property owners.

C. **LITTORAL RIGHTS:** The property owners at the Cabana do maintain littoral rights and fully expect the immediate access and enjoyment of their oceanfront property with unobstructed views of the beach and ocean.

D. **PRIVATE PROPERTY ISSUES:** The boardwalk extension brings many issues to Cabana homeowners. The need for increased security, possibly guards, locking gates, privacy fences, moving of current beach access and so on and so forth which all needs to be paid for…and at who's expense?

E. **LIGHTING:** The lighting on the boardwalk will likely obstruct views of homeowners and cause a glare effect.

RECEIVED
DCM WILMINGTON, NC
MAY 06 2014

F. **INSURANCE:** Information was requested and received from the Cabana Homeowners Association insurance providers related to damage to our property from storm related debris. Our insurance provider stated that, per Cabana's HOA letter dated April 23, 2014, our property would not be covered from damage inflicted by water driven debris in the instance of a major storm or hurricane. As you can see, this raises serious questions about a 16 foot wide structure running the length of the property and the impact it could have on our property. Additionally, the Town of Carolina Beach will have no liability or obligation to cover any damages resulting from their structure.

At this point in my life, as a retired person, I am unable to gamble with insurance companies not covering damage to my property. I am willing to bet that my fellow homeowners would agree.

In closing, I would like to take this opportunity to thank you for listening to my concerns regarding this project. Because I believe that this structure will have a significant negative impact on the homeowners of the Cabana I am asking that you do not support this project and vote NO. Again, thank you for your time and consideration.

Respectfully submitted:

Michael Dean Murphy
Owner
Cabana De Mar Units 216 & 409

RECEIVED
DCM WILMINGTON, NC
MAY 06 2014

May 18, 2014

To Braxton Davis
Director, Division of Coastal Management
400 Commerce Ave.
Morehead City, NC 28557

From Mary Voorhees
Cabana Homeowner, Unit 114
222 Carolina Beach Ave North
Carolina Beach, NC 28428

Carolina Beach plans to extend the existing Boardwalk to the North. The current Boardwalk that is in front of the main businesses has an entirely different topography with respect to buildings-sidewalk-ocean configuration vs. the Cabana Private Residences. The homeowners of the Cabana Private Residences are not a *business.* We are working professionals, college students, retired individuals, children, handicapped, renters, and vacationers. The demographics of the Cabana Private Residences are a cross-section of hard working Americans who value their environment, privacy, and *littoral rights.*

However, to extend this Boardwalk to include, Cabana Private Residences to Hamlet Street opens up a whole host of preventable problems. For example, the boardwalk is built just like a pier; and, will break off and come apart just like a pier in a hurricane. However, this pier-boardwalk would create such torrential damages it is difficult to calculate. In addition, the insurance companies are *not willing to insure* our residences because of this. It is obvious to anyone who wishes to take the blinders off that the safety, geography, and privacy of our homes are at risk for the following reasons:

1) Loosing our access to and view of the ocean.
2) Dealing with constant foot traffic, noise, trash, litter, night lights, and loss of privacy.
3) Opens the building up to robbery and car theft.
4) Our insurance provider stated that there is the potential that our property would not be covered from damaged inflicted by water driven debris in the instance of a major storm or hurricane. This raises serious questions about a 16 foot wide horizontal structure running the full length of our property and the impact it could have on our property in the very likelihood that storm waves break the structure apart. The Town of Carolina Beach will have no liability or obligation to cover any damages resulting from their structure.
5) Loss of our littoral rights and the decrease in the value of our oceanfront properties.

I stand united with the owners of the Cabana Private Residences, as well as, owners on the North end who oppose this project.

Regards,

Mary Voorhees

Mary Voorhees,
Cabana Homeowner

RECEIVED
DCM WILMINGTON
MAY 20 2014
RECEIVED
MAY 20 2014
DCM-MHD CITY

May 18, 2014

To Braxton Davis
Director, Division of Coastal Management
400 Commerce Ave.
Morehead City, NC 28557

From Charlotte Karnopp
Cabana Homeowner, Unit 114
222 Carolina Beach Ave North
Carolina Beach, NC 28428

Carolina Beach plans to extend the existing Boardwalk to the North. The current Boardwalk that is in front of the main businesses has an entirely different topography with respect to buildings-sidewalk-ocean configuration vs. the Cabana Private Residences. The homeowners of the Cabana Private Residences are not a *business.* We are working professionals, college students, retired individuals, children, handicapped, renters, and vacationers. The demographics of the Cabana Private Residences are a cross-section of hard working Americans who value their environment, privacy, and *littoral rights*.

However, to extend this Boardwalk to include, Cabana Private Residences to Hamlet Street, opens up a whole host of preventable problems. For example, the boardwalk is built just like a pier; and, will break off and come apart just like a pier in a hurricane. However, this pier-boardwalk would create such torrential damages it is difficult to calculate. In addition, the insurance companies are *not willing to insure* our residences because of this. It is obvious to anyone who wishes to take the blinders off that the safety, geography, and privacy of our homes are at risk for the following reasons:

1) Loosing our access to and view of the ocean.
2) Dealing with constant foot traffic, noise, trash, litter, night lights, and loss of privacy.
3) Opens the building up to robbery and car theft.
4) Our insurance provider stated that there is the potential that our property would not be covered from damaged inflicted by water driven debris in the instance of a major storm or hurricane. This raises serious questions about a 16 foot wide horizontal structure running the full length of our property and the impact it could have on our property in the very likelihood that storm waves break the structure apart. The Town of Carolina Beach will have no liability or obligation to cover any damages resulting from their structure.
5) Loss of our littoral rights and the decrease in the value of our oceanfront properties.

I stand united with the owners of the Cabana Private Residences, as well as, owners on the North end who oppose this project.

Regards,

Charlotte Karnopp

Charlotte Karnopp,
Cabana Homeowner

RECEIVED
MAY 20 2014
DCM-MHD CITY
RECEIVED
DCM WILMINGTON, NC
MAY 20 2014

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Ann-marie Richard [mailto:a2richard1217@yahoo.com]
Sent: Wednesday, April 30, 2014 12:28 PM
To: Davis, Braxton C
Subject: Fw: BOARDWALK EXTENSION AT CAROLINA BEACH-CABANA

Dear Mr. Davis:
We sent an email to you previously regarding our opposition to the boardwalk extension at Carolina Beach. We decided to email all of the homeowners at Cabana to see their position on this issue. Below is the email sent out. We have received many responses and would like to share them with you. What information do you need? Do you need to see the emails or just the names and unit #'s and their position on the issue? Please let us know if there is a deadline for this information.

Regards,
Mark and Ann-Marie Richard

On Sunday, April 27, 2014 8:15 AM, Ann-marie Richard <a2richard1217@yahoo.com> wrote:
As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. The proposed boardwalk design includes an expansion of width from 8 to 16 feet, increased lighting and seating. The proposed boardwalk extension will completely alter the landscape between the ocean and the Cabana and greatly impact Cabana Homeowner's security, privacy, views and property values. We support the improvements to the existing boardwalk, but **DO NOT** support the proposed extension of the boardwalk north.

WE NEED YOUR SUPPORT NOW TO STOP THE EXTENSION OF THE CAROLINA BEACH BOARDWALK. HERE ARE THE REASONS WHY:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

Will your property be devalued or no longer be classified as oceanfront property?

IT IS TIME TO ACT!!!

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit number(s). In your response, please indicate if we have your permission to use your email when communicating with the Carolina Beach Town Council or the North Carolina Coastal Resource Commission (CRC).

Please respond as soon as possible.

Thank you,
Mark and Ann-Marie Richard (Unit #132)
828-234-4243

From: Davis, Braxton C
Sent: Wednesday, May 07, 2014 8:07 AM
To: Mairs, Robb L
Subject: FW: Boardwalk Extension

For your file, thanks

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

From: "DesNoyer, Sean" <SDesNoyer@spisales.com>
Date: May 6, 2014 at 9:54:09 PM EDT
To: "frankgorhamCRC@gmail.com" <frankgorhamCRC@gmail.com>
Subject: Boardwalk Extension

Frank,

My name is Sean DesNoyer and I am a proud owner of a condo in Carolina Beach. My address is 115 Carolina Beach Ave 303...our condo building is called Boardwalk. I am also the president of our HOA.

I am writing to voice my concern about the idea of extending the boardwalk to Hamlet Street. All nine of the Boardwalk owners oppose this project. All owners feel that the public boardwalk between our properties and the ocean would take away our littoral rights. Littoral rights give ocean front property owners the legal right to immediate, direct and unobstructed access to the ocean, from any point of the property abutting the ocean, and an unobstructed view of the ocean from any point abutting the ocean. We also believe this will bring more noise to our area as well as have a negative impact on our property value.

I am asking you to redirect your plans on extending Boardwalk to Hamlet Street, if not, we will take the necessary action to block such a move.

Thanks,

Sean

SEAN DES NOYER
COO
SALES PERFORMANCE INTERNATIONAL
4720 Piedmont Row Drive
Suite 400
Charlotte, NC 28210 USA
t: 704.227.6510
f: 704.364.8114 m: 704.953.0628
www.spisales.com | www.solutionselling.com

Simpson, Shaun

From: Mairs, Robb L
Sent: Wednesday, April 30, 2014 4:52 PM
To: Simpson, Shaun
Subject: FW: Opposition to Carolina Beach boardwalk extension

Please put this one in the pending file as well. Thanks.

From: Davis, Braxton C
Sent: Wednesday, April 30, 2014 4:50 PM
To: Mairs, Robb L
Subject: FW: Opposition to Carolina Beach boardwalk extension

---

From: Mike Stepp [mailto:mikestepp@msn.com]
Sent: Wednesday, April 30, 2014 4:41 PM
To: Davis, Braxton C
Cc: ebuchan50@yahoo.com; ralewis@wcpss.net
Subject: Opposition to Carolina Beach boardwalk extension

Costal Resource Commission
Braxton Davis, Director, Division of Coastal Management

400 Commerce Ave.

Morehead City, NC 28557

Re: In OPPOSITION to Extension of the Carolina Beach boardwalk

Dear Mr. Davis,

We are NC Residents and have owned Unit 214 (oceanfront) at Cabana in Carolina Beach since 1996. We are very upset by recent consideration by the Town of Carolina Beach to invade our natural view and beach access with a huge, ugly pedestrian and skateboard wooden highway across the natural dunes, thereby usurping our littoral rights. The dunes are in the best shape we can remember and they will certainly be disfigured by this structure and it's 24/7 noisy traffic.

Since preserving the natural beauty of our coastline is extremely important to all citizens including visitors, any extension plan deserves a full public hearing and environmental review before it is permitted. The city must be held liable for any increased risk of storm damage and any loss of property value caused by this wall of deliberate obstruction.

We have heard no clear description of any benefit to beach goers from this structure. Bicycles are already allowed on the beach and other wheeled traffic along wooden planks will certainly add much noise and nighttime visual pollution, even perhaps displace many shorebirds and other wildlife habitat. It seems to us that this plan is unusually bad for all, setting a grim precedent contrary to the preservation and enjoyment of North Carolina's coastline.

Thank you for hearing our concerns.

Michael R Stepp

Mike & Gail Stepp
108 Helmsdale Drive
Chapel Hill, NC
27517
(919) 401-6727

April 30, 2014

Costal Resource Commission

Braxton Davis, Director, Division of Coastal Management

400 Commerce Ave.

Morehead City, NC 28557

Re: In OPPOSITION to Extension of the Carolina Beach boardwalk

Dear Mr. Davis,

We are NC Residents and have owned Unit 214 (oceanfront) at Cabana in Carolina Beach since 1996. We are very upset by recent consideration by the Town of Carolina Beach to invade our natural view and beach access with a huge, ugly pedestrian and skateboard wooden highway across the natural dunes, thereby usurping our littoral rights. The dunes are in the best shape we can remember and they will certainly be disfigured by this structure and it's 24/7 noisy traffic.

Since preserving the natural beauty of our coastline is extremely important to all citizens including visitors, any extension plan deserves a full public hearing and environmental review before it is permitted. The city must be held liable for any increased risk of storm damage and any loss of property value caused by this wall of deliberate obstruction.

We have heard no clear description of any benefit to beach goers from this structure. Bicycles are already allowed on the beach and other wheeled traffic along wooden planks will certainly add much noise and nighttime visual pollution, even perhaps displace many shorebirds and other wildlife habitat. It seems to us that this plan is unusually bad for all, setting a grim precedent contrary to the preservation and enjoyment of North Carolina's coastline.

Thank you for hearing our concerns.

Michael R Stepp

Michael R Stepp

Gail E Stepp

Gail E Stepp

RECEIVED
MAY - 5 2014
DCM-MHD CITY

(sent via email and hard copy 4/30/14)

RECEIVED
DCM WILMINGTON, NC
MAY 06 2014

Wilson, Debra

From: Davis, Braxton C
Sent: Friday, April 25, 2014 2:27 PM
To: Wilson, Debra; Weese, Elizabeth
Subject: FW: Carolina Beach Boardwalk extension

From: Beverley Pellom [mailto:bpellom@hotmail.com]
Sent: Friday, April 25, 2014 12:56 PM
To: Davis, Braxton C
Subject: Carolina Beach Boardwalk extension

To : Members of the CRC
Braxton Davis, Director of the Division of Coastal Management

On behalf of my father Ralph McElderry and myself, as condo owners at Carolina Beach (Boardwalk Condos. 115 Carolina Beach Avenue, South) this letter is being sent to you as resounding opposition to the Carolina Beach Boardwalk proposal to extend the Boardwalk.
We feel that the extension is unnecessary as a paved road currently exists from the Mariott Hotel south to Hamlet St. If beautification is the purpose of the extension proposal, it makes no sense to cover dunes and seagrass and natural beauty with 16 ft. of wood and streetlights. While it is unnecessary as previously noted it is also extremely detrimental to the property values of the homeowners who would be subject to this unnecessary "beautification". We stand firmly in opposing this extension and join with those other homeowners both North and South of the existing Boardwalk in this opposition.
We love our beach home and the entire Carolina Beach community having owned various properties there continuously since the early 70's. We support the towns efforts to improve and beautify the existing Boardwalk. We draw the line at disrupting natural beauty and affecting property values when a walkway currently exists. That seems to be a waste of money. Additionally our deed states that our property extends to the high water line of the Atlantic Ocean.
I thank you for your attention and careful consideration in this matter.

Warm Regards,

Beverley Pellom
Ralph McElderry

Wilson, Debra

From: Davis, Braxton C
Sent: Monday, March 10, 2014 4:23 PM
To: Alice Zachodzki
Subject: RE: Carolina Beach Northern Boardwalk Extension

Ms. Zachodzki,
Thank you for your email, we will add your comments to our file for this project.

Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.
E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

-----Original Message-----
From: Alice Zachodzki [mailto:azmanor@me.com]
Sent: Saturday, March 08, 2014 10:12 AM
To: Davis, Braxton C
Subject: Carolina Beach Northern Boardwalk Extension

Dear Director Baxton,
I own a condo in The Cabana Suites, a four storied 70+ unit building located at 222 Carolina Beach Ave. N. and I share Mr. Averette's objections to the proposed northern extension of the boardwalk. Other owners in my building I have spoken with also feel this way.

My concerns are, but not limited to, the serious damage likely to occur to the dunes and their vegetation as a result of the construction process, the reduced privacy and security we would suffer, the transformation of a pristine natural area, the dune line, into a public walkway and the negative affects it could cause to our property value. The potential for catastrophic structural damage to our building from wave driven heavy debris resulting from a storm damaged or destroyed boardwalk.

I thank you for your time and would urge you and the commission to maintain your position by denying any variance or appeal of your most recent ruling regarding this ill conceived project.

I would appreciate it if you would please acknowledge receipt of this email.

Thank you so much.
Alice Zachodzki
Cell # 704-604-5102

Wilson, Debra

From: Davis, Braxton C
Sent: Tuesday, April 15, 2014 1:28 PM
To: Lynda Buchanan
Subject: RE: Carolina Beach Boardwalk Extension

Ms. Buchanan,
My apologies for the delay, I'm just returning from a short vacation from the office… I did receive your email. Your comments will be considered and have been included in the official file for this project.

Take care,
Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Lynda Buchanan [mailto:lynbuc11@yahoo.com]
Sent: Monday, April 14, 2014 7:28 PM
To: Davis, Braxton C
Subject: Fwd: Carolina Beach Boardwalk Extension

Dear Mr. Davis:

Would you please respond letting me know that you received the attached email with my concerns regarding the Carolina Beach Boardwalk extension?

Thank you,
Lynda Buchanan

Begin forwarded message:

> **From:** Lynda Buchanan <lynbuc11@yahoo.com>
> **Date:** April 7, 2014 at 2:03:14 PM EDT
> **To:** "Braxton.Davis@NCDENR.Gov" <Braxton.Davis@NCDENR.Gov>
> **Subject: Carolina Beach Boardwalk Extension**
>
> Dear Mr. Davis:

I am a homeowner at Cabana in Carolina Beach. This is an oceanfront, 76 unit condominium comprised of private owners. I am writing you to express my concerns regarding the northern boardwalk extension which is being planned by the Town of Carolina Beach.

I bought my oceanfront condo for the beautiful view and water access. I strongly object to having the boardwalk extended across the front of Cabana as it would destroy the view and our private water access. It will create security, noise, privacy and lighting issues for the homeowners. I am also concerned that such an enormous, elevated structure running horizontal to the ocean has the potential to cause major damage to Cabana when the next hurricane or storm hits.

Thank you for your attention. I look forward to your response acknowledging receipt of this email.

Sincerely,

Lynda Buchanan
(910) 799-9313

Sent from my iPad

Wilson, Debra

From: Davis, Braxton C
Sent: Monday, March 10, 2014 4:22 PM
To: Heather McNamara
Subject: RE: Carolina Beach boardwalk northern extension

Mr. McNamara,
Thank you for your email, we will add it to our file for this project.

Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Heather McNamara [mailto:hmacnamara@ec.rr.com]
Sent: Sunday, March 09, 2014 10:54 PM
To: Davis, Braxton C
Subject: Carolina Beach boardwalk northern extension

Dear Mr. Davis:

It is with interest I read the recent news stories on WWAY.Com and in the Star News in regards to the Carolina Beach Boardwalk northern extension. As a homeowner in The Cabana, located at 222 Carolina Beach Avenue North, I attended a homeowners' meeting on January 11, 2014 where representatives of the Town of Carolina Beach presented the project to the members of our condominium homeowners' association. The project was portrayed as being part of the creation of a "loop" similar to that in existence at Wrightsville Beach that walkers, joggers, bikers as well as local pedestrians could enjoy to have safe access to the central boardwalk area. However, when I inquired as to the funding or plan for the balance of the loop, there was no plan or funding – just a future thought or wish. When we discussed the impact to the beach dunes, the construction of the boardwalk, the location relative to our building and our pool, we were told this had all been considered and regardless of our homeowners' opinions would be progressing. To be fair, the Town had met with our building management and homeowners association to make minor modifications such as placement of walkway access to the beach - but only with the point that the project was moving forward, regardless.

Therefore, I am surprised this project has been stopped – but pleased. I was further surprised to hear that only one homeowner had opposed the initiative. Had we thought that there was any ability to oppose the extension, I think there would have been several of the 70+ homeowners in our building who would have opposed the plan. When the Carolina Beach representatives presented this project to us, it was as a "done deal" that Carolina Beach had the approval for and was moving forward with. There were several

homeowners in our building that were opposed to the project - primarily first floor homeowners who would have pedestrians on the boardwalk literally looking down into their units - but others that had concerns with the aesthetics and environmental impacts as well. There were questions of noise, lighting, insurance and location that were not well answered, but that were portrayed as being complete and in the process of being implemented.

In essence, my opposition is not to the boardwalk itself, but to the lack of proper future planning, future "loop" funding and comprehensive consideration as to what the boardwalk would mean to our dunes, our building and the impact of the inevitable storm/hurricane. The original boardwalk extension planning had been part of a larger initiative to include a pier and revitalization project including several properties the Town of Carolina Beach had purchased in the area. At this time, that project has been abandoned and Carolina Beach has put those properties up for sale. The boardwalk extension as it stands would now be a "bridge to nowhere" with no benefit. The boardwalk would end at Pelican Street which is not suited to pedestrian traffic, has no sidewalks and would be a true safety hazard. While that may not be within the purview of your commission, it does point to poor planning on the original project as a whole and the current flawed planning of the northern extension.

In any case, I applaud your commission's decision to stop the boardwalk extension given your concerns. With more information and a sound plan, I might support such an initiative. However, I have found in my career that a goal without a plan is a "wish". And wishes do not make for sound decision making.

I would appreciate any insights or corrections, clarification to my comments that you might have.

Best regards,

Daniel McNamara

910-452-7759

Subject: Cabana – Boardwalk Petition

From: donotreply-camsmgt@cincsystems.net (donotreply-camsmgt@cincsystems.net)

To: a2richard1217@yahoo.com;

Date: Monday, April 28, 2014 3:31 PM

Dear Cabana Owners:

Please see the below petition information create by Mark & Ann-Marie Richard. This petition is not being organized by the Association so responses must be sent to the Richards to be included in the petition. Thank you.

As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. The proposed boardwalk design includes an expansion of width from 8 to 16 feet, increased lighting and seating. The proposed boardwalk extension will completely alter the landscape between the ocean and the Cabana and greatly impact Cabana Homeowner's security, privacy, views and property values. We support the improvements to the existing boardwalk, but **DO NOT** support the proposed extension of the boardwalk north.

WE NEED YOUR SUPPORT NOW TO STOP THE EXTENSION OF THE CAROLINA BEACH BOARDWALK. HERE ARE THE REASONS WHY:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

Will your property be devalued or no longer be classified as oceanfront property?

IT IS TIME TO ACT!!!

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit number(s). In your response, please indicate if we have your permission to use your email when communicating with the Carolina Beach Town Council or the North Carolina Coastal

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Resource Commission (CRC).

Please respond as soon as possible.

Thank you,
Mark and Ann-Marie Richard (Unit #132)
828-234-4243
a2richard1217@yahoo.com

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Subject: FW: Cabana – Boardwalk Petition

From: Dan & Heather McNamara (dannyjmac@hotmail.com)

To: a2richard1217@yahoo.com;

Date: Monday, April 28, 2014 9:47 PM

Dear Mark and Ann-Marie;

Thank you for reaching out. We are against the northern extension. You may reference this email and our position in communicating with the Carolina Beach Town Council.

Dan and Heather McNamara

Unit 404

910-452-7759

From: donotreply-camsmgt@cincsystems.net [mailto:donotreply-camsmgt@cincsystems.net]
Sent: Monday, April 28, 2014 3:32 PM
To: Daniel & Heather McNamara; Daniel & Heather McNamara
Subject: Cabana - Boardwalk Petition

Dear Cabana Owners:

Please see the below petition information create by Mark & Ann-Marie Richard. This petition is not being organized by the Association so responses must be sent to the Richards to be included in the petition. Thank you.

As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. The proposed boardwalk design includes an expansion of width from 8 to 16 feet, increased lighting and seating. The proposed boardwalk extension will completely alter the landscape between the ocean and the Cabana and greatly impact Cabana Homeowner's security, privacy, views and property values. We support the improvements to the existing boardwalk, but **DO NOT** support the proposed extension of the boardwalk north.

WE NEED YOUR SUPPORT NOW TO STOP THE EXTENSION OF THE CAROLINA BEACH BOARDWALK. HERE ARE THE REASONS WHY:

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

Will your property be devalued or no longer be classified as oceanfront property?

IT IS TIME TO ACT!!!

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit number(s). In your response, please indicate if we have your permission to use your email when communicating with the Carolina Beach Town Council or the North Carolina Coastal Resource Commission (CRC).

Please respond as soon as possible.

Thank you,
Mark and Ann-Marie Richard (Unit #132)

828-234-4243
a2richard1217@yahoo.com

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Subject: unit 107

From: Matthew Dunker (m_dunker@bellsouth.net)

To: a2richard1217@yahoo.com;

Date: Wednesday, April 30, 2014 1:18 PM

My name is Matt Dunker the owner of unit 107 at Cabana. You can use my name or e mail as you need to. Thanks for getting this together.

Matt Dunker

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Subject: Boardwalk

From: Kim Ray (KRAY65@nc.rr.com)

To: a2richard1217@yahoo.com;

Date: Wednesday, April 30, 2014 4:41 AM

We are against the boardwalk extension. Yes, you can use our email when communicating.
Thanks,
Stephen & Kimberly Ray (Unit #213)

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Subject: reply on boardwalk

From: Sarah Underwood (sarah.underwood@yahoo.com)

To: a2richard1217@yahoo.com;

Date: Tuesday, April 29, 2014 12:29 PM

Vote: against extension
Name: Sarah Underwood
Unit: 126

You have my permission to use my email when communicating with CBTC and/or CRC.

Good luck

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Subject: Board Walk

From: vivian corbett (billviv@me.com)

To: a2richard1217@yahoo.com;

Date: Tuesday, April 29, 2014 11:27 AM

As a Cabana homeowner at Carolina Beach, I am writing to oppose the extension of the boardwalk proposed by the city to be built. Seventy some homeowner's properties will be affected by this addition to the current boardwalk.
Vivian Corbett
Owner Units 206 and 21

RECEIVED
DCM WILMINGTON, NC

MAY 0 5 2014

Subject: Re: Boardwalk

From: Jan Elliott (theclassycondo@gmail.com)

To: a2richard1217@yahoo.com;

Date: Tuesday, April 29, 2014 9:54 AM

On Tuesday, April 29, 2014, Ann-marie Richard < > wrote:

Sorry I forgot to ask for your unit #. 316 and 301

On Monday, April 28, 2014 10:08 PM, Jan Elliott <theclassycondo@gmail.com> wrote:

Absolutely, I support you 100%. Please use my email. This is NOT the way it was explained at the meeting in January. This is not progress. This is infringing on the rights of oceanfront property owners. I vote AGAINST the measure.

Sincerely,

Jan Elliott

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Subject: Re: Boardwalk extension proposal

From: hobiecat (hobiecathhi@gmail.com)

To: a2richard1217@yahoo.com;

Date: Tuesday, April 29, 2014 9:32 AM

Sure. 105
Sent via BlackBerry from T-Mobile

From: Ann-marie Richard <a2richard1217@yahoo.com>
Date: Tue, 29 Apr 2014 05:22:44 -0700 (PDT)
To: Bob<hobiecathhi@gmail.com>
ReplyTo: Ann-marie Richard <a2richard1217@yahoo.com>
Subject: Re: Boardwalk extension proposal

Thank you for your quick response. Will you please provide unit #(s) you own. Thanks

On Tuesday, April 29, 2014 7:35 AM, Bob <hobiecathhi@gmail.com> wrote:

I am against the proposed boardwalk extension. It will result in more "sleeze" hanging around the Cabana. You can use my email address.
Robert Chetwynd

Sent from Bob's 1987 Flip phone

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Subject: Unit # 106 Against Re: Cabana – Boardwalk Petition

From: ensey@comcast.net (ensey@comcast.net)

To: a2richard1217@yahoo.com;

Cc: ensey@comcast.net;

Date: Tuesday, April 29, 2014 7:42 AM

Martin and Kathleen Ensey, owners of Unit #106 is **against** the boardwalk extension.

From: donotreply-camsmgt@cincsystems.net
To: "A Martin & Kathleen Ensey" <ensey@comcast.net>
Sent: Monday, April 28, 2014 3:31:35 PM
Subject: Cabana - Boardwalk Petition

Dear Cabana Owners:

Please see the below petition information create by Mark & Ann-Marie Richard. This petition is not being organized by the Association so responses must be sent to the Richards to be included in the petition. Thank you.

As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. The proposed boardwalk design includes an expansion of width from 8 to 16 feet, increased lighting and seating. The proposed boardwalk extension will completely alter the landscape between the ocean and the Cabana and greatly impact Cabana Homeowner's security, privacy, views and property values. We support the improvements to the existing boardwalk, but **DO NOT** support the proposed extension of the boardwalk north.

WE NEED YOUR SUPPORT NOW TO STOP THE EXTENSION OF THE CAROLINA BEACH BOARDWALK. HERE ARE THE REASONS WHY:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

· Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

Will your property be devalued or no longer be classified as oceanfront property?

IT IS TIME TO ACT!!!

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit number(s). In your response, please indicate if we have your permission to use your email when communicating with the Carolina Beach Town Council or the North Carolina Coastal Resource Commission (CRC).

Please respond as soon as possible.

Thank you,
Mark and Ann-Marie Richard (Unit #132)
828-234-4243
a2richard1217@yahoo.com

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Subject: Fw: Cabana – Boardwalk Petition

From: Ann-marie Richard (a2richard1217@yahoo.com)

To: a2richard1217@yahoo.com;

Date: Wednesday, April 30, 2014 12:16 PM

On Tuesday, April 29, 2014 10:10 AM, Steve Falcone <hotdog_576@yahoo.com> wrote:
I am against the boardwalk extension.
Steve Falcone
co-owner Cabana Unit #220
On Tuesday, April 29, 2014 7:20 AM, Rosanne Pritchett <rosannepritchett@hotmail.com> wrote:
Unit 220
You may also hear from my co-owner Steve Falcone.

Date: Tue, 29 Apr 2014 05:14:49 -0700
From: a2richard1217@yahoo.com
Subject: Re: Cabana - Boardwalk Petition
To: rosannepritchett@hotmail.com

Thank you for your quick response. Will you please provide your unit #?
On Monday, April 28, 2014 10:04 PM, Rosanne Pritchett <rosannepritchett@hotmail.com> wrote:
I am against the boardwalk extension that would go in front of Cabana.

From: donotreply-camsmgt@cincsystems.net
To: rosannepritchett@hotmail.com
Subject: Cabana - Boardwalk Petition
Date: Mon, 28 Apr 2014 15:31:37 -0400

Dear Cabana Owners:

Please see the below petition information create by Mark & Ann-Marie Richard. This petition is not being organized by the Association so responses must be sent to the Richards to be included in the petition. Thank you.

As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. The proposed boardwalk design includes an expansion of width from 8 to 16 feet, increased lighting and seating. The proposed boardwalk extension will completely alter the landscape between the ocean and the Cabana and greatly impact Cabana Homeowner's security, privacy, views and property values. We support the improvements to the existing boardwalk, but **DO NOT** support the proposed extension of the boardwalk north.

WE NEED YOUR SUPPORT NOW TO STOP THE EXTENSION OF THE CAROLINA BEACH BOARDWALK. HERE ARE THE REASONS WHY:

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

· The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
· Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
· Insurance might not cover damage caused by water driven debris.
· An increase of foot traffic, noise levels and loss of privacy.
· Security issues of vandalism and trespassing.
· Elevation of the boardwalk could block homeowners' ocean view.
· A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
· Showers will have to be moved due to the placement of the proposed boardwalk.
· New locked access gates will have to be installed to provide secure access to and from the beach.
· Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

Will your property be devalued or no longer be classified as oceanfront property?

IT IS TIME TO ACT!!!

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit number(s). In your response, please indicate if we have your permission to use your email when communicating with the Carolina Beach Town Council or the North Carolina Coastal Resource Commission (CRC).

Please respond as soon as possible.

Thank you,
Mark and Ann-Marie Richard (Unit #132)
828-234-4243
a2richard1217@yahoo.com

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Subject: FW: Cabana – Boardwalk Petition

From: Rosanne Pritchett (rosannepritchett@hotmail.com)

To: a2richard1217@yahoo.com;

Cc: hotdog_576@yahoo.com;

Date: Monday, April 28, 2014 10:04 PM

I am against the boardwalk extension that would go in front of Cabana.

From: donotreply-camsmgt@cincsystems.net
To: rosannepritchett@hotmail.com
Subject: Cabana - Boardwalk Petition
Date: Mon, 28 Apr 2014 15:31:37 -0400

Dear Cabana Owners:

Please see the below petition information create by Mark & Ann-Marie Richard. This petition is not being organized by the Association so responses must be sent to the Richards to be included in the petition. Thank you.

As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. The proposed boardwalk design includes an expansion of width from 8 to 16 feet, increased lighting and seating. The proposed boardwalk extension will completely alter the landscape between the ocean and the Cabana and greatly impact Cabana Homeowner's security, privacy, views and property values. We support the improvements to the existing boardwalk, but **DO NOT** support the proposed extension of the boardwalk north.

WE NEED YOUR SUPPORT NOW TO STOP THE EXTENSION OF THE CAROLINA BEACH BOARDWALK. HERE ARE THE REASONS WHY:

· The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.

· Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.

- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

Will your property be devalued or no longer be classified as oceanfront property?

IT IS TIME TO ACT!!!

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit number (s). In your response, please indicate if we have your permission to use your email when communicating with the Carolina Beach Town Council or the North Carolina Coastal Resource Commission (CRC).

Please respond as soon as possible.

Thank you,

Mark and Ann-Marie Richard (Unit #132)

828-234-4243

a2richard1217@yahoo.com

RECEIVED
DCM WILMINGTON, NC

MAY 05 2014

Subject: RE: Cabana – Boardwalk Petition

From: Rosanne Pritchett (rosannepritchett@hotmail.com)

To: a2richard1217@yahoo.com;

Cc: hotdog_576@yahoo.com;

Date: Tuesday, April 29, 2014 9:20 AM

Unit 220
You may also hear from my co-owner Steve Falcone.

Date: Tue, 29 Apr 2014 05:14:49 -0700
From: a2richard1217@yahoo.com
Subject: Re: Cabana - Boardwalk Petition
To: rosannepritchett@hotmail.com

Thank you for your quick response. Will you please provide your unit #?
On Monday, April 28, 2014 10:04 PM, Rosanne Pritchett <rosannepritchett@hotmail.com> wrote:
I am against the boardwalk extension that would go in front of Cabana.

From: donotreply-camsmgt@cincsystems.net
To: rosannepritchett@hotmail.com
Subject: Cabana - Boardwalk Petition
Date: Mon, 28 Apr 2014 15:31:37 -0400

Dear Cabana Owners:

Please see the below petition information create by Mark & Ann-Marie Richard. This petition is not being organized by the Association so responses must be sent to the Richards to be included in the petition. Thank you.

As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. The proposed boardwalk design includes an expansion of width from 8 to 16 feet, increased lighting and seating. The proposed boardwalk extension will completely alter the landscape between the ocean and the Cabana and greatly impact Cabana Homeowner's security, privacy, views and property values. We support the improvements to the existing boardwalk, but **DO NOT** support the proposed extension of the boardwalk north.

WE NEED YOUR SUPPORT NOW TO STOP THE EXTENSION OF THE CAROLINA BEACH BOARDWALK. HERE ARE THE REASONS WHY:

· The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
· Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Subject: Boardwalk

From: Edward Holston (edward26136@gmail.com)

To: a2richard1217@yahoo.com;

Date: Monday, April 28, 2014 9:56 PM

Edward Holston

Hi
I am larry Edward Holston
Unit 130
I am aganst the boardwalk

Please add me to the no way group
Email

Thanks

RECEIVED
DCM WILMINGTON, NC

MAY 0 5 2014

Subject: Boardwalk improvements, Carolina Beach

From: ohillman@bellsouth.net (ohillman@bellsouth.net)

To: a2richard1217@yahoo.com;

Date: Monday, April 28, 2014 9:43 PM

I must inform you that I am in favor of the proposed boardwalk improvements and feel that they will be beneficial to our property values. I see no reason in your email to oppose the project.

They will not restrict our access to the beach, nor will they render our property non-ocean front. As for blocking the view from the units, you cannot see the beach from your unit now. On the second floor, you can see the ocean but not the beach. I suggest that if you want ocean and beach view, you buy a unit on the 3rd or fourth floor. The only thing that a privacy fence at our pool would block would be your view of our new boardwalk, and you apparently don't want to see that anyway.

As for your comments about insurance, you will not be able to substantiate them because they are absolutely false. You should do some research before you try to scare other unit owners in to taking sides with you on your beliefs.

Ollin Manning

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Subject: AGAINST boardwalk extension

From: Mike Stepp (mikestepp@msn.com)

To: a2richard1217@yahoo.com;

Date: Monday, April 28, 2014 7:05 PM

As owners of Cabana Unit 214 since 1996, we feel the extension of the boardwalk is a really bad idea that will interrupt more of the natural beauty of the beach and set a bad precedent for North Carolina coastlines. There is no apparent value of such an ugly idea as it isolates beach front property owners from their major asset and raises the risk of storm damage. We OPPOSE any northern extension of the Carolina Beach Boardwalk.

Sincerely,

Mike and Gail Stepp (Unit 214)

P.S. Mark and Ann-Marie (unit 132), if it will help, please feel free to use our email with the Carolina Beach Town Council and the CRC. We are also sending a separate, more detailed email to the CRC.

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Subject: Boardwalk

From: Alice Zachodzki (azmanor@aol.com)

To: a2richard1217@yahoo.com;

Date: Monday, April 28, 2014 5:53 PM

Although we are in favor of the town's planned restoration and upgrade of the existing boardwalk, we are totally opposed to its northern extension.

This proposed northern extension will have long term negative affects on our building's property values, privacy, security, and the reasonable expectation of property enjoyment. It will also infringe on legal oceanfront property rights which will impact every owner. In general, the northern boardwalk extension has nothing positive to offer the owners of Cabana's 76 units.

Please feel free to share this communication with the CRC.

Thank you.
John & Alice Zachodzki
Cabana Unit 312
Email address:
Cell phone: (704)604-5102

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Subject: Re: Against

From: Amanda Ventura (amanda@sterlingpartnersusa.com)

To: a2richard1217@yahoo.com;

Date: Monday, April 28, 2014 5:47 PM

Oh sorry. 110

-------- Original message --------
From: Ann-marie Richard
Date:04/28/2014 5:17 PM (GMT-05:00)
To: Amanda Ventura
Subject: Re: Against

Thank you for your quick response. Please reply back with your unit #.
On Monday, April 28, 2014 5:11 PM, Amanda Ventura <amanda@sterlingpartnersusa.com> wrote:
I am against the board walk extension. Yes, I can use this email in all correspondents.

Regards,
Amanda Ventura

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Subject: Boardwalk in front of Cabana

From: sharonlyons (sharonlyons@charter.net)

To: a2richard1217@yahoo.com;

Date: Monday, April 28, 2014 4:01 PM

as the home owner of the unit 310 at cabana I oppose the boardwalk structure in front of our buildingin addition to being a homeowner I am also a realtor on this island for 27 years and have sold more properties in cabana than any other agent ever did. Not only will it devalues our investment but also will bring less revenue in rental income to our property ownerssincerely Sharon lyons

RECEIVED
DCM WILMINGTON, NC

MAY 05 2014

Subject: Fw: CB Boardwalk Expansion Unit 122 Lawrence Canning response

From: lawrence canning (lcanningbear@yahoo.com)

To: a2richard1217@yahoo.com;

Date: Monday, April 28, 2014 4:14 PM

On Monday, April 28, 2014 3:38 PM, lawrence canning <lcanningbear@yahoo.com> wrote:
Dear Sirs/madam, I DO NOT want the expansion to happen as it will impede my view, bring unsightly tourists, possibly bring the seedy side of the boardwalk into my backyard. NIMBY I also believe it will LESSEN our property value-- NOT enhance it.

Sincerely,

Lawrence A. Canning
404-449-5628
Unit 122

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Subject: Fwd: Cabana – Boardwalk Petition

From: Karl Kemper (karlekemper@gmail.com)

To: a2richard1217@yahoo.com;

Date: Monday, April 28, 2014 7:04 PM

Karl and Anna Kemper, Unit 222, are against the boardwalk extension. You may use my e-mail in communication with the town of Carolina Beach.

---------- Forwarded message ----------
From: < >
Date: Apr 28, 2014 3:31 PM
Subject: Cabana - Boardwalk Petition
To: "Karl & Anna Kemper" < >
Cc:

Dear Cabana Owners:

Please see the below petition information create by Mark & Ann-Marie Richard. This petition is not being organized by the Association so responses must be sent to the Richards to be included in the petition. Thank you.

As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. The proposed boardwalk design includes an expansion of width from 8 to 16 feet, increased lighting and seating. The proposed boardwalk extension will completely alter the landscape between the ocean and the Cabana and greatly impact Cabana Homeowner's security, privacy, views and property values. We support the improvements to the existing boardwalk, but **DO NOT** support the proposed extension of the boardwalk north.

WE NEED YOUR SUPPORT NOW TO STOP THE EXTENSION OF THE CAROLINA BEACH BOARDWALK. HERE ARE THE REASONS WHY:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

Will your property be devalued or no longer be classified as oceanfront property?

IT IS TIME TO ACT!!!

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit number (s). In your response, please indicate if we have your permission to use your email when communicating with the Carolina Beach Town Council or the North Carolina Coastal Resource Commission (CRC).

Please respond as soon as possible.

Thank you,
Mark and Ann-Marie Richard (Unit #132)
828-234-4243

RECEIVED
DCM WILMINGTON, NC
MAY 05 2014

TO: Robb Mairs

FROM: Mark and Ann-Marie Richard

SUBJECT: Boardwalk Extension North

DATE: May 30, 2014

Included is the latest tally of Cabana Condominium Homeowners for and against the boardwalk extension north. The tally is 47 units against and 5 units for. There still might be some late responses, if so; I will forward them to you at a later date. I am sending only the homeowners' responses not included in the first package and tally. Please join all previously sent responses together with the latest tally sheet.

Also included is a petition sign-up sheet that was placed in the Cabana lobby. Most signatures against the boardwalk extension north were renters. I cross-referenced the owners to be sure there were no duplications.

If you need clarification, please don't hesitate to call me at (828) 234-4243.

Thank you for your help.

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

BOARDWALK EXTENSION TALLY

AS OF 5-30-2014

NAME	UNIT #	FOR	AGAINST
Mark and Ann-Marie Richard	132		1 – Unit
Jan Elliott	316 & 301		2 – Units
Karl and Anna Kemper	222		1 – Unit
Larry Edward Holsten	130		1 – Unit
Ollin Manning	307 & 309	2 – Units	
Mike Stepp	214		1 – Unit
Alice and John Zachodzki	312		1 – Unit
Amanda Ventura	110		1 – Unit
Lawrence Canning	122		1 – Unit
Sharon Lyons	310		1 – Unit
Dan and Heather McNamara	404		1 – Unit
Robert (Bob) Chetwynd	105		1 – Unit
Martin and Kathleen Ensey	106		1 – Unit
Vivian Corbett	206 & 211		2 – Units
Sarah Underwood	126		1 – Unit
Stephen and Kimberly Ray	213		1 – Unit
Matthew Dunker	107		1 – Unit
Steve Falcone and Rosanne Pritchett	220		1 – Unit
Lynda Buchanan	224		1-Unit
Jeff Tilton	415		1-Unit
Michael Murphy	216 & 409		2 – Units
Trey and Michelle Rogers	308		1 – Unit
Steve and Dorothy Duke	128		1 – Unit
Sherry L. Graham	201 & 313		2 – Units
Scott Rawlings	230		1 – Unit

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Mary Lee Voorhees & Charlotte Karnopp	114		1-Unit
Kenneth & Barbara Curl	210		1-Unit
Susan Wallace	303		1-Unit
Kay McClanahan	218	1-Unit	
David Gross	103		1-Unit
Bill and Barbara Kelley	306	1-Unit	1-Unit
Deborah Byrd	116		1-Unit
Mike Williams	124	1-Unit	
Radu Dimitriu	207 & 120		2-Units
Joseph & Lise King	232 & 416		2-Units
Angela & Joe Carrabis	405 & 411		2-Units
*Betsy McCorkle	304		1-Unit
Catherine Jensen	305		1-Unit
Billy Marshal	403, 406, 407, 414		4-Unit
*Teddie Sue Williamson	226		1-Unit
Sandra McLaurin	311		1-Unit
TOTAL		**5 - Units**	**47 – Units**

***Per sign-up sheet**

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

5/17/2014

ANIT-BOARDWALK PETITION Please sign:

Please practice you're "Littoral Rights" by signing the petition to keep our residences free from: Noise, Trash/litter, Night lights, Loss of Privacy, Blocking our ocean view, devaluing our property by no longer being "ocean front."

Please indicate if you are owner, renter, or visitor.

Name:	APT #:	Owner, renter, visitor
✓ Charlotte Kannepp	#114	Owner
✓ Mary Voorhees	#114	Owner.
E. P[illegible]	406	Renter
✓ [illegible]	404	owner
✓ T. J McCorkle	304	owner
✓ Stephen + Kim Ray	203	Owner
Bob Edwards	102	Renter
Ray + Debbie Hines	310	Renter
[illegible]	104	Renter
Patty Monaco	207	Renter
Cindy Mandel	412	Renter
Karan Rischette	316	Renter
[illegible]	232	Renter
[illegible] Chase	307	Renter
Jeff Cobb	205	renter
[illegible]	204	Renter
David Rishel	204	renter
✓ J. Sue Williamson	226	owner
Edward Johnson	108	[illegible]
Kimberly [illegible]	315	Longterm renter
Steve Betz	103	Renter
✓ Michelle Rodgers	308	OWNER
[illegible]	415	Renter
✓ WILLIAM RODGERS	308	OWNER
✓ John Carrabis	405	Owner
✓ Anthony CARRABIS	405	OWNER
✓ JOE CARRABIS	405	OWNER
TONI INGARRA	405	GUEST
Scott R. Lipscomb	308	Guest
Robin Lipscomb	308	Guest
[illegible] Ving	202	Renter
[illegible] Russi		
E. Buchanan	407	Guest

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

** See NOTES ON BOTTOM OF 2ND PAGE

* next Page * ⇒

5/17/2014

Cabana #104 9:30

ANIT-BOARDWALK PETITION Please sign:

Please practice you're "Littoral Rights" by signing the petition to keep our residences free from: Noise, Trash/litter, Night lights, Loss of Privacy, Blocking our ocean view, devaluing our property by no longer being "ocean front."

Please indicate if you are owner, renter, or visitor.

Name:	APT #:	Owner, renter, visitor
✓ Michael Stiles	216	Owner
✓ Jimmy Yancey	216	OWNER
✓ Robert Murphy	404	Owner
Taylor Ledbetter		
Heather Ledbetter		
Phyllis Crumpton		
Ann Miller		

* THIS PETITION WAS INITIATED BY MARY LEE VOORHEES AND CHARLOTTE KARNOPP UNIT 114.

* ALL CHECKED ITEMS ARE OWNERS - THESE NAMES HAVE ALREADY BEEN COUNTED ON TALLY SHEET AND SHOULD NOT BE DUPLICATED

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: Re: BOARDWALK EXTENSION-RESPONSE NEEDED

From: Sandra McLaurin (scmclaurin@ec.rr.com)

To: a2richard1217@yahoo.com;

Date: Friday, May 30, 2014 2:03 AM

Sorry that we have not responded earlier. It was an oversight on our part.

We are against the construction of the boardwalk. Again, we definitely do not want it constructed.
Sandra and Melton McLaurin
Cabana #311

Sent from my iPad

On May 17, 2014, at 3:03 PM, Ann-marie Richard <[redacted]> wrote:

> You may have overlooked the email we sent you through CAMS Management Services. We own Unit 132 and live at the Cabana year round. As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. We support improving the existing boardwalk, but do not support the extension of the boardwalk north. The proposed boardwalk design includes an expansion of width from 8 feet to 16 feet with increased lighting and seating. The proposed boardwalk extension will be placed in the dunes between the ocean and the Cabana and greatly impact the Cabana Homeowners' security, privacy, views and property values. It is crucial that we get your opinion on this matter for the future of Cabana. We understand you might have a difference of opinion, and that's fine. Please call me at (828) 234-4243 if you would like to discuss this issue. Here are concerns:
>
> - The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
> - Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
> - Insurance might not cover damage caused by water driven debris.
> - An increase of foot traffic, noise levels and loss of privacy.
> - Security issues of vandalism and trespassing.
> - Elevation of the boardwalk could block homeowners' ocean view.
> - A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
> - Showers will have to be moved due to the placement of the proposed boardwalk.
> - New locked access gates will have to be installed to provide secure access to and from the beach.
> - Increased lighting along the boardwalk could obstruct views and

RECEIVED
WILMINGTON, NC
JUN 02 2014

cause a spotlight effect and/or glare.

We have already received responses from 31 units and would like to have a complete representation from all 76 condominiums.

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit #(s). We plan on tallying all the responses and sending them to the Cabana's Homeowners' Association, Carolina Beach Town Council and the Coastal Resource Commission. Please respond by May 24, 2014.

Thank you,
Mark and Ann-Marie Richard
(828) 234-4243

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: Re: BOARDWALK EXTENSION-RESPONSE NEEDED

From: Mike Williams (mikewilliams6164@gmail.com)

To: a2richard1217@yahoo.com;

Date: Sunday, May 18, 2014 4:54 PM

I am for the boardwalk extension. Mike Williams Unit 124.

On May 17, 2014 10:03 AM, "Ann-marie Richard" < > wrote:

You may have overlooked the email we sent you through CAMS Management Services. We own Unit 132 and live at the Cabana year round. As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. We support improving the existing boardwalk, but do not support the extension of the boardwalk north. The proposed boardwalk design includes an expansion of width from 8 feet to 16 feet with increased lighting and seating. The proposed boardwalk extension will be placed in the dunes between the ocean and the Cabana and greatly impact the Cabana Homeowners' security, privacy, views and property values. It is crucial that we get your opinion on this matter for the future of Cabana. We understand you might have a difference of opinion, and that's fine. Please call me at (828) 234-4243 if you would like to discuss this issue. Here are concerns:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

We have already received responses from 31 units and would like to have a complete representation from all 76 condominiums.

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit # (s). We plan on tallying all the responses and sending them to the Cabana's Homeowners' Association, Carolina Beach Town Council and the Coastal Resource Commission. Please respond by May 24, 2014.

Thank you,
Mark and Ann-Marie Richard
(828) 234-4243

RECEIVED
DCM WILMINGTON, NC

JUN 02 2014

Subject: RE: BOARDWALK EXTENSION NORTH-RESPONSE NEEDED

From: Debi Byrd (debibyrd@ec.rr.com)

To: a2richard1217@yahoo.com; marbleman19@aol.com; cabana102@yahoo.com; davegross2398@gmail.com; barretfarg@yahoo.com; debra22@gmail.com; wtartline@yahoo.com; msamples@bellsouth.net; doug.schoonmaker@suntrust.com; vscott@uniquetool.net; radud@live.com;

Date: Sunday, May 18, 2014 6:11 PM

Unit 116-Deborah Byrd is AGAINST.

From: Ann-marie Richard [mailto:a2richard1217@yahoo.com]
Sent: Saturday, May 17, 2014 9:17 AM
To: a2richard1217@yahoo com; Cabana-William & Valerie Bitting; Carl & Jane Travis; Cabana 103; Cheng-Han Feng; Kenneth & Debra & Carolee Cameron; Wayne Tartline; Mark Samples; Doug & Amanda Schoonmaker; D. Byrd Properties LLC; Vincent Scott; Radu Dimitriu
Subject: BOARDWALK EXTENSION NORTH-RESPONSE NEEDED

You may have overlooked the email we sent you through CAMS Management Services. We own Unit 132 and live at the Cabana year round. As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. We support improving the existing boardwalk, but do not support the extension of the boardwalk north. The proposed boardwalk design includes an expansion of width from 8 feet to 16 feet with increased lighting and seating. The proposed boardwalk extension will be placed in the dunes between the ocean and the Cabana and greatly impact the Cabana Homeowners' security, privacy, views and property values. It is crucial that we get your opinion on this matter for the future of Cabana. We understand you might have a difference of opinion, and that's fine. Please call me at (828) 234-4243 if you would like to discuss this issue. Here are concerns:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

We have already received responses from 31 units and would like to have a complete representation from all 76 condominiums.

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit #(s). We plan on tallying all the responses and sending them to the Cabana's Homeowners' Association, Carolina Beach Town Council and the Coastal Resource Commission. Please respond by May 24, 2014.

Thank you,
Mark and Ann-Marie Richard
(828) 234-4243

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: Re: BOARDWALK EXTENSION-RESPONSE NEEDED

From: wfkelle@aol.com (wfkelle@aol.com)

To: a2richard1217@yahoo.com;

Date: Sunday, May 18, 2014 8:57 PM

Dear Mark and Ann-Marie: I did not respond originally because we believe an extension northward towards the Cabana would be a good thing for the Cabana. For one thing, once the hotel goes in, it will block our pedestrian access to the boardwalk along Carolina Beach Ave. A boardwalk will provide necessary access, especially since Cabana cut off access via the concrete walk. Also the security and vandalism concerns are overstated and have been since the Carolina Sands units were torn down.

And although I like the idea of extending the boardwalk, I'm not convinced that the lighting and widening and other intrusions are warranted. Perhaps one approach is to not object to the project but work on scaling it back.

That said, I'm okay with you not including my support for the project in your response.

We mostly applaud your efforts to develop communication and dialogue among the unit owners on this very important issue. I hope you will continued to open up the lines of communication. The owners have for too long been discouraged and even prevented from open dialogue without going through the board. Way to go!! Keep it up!

Bill and Barbara Kelley
Cabana 306

-----Original Message-----
From: Ann-marie Richard <a2richard1217@yahoo.com>
To: Robert Williams <mikewilliams6164@gmail.com>; Gregory & Cynthia Mears <gdmears@me.com>; Williama & Lillie Wilson <wls631@aol.com>; Jeffrey & Susan Tennant <jetennant@aol.com>; John Everhart <zeverhart@aol.com>; Felecia Wills <lisa.eastgroup@charter.net>; Robert Falls <kaymcclanahan@hotmail.com>; Teddie Sue Williamson <teddiewilliamson@gmail.com>; Joseph Turner <igmlcontractors@carolinas.rr.com>; Joseph & Lise King <lisemarie@ec.rr.com>; Marvin Mann <marvinlmann@yahoo.com>; Susan Wallace <happyhrz@aol.com>; Tommy & Betsy McCorkle <bsmith23@nc.rr.com>; Catherine Jensen <clj13@comcast.net>; William & Barbara Kelley <wfkelle@aol.com>; Melton & Sandra McLaurin <scmclaurin@ec.rr.com>; Peter Lattner <pjlccl@aol.com>; Billy & Joanne Marshall <bmwakeforest@aol.com>; Joseph & Angela Carrabis <carrabisbeachbum@aol.com>; Patsy & Samuel Bush <sdbwilm@yahoo.com>; Beatrice Palazzo <jpnyx61@yahoo.com>; HGB Properties LLC <gil@bowen.com>
Sent: Sat, May 17, 2014 10:03 am
Subject: BOARDWALK EXTENSION-RESPONSE NEEDED

You may have overlooked the email we sent you through CAMS Management Services. We own Unit 132 and live at the Cabana year round. As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. We support improving the existing boardwalk, but do not support the extension of the boardwalk north. The proposed boardwalk design includes an expansion of width from 8 feet to 16 feet with increased lighting and seating. The proposed boardwalk extension will be placed in the dunes between the ocean and the Cabana and greatly impact the Cabana Homeowners' security, privacy, views and property values. It is crucial that we get your opinion on this matter for the future of Cabana. We understand you might have a difference of

RECEIVED
BRUNSWICK, NC
JUN 02 2014

opinion, and that's fine. Please call me at (828) 234-4243 if you would like to discuss this issue. Here are concerns:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

We have already received responses from 31 units and would like to have a complete representation from all 76 condominiums.

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit #(s). We plan on tallying all the responses and sending them to the Cabana's Homeowners' Association, Carolina Beach Town Council and the Coastal Resource Commission. Please respond by May 24, 2014.

Thank you,
Mark and Ann-Marie Richard
(828) 234-4243

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: RE: BOARDWALK EXTENSION NORTH-RESPONSE NEEDED

From: Radu Dimitriu (radud@live.com)

To: a2richard1217@yahoo.com;

Date: Sunday, May 18, 2014 10:36 PM

We **do not support** the boardwalk construction and agree to all the points made in this petition.

Radu Dimitriu

Cabana 207

Cabana 120

Addition / enhancements / confirmation of the issues raised:

1. **What exactly is the purpose of this boardwalk?**
The public has access to the beach just a few feet from the boardwalk. There is no issue of public access. How is walking on a boardwalk different from walking on the beach? Where else did a town build an elevated structure between properties and the ocean, on land where no permanent structure is otherwise allowed?
2. **The boardwalk will be at exactly the same level as the 1st floor unit.** 2nd floor units will also be visible from the boardwalk. Why would anyone construct an elevated **sidewalk** (which the "boardwalk" is) at the 1st level of a building 10 feet above the seal level?
- This represents a total loss of privacy to the homeowner.
- Not only will the ocean view be completely compromised, but every apartment will have the view blocked by the crowds.
- Security will be completely compromised (along with the view)
- 1st / 2nd floor apartments will be lit 24/7 by public lighting
- Noise, loud music, smoking, etc… will be at the apartment level
3. **Boardwalk maintenance** – within a year the homeowners will look at a derelict structure; the town of Carolina Beach does not have a reputation regarding public space maintenance. Who will clean the debris (beer bottles, cigarettes, plastic bags, etc.)
4. The community has spent years **preserving / rebuilding the dunes** which was advertised as necessary to a balanced beach environment. Cabana itself build a walkway to preserve the dunes. How is a boardwalk going to help?
5. **Liability:** if during a storm, pieces of the boardwalk will damage a homeowner's apartment, will the town be liable for the quality of their construction?
6. **Public Safety:** the town is known for high crime in the downtown area. How will the entire length of the boardwalk be policed? What will prevent the crowds to camp on the boardwalk for extended period of times?

And on, and on..

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

From: Ann-marie Richard [mailto:a2richard1217@yahoo.com]
Sent: Saturday, May 17, 2014 09:17:AM
To: a2richard1217@yahoo com; Cabana-William & Valerie Bitting; Carl & Jane Travis; Cabana 103; Cheng-Han Feng; Kenneth & Debra & Carolee Cameron; Wayne Tartline; Mark Samples; Doug & Amanda Schoonmaker; D. Byrd Properties LLC; Vincent Scott; Radu Dimitriu
Subject: BOARDWALK EXTENSION NORTH-RESPONSE NEEDED

You may have overlooked the email we sent you through CAMS Management Services. We own Unit 132 and live at the Cabana year round. As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. We support improving the existing boardwalk, but do not support the extension of the boardwalk north. The proposed boardwalk design includes an expansion of width from 8 feet to 16 feet with increased lighting and seating. The proposed boardwalk extension will be placed in the dunes between the ocean and the Cabana and greatly impact the Cabana Homeowners' security, privacy, views and property values. It is crucial that we get your opinion on this matter for the future of Cabana. We understand you might have a difference of opinion, and that's fine. Please call me at (828) 234-4243 if you would like to discuss this issue. Here are concerns:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

We have already received responses from 31 units and would like to have a complete representation from all 76 condominiums.

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit #(s). We plan on tallying all the responses and sending them to the Cabana's Homeowners' Association, Carolina Beach Town Council and the Coastal Resource Commission. Please respond by May 24, 2014.

Thank you,
Mark and Ann-Marie Richard
(828) 234-4243

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: RE: RE: BOARDWALK EXTENSION-RESPONSE NEEDED

From: Billy Marshall (bmwakeforest@aol.com)

To: a2richard1217@yahoo.com;

Date: Wednesday, May 21, 2014 10:48 AM

Against

From: Ann-marie Richard [mailto:a2richard1217@yahoo.com]
Sent: Wednesday, May 21, 2014 10:31 AM
To: Billy Marshall
Subject: Re: RE: BOARDWALK EXTENSION-RESPONSE NEEDED

Hi billy. Are you for or against the boardwalk?

From: Billy Marshall < >;
To: 'Ann-marie Richard' < >;
Subject: RE: BOARDWALK EXTENSION-RESPONSE NEEDED
Sent: Wed, May 21, 2014 2:26:06 PM

403 406 407 414 for Billy Marshall

From: Ann-marie Richard [ ]
Sent: Saturday, May 17, 2014 10:04 AM
To: Robert Williams; Gregory & Cynthia Mears; Williama & Lillie Wilson; Jeffrey & Susan Tennant; John Everhart; Felecia Wills; Robert Falls; Teddie Sue Williamson; Joseph Turner; Joseph & Lise King; Marvin Mann; Susan Wallace; Tommy & Betsy McCorkle; Catherine Jensen; William & Barbara Kelley; Melton & Sandra McLaurin; Peter Lattner; Billy & Joanne Marshall; Joseph & Angela Carrabis; Patsy & Samuel Bush; Beatrice Palazzo; HGB Properties LLC
Subject: BOARDWALK EXTENSION-RESPONSE NEEDED

You may have overlooked the email we sent you through CAMS Management Services. We own Unit 132 and live at the Cabana year round. As you are probably aware, the Carolina Beach Town Council

RECEIVED
DOM WILMINGTON, NC
JUN 02 2014

would like to make improvements to the existing boardwalk and extend it north. We support improving the existing boardwalk, but do not support the extension of the boardwalk north. The proposed boardwalk design includes an expansion of width from 8 feet to 16 feet with increased lighting and seating. The proposed boardwalk extension will be placed in the dunes between the ocean and the Cabana and greatly impact the Cabana Homeowners' security, privacy, views and property values. It is crucial that we get your opinion on this matter for the future of Cabana. We understand you might have a difference of opinion, and that's fine. Please call me at (828) 234-4243 if you would like to discuss this issue. Here are concerns:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

We have already received responses from 31 units and would like to have a complete representation from all 76 condominiums.

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit #(s). We plan on tallying all the responses and sending them to the Cabana's Homeowners' Association, Carolina Beach Town Council and the Coastal Resource Commission. Please respond by May 24, 2014.

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Thank you,

Mark and Ann-Marie Richard

(828) 234-4243

RECEIVED
DCM WILMINGTON, NC

JUN 02 2014

Subject: Boardwalk extension

From: Cathy .Jensen (clj@sccoast.net)

To: a2richard1217@yahoo.com;

Date: Tuesday, May 20, 2014 9:45 AM

I am AGAINST the boardwalk extension; it will devalue our property and will cause the owners additional expenditures to secure the safety of our property.

Catherine Jensen, owner, Cabana de Mar, 222 Carolina Beach Ave., N; Unit 305

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: Re: BOARDWALK EXTENSION NORTH-RESPONSE NEEDED

From: davegross2398@gmail.com (davegross2398@gmail.com)

To: a2richard1217@yahoo.com;

Date: Saturday, May 17, 2014 2:32 PM

My name is David Gross and I am one of the owners of unit 103. I oppose the extension of the boardwalk as it seems as though it will dramatically effect the value of the building.

David Gross

Sent from Surface

From:
Sent: Saturday, May 17, 2014 9:17 AM
To: , , , ,
, , , ,
, , ,

You may have overlooked the email we sent you through CAMS Management Services. We own Unit 132 and live at the Cabana year round. As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. We support improving the existing boardwalk, but do not support the extension of the boardwalk north. The proposed boardwalk design includes an expansion of width from 8 feet to 16 feet with increased lighting and seating. The proposed boardwalk extension will be placed in the dunes between the ocean and the Cabana and greatly impact the Cabana Homeowners' security, privacy, views and property values. It is crucial that we get your opinion on this matter for the future of Cabana. We understand you might have a difference of opinion, and that's fine. Please call me at (828) 234-4243 if you would like to discuss this issue. Here are concerns:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.

RECEIVED
WILMINGTON, NC
JUN 02 2014

- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

We have already received responses from 31 units and would like to have a complete representation from all 76 condominiums.

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit #(s). We plan on tallying all the responses and sending them to the Cabana's Homeowners' Association, Carolina Beach Town Council and the Coastal Resource Commission. Please respond by May 24, 2014.

Thank you,
Mark and Ann-Marie Richard
(828) 234-4243

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: Re: BOARDWALK EXTENSION-RESPONSE NEEDED

From: Kay McClanahan (kaymcclanahan@hotmail.com)

To: a2richard1217@yahoo.com;

Date: Saturday, May 17, 2014 10:17 AM

Sorry but I do not agree. I am in favor of the extension.

On May 17, 2014, at 10:03 AM, "Ann-marie Richard" < > wrote:

You may have overlooked the email we sent you through CAMS Management Services. We own Unit 132 and live at the Cabana year round. As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. We support improving the existing boardwalk, but do not support the extension of the boardwalk north. The proposed boardwalk design includes an expansion of width from 8 feet to 16 feet with increased lighting and seating. The proposed boardwalk extension will be placed in the dunes between the ocean and the Cabana and greatly impact the Cabana Homeowners' security, privacy, views and property values. It is crucial that we get your opinion on this matter for the future of Cabana. We understand you might have a difference of opinion, and that's fine. Please call me at (828) 234-4243 if you would like to discuss this issue. Here are concerns:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

We have already received responses from 31 units and would like to have a complete representation from all 76 condominiums.

Please email us **for** or **against** the boardwalk extension. Also, please include your

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

name and unit #(s). We plan on tallying all the responses and sending them to the Cabana's Homeowners' Association, Carolina Beach Town Council and the Coastal Resource Commission. Please respond by May 24, 2014.

Thank you,
Mark and Ann-Marie Richard
(828) 234-4243

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: Re: BOARDWALK EXTENSION-RESPONSE NEEDED

From: s. wallace (happyhrz@aol.com)

To: a2richard1217@yahoo.com;

Date: Saturday, May 17, 2014 10:19 AM

On 5/17/2014 10:03 AM, Ann-marie Richard wrote:

You may have overlooked the email we sent you through CAMS Management Services. We own Unit 132 and live at the Cabana year round. As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. We support improving the existing boardwalk, but do not support the extension of the boardwalk north. The proposed boardwalk design includes an expansion of width from 8 feet to 16 feet with increased lighting and seating. The proposed boardwalk extension will be placed in the dunes between the ocean and the Cabana and greatly impact the Cabana Homeowners' security, privacy, views and property values. It is crucial that we get your opinion on this matter for the future of Cabana. We understand you might have a difference of opinion, and that's fine. Please call me at (828) 234-4243 if you would like to discuss this issue. Here are concerns:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

We have already received responses from 31 units and would like to have a complete representation from all 76 condominiums.

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit #(s). We plan on tallying all the responses and sending them to the Cabana's Homeowners' Association, Carolina Beach Town Council and the

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Coastal Resource Commission. Please respond by May 24, 2014.

Thank you,
Mark and Ann-Marie Richard
(828) 234-4243

I own Unit 303 and I am against the boardwalk extension.

Sincerely

Susan Wallace

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: Re: Cabana – Boardwalk Petition

From: Charlotte Karnopp (charlottekarnopp@yahoo.com)

To: a2richard1217@yahoo.com;

Date: Tuesday, May 13, 2014 3:28 PM

Not in favor of the boardwalk:

1.) Mary Lee Voorhees, Cabana Owner, Unit #114=Not in favor of the boardwalk.

2.) Charlotte Karnopp, Cabana Owner, Unit #1 [illegible] oardwalk.

All currently Single-sided

On Tuesday, May 13, 2014 3:24 PM, Ann-marie Richard <a2rich

Dear Cabana Owners:

Please see the below petition information create by Mark & Ann-Marie Richard. This petition is not being organized by the Association so responses must be sent to the Richards to be included in the petition. Thank you.

As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. The proposed boardwalk design includes an expansion of width from 8 to 16 feet, increased lighting and seating. The proposed boardwalk extension will completely alter the landscape between the ocean and the Cabana and greatly impact Cabana Homeowner's security, privacy, views and property values. We support the improvements to the existing boardwalk, but **DO NOT** support the proposed extension of the boardwalk north.

WE NEED YOUR SUPPORT NOW TO STOP THE EXTENSION OF THE CAROLINA BEACH BOARDWALK. HERE ARE THE REASONS WHY:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

Will your property be devalued or no longer be classified as oceanfront property?

IT IS TIME TO ACT!!!

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit number(s). In your response, please indicate if we have your permission to use your email when communicating with the Carolina Beach Town Council or the North Carolina Coastal Resource Commission (CRC).

Please respond as soon as possible.

Thank you,
Mark and Ann-Marie Richard (Unit #132)
828-234-4243
a2richard1217@yahoo.com

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: Re: BOARDWALK EXTENSION AT CAROLINA BEACH-CABANA

From: Sherri (sherrilgraham@yahoo.com)

To: a2richard1217@yahoo.com;

Date: Tuesday, May 6, 2014 5:52 PM

Against 201 313

Sent from my iPhone

On May 6, 2557 BE, at 1:41 PM, Ann-marie Richard < > wrote:

From: Ann-marie Richard < >;
To: < >; a2richard1217@yahoo com < >;
Subject: BOARDWALK EXTENSION AT CAROLINA BEACH-CABANA
Sent: Sun, Apr 27, 2014 12:15:25 PM

As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. The proposed boardwalk design includes an expansion of width from 8 to 16 feet, increased lighting and seating. The proposed boardwalk extension will completely alter the landscape between the ocean and the Cabana and greatly impact Cabana Homeowner's security, privacy, views and property values. We support the improvements to the existing boardwalk, but **DO NOT** support the proposed extension of the boardwalk north.

WE NEED YOUR SUPPORT NOW TO STOP THE EXTENSION OF THE CAROLINA BEACH BOARDWALK. HERE ARE THE REASONS WHY:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

Will your property be devalued or no longer be classified as oceanfront property?

IT IS TIME TO ACT!!!

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit number(s). In your response, please indicate if we have your permission to use your email when communicating with the Carolina Beach Town Council or the North Carolina Coastal Resource Commission (CRC).

Please respond as soon as possible.

Thank you,
Mark and Ann-Marie Richard (Unit #132)
828-234-4243

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: Carolina Beach Boardwalk Extension

From: Scott Rowlings (srowlings12@gmail.com)

To: a2richard1217@yahoo.com;

Date: Tuesday, May 6, 2014 1:31 PM

My name is Scott Rowlings, I own unit #230 at Cabana Suites. I strongly support board members and property owners at Cabana Suites to stop the Boardwalk extension in front of the Cabana Suites building and property. There are plenty of impovement's that need to be made to the Boardwalk area but this is not one of them!

Please feel free to use my name and email address in strong opposition to this proposal.

Thank You.

Scott Rowlings

RECEIVED
DCM WILMINGTON, NC
JUN 0 2 2014

Subject: Re: Fw: Cabana - Important Boardwalk Message - Please Read

From: Dorothy Duke (dukedorothy26@gmail.com)

To: a2richard1217@yahoo.com; dukedorothy26@gmail.com; stevenduke7@gmail.com;

Date: Monday, May 5, 2014 5:41 PM

Hello Mark and Ann-marie,

This is to let you know that, as owners of Cabana condo #128, we are vehemently opposed to the proposed extension of the Cabana Beach boardwalk. Building of the boardwalk would be tantamount to invasion of our privacy as well as interference with the existing dunes, which are protected by law. Other reasons include blocking the existing ocean view, uncontrolled traffic and use of the boardwalk including close range public noise and littering as well as the hazards of a wooden structure so close to the condo in the event of severe weather conditions.

Thank you for alerting us to the current boardwalk situation. I understand that the staff of the Town of Carolina Beach are not being honest about the facts involved with the building of this boardwalk. Please continue to keep us updated as this situation develops and let us know how we can help cancel this horrific boardwalk. The funds that would be used here are a complety wasteful use of taxpayer money that could be used to improve Carolina Beach in other endeavors.

Sincerely,

Steve and Dorothy Duke
Cabana condo #128

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: Boardwalk extension

From: Trey (dr.rodgers@veterinaryexpress.com)

To: a2richard1217@yahoo.com; mrodgers494@yahoo.com; pigfloat10@yahoo.com;

Date: Monday, May 5, 2014 10:44 PM

Dear Mr. and Mrs. Richard,

Thank you for creating this petition regarding the proposed extension of the boardwalk. We are owners of unit 308 at the Cabana and we share your concerns and are COMPLETELY opposed to the extension. We bought our unit last year and had it completely renovated to be enjoyed as a second home. It is not a rental. We join you in support of **STOPPING** the extension of the Carolina Beach Boardwalk for the reasons you have stated:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.
- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

We support, and even welcome, the improvements to the existing boardwalk. The money allocated for this project would be much better suited for renovating the landscape and buildings that welcome visitors to The Boardwalk. Also, the area between the boardwalk and the ocean is significantly wider along the existing structure. As you move farther north in front of the Cabana, the landscape narrows and is less accommodating for a 16 foot wide boardwalk. Therefore, it would make sense for the expansion to occur along the existing boardwalk. We would not have bought this property if the boardwalk obstructed our ocean view.

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

You have our full consent to include this email in your communications with the Carolina Beach Town Council or the North Carolina Coastal Resource Commission (CRC). Please let us know what we can do to help.

Sincerely,

Trey and Michelle Rodgers
Cabana Unit #308

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: Carolina Beach Boardwalk Extension

From: Michael Murphy (mastermurphy@msn.com)

To: ebuchan50@yahoo.com; a2richard1217@yahoo.com; ralewis@wcpss.net;

Date: Sunday, May 4, 2014 5:52 PM

Eddie, Mark & Ann-Marie, and Renee,

Attached please find a letter that I have sent to Mr. Braxton Davis, Director, Division of Costal Management. I am totally opposed to the negative affects that the boardwalk extension will bring to all properties in its path. I give my permission to use my letter and email when communicating with anyone regarding this issue including the Carolina Beach Town Council or the North Carolina Costal Resource Commission (CRC).

If I can be of any assistance please do not hesitate to call on me as below:

Michael Dean Murphy
545 Vardon Circle
Hemet, CA 92545
951.599.4391

Owner - Cabana De Mar, 222 Carolina Beach Ave N., Units # 216 & 409

Truly,

Michael D. Murphy

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: Boardwalk Extension

From: Tilton (Tilton@insight.rr.com)

To: a2richard1217@yahoo.com;

Date: Sunday, May 4, 2014 4:02 PM

Mark and Ann-Marie Richards -

I am against the extension of the boardwalk. You may use my name, email, and address for this purpose.

Jeffrey Tilton Cabana 415

31 Meadow View Ct.
Powell, Ohio 43065

Thanks for putting this in a form that is accessible for those who do not have the time that this deserves.

Jeff

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: Carolina Beach Boardwalk Extension

From: Lynda Buchanan (lynbuc11@yahoo.com)

To: a2richard1217@yahoo.com;

Date: Friday, May 2, 2014 12:37 PM

Mark and Ann-Marie,

I am against the boardwalk extension. I have sent an email to Braxton Davis with the CRC stating my opposition. You are welcome to use my name and this email with regards to opposing the Carolina Beach Boardwalk Extension.

Thank you,

Lynda Buchanan
Unit 224
Cabana

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

Subject: BOARDWALK EXTENSION-RESPONSE

From: Lise (lisemarie@ec.rr.com)

To: a2richard1217@yahoo.com;

Date: Sunday, May 18, 2014 10:19 PM

We are AGAINST the Boardwalk extension.

Feel free to call me if you need us to come to the beach and sign a document or petition.

We are the owners of Cabana 232 & Cabana 416.

Joseph A. & Lise K King

307 East Renovah Circle
Wilmington, NC 28403

910-763-5564

From:
Sent: Saturday, May 17, 2014 10:03 AM
To: ;
Subject: BOARDWALK EXTENSION-RESPONSE NEEDED

You may have overlooked the email we sent you through CAMS Management Services. We own Unit 132 and live at the Cabana year round. As you are probably aware, the Carolina Beach Town Council would like to make improvements to the existing boardwalk and extend it north. We support improving the existing boardwalk, but do not support the extension of the boardwalk north. The proposed boardwalk design includes an expansion of width from 8 feet to 16 feet with increased lighting and seating. The proposed boardwalk extension will be placed in the dunes between the ocean and the Cabana and greatly impact the Cabana Homeowners' security, privacy, views and property values. It is crucial that we get your opinion on this matter for the future of Cabana. We understand you might have a difference of opinion, and that's fine. Please call me at (828) 234-4243 if you would like to discuss this issue. Here are concerns:

- The construction of a large horizontal structure (boardwalk) could cause major structural debris damage from a major storm or hurricane.
- Property owner's littoral rights will be compromised. Littoral rights give oceanfront property owners the legal right to immediate, direct and unobstructed access to the ocean.

RECEIVED
DCM WILMINGTON, NC

JUN 02 2014

RECEIVED
DCM WILMINGTON, NC
2014

- Insurance might not cover damage caused by water driven debris.
- An increase of foot traffic, noise levels and loss of privacy.
- Security issues of vandalism and trespassing.
- Elevation of the boardwalk could block homeowners' ocean view.
- A pool privacy fence will have to be installed to provide security and privacy due to the close proximity of the boardwalk. The fence will obstruct the view of homeowners' on the first floor.
- Showers will have to be moved due to the placement of the proposed boardwalk.
- New locked access gates will have to be installed to provide secure access to and from the beach.
- Increased lighting along the boardwalk could obstruct views and cause a spotlight effect and/or glare.

We have already received responses from 31 units and would like to have a complete representation from all 76 condominiums.

Please email us **for** or **against** the boardwalk extension. Also, please include your name and unit #(s). We plan on tallying all the responses and sending them to the Cabana's Homeowners' Association, Carolina Beach Town Council and the Coastal Resource Commission. Please respond by May 24, 2014.

Thank you,
Mark and Ann-Marie Richard
(828) 234-4243

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

BOARDWALK EXTENSION NORTH POLL

Name Angela Carrabis

Address P.O. Box 1892 Carolina Beach NC 28428

Unit #(s) 405 - 411

E-Mail _____

FOR _____ **AGAINST** X

(Boardwalk Extension North)

Signature Angela Carrabis

Comments:

RECEIVED
BCM WILMINGTON, NC
JAN 02 2014

BOARDWALK EXTENSION NORTH POLL

Name Kenneth & Barbara Curl

Address 1296 Jim Caudill Road, Wilkesboro, N.C. 28697

Unit #(s) 210

E-Mail No E-mail (336) 957-1886

FOR _____ **AGAINST** X

(Boardwalk Extension North)

Signature Per Phone Conversation Barbara Curl (M.R)

Comments:

RECEIVED
DCM WILMINGTON, NC
JUN 02 2014

TO: Coastal Resource Commission
FROM: Mark Richard – Cabana Unit #132
DATE: June 25, 2014
SUBJECT: Carolina Beach Northern Boardwalk Extension

The purpose of this letter is to voice my opposition to the boardwalk extension. I am a property owner at the Cabana for over 13 years and I presently live here year round. As you are probably aware, the Town of Carolina Beach would like to make improvements to the existing boardwalk and extend it north. I support improving the existing boardwalk, but do not support the extension of the boardwalk north. The proposed design includes a boardwalk of either 8 or 16 feet with possible increased lighting and seating. The proposed boardwalk extension will be placed in the dunes between the ocean and the Cabana and greatly impact the Cabana Homeowners' security, privacy, views and property values. It will alter the landscape, views and natural habitat in the dunes at the Cabana.

The existing boardwalk is in dire need of repair and needs to be completely rebuilt. This is the reason I support the update of the existing boardwalk. It has seen many years of wear and tear from neglect. It is a safety hazard due to decaying boards, splinters, etc.). If the Town of Carolina Beach is so concerned for safe, suitable access to the beach for the general public, and providing access to handicapped individuals; then why has the existing boardwalk been in disrepair for so many years? Is the same thing going to happen to the proposed boardwalk?

The Town of Carolina Beach currently has 20 public beach access areas stretching from the boardwalk to the Carolina Beach Pier in less than a 2 mile area. Of the 20 public access areas, there are 4 at the central boardwalk area now. TCB is planning on developing 3 more access areas. How many is enough? Can the infrastructure hold such a high demand? It is great to provide access to the general public; however, this has caused major congestion, parking problems, safety-security issues especially near the boardwalk area. They do not have enough parking to meet the present demands of public access to the beach. In addition, the building of the Hampton Inn and their parking demands will only exasperate the problem. There are more than enough access areas to the beach stretching from Freeman Park to Fort Fisher. It is parking that is the problem.

Many letters and phone calls have been directed to the CRC from the Cabana homeowners, Averette family and the Homeowners' Association South in opposition to the extension of the boardwalk north. I felt it was necessary to poll the Cabana homeowners to determine if they are for or against the boardwalk extension. The present tally indicates that 49 condominium owners are against and 5 are for the extension.

Here are our concerns and questions:

RECEIVED
DCM WILMINGTON, NC
JUN 26 2014

- I purchased our condominium as ocean front property. Will properties be no longer considered ocean front because of a structure built between the property and ocean? Do we have littoral rights? **("Littoral rights" give ocean front property owners the legal right to immediate, direct and unobstructed access to the ocean, from any point of the property abutting the ocean, and an unobstructed view of the ocean from any point abutting the ocean.)**
- There is a potential that a large horizontal structure 8 or 16 feet wide could cause damage to our building from water or wind driven debris by a major storm or hurricane. Will the town be liable for damages?
- The Cabana is a gated community. Security will be compromised by easy access from the boardwalk to the Cabana property. There is a potential of increased vandalism and trespassing because of access to the boardwalk 24 hours a day. How will the boardwalk be policed?
- There will be an increase in foot traffic in close proximity to our pool and condominium. This will increase noise levels, littering and directly affecting privacy and views. Who will be responsible for the clean-up of debris such as bottles, bags and cigarette butts, etc.?
- The construction and elevation of the boardwalk extension north will change the scenic views, eliminating the serenity provided by an unobstructed view of the ocean, sand dunes and sea oats. A pool privacy fence will also have to be installed to protect the privacy of the sunbathers at the pool. This tall fence will further obstruct and provide an unpleasant view of the ocean.
- Will property be devalued?
- Will the approval for the boardwalk extension set precedence for other coastal communities? Why can a boardwalk be built between properties and the ocean when no other permanent structure is allowed?

RESPONSES TO NEW VARIANCE

- Reducing the boardwalk elevation, decreasing the size from 16 to 8 feet, eliminating seating and lampposts will not change the fact of increased noise, loitering, littering, trespassing, impacting views and most of all privacy.
- The TCB boasts of the structural integrity of the proposed boardwalk extension, however, this is still a major concern of homeowners with the possibility of damage from storms and hurricanes caused by wind and water driven debris.
- Privacy issues have not fully been addressed by the Town of Carolina Beach. These issues could occur 24 hours a day.
- The building of the boardwalk extension will cause unnecessary changes to the Cabana. Relocating showers, harder access to the beach through lockable gates, a tall privacy fence around the pool and additional fencing for security.
- TCB has misrepresented the Cabana regarding the number of private residents along the proposed boardwalk extension. There are 76 privately owned condominiums at the Cabana.

RECEIVED
DCM WILMINGTON, NC
JUN 2 6 2014

- Will the construction method used for the proposed northern extension destroy the existing sea oats and much of the dune ecosystem that presently exists?
- **Public access is providing a vertical walkway to the beach, not a horizontal structure like the boardwalk proposed.**

The community has spent years preserving and rebuilding the dunes. In our opinion, we have plenty of beach access points for the public. There is no good reason for this extension. Why ignore the concerns and needs of the homeowners that are directly affected by this extension? I purchased at the Cabana for the unobstructed views of the ocean and the serenity it provides; not to have a boardwalk between the ocean and the Cabana property. The damage that could be caused from a major storm and the potential for trespassing and vandalism is a high probability.

Respectfully submitted,
Mark Richard
Cabana Homeowner

RECEIVED
DCM WILMINGTON, NC
JUN 2 6 2014

.BOARDWALK EXTENSION TALLY

AS OF 6-24-2014

NAME	UNIT #	FOR	AGAINST
Mark and Ann-Marie Richard	132		1 – Unit
Jan Elliott	316 & 301		2 – Units
Karl and Anna Kemper	222		1 – Unit
Larry Edward Holsten	130		1 – Unit
Ollin Manning	307 & 309	2 – Units	
Mike Stepp	214		1 – Unit
Alice and John Zachodzki	312		1 – Unit
Amanda Ventura	110		1 – Unit
Lawrence Canning	122		1 – Unit
Sharon Lyons	310		1 – Unit
Dan and Heather McNamara	404		1 – Unit
Robert (Bob) Chetwynd	105		1 – Unit
Martin and Kathleen Ensey	106		1 – Unit
Vivian Corbett	206 & 211		2 – Units
Sarah Underwood	126		1 – Unit
Stephen and Kimberly Ray	213		1 – Unit
Matthew Dunker	107		1 – Unit
Steve Falcone and Rosanne Pritchett	220		1 – Unit
Lynda Buchanan	224		1-Unit
Jeff Tilton	415		1-Unit
Michael Murphy	216 & 409		2 – Units
Trey and Michelle Rogers	308		1 – Unit
Steve and Dorothy Duke	128		1 – Unit
Sherry L. Graham	201 & 313		2 – Units
Scott Rawlings	230		1 – Unit

RECEIVED
DCM WILMINGTON, NC
JUN 26 2014

Mary Lee Voorhees & Charlotte Karnopp	114		1-Unit
Kenneth & Barbara Curl	210		1-Unit
Susan Wallace	303		1-Unit
Kay McClanahan	218	1-Unit	
David Gross	103		1-Unit
Bill and Barbara Kelley	306	1-Unit	1-Unit
Deborah Byrd	116		1-Unit
Mike Williams	124	1-Unit	
Radu Dimitriu	207 & 120		2-Units
Joseph & Lise King	232 & 416		2-Units
Angela & Joe Carrabis	405 & 411		2-Units
*Betsy McCorkle	304		1-Unit
Catherine Jensen	305		1-Unit
Billy Marshal	403, 406, 407, 414, 413		5-Units
*Teddie Sue Williamson	226		1-Unit
Sandra McLaurin	311		1-Unit
Jeff & Susan Tennant	208		1-Unit
TOTAL		**5 - Units**	**49 – Units**

***Per sign-up sheet**

RECEIVED
DCM WILMINGTON, NC
JUN 2 6 2014

Subject: Re: Update on Boardwalk Extension

From: Jeff Tennant (jetennant@aol.com)

To: a2richard1217@yahoo.com;

Date: Monday, June 23, 2014 10:56 PM

Thank you Mark, I am normally one of the first on board with these kinds of community activities, especially when related to the health and value of our beloved Cabana beach suites. I hope to find the emotional space and time to work on this, and apologize I have not until now - my wife, Susan, is facing a third surgery for cancer, this time recurrent ovarian on June 30 and of course we are both hopeful we begin to see some smooth sailing in life after that or in the weeks ahead. I know this is a huge issue for a lot of our neighbors, and we will give it some serious devotion in the next few weeks or before the meeting(s) you mention below. Just wanted you to know what's up, and wishing you all the best in this -
Best regards,
Jeff

-----Original Message-----
From: Ann-marie Richard <a2richard1217@yahoo.com>
To: dukedorothy26 <dukedorothy26@gmail.com>; ebuchanan50 <ebuchanan50@yahoo.com>; amanda <amanda@sterlingpartnersusa.com>; lcanningbear <lcanningbear@yahoo.com>; azmanor <azmanor@aol.com>; sharonlyons <sharonlyons@charter.net>; karlekemper <karlekemper@gmail.com>; mikestepp <mikestepp@msn.com>; theclassycondo <theclassycondo@gmail.com>; edward26136 <edward26136@gmail.com>; rosannepritchett <rosannepritchett@hotmail.com>; hobiecathhi <hobiecathhi@gmail.com>; ensey <ensey@comcast.net>; billviv <billviv@me.com>; sarah.underwood <sarah.underwood@yahoo.com>; KRAY65 <KRAY65@nc.rr.com>; m_dunker <m_dunker@bellsouth.net>; charlottekarnopp <charlottekarnopp@yahoo.com>; marbleman19 <marbleman19@aol.com>; janertravis <janertravis@yahoo.com>; davegross2398 <davegross2398@gmail.com>; cabana104 <cabana104@yahoo.com>; debra22 <debra22@gmail.com>; wtartline <wtartline@yahoo.com>; msamples <msamples@bellsouth.net>; doug.schoonmaker <doug.schoonmaker@suntrust.com>; debibyrd <debibyrd@ec.rr.com>; vscott <vscott@uniquetool.net>; radud <radud@live.com>; mikewilliams6164 <mikewilliams6164@gmail.com>; gdmears <gdmears@me.com>; wls631 <wls631@aol.com>; jetennant <jetennant@aol.com>; zeverhart <zeverhart@aol.com>; lisa.eastgroup <lisa.eastgroup@charter.net>; kaymcclanahan <kaymcclanahan@hotmail.com>; teddiewilliamson <teddiewilliamson@gmail.com>; josephfturner <josephfturner@yahoo.com>; lisemarie <lisemarie@ec.rr.com>; marvinlmann <marvinlmann@yahoo.com>; happyhrz <happyhrz@aol.com>; bsmith23 <bsmith23@nc.rr.com>; clj <clj@sccoast.net>; wfkelle <wfkelle@aol.com>; scmclaurin <scmclaurin@ec.rr.com>; pjlccl <pjlccl@aol.com>; bmwakeforest <bmwakeforest@aol.com>; carrabisbeachbum <carrabisbeachbum@aol.com>; jpnyx61 <jpnyx61@yahoo.com>; gil <gil@bowen.com>; dannyjmac <dannyjmac@hotmail.com>; wpetunia19 <wpetunia19@aol.com>; abchhi <abchhi@gmail.com>; mandyschoon <mandyschoon@hotmail.com>; jerigraham <jerigraham@yahoo.com>; sherrilgraham <sherrilgraham@yahoo.com>; tgraham <tgraham@thompsonind.com>; mastermurphy <mastermurphy@msn.com>; akemper221 <akemper221@gmail.com>; dgarces <dgarces@yahoo.com>; jlelliott <jlelliott@ec.rr.com>; ohillman <ohillman@bellsouth.net>; dr.rodgers <dr.rodgers@veterinaryexpress.com>; tilton <tilton@insight.rr.com>; Ann-marie Richard <a2richard1217@yahoo.com>
Sent: Mon, Jun 23, 2014 7:24 pm
Subject: Update on Boardwalk Extension

I polled the Cabana homeowners to determine if they are for or against the boardwalk extension. The present tally indicates 47 condominium owners are against and 5 are forthe extension. The tally results and the reasons for the opposition of the boardwalk extension were sent to the Coastal Resource Commission (CRC). The CRC is our last hope to stop the

RECEIVED
DCM WILMINGTON, NC
JUN 26 2014

boardwalk extension. The CRC will make a final decision at the end of July whether to allow the Town of Carolina Beach to proceed with the 16' wide boardwalk extension running directly behind the Cabana. However, we have only until July 2, 2014 to either send additional opposition letters or to be included in my poll.

If you have already written a letter to the CRC or responded to my poll . . . thank you. If you need additional information, please do not hesitate to call me at (828) 234-4243 or write to the CRC in c/o either Braxton Davis or Robb Mairs.

Contact Info:

Robb Mairs, Field Representative
NC Division of Coastal Management
127 Cardinal Drive Extension
Wilmington, NC 28405
(910) 796 7423
Robb.mairs@ncdenr.gov

Braxton Davis, Director, Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 Ext 202
Braxton.davis@ncdenr.gov

Attached is a letter stating my opposition to the boardwalk extension. Feel free to share this information as part of your communication if you choose to do so. Thank you for your time and effort.

Mark Richard
Cabana

RECEIVED
DCM WILMINGTON, NC
JUN 2 6 2014

Alice Zachodzki
Unit 312
222 Carolina Beach Avenue North
Carolina Beach, North Carolina 28428
(704) 604-5102

June 25, 2014

Field Representative Robb Mairs
North Carolina Division of Coastal Management
127 Cardinal Drive Extension
Wilmington, North Carolina 28405

Mr. Mairs,

On 6-16-14 the Town of Carolina Beach set a survey stake in the dune area facing the Cabana building (please see attached photos). The purpose of this marker was to indicate the center line of the proposed 16ft wide boardwalk, as well as the highest point of the structure, the 42" handrail. As the marker is 46 1/2" above grade at location, the 4 1/2" to grade level is woefully inadequate to accommodate the heavy framing system this structure would require. The solution presented by the town is to excavate a trench running the entire length of the structure's projected path, i.e., approximately four blocks. This trench would be at a minimum of 16 ft. wide and 18-20" deep. This of course is a bare minimum estimation. In reality, the width and depth of such trench is likely to be much greater given the undulating and heavily vegetated nature of the dune surface. The large amount of material removed from the trench line would then be pushed up the dune in the direction toward the crest, damaging the remainder of the protective dune line.

The damage to the dune and its stabilizing vegetation as a result of this heavy construction would be enormous. The heavy equipment required for a project of this scale would cause major damage to the entire dune line, including well beyond the trench line. This would result from the need to position, move, and reposition these heavy pieces of equipment many times during the course of the excavation. What vegetation that managed to avoid being crushed by the movement of these heavy tracked earth movers would then be choked out by the sand removed from the trench and being pushed over them. The end result of this heavy handed approach would be a dune line with little or no stabilizing vegetation thus becoming susceptible to erosion from even common everyday varieties of wind and rain. Furthermore, the slow growth of dune vegetation would assure the threat of this erosion would exist for years; thus, posing a continuing and avoidable threat to numerous beach front property and beach itself.

RECEIVED
DCM WILMINGTON, NC
JUN 2 6 2014

For your convenience, and to better illustrate the dunes as well as the type and amount of important dune line vegetation that stands to be harmed by such a destructive and invasive project, please see the attached pictures. Of note, the attached pictures represent only of a portion of the dunes and dune line vegetation at risk.

Thank you very much for your time and consideration with the matter.

Sincerely,

Alice Zachodzki
Owner, Unit 312 of Cabana de Mar

RECEIVED
DCM WILMINGTON, NC
JUN 2 6 2014

RECEIVED
DCM WILMINGTON, NC
JUN 2 6 2014

RECEIVED
DCM WILMINGTON, NC
JUN 26 2014

From: Mike Stepp [mailto:mikestepp@msn.com]
Sent: Tuesday, June 24, 2014 12:42 PM
To: Davis, Braxton C
Subject: Opposition to boardwalk extension

Costal Resource Commission
Braxton Davis, Director, Division of Coastal Management

400 Commerce Ave.

Morehead City, NC 28557

Re: In OPPOSITION to Extension of the Carolina Beach boardwalk

Dear Mr. Davis,

We are NC Residents and have owned Unit 214 (oceanfront) at Cabana in Carolina Beach since 1996. We are very upset by recent consideration by the Town of Carolina Beach to invade our natural view and beach access with a huge, ugly pedestrian and skateboard wooden highway across the natural dunes, thereby usurping our littoral rights. The dunes are in the best shape we can remember and they will certainly be disfigured by this structure and it's 24/7 noisy traffic.

Since preserving the natural beauty of our coastline is extremely important to all citizens including visitors, any extension plan deserves a full public hearing and environmental review before it is permitted. The city must be held liable for any increased risk of storm damage and any loss of property value caused by this wall of deliberate obstruction.

We have heard no clear description of any benefit to beach goers from this structure. Bicycles are already allowed on the beach and other wheeled traffic along wooden planks will certainly add much noise and nighttime visual pollution, even perhaps displace many shorebirds and other wildlife habitat. It seems to us that this plan is unusually bad for all, setting a grim precedent contrary to the preservation and enjoyment of North Carolina's coastline.

Thank you for hearing our concerns.

Michael R Stepp

Gail E Stepp

RECEIVED
DCM WILMINGTON, NC
JUN 2 4 2014

From: Willis, Angela
Sent: Tuesday, June 24, 2014 12:26 PM
To: Weese, Elizabeth
Cc: Wilson, Debra
Subject: FW: Carolina Beach Boardwalk Extension

Comments on Carolina Beach boardwalk variance request.
Angela

From: Donny & Connie Averette [mailto:averettesix@gmail.com]
Sent: Tuesday, June 24, 2014 12:06 PM
To: Willard Killough III; Davis, Braxton C; Willis, Angela; Renee A Lewis; CHRISTOPHER PIERCE; Donald Averette
Subject: Carolina Beach Boardwalk Extension

Willard,

Thanks so much for speaking with our family and being willing to research this project some more for a follow up Island Gazette article. My father wanted me to get the attached Letter to the Editor to you for your paper. Our family has just learned that all documentation previously sent to the CRC will not be considered when they meet in July for the new variance request. In light of that I've included them so this email and attached letter can be placed in their new file for the July meeting. My father feels it is extremely important for both the readers of your paper and the CRC to understand there are now 48 impacted personal property owners who appose this project. This is very personal for our family. But it's also much more than that. It could set a dangerous precedent impacting personal property and the well being of our natural coastal resources.

Sincerely,

Donny Averette

RECEIVED
DCM WILMINGTON, NC
JUN 2 4 2014

From: Jan Elliott [mailto:theclassycondo@gmail.com]
Sent: Monday, June 23, 2014 7:36 PM
To: Mairs, Robb L
Subject: Carolina beach boardwalk extnesion

Sir:

I totally agree with Mark Richard about his concerns of the Boardwalk extension. I own TWO units at the Cabana. They are vacation rentals. I depend on that rental income for part of my current retirement! The views would totally be ruined. Please, we all beg of you to NOT destroy this beautiful oceanfront property and the dunes area.

Sincerely,
Jan and Glenn Elliott

Fwd'd to Christy 6-24

RECEIVED
DCM WILMINGTON, NC
JUN 23 2014

RE: Northern Boardwalk Extension Carolina Beach

Davis, Braxton C
Sent: Thursday, June 26, 2014 5:07 PM
To: Alice Zachodzki [azmanor@aol.com]

Ms. Zachodzki,
Thank you for your comments on the proposed variance. We will include your comments in the official record for consideration by the Coastal Resources Commission at their upcoming hearing.

Sincerely,
Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.
E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

-----Original Message-----
From: Alice Zachodzki [mailto:azmanor@aol.com]
Sent: Thursday, June 26, 2014 4:48 PM
To: Davis, Braxton C
Subject: Northern Boardwalk Extension Carolina Beach

June 26,2014

Dear Director Davis,
I own a condo in The Cabana Suites, a four storied 70+ unit building located at 222 Carolina Beach Ave. N. and I share Mr. Averette's objections to the proposed northern extension of the boardwalk. Other owners in my building I have spoken with also feel this way.

My concerns are, but not limited to, the serious damage likely to occur to the dunes and their vegetation as a result of the construction process, the reduced privacy and security we would suffer, the transformation of a pristine natural area, the dune line, into a public walkway and the negative affects it could cause to our property value. The potential for catastrophic structural damage to our building from wave driven heavy debris resulting from a storm damaged or destroyed boardwalk.

I thank you for your time and would urge you and the commission to deny any variance regarding this ill conceived project.

I would appreciate it if you would please acknowledge receipt of this email.

Thank you so much.
Alice Zachodzki
Cell # 704-604-5102

RE: Opposition Correspondence re: Town of Carolina Beach 2nd variance request

Davis, Braxton C
Sent: Friday, June 27, 2014 8:13 AM
To: Susan Pierce [susanapierce@bellsouth.net]
Cc: Mairs, Robb L

Ms. Pierce,
Thank you for submitting these comments. We will include your submission in the official record for consideration by the Coastal Resources Commission at their upcoming meeting.

Sincerely,
Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Susan Pierce [mailto:susanapierce@bellsouth.net]
Sent: Friday, June 27, 2014 7:03 AM
To: Davis, Braxton C
Cc: Mairs, Robb L
Subject: Opposition Correspondence re: Town of Carolina Beach 2nd variance request

Dear Mr. Davis,
I am hopeful this letter finds you well. My father, J. Donald Averette, and our family would like to submit to the Coastal Resources Commission the attached letters in opposition to the Town of Carolina Beach's second variance request concerning the northern extension of the boardwalk. If you would be so kind as to confirm your receipt of these documents, we would greatly appreciate it. I have also copied Mr. Robb Mairs, Field Representative for the NC Division of Coastal Management, on this e-mail. Thank you for your time and consideration.

Sincerely,
Susan A. Pierce
& The Averette Family

June 27, 2014

Mr. Braxton Davis
Director
Division of Coastal Management
Coastal Resources Commission
400 Commerce Avenue
Morehead City, NC 28557

RE: Decision of CRC concerning Town of Carolina Beach Boardwalk Expansion

Dear Mr. Davis:

This is a letter that was sent to you in April of this year. Please include this in the current file as opposition to the Town's second variance request.

I wanted to thank you and the rest of the committee members for your consideration of my opposition to the Town of Carolina Beach boardwalk expansion. As you are probably aware, this project has caused an emotional toll on me and my family. In this letter, however, I want to put aside the emotional aspect of this expansion project and provide specific reasons why the Town should not be granted a variance.

It is my understanding that the Town must satisfy four requirements to obtain a variance to extend the boardwalk further into a designated "ocean setback area." Here is why I don't think the Town is able to satisfy these requirements:

(1) It is difficult to understand how the Town or its residents would suffer "unnecessary hardships" merely because the Town cannot extend its existing boardwalk to Pelican Lane.

(2) Further, even if the Town could prove that it would suffer unnecessary hardships, how can it explain and prove that the hardships result from conditions particular to this boardwalk extension or that the hardships were not the result of its own actions? The Town actually owns several of the properties that the boardwalk extension will affect. The Town purchased these properties several years ago in hopes that a pier and aquarium project would be successful. When funding for this project failed, the Town was left with the debt of these properties. I feel that the Town would like to increase the property value of these parcels with this boardwalk extension, which certainly does not justify a variance from the setback requirements.

(3) Lastly, according to the local newspaper, it appears that the Town is attempting to satisfy the fourth variance requirement by alleging that the boardwalk will "afford those without private access to the public trust lands with safe and convenient access" by "creating safe and convenient handicap accessible access to the public trust land." It is my understanding that public access to North Carolina beaches is

RECEIVED
DCM WILMINGTON, NC
JUN 27 2014

already monitored and protected by the CRC. Because we have a nourished beach, there are already public access points at least every quarter of a mile along this stretch of beach. With the Town owning several of the parcels adjacent to our property, it could increase access points to the beach on its property instead of interfering with my property that I have owned for over 80 years.

Not only is the Town unable to satisfy these requirements, but the boardwalk extension would create undue hardships on me and my property. These hardships include: loss of "oceanfront" view, safety and crime concerns, greater difficulty accessing the beach from my property, increased noise and lights, increased trespassing, increased liability and loss of privacy. I appreciate your recognition that a private property owner's concerns must be taken into consideration when a public project infringes on his or her property.

The Town claims that the Carolina Beach Building Line Act of 1963 gave the Town ownership of the beach between my home and the ocean. Even if this Act gave ownership of the beach to the Town, the Act does not allow any building or structure to be built in the area lying east of the established building line (please see attached Act). This Act in and of itself, therefore, prohibits the Town from extending the boardwalk in front of my home.

The Town's attorney has indicated that the State of North Carolina now owns the beach between my home and the ocean pursuant to Section 146-6 of the State Lands Act. If this were true, then the Town's application, which provides that it is the owner of the land, is inaccurate. I also question the Town's authority to obtain a variance so that it can extend the boardwalk onto land that it does not own without following the proper statutory procedures established by the State Lands Act for selling or leasing land owned by the State.

Finally, I want to be clear that the proposed enhancements to the existing boardwalk would be a wonderful improvement to the downtown area. My strong opposition is only with the proposed extension of the boardwalk in front of my home. It seems that the justifications for the renovation project of the existing boardwalk do not exist for the extension of the boardwalk beyond its current terminus.

Again, my family and I are grateful for your service to the coastal communities and your concern for coastal property owners. We look forward to attending and being able to speak at the Coastal Resources Commission's upcoming meeting in May.

Sincerely,

James Donald Averette

RECEIVED
DCM WILMINGTON, NC
JUN 2 7 2014

June 27, 2014

Mr. Braxton Davis
Director
Division of Coastal Management
Coastal Resources Commission
400 Commerce Avenue
Morehead City, NC 28557

RE: Town of Carolina Beach Second Variance Request for Boardwalk Extension

Dear Mr. Davis:

Thank you for giving my family the opportunity to speak at the recent Coastal Resources Commission meeting in May. We appreciate all you do for our state's coastal communities. The Town of Carolina Beach has informed us they are again requesting a variance from your committee for the boardwalk extension, which if approved, would be constructed between my beach home and the ocean. I am writing to you today to again voice my strong opposition to this extension project. My family and I are very hopeful you will agree this extension would have a significant negative impact on all the affected properties and once again deny the variance request.

The Town of Carolina Beach has stated from the beginning that I am the only property owner opposing this project. This is simply not true. Many homeowners have reached out to the CRC and sent letters of opposition to your board. All affected property owners agree the variance should not be granted for the following reasons.

(1) The proposed 16 foot wide wooden walkway would inflict major property damage as wind and storm driven debris in the event of a major storm or hurricane.
(2) As beach front property owners, our access to and views of the beach will be impeded by this wooden structure.
(3) The proposed extension used as a public walkway would cause a major increase in noise, lights, littering, loitering, trespassing and vandalism. Security of our property will be greatly compromised. Our privacy will be diminished. The boardwalk will degrade the landscape, the views of the beach, the natural habitat of the vegetation and even our property values.
(4) Who is responsible for the negative effects caused the boardwalk extension, such as trash and littering, personal injury to the public if harmed or injured on the walkway or falling from the walkway, increased insurance rates, cost of property damage due to storm driven debris from the walkway?
(5) We feel the granting of the variance for this extension would only set precedence and pave the way for other projects of this nature in our coastal town and other coastal communities in our state. Just because the Town has been given grant money for a project, does it make it lawful for them to infringe on the rights of affected private property owners?

RECEIVED
DCM WILMINGTON, NC
JUN 27 2014

(6) It does not seem to be clear who owns the property between our home and the ocean – The Town, the State? Even if ownership is determined, is it lawful to build a structure on the property? If ownership was transferred to another entity at some point, where is the cause for the taking of the land or my compensation?

I feel the need to go on record and correct false statements made during the CRC's February meeting. I have read the minutes posted on your website and the attorney for the Town of Carolina Beach, Charlotte Noel Fox, made several false statements. When Mr. Gorham asked her what the Town's position would be if the Commission approved the south side expansion, but not approve the north side her response was "that it would be a hardship to the 17 other property owners that are in the central business district that are in support of the boardwalk expansion in front of their properties." This is false. There are 70+ units in the Cabana with 47 of those property owners against this northern extension. When Mr. Baldwin asked if all the properties along the extension of the boardwalk are all town property except me, Ms. Fox replied "they are all private property owners but are not residential owners. Mr. Averette is the only residential property owner. There are 18 property owners total that will be affected by the northern expansion, but just one is residential." This is false. I am not the only residential property owner. Of the 70+ units in the Cabana, many are the primary residences of the owners. And again, there are many more than 18 property owners affected.

Also, when Mr. Snipes asked if there are any other residential property owners in the area of the proposed expansion, Ms. Fox answered "no." This is false. She also stated that "the Town has volunteered to work with Mr. Averette on a number of things to address the concerns raised. For example, the boardwalk plans have been modified and moved farther out from the property line, the Town has removed benches from in front of his area and changed the lighting....Mr. Averette has been the only person along the entire boardwalk objecting to the proposed development." Again, this is entirely false. I am not the only one objecting to the extension. It is also false that the Town has volunteered to work with me. They met with me after the February meeting only because the Commission asked them to, and not before that time.

As you can see, this has been and continues to be a taxing fight. I only want to preserve my beachfront home and its access to the beach that my family has enjoyed for almost 80 years. I would like to sincerely thank you again for your time and consideration. My family and I are grateful for your service to the coastal communities and your concern for coastal property owners. We are hopeful the committee members of the CRC will again agree there is insufficient need and evidence to grant the variance request, and that the boardwalk extension would not "secure the public safety and welfare and preserve substantial justice." It would actually accomplish the opposite. May you have some time to enjoy the summer months on our beautiful Carolina coast.

Sincerely,

James Donald Averette

RECEIVED
DCM WILMINGTON, NC
JUN 2 7 2014

NORTH CAROLINA GENERAL ASSEMBLY
1963 SESSION

CHAPTER 511
HOUSE BILL 612

AN ACT RELATING TO THE TITLE TO THE LAND BUILT UP AND CONSTRUCTED IN THE TOWN OF CAROLINA BEACH IN THE COUNTY OF NEW HANOVER AS A RESULT OF CERTAIN EROSION CONTROL WORK IN SAID TOWN.

WHEREAS, during the course of many years in the Town of Carolina Beach, in the County of New Hanover, North Carolina, much of the land abutting and fronting on the Atlantic Ocean in said town formerly belonging to various property owners has been and is now being washed away by successive storms, tides and winds; and

WHEREAS, the said Town of Carolina Beach, with aid from the State of North Carolina, the United States Government, and with its own funds, has from time to time made available funds with which to control the erosion caused by said tides and winds and other causes, and to that end the said town has pumped sand from Myrtle Grove Sound and also pushed up sand and hauled sand, and as a result thereof there has been, is now, and will be made and constructed new land on the ocean front of said town which will change the ordinary and usual low water mark of the waters of the Atlantic Ocean along the front of said town, and when the work has been completed the question will arise as to whom title to the said new land shall belong; and

WHEREAS, it is the desire of the authorities of the Town of Carolina Beach, as well as the State of North Carolina, to fix and define the title to such new land and to fix and determine its use, and to further define the littoral rights of the property owners abutting on the ocean front which will be destroyed or taken by and through the making of such new made lands: Now, therefore,

The General Assembly of North Carolina do enact:

Section 1. All land filled in, restored, and made, and to be filled in, restored, and made, as the result of the recitals in the preamble to this Act, which will exist between the present eastern property line of the lot owners at present bordering on said ocean and the low water mark of the Atlantic Ocean after the work referred to in the preamble hereof is completed, shall be within the corporate limits of the Town of Carolina Beach and so much of said lands so filled in, restored and made which will lie West of "the building line" to be defined and determined by Section 2 of this Act, is hereby granted and conveyed in fee simple to the land owner, to the extent that his land abuts thereon, and the balance of said land lying East of said "building line" to be fixed and determined by Section 2 of this Act is hereby granted and conveyed in fee simple to

RECEIVED
DCM WILMINGTON, NC
JUN 2 7 2014

the Town of Carolina Beach, provided, however, that no building or structure shall be built and erected on said made and built-up land lying East of "the building line" to be defined and set out in Section 2 of this Act, and provided further that all made and constructed land lying East of "the building line" shall be at all times kept open for the purpose of street and highways for the use of the public and further for the development and uses as a public square or park, as the governing authorities of the Town of Carolina Beach by ordinance shall determine; and provided further that if any such property as is hereby granted and conveyed to the Town of Carolina Beach shall cease to be used for the purposes or in the manner prescribed in this Act, it shall revert and become the property of the State of North Carolina, and provided further that the owners of the property abutting on said newly made or constructed land, shall, in front of their said property possess and keep their rights, as if littoral owners, in the waters of the Atlantic Ocean, bordering on said newly acquired and constructed land.

Sec. 2. Within thirty (30) days from the date of the completion of said work to be carried on by the Town of Carolina Beach and referred to in the preamble hereof, the said Town of Carolina Beach shall, at its own cost, survey or have surveyed by a competent engineer a line to be known as "the building line", and which shall constitute and define "the building line" referred to in Section 1 of this Act, and which shall run the full length of the beach within the town limits, and after "the building line" shall have been surveyed and fixed and determined, the said authorities of the Town of Carolina Beach shall immediately cause to be prepared a map showing, fixing, and determining "the building line", which map so prepared shall be immediately recorded in the office of the Register of Deeds of New Hanover County in a map book kept for said purposes, after the engineer has appended an oath to the effect that said line has been truly and properly surveyed and laid out and marked on said map, and the register of deeds shall properly index and cross-index said map, and when so recorded in said map book or entered or placed therein, in lieu of inserting a transcript thereof, and indexed, the said map shall be competent and prima facie evidence of the facts thereon, without other or further proof of the making of said map, and shall conclusively fix and determine "the building line" referred to in Section 1 of this Act.

Sec. 3. Any property owner or claimant of land who is in any manner affected by the provisions of this Act, and who does not bring suit against the Town of Carolina Beach, or assert such claims by filing notice thereof with the governing body of the town, either or both, as the case may be, or any claimant thereto under the provisions of this Act, or their successor or successors in title, within six (6) months after "the building line" is surveyed and established, and the map thereof recorded, as provided for herein, shall be conclusively presumed to have acquiesced in, and to have accepted the terms and conditions hereof, and to have abandoned any claim, right, title or interest in and to the territory immediately affected by and through or as a result of the doing of act or acts or thing or things herein mentioned, and shall be forever bound from maintaining any action for redress upon such claim.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

RECEIVED
DCM WILMINGTON, NC
JUN 27 2014

In the General Assembly read three times and ratified, this the 22nd day of May, 1963.

RECEIVED
DCM WILMINGTON, NC
JUN 27 2014

CB6

From: Davis, Braxton C
Sent: Monday, June 30, 2014 11:32 AM
To: Donny & Connie Averette; Mairs, Robb L; Willis, Angela
Subject: RE: Editorial: Boardwalk Extension Variance

I will add this article to the record, thank you.

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

From: Donny & Connie Averette [mailto:averettesix@gmail.com]
Sent: Monday, June 30, 2014 11:03 AM
To: Davis, Braxton C; Mairs, Robb L; Willis, Angela
Subject: Editorial: Boardwalk Extension Variance

Editorial in Island Gazette. Please add this to the new folder for the Town of Carolina Beach variance request. Excellent points in the article the board should see.

By WILLARD KILLOUGH III
Managing Editor

The Town of Carolina Beach is requesting a variance from coastal development regulations to extend the wooden boardwalk that parallels the downtown Boardwalk Business area north 875' feet in front of residential properties and several hotels. (See report on page 1-A).
The Town claims the extension, "Creates a unique opportunity for the general public without other means of access to view and access the ocean and dune ecosystem from a variety of locations. With in increased demand for access to the beach and ocean front elderly and handicapped individuals, the northern extension will allow elderly and handicapped individuals convenient beach access as well as the ability to view the dune ecosystem. An undue hardship to the public would be created from strict application of the development rules, standards, or orders issued by the Commission. Specifically, handicapped individuals would be denied a convenient and safe means of accessing the beach and/or viewing the ocean and dune ecosystem. Furthermore, general public's access to the ocean and view the dune ecosystem would be impaired. A lack of safe access, as provided by the proposed Boardwalk could result in damage to the dune ecosystems by those creating their own means of access to the beach."
The extension will not create a "unique opportunity" for the general public to access and view the ocean and "dune ecosystem" from a variety of locations. How can it be "unique" when the Town already provides numerous public beach access areas with parking and provides beach wheelchairs when requested? The existing boardwalk in the downtown area is ADA accessible and provides a vast area of opportunity to view the ocean.
An "undue hardship to the public" would not be created if the state denied the Town's variance request. On the contrary, improving the existing wooden boardwalk would absolutely provide more than enough opportunity for viewing the ocean and "dune ecosystem."
As for people creating their own means of access over the dunes without the extension, that's called breaking the law and people should be held accountable. The extension looks great on paper, but it's slicing through people's backyards while merely connecting to beach accesses at nearby hotels. If this variance is granted, then what's to stop the Town from claiming they need another extension to the south of the Boardwalk in the future? A variance would set precedent.
Providing access means a walkway from a road or parking area crossing the dunes to the beach. There are several city blocks worth of existing wooden boardwalk where people can cross to the beach or sit and look out at the ocean. That boardwalk needs improvement and those enhancements will be greatly appreciated.
The extension on the other hand will likely be entirely under utilized and serve no real purpose. People will not miss it if it isn't built. Purchasing additional parking areas and improving older beach accesses along our oceanfront would be a more fiscally responsible and neighborly thing to accomplish.

RECEIVED
DCM WILMINGTON, NC
JUN 30 2014

From: Davis, Braxton C
Sent: Monday, June 30, 2014 8:55 AM
To: Robert Lewis
Subject: RE: Boardwalk Project In Carolina Beach

Mr. Lewis,
Thank you for your comments on the proposed variance. We will include your comments in the official record for consideration by the Coastal Resources Commission at their upcoming hearing.

Sincerely,
Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Robert Lewis [mailto:rh_50@hotmail.com]
Sent: Sunday, June 29, 2014 4:32 PM
To: Davis, Braxton C
Subject: Boardwalk Project In Carolina Beach

Mr. Davis,

I am a long time resident of Carolina Beach and someone who has been very involved in our local community working to help make our community more of a multi-modal type area where individuals can walk or ride a bicycle rather than use an automotive vehicle to get around town. We as a community have worked very hard to develop greenways, bike paths, new walking trails and other sustainable community type facilities for our residents. We have also designed our community to support individuals with disabilities which has included graduated sideway access at all our street corners and wider beach access points at some of our beach access areas. We designed the boardwalk project to provide more beach access to individuals with disabilities as our boardwalk area today is very narrow and does not provide a safe area for individuals to use wheel chairs because the 5 foot wide ramps are very tight. With the help of the State of North Carolina and New Hanover County we have been awarded grant money to complete the proposed project with 11 new 10 ft access ramps to the sand each with aluminum railings at the right height for those in wheelchairs. It was designed with 16' wide walkways so residents and visitors alike can pass those in wheel chairs without issues.

The project was designed over 18 months ago and grants were awarded last year. There were numerous public hearings, a committee of 20 residents was formed to help in the design. Numerous announcements and drawings of the project were communicated to the public in both the local newspapers and local TV stations who covered this story for months. Property owners were informed of the project a numerous occasions and we had individual meetings with the property owners. The owners of the Cabana Suites condo association and its board agreed to the design with the town agreeing to provide a number of amenities and adjustments to the area to ensure the security of the properties along the boardwalk extension.

The project is a key revitalization piece for the historic boardwalk area of Carolina Beach, which today badly in need of repairs and it provides the opportunity for our town to extend our bike and walking trails utilizing the Carolina Beach boardwalk as a centerpiece of the town.

I respectfully request that the CRC approve the variance so that this project supported by both the state water resources department and CAMA with grants can move forward.

Robert Lewis
102 Sugarloaf Court Carolina Beach, NC 28428 (910) 599-2879

RECEIVED
DCM WILMINGTON, NC
JUN 3 0 2014

-----Original Message-----
From: Alice Zachodzki [mailto:azmanor@aol.com]
Sent: Monday, June 30, 2014 9:03 AM
To: Davis, Braxton C
Subject: Letter & Deed to CRC

Director Davis,
Please find below attachments relating to the CRC variance hearing in July concerning the northern extension of the Carolina Beach boardwalk. As a property owner of Unit 312 at the Cabana de Mar it concerns me that the Town continues to profess that there is only one private residential owner in the path of the proposed extension. I have attached a copy of my deed which demonstrates that there are more than one residential property owners in the path of the boardwalk extension. Each of the owners of the 76 units in our building also have deeds to their units.

Please include this email with attachments in the official record for the upcoming hearing.
Please acknowledge that you have received this email.
Thank you.
Alice Zachodzki

RECEIVED
DCM WILMINGTON, NC
JUN 30 2014

SAlice Zachodzki
Unit 312
222 Carolina Beach Avenue North
Carolina Beach, North Carolina 28428
(704) 604-5102

June 28, 2014

Coastal Resource Commission
North Carolina Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

My name is Alice Zachodzki, a residential-owner of Condominium 312 at Cabana De Mar, a four story 76 unit condominium building located within the impacted area of the Town of Carolina Beach's proposed northern extension to its existing boardwalk. I am writing the NC Coastal Resources Commission for two reasons: 1) to clarify the number of residential property owners that could be potentially impacted by the proposed northern extension of the existing Carolina Beach boardwalk; and 2) to formally express my strong opposition to the proposed northern extension of the existing Carolina Beach boardwalk.

Before moving forward to my main points, I would like to provide the Commission with some background as to why my husband and I choose to become residential property owners in the Cabana De Mar. Specifically, sometime around 2011, as my Husband entered retirement and I continued dealing with long term disability due to a rare and painful complication with Shingles, we began looking for an ocean-front piece of residential property that would be manageable for us both financially and in terms of a maintenance prospective. After several months of research, it became clear that the best option for us to realize our ocean front dream was to look exclusively at condominiums. Ultimately, in 2011, we were able to realize our dream when we purchased and obtained Fee Simple title to Unit 312 at the Cabana de Mar (For the Commission's convenience, I have attached our Deed for the property as retrieved from the New Hanover County's Register of Deeds).

Since closing on the property and officially becoming owners of Unit 312, we have used the property exclusively as a residential property for the enjoyment of our family and close friends. The characteristics and rights associated with being ocean front residential owners such as uninterrupted ocean and vegetation views, and private and uninterrupted beach access have been hallmarks of the true joy we are experiencing owning and using this residential property. In addition, the peaceful and quiet existence of the condominium away from the often rowdy and bustling nightlife of the existing boardwalk has further added to our enjoyment of the property as residential owners. Simply put, it has truly been a dream come true. However, I am very concerned, as the Commission was in February 2014 when it denied the Town's variance request for the northern extension of the existing boardwalk, that any parallel structure such as the proposed northern extension would destroy many of the characteristics that were not only driving forces in our decision to purchase the condominium just a few years ago, but have also been instrumental in our reasonable enjoyment of the property that we purchased.

RECEIVED
DCM WILMINGTON, NC
JUN 3 0 2014

I apologize for the length of the above background information, however, I feel the information is important to illustrate my interests and concerns as a residential property owner, as opposed to someone appealing to the Commission for commercial gain. With that in mind, I hope the Commission understands my deep appreciation for the Commission's questioning surrounding the impact of the proposed northern extension on residential property owners such as myself and the Averettes during its February 2014 variance hearing and ultimate denial of the northern extension. Furthermore, and under that same light, I hope the Commission understands my equally deep concern surrounding the answers provided by Charlotte Noel Fox, Attorney for the Town of Carolina Beach, in response to those questions, which stated that only one residential property owner would be impacted by the proposed northern extension. As I am confident the Commission has been made aware, by this letter and those of other concerned residential owners, this proposed project will affect many more residential property owners than just the Averettes.

To conclude, if the proposed northern extension of the boardwalk is approved and allowed to proceed, the Averettes' along with numerous other residential property owners such as myself and the remaining residential owners in our building, the Cabana De Mar, will be negatively impacted. For that reason and those listed above, I strongly urge the Commission to deny any variance that would allow the construction of such an unnecessary and harmful project as the proposed northern extension to the Carolina Beach Boardwalk.

Sincerely,

Alice Zachodzki

RECEIVED
DCM WILMINGTON, NC
JUN 30 2014

3/25/16

2011014317

FOR REGISTRATION REGISTER OF DEED'
JENNIFER H MACNEISH
NEW HANOVER COUNTY, NC
2011 MAY 25 03.05 38 PM
BK 5565 PG 931-934 FEE $25 00

INSTRUMENT # 2011014317

R09006-006-006-058

PREPARED BY **K Douglas Barfield, Attorney at Law and Ned M Barnes, Attorney**
RETURN TO **1009 N Lake Park Blvd , #C-2, Carolina Beach, NC 28428**
Notice per NCGS §105-317 2 The below property is not a primary residence of the Grantor
REVENUE Exempt
File# **FNMA 0269-10**
Revised 01/02/92
NC (Conventional)
STATE OF NORTH CAROLINA) ss.
COUNTY OF **NEW HANOVER**

REO NO. **A101CYK**
SPECIAL WARRANTY DEED

THIS DEED, made this **20th** day of **May, 2011,** by and between FEDERAL NATIONAL MORTGAGE ASSOCIATION a/k/a FANNIE MAE, whose mailing address is: P.O. Box 650043, Dallas, TX 75265, a corporation organized under and existing pursuant to the laws of the United States, hereinafter called Grantor, AND **JOHN W. ZACHODZKI, AND WIFE ALICE L. ZACHODZKI,** whose permanent mailing address is: **4625 CHARLESTOWNE MANOR DRIVE, CHARLOTTE, NC 28211** , and their assigns, hereinafter called Grantee.

WITNESSETH, that for and in consideration of the sum of One Dollar and other valuable consideration to it in hand paid by the Grantee, receipt of which is hereby acknowledged, said Grantor has given, granted, bargained and sold, and by these presents does give, grant, bargain, sell and convey unto the said Grantee, and their assigns, and subject to covenants and restrictions of record and matters an accurate survey would reveal, the following described property in **NEW HANOVER** County, North Carolina, to-wit:

SEE ATTACHED EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR LEGAL DESCRIPTION.

The property is commonly known as **222 CAROLINA BEACH AVENUE N. #312, CAROLINA BEACH, NC 28428.**

This conveyance is made subject to the following restrictive covenant which shall attach to and run with the land:

Grantee herein shall be prohibited from conveying captioned property to a bonafide purchaser for value for a sales price of greater than $154,800.00 for a period of three months from the date of this deed. Grantee shall also be prohibited from encumbering subject property with a security interest in the principal amount of greater than $154,800.00 for a period of three months from the date of this deed. These restrictions shall run with the land and are not personal to grantee.

This restriction shall terminate immediately upon conveyance at any foreclosure sale related to a mortgage or deed of trust.

TO HAVE AND TO HOLD the within granted and transferred property, together with all and singular the rights, members and appurtenances thereof to the same, being, belonging or in anywise appertaining to the only proper use, benefit and behave of the said Grantee, and their assigns, forever, in FEE SIMPLE.

Return to
Ned Barnes

RECEIVED
DCM WILMINGTON, NC
JUN 30 2014

GRANTOR hereby agrees to and with the Grantee, and their assigns, that it will warrant and defend the title to said land and premises against the claims of all persons claiming by, through, or under the said Grantor.

IN WITNESS WHEREOF the said Grantor has caused these presents to be executed in its name on its behalf by DIANA ROBINSON, its ASSISTANT VICE PRESIDENT, and its corporate seal affixed, on the day and year first above written.

FEDERAL NATIONAL MORTGAGE ASSOCIATION
A/K/A FANNIE MAE
By: _____
DIANA ROBINSON Vice President

(CORPORATE SEAL)

STATE OF TEXAS)
COUNTY OF DALLAS)

I, the undersigned Notary Public, do hereby certify that DIANA ROBINSON personally came before me this day and acknowledged that he is the ASSISTANT VICE PRESIDENT of Federal National Mortgage Association, a corporation, and that, by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him/her as Vice President and sealed with its corporate seal.

Witness my hand and official seal this 20th day of **May**, 2011.

_____
Notary Public
My Commission Expires:

(SEAL)

RAQUEL BLACK
My Commission Expires
June 29, 2011

RECEIVED
DCM WILMINGTON, NC
JUN 30 2014

Exhibit A

UNIT OWNERSHIPS in real property pursuant to Chapter 47-A of the General Statues of North Carolina and being known and designated as Unit 312 in CABANA DE MAR CONDOMINIUM, Phase 1, a condominium development, as the same is shown and described upon map thereof recorded in Condominium Plat Book 6 at Pages 319 through 325 in the Office of the Register of Deeds of New Hanover County, North Carolina, and in the Declaration of Condominium recorded in Book 1273 at Page 757 and following pages in said Registry, and all amendments and supplements thereto, and said unit is also conveyed SUBJECT TO AND TOGETHER WITH all of the rights, easements, covenants, terms and conditions of said Declaration, and all amendments and supplements thereto, and being the same lands described in the deed recorded in Book 2933 at Page 849 in said Registry.

RECEIVED
DCM WILMINGTON, NC
JUN 30 2014

JENNIFER H MACNEISH
REGISTER OF DEEDS, NEW HANOVER
216 NORTH SECOND STREET

WILMINGTON, NC 28401

****

Filed For Registration: 05/25/2011 03:05:38 PM

Book: RE 5565 Page: 931-934

Document No. 2011014317

4 PGS $25 00

Recorder: JOHNSON, CAROLYN

State of North Carolina, County of New Hanover

PLEASE RETAIN YELLOW TRAILER PAGE WITH ORIGINAL DOCUMENT.

2011014317

2011014317

RECEIVED
DCM WILMINGTON, NC
JUN 3 0 2014

From: Alice Zachodzki [mailto:azmanor@aol.com]
Sent: Monday, June 30, 2014 11:18 AM
To: Davis, Braxton C
Subject: Fwd: Cabana veg photo 1

Director Davis,

Below is a picture taken from our walkway to the beach. Please note that the stake with the blue piece of plastic shows the middle point of the 16' boardwalk. We felt this picture was important so that the commission members could see how much vegetation will be destroyed. The top of the stake is suppose to be the top of the handrail. Please note the sign to the left of the stake as a point of reference.

Alice

Begin forwarded message:

From: Gregfoto@aol.com

Subject: Cabana veg photo

Date: June 23, 2014 at 5:15:43 PM EDT

To: azmanor@aol.com

Photo file attache

RECEIVED
DCM WILMINGTON, NC
JUN 30 2014

RECEIVED
DCM WILMINGTON, NC
JUN 3 0 2014

From: Davis, Braxton C
Sent: Tuesday, July 01, 2014 8:05 AM
To: Donald & Louinice Motsinger
Subject: RE: Public Boardwalk Extension in Carolina Beach

Mr. Motsinger,
Thank you for your comments on the proposed variance. I will include your comments in the official record for consideration by the Coastal Resources Commission at their upcoming hearing.

Sincerely,
Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Donald & Louinice Motsinger [mailto:dmotsinger@triad.rr.com]
Sent: Monday, June 30, 2014 8:31 PM
To: Davis, Braxton C; frankgorhamCRC@gmail.com; cahoonCRC@gmail.com; nealandrewCRC@gmail.com; lbaldwinCRC@gmail.com; dorseyCRC@bhic.org; bob.emory@weyerhaeuser.com; greglewisCRC@ec.rr.com; wcncrc@gmail.com; jsimmons.crc@mmc-nc.com; harrysimmonscrc@earthlink.net; johnsnipescrc@gmail.com; lowynns@mchsi.com
Subject: Public Boardwalk Extension in Carolina Beach

Member of the Coastal Resource Commission,

My wife and I own a small oceanfront house at 103 Carolina Beach Ave. South, just south of the present Public Boardwalk in the town of Carolina Beach. We are very much in favor of the improvements planned for the present existing Public Boardwalk. But we support those who are opposed to the extension of the Public Boardwalk north which would put a public boardwalk between private residential oceanfront properties and the ocean.

About 10 years ago, the town of Carolina Beach proposed extending the Public Boardwalk south to Hamlet Street which would have put a public boardwalk between the ocean and 12 oceanfront residential properties, 3 houses and a 9 unit condo complex, including our house. There are no businesses located between the southern end of the Public Boardwalk and Hamlet Street which was the area for the proposed extension south. All 12 owners of the residences strongly opposed the southern extension of the Public Boardwalk and it was not built.

We understand that oceanfront properties have "littoral rights" which is an unobstructed view and access to the ocean. People pay more for an oceanfront property than a similar property across the street from the ocean because it gives them unobstructed views of the ocean. A public boardwalk on the sand dune would obstruct the ocean view and would have lights at night, foot traffic and noise, day and night, all of which would cause loss of privacy.

There are now many public access points to the beach and several are handicap accessible with ramps and parking nearby. Also, there are handicap accessible ramps to the beach from the existing Public Boardwalk with parking nearby.

Thank you.

Donald Motsinger

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

From: Davis, Braxton C
Sent: Tuesday, July 01, 2014 8:03 AM
To: Charlotte Karnopp
Subject: RE: Anti-Boardwalk Letter

Ms. Karnopp,
Thank you for your comments on the proposed variance. I will include your comments in the official record for consideration by the Coastal Resources Commission at their upcoming hearing.

Sincerely,
Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Charlotte Karnopp [mailto:charlottekarnopp@yahoo.com]
Sent: Monday, June 30, 2014 6:44 PM
To: Davis, Braxton C
Subject: Anti-Boardwalk Letter

Dear Mr. Braxton:

Is big business the reason why the sand dunes are being manipulated in order to allow for the construction of the boardwalk in front of the Cabana Private Residences and Northern waterfront beach housing? The rational for building the boardwalk, according to the Town of Carolina Beach, is to provide a "unique opportunity" for the public to access and view the "dune ecosystem." The only "unique opportunity" provided would be a chance to further traumatize the ecosystem by building a 16 foot pier on top of the dunes and right in the front yards of homeowners. Will the homeowners now call their beachfront property ***boardwalkfrount***? The in-congruence of building a boardwalk on the dunes in order to provide a "unique opportunity" contradicts every aspect of preserving an oceanic ecosystem. How can one preserve the integrity of an ecosystem by allowing the Town of Carolina Beach to build on top of the dunes, thus introducing the area to trash, cigarette butts, and beer cans? It can and will happen.

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

On May 17, 2014 this Carolina Beach homeowner decided to collect a data sample at the Cabana Private residences from approximately one week by means of a petition called, ***The Anti-Boardwalk Petition.*** The petition included the following statement, "Please practice your homeowner rights by signing the petition to keep our residences free from, noise, trash, night lights, loss of privacy, blocking our ocean view, and devaluing our property by no longer being considered ocean front." According to the results of the petition, for an average week during the summer, over 39 renters and homeowners objected to the building of the Boardwalk. This was just a petition for one week. However, the current polls of votes which can shift this ***marine monstrosity,*** are the ones voted by the ***Cabana Homeowners Association reports 47 against and 5*** for the boardwalk out of 76 privately owned condominiums.

The long-term results of Carolina Beach building an extension of the boardwalk, will leave a ***negative carbon footprint*** impacting the next generation. The amount of destruction created to build the extension of the boardwalk will create more damage to the dunes, as well as, being the precursor of further systemic damage to our beloved Carolina Beach Coastline (ie. trash). ***Don't we have enough natural disasters?*** If the Town of Carolina Beach is allowed to build the boardwalk extension, how much father will they go? People come from up north to visit Carolina Beach because it is different from other beaches. Can we retain the nostalgic feeling we have had for all these years? The aesthetics of the coastline is what makes Pleasure Island-Pleasure Island. We have freedoms so many of the beaches don't have. This writer of letter will continue to advocate for the rights of the property owners, the public, and marine life. This is not just about my property being affected, this is about preserving our coastline and marine life. And we wonder why we are having sand kicked in our faces. **Mr. Braxton you are are last and only hope!** 

Respectfully submitted,

Charlotte Karnopp
222 Carolina Beach Ave. N
Unit 114
Phone: 910-233-9989

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

From: Davis, Braxton C
Sent: Wednesday, July 02, 2014 10:03 AM
To: Lane Cathy
Subject: RE: Town of Carolina Beach Boardwalk Extension Variance Request

Ms. Lane,
Thank you for these additional comments on the Carolina Beach Boardwalk variance request. We will also include these comments in the official record for consideration by the Coastal Resources Commission at their upcoming meeting.

Sincerely,
Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

-----Original Message-----
From: Lane Cathy [mailto:s.cathy.lane@gmail.com]
Sent: Tuesday, July 01, 2014 9:32 AM
To: Davis, Braxton C
Subject: Town of Carolina Beach Boardwalk Extension Variance Request

Attached is a letter from the Boardwalk HOA. Please read and make this a part of the Variance Request.

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

June 30, 2014

To: Braxton Davis
Director, Coastal Resource Commission
400 Commerce Avenue
Morehead City, NC 28557

Reference: Construction requirements for the Carolina Beach Northern Boardwalk Extension: Points of Understanding with Cabana Home Owners Association and Town of Carolina Beach

Coastal Resource Commission Members,

The Cabana Homeowners Board met with the Town of Carolina Beach on June 19th, 2014 to discuss the implications of the proposed Boardwalk Extension on Cabana Homeowners. Prior to this meeting, letters had been exchanged between these two parties as an attempt to resolve concerns that would have a negative impact on Cabana property. The results of this meeting were to be summarized by the Town of Carolina Beach with the expectations of a written agreement to be formally adopted. As of this writing no formal agreement has been received. Due to the July 2nd deadline by the CRC for feedback to be considered at the July 30-31, 2014 meeting, the Cabana Homeowners' Board is providing this summary document describing the status of Cabana's concerns.
In no way should this letter be construed or used as an expression of approval, support or opposition of any potential Boardwalk extension, by the Cabana Board of Directors, Cabana Home Owners Association or Town of Carolina Beach officials. The purpose of this letter is resolve construction issues, property security concerns and potential expenses to Cabana homeowners in the event the boardwalk extension is built.

Should the Boardwalk Extension move forward with the approval of the CRC, it is the request of the Cabana Homeowners Board that the following terms, as agreed upon by the Town of Carolina Beach, be included in the formal Boardwalk Extension construction plans:

- Elevation. The elevation of the Boardwalk that extends between the ocean and the Cabana must be at the level of the dune so as not to block the 1st floor Cabana view of the beach. **The Town of Carolina Beach has agreed to lower the entire northern extension 1 foot, so the new handrail elevation of 17.7 is just shy of 4 feet lower than the first floor elevation of 21.6 and 0.3 feet lower than the frontal dune at 18 feet. This is not to result in an elevation of the frontal dune.**

RECEIVED
JUL 0 1 2014
DCM-MHD CITY

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

- Width of Structure. The proposed width of 16 feet would have a significant impact on traffic, noise and obstruct the ocean view of Cabana home owners. A request to keep the boardwalk in the area of Cabana at 8 feet, rather than **expanding the Boardwalk from 8 to 16 feet was opposed by the Town of Carolina Beach. This remains a concern for Cabana property owners.**

- Crowds and Noise- Seating areas or benches located on the Boardwalk area in front of the Cabana are undesirable. **The Town of Carolina Beach has agreed to remove all seating bumpouts in the area of the Cabana.**

- Security – Concerns has been expressed by homeowners that the proposed Boardwalk will increase vandalism and property trespassing. Security must be maintained at the Cabana, consistent with the existing Cabana fencing and property access. **The Town of Carolina Beach has agreed to the following items with the pre-approval of construction materials by Cabana management.**

    - Two lockable gates will be required for homeowners to access Cabana's private beach access walkway. This creates a cumbersome situation for homeowners and guests to navigate across the proposed boardwalk.
    - Locked access gates, with Cabana approved hardware, between the Boardwalk and the Cabana and between the boardwalk and Cabana's private beach access must be included to maintain the existing security level of the Cabana.
    - Security fencing to be installed on the ocean side of the property to match current property fencing.
    - Screened fencing surrounding the Cabana pool would be required to assure privacy and security. The Boardwalk will extend alongside the Cabana pool. Homeowners on the first floor level have expressed concerns their ocean view will be blocked by this type of screen.

- The new boardwalk's proposed public beach access (as currently designed in the middle of the Cabana) must be moved to one end of the Cabana's property line or the other so that it is not in direct view of the Cabana homeowners. **The Town of Carolina Beach has agreed to move the access off of the Cabana property line.**

- Shower Placement- The showers and foot washes would be required to move closer to the Cabana, as they are currently where the proposed boardwalk would be installed. **The Town of Carolina Beach has agreed to replace the existing showers in the preferred location of Cabana management.**

- Appropriate ADA compliant wheelchair access between Cabana and the Boardwalk Extension would be required. **The Town of Carolina Beach will**

RECEIVED
JUL 0 1 2014
DCM-MHD CITY

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

construct a new private beach access from Cabana property to the Boardwalk and from the Boardwalk down to the beach. This will meet Building Codes and ADA standards.

- Any Boardwalk extension lighting in front of the Cabana would have to be installed at the level of the boardwalk floor to minimize any "spotlight" effect, brightness, and negative viewing conditions for Cabana owners and guests. **The Town of Carolina Beach has agreed to remove all pole mounted lighting and will use "puck" style lighting, to be mounted on the railing.** This will be low voltage to minimize light in front of the Cabana.

- Storm and Hurricane Damage- Cabana homeowners have raised concerns about the debris damage that a large horizontal structure will inflict on our building when a major storm occurs. **The Town of Carolina Beach has confirmed that the Boardwalk construction is designed to a windspeed tolerance of 139 mph and pilings will be driven to a minimum of 16 feet below grade per Building Code.** Concerns still remain about damage from wave driven debris.

The Town of Carolina Beach has agreed that the Cabana Board of Directors have the right to pre-approve the design including the choice of hardware and materials associated with any construction connecting with Cabana property, if the boardwalk extension is extended northward.

- The Town of Carolina Beach has agreed that no construction of the Boardwalk Extension between the ocean and Cabana should occur between Memorial Day and Labor Day; and
- The construction of the Boardwalk Extension between the Ocean and Cabana (including all construction on Cabana property) is to be completed within 90 days of start.

There is also another issue outside of the proposed boardwalk that was brought to the attention of Town officials during the November 2013 meeting. A storm water drain line was severed by Carolina Beach city workers several years ago. The damaged drain is located on the street side of the Cabana and has been rendered useless. As a result, and at considerable expense to Cabana homeowners, a pump system for drain water overflow had to be installed to guard against further erosion of soil underneath the building concrete parking area and the building's foundation and footings. **The Town of Carolina Beach has agreed to a permanent repair of this damage storm water drain line within the next 6 months.**

Sincerely,

Cabana Homeowners Association Board of Directors

C. Edward Buchanan, President

Cc: Mayor- Dan Wilcox

RECEIVED
JUL 01 2014
DCM-MHD CITY

RECEIVED
DCM WILMINGTON, NC
JUL 02 2014

Mayor Pro Tem-LeAnn Pierce
Council Member-Sarah Friede
Gary Doetsch-Council Member
Steve Shuttleworth-Council Member
Michael Cramer-Town Manager
Ed Parvin-Assistant Town Manager

RECEIVED
JUL 01 2014
DCM-MHD CITY

RECEIVED
DCM WILMINGTON, NC
JUL 02 2014

From: Davis, Braxton C
Sent: Wednesday, July 02, 2014 10:03 AM
To: Lane Cathy
Subject: RE: Town of Carolina Beach Boardwalk Extension Variance Request

Ms. Lane,
Thank you for these additional comments on the Carolina Beach Boardwalk variance request. We will also include these comments in the official record for consideration by the Coastal Resources Commission at their upcoming meeting.

Sincerely,
Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

-----Original Message-----
From: Lane Cathy [mailto:s.cathy.lane@gmail.com]
Sent: Tuesday, July 01, 2014 9:32 AM
To: Davis, Braxton C
Subject: Town of Carolina Beach Boardwalk Extension Variance Request

Attached is a letter from the Boardwalk HOA. Please read and make this a part of the Variance Request.

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

July 1, 2014

To Braxton Davis

Director, Division of Coastal Management

From Boardwalk Condominium Homeowners Association

115 Carolina Beach Avenue, South

Carolina Beach, NC 28428

It is our understanding that the original letter we wrote opposing the Boardwalk extension north is no longer being considered a part of the new variance petition by the Town of Carolina Beach (TCB). Therefore we want to restate our position as it relates to the changes made in the TCB's Variance Request and make it a part of the new variance request.

As we stated in our last letter, in 2004 the Town of Carolina Beach requested a grant to extend the existing public Boardwalk south from the Marriott to Hamlet Street. That proposal involved a much smaller footprint than the one currently proposed. Between the Marriott Courtyard and Hamlet Street there were twelve private oceanfront residences, which included three houses and a nine unit condo building and no businesses. All twelve of the owners joined together to oppose the project. At that time, the owners felt that a public boardwalk between their properties and the ocean would take away their "littoral rights." **" Littoral rights" give ocean front property owners the legal right to immediate, direct and unobstructed access to the ocean, from any point of the property abutting the ocean, and an unobstructed view of the ocean from any point abutting the ocean.** Our position has not changed.

A real estate agent advised that owners could no longer advertise their properties as "oceanfront" if owners wanted to rent them out or sell because there would be a structure between the property and the ocean. This equates to a loss of **littoral rights**. Further, this loss of **littoral rights** would decrease the values of oceanfront properties located behind the proposed Boardwalk extension.

The TCB most definitely recognizes the potential impact this extension could have just by the wording of their current request - " . . . In response to comments made by Commissioners during the February 26, 2014 Coastal Resources Commission meeting, the Town has significantly redesigned aspects of the northern extension to **reduce potential impacts** to adjacent residential property owners . . . The Town approached each property owner adjacent to the . . . extension . . . in discussion centered on **minimizing potential impacts** . . . Lowering the structure to 1-2 feet above grade and over a foot below the frontal dune will substantially **lessen view impact** from adjacent properties . . . A total of 4 seating area "bump outs" have been removed . . . Removing these seating areas will **substantially reduce potential noise impacts** . . . To alleviate concerns of pedestrians trespassing, the Town is committed to providing security gates at the private beach accesses . . . **To reduce the risks** of flood or wind driven debris damaging the structures adjacent to the proposed . . .Boardwalk . . ." All of this points to TCB recognizing the potential impact this extension can and most likely will have on the property owners. It is very troubling to think the CRC would approve this project, knowing the potential impact it could have on private property owners.

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

We are confident that if this project moves forward on the north end of the current Boardwalk, it will soon be back on track for the area south of the current Boardwalk. Our position is the same as it was in 2004, the Boardwalk should not extend past the current footprint. We are not a business. We are all private residences.

As property owners and individuals, we love Carolina Beach and want to see it continue to attract visitors. We, however, do not want to see it lose the charm that has brought visitors here for many years. We fully support the Town's efforts to improve the immediate Boardwalk area. We do not favor taking away property rights of those owners who have supported this beach community for many years.

We stand united with the owners on the north end who oppose this project.

Regards,

Boardwalk Homeowners Association -

Sean DesNoyer, President HOA/Boardwalk Condominiums, 303

Beverley Pellom, Vice President HOA/Boardwalk Condominiums, 102

Cathy Lane, Secretary HOA/Boardwalk Condominiums, 201

Paul and Carolyn Glaser, 101

Ralph McElderry, 102

Mark and Jamie Immordino, 103

David Lane, 201

Dico Drakulevski, 202

Robert and Mary Firth, 203

Ben and Emily Carr, 301

Dan and Janet Abernethy, 302

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

From: Davis, Braxton C
Sent: Wednesday, July 02, 2014 9:46 AM
To: Beverley Pellom
Subject: RE: Opposition to Town of Carolina Beach request to extend the Boardwalk

Ms. Pellom,
Thank you for your comments on the proposed variance. Your comments will be included in the official record for consideration by the Coastal Resources Commission at their upcoming meeting.

Sincerely,
Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Beverley Pellom [mailto:bpellom@hotmail.com]
Sent: Tuesday, July 01, 2014 11:50 AM
To: Davis, Braxton C
Subject: Opposition to Town of Carolina Beach request to extend the Boardwalk

To : Braxton Davis, Director of the Division of Coastal Management

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

Dear Mr Davis,

On behalf of my father Ralph McElderry and myself, as condo owners at Carolina Beach (Boardwalk Condos. 115 Carolina Beach Avenue, South) this letter is being sent to you as resounding opposition to the Town of Carolina Beach (further known as TCB) Boardwalk proposal to extend the Boardwalk.

We feel that the extension is unnecessary and in fact detrimental to the existing ecosystem. TCB states in their Variance Request that the extended Boardwalk would provide viewing access to the dune ecosystem and provide handicapped visitors access as well. This can be done by retrofitting the existing Boardwalk and by using the other existing access points to view the dunes and ocean. Handicapped visitors already can be driven directly onto the beach at the northern end of the island. Digging a proposed 16 plus feet into the dunes is a detrimental force against the ecosystem for no reason when other options exist. If beautification is the purpose of the extension proposal, it makes no sense to cover dunes and seagrass and natural beauty with decking. While it is unnecessary as previously noted it is also extremely detrimental to the property values of the homeowners who would be subject to this unnecessary "beautification". TCB acknowledges this detrimental nature to the property owner throughout their request by mentioning modifications they have made to "reduce impacts" on the property owners and even in their cover letter mention "modifications which have been made to reduce the impacts of the Boardwalk" and go on further to state "The Town would be willing to make other modifications to the width of the Boardwalk to further minimize the impacts to adjacent property owners". These impacts to the property owners include lower property values, safety, noise, security, wind driven debris damage, and impeding ocean front view. We stand firmly in opposing this extension and join with those other homeowners both North and South of the existing Boardwalk in this opposition.

We love our beach home and the entire Carolina Beach community having owned various properties there continuously since the early 70's. We support the towns efforts to improve and beautify the existing Boardwalk. We draw the line at disrupting natural beauty and affecting property values.

I thank you for your attention and careful consideration in this matter.

Warm Regards,

Beverley M. Pellom

Ralph E. McElderry

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

From: Davis, Braxton C
Sent: Wednesday, July 02, 2014 9:45 AM
To: Abernethy, Janet
Subject: RE: Boardwalk Extension

Ms. Abernethy,
Thank you for your comments on the proposed variance. Your comments will be included in the official record for consideration by the Coastal Resources Commission at their upcoming meeting.

Sincerely,
Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Abernethy, Janet [mailto:jabernethy@localfirstbank.com]
Sent: Tuesday, July 01, 2014 12:05 PM
To: Davis, Braxton C; frankgorhamCRC@gmail.com; cahooncrc@gmail.com; NealAndrewCRC@gmail.com; lbaldwincrc@gmail.com; dorseyCRC@bhic.org; bob.emory@weyerhaeuser.com; marc.hairston.crc@gmail.com; greglewisCRC@ec.rr.com; WCNCRC@gmail.com; jsimmons.crc@mmc-nc.com; HarrySimmonsCRC@earthlink.net; johnsnipescrc@gmail.com; lowynns@mchsi.com
Subject: Boardwalk Extension

As an owner of a condo at Carolina Beach located at 115 Carolina Beach Avenue South(Boardwalk Condos) this email is Being sent to all of the CRC members and Davis Braxton, Director of the Division of Coastal Management in complete Opposition to the extension of the Carolina Beach Boardwalk. We feel the extension is completely unnecessary and Takes away from the beauty of the beach. The dunes and seagrass are natural beauty designed by nature. Who Came up with the idea that a wooden boardwalk would be attractive to the owners of the beachfront properties??

By doing this would equate to a loss of LITTORAL RIGHTS to the owners of the beachfront properties being affected. This loss of LITTORAL RIGHTS would decrease the values of oceanfront properties located behind the proposed Boardwalk extension. Please keep in mind , the current Boardwalk may work for the commercial businesses, That is how they make their living. Our property is private residences and we do not wish to have people Hanging out all night long in front of our condo disturbing our family.

We love Carolina Beach and want to see it continue to attract visitors. We do not want to see it lose the charm That compelled us to purchase our property here in the first place. We fully support the Town's efforts to Improve the immediate Boardwalk area. We DO NOT favor taking away property rights of those owners who Have supported this beach community for many years.

We stand united with the owners on the north end who oppose this project.

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

Janet D. Abernethy
Sr. Vice President
Regional Executive
First Bank 553 E Plaza Dr. Mooresville, N.C. 28115 Branch 73 - Speed Dial 73 Phone:704-663-0465 Fax: 704-663-0485
Email: jabernethy@localfirstbank.com

From: Davis, Braxton C
Sent: Wednesday, July 02, 2014 9:43 AM
To: Lane Cathy
Subject: RE: Opposition to the Town of Carolina Boardwalk Extension Variance Request

Mr. and Mrs. Lane,
Thank you for your comments on the proposed variance. Your comments will be included in the official record for consideration by the Coastal Resources Commission at their upcoming meeting.

Sincerely,
Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

From: Lane Cathy [mailto:s.cathy.lane@gmail.com]
Sent: Tuesday, July 01, 2014 5:10 PM
To: Baldwin Larry; Davis, Braxton C; Gorham Frank; Cahoon Renee; Andrew Neal; Dorsey Suzanne; Emory Bob; Hairston Marc; Lewis Greg; Naumann Bill; Simmons Ben; Simmons Harry; Snipes John; Wynns Lee
Subject: Opposition to the Town of Carolina Boardwalk Extension Variance Request

Coastal Resources Commission Members,

My husband and I own a condominium at 115 Carolina Beach Avenue South. We am writing this letter to express our opposition to the extension of the Boardwalk, both north and south of it's current footprint. Our objections are as follows:

- This structure will violate the **littoral rights** of ocean front property owners, as it will prevent their legal right to immediate, direct and unobstructed views of the ocean. Even with the lower 3' 7" profile, the structure will be fully visible from the first floor ocean front properties along it's path, as will the people using it.

- Just by their wording on the Variance Request, the TCB recognizes the (negative) "potential impact" of this structure.

- This structure will create excessive noise, trash and loitering in an area primarily made up of private residential units.

- For years we have been discouraged from walking on the dunes ($1000 fine), using excessive lighting near the dunes or touching turtle nests. This structure violates the spirit of everything we have been "taught".

- The TCB has already met the required public access point requirements. Concentrate on improving those areas with better public and handicap accessibility.

The TCB has done a wonderful job with the improvements made to the Boardwalk area over the past several years. We fully support those efforts. We strongly encourage TCB to take those same monies and make the current Boardwalk footprint the best boardwalk on the east coast.

Thank You,

David and Cathy Lane

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

From: Davis, Braxton C
Sent: Wednesday, July 02, 2014 4:39 PM
To: Carolyn Glaser
Subject: RE: Opposition to the Town of Carolina Beach Boardwalk Extension Variance Request

Mr. and Mrs. Glaser,
Thank you for your comments on the proposed variance. Your comments will be included in the official record for consideration by the Coastal Resources Commission at its upcoming meeting.

Sincerely,
Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

From: Carolyn Glaser [mailto:umsmeums@aol.com]
Sent: Wednesday, July 02, 2014 4:36 PM
To: lbaldwincrc@gmail.com; Davis, Braxton C; frankgorhamcrc@gmail.com; cahooncrc@gmail.com; nealandrewcrc@gmail.com; dorseycrs@bhic.org; bob.emory@weyerhaeuser.com; marc.hairston.crc@gmail.com; greglewiscrc@gmail.com; wcncrc@gmail.com; jsimmons.crc@mmcnc.com; harrysimmonscrc@earthlink.net; johnsnipescrc@gmail.com; lowynns@mchsi.com
Subject: Fwd: Opposition to the Town of Carolina Beach Boardwalk Extension Variance Request

Sent: Wed, Jul 2, 2014 3:53 pm
Subject: Opposition to the Town of Carolina Beach Boardwalk Extension Variance Request

Coastal Resources Commission Members,

My husband and I are owners at 115 Carolina Beach Ave S. Our unit is on the first floor. We are writing to express our opposition to the extension of the Boardwalk, both north and south of it's current location.

This structure will not only violate the littoral rights of ocean front property owners but in our case, will create excessive noise, trash, loitering and obstruction of our ocean view. Not to mention severe loss of privacy in our condo and possibly affecting our property values which we have already had to deal with over the last five years.

For years everyone has been concerned with the importance of maintaining our dunes as well as not disturbing the habitat for nesting turtles. I myself have witnessed these nesting areas directly in front of my condo and have watched the babies hatch and crawl into the ocean. I am very confused as to why these two very important factors have been ignored to build a very unnecessary boardwalk.

Who is going to benefit from this extension? Certainly not the people who have been caring for the beach area for many, many years. Otherwise, this makes no logical sense.

We support the town's efforts to improve and beautify the existing Boardwalk and we stand together with the owners on the north end who oppose this project.

Thank you for your attention to this serious matter and we hope that you can look at this from the "little peoples'" point of view.

Sincerely,

Paul and Carolyn Glaser

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

From: Davis, Braxton C
Sent: Wednesday, July 02, 2014 4:12 PM
To: Michael Murphy
Subject: RE: Carolina Beach Boardwalk Extension

Mr. Murphy,
Thank you for your comments on the proposed variance. We will include your comments in the official record for consideration by the Coastal Resources Commission at their upcoming meeting.

Sincerely,
Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

From: Michael Murphy [mailto:mastermurphy@msn.com]
Sent: Wednesday, July 02, 2014 4:08 PM
To: Davis, Braxton C
Subject: Carolina Beach Boardwalk Extension

July 2, 2014

Dear Mr. Davis:

The purpose of this letter is to voice my opposition to the extension of the Carolina Beach Boardwalk. To clarify my position of how this project affects me, I am the owner of two condominiums at the Cabana De Mar, which sits directly on the oceanfront. Out of respect for your time I will be brief and to the point as outlined below:

1. Placing a 16 foot wide boardwalk between 76 individually owned condominiums and the ocean, thus reducing the views of the sand dunes and the ocean
   makes no sense.

2. Loss of privacy putting a public thoroughfare in front of an all glass structure.

3. Potential for increased vandalism, loitering and trespassing onto property.

4. Security, noise and the lighting concerns causing glare into homeowners living rooms.

5. Boardwalk will be an insurance concern for homeowners. Our insurance carrier has stated, per Cabana's HOA letter dated April 23, 2014, "Our property
   would not be covered from damage inflicted by water driven debris in the instance of a major storm or hurricane".

6. Will decrease the natural beauty of the Carolina Beach dunes.

7. Currently there are paved roads with sidewalks to walk around the town.

8. There are multiple beach access points for the general public to reach the beach and ocean.

According to a Letter to the Editor in the Island Gazette (the Carolina Beach paper), Volume 37 No. 26/Wednesday, June 25, 2014 page 6A, Mr. Mark Richard states, "The present tally indicates 47 condominium owners are against and 5 are for the extension". Please bear this in mind.

In closing, I am asking that you deny the variance to extend the Carolina Beach Boardwalk. This extension just seems like the Boardwalk to Nowhere. Just because there is grant money to spend does not mean you have to spend it on projects the community does not want. Again, please deny the variance.

Thank you for your courtesy, understanding and support.

Respectfully submitted:

RECEIVED
DCM WILMINGTON, NC
JUL 0 2 2014

Michael D. Murphy
545 Vardon Circle
Hemet, CA 92545
951.599.4391
mastermurphy@msn.com

Life Rolls On Builds Empowerment through Adaptive Surfing:
See Page 4-B

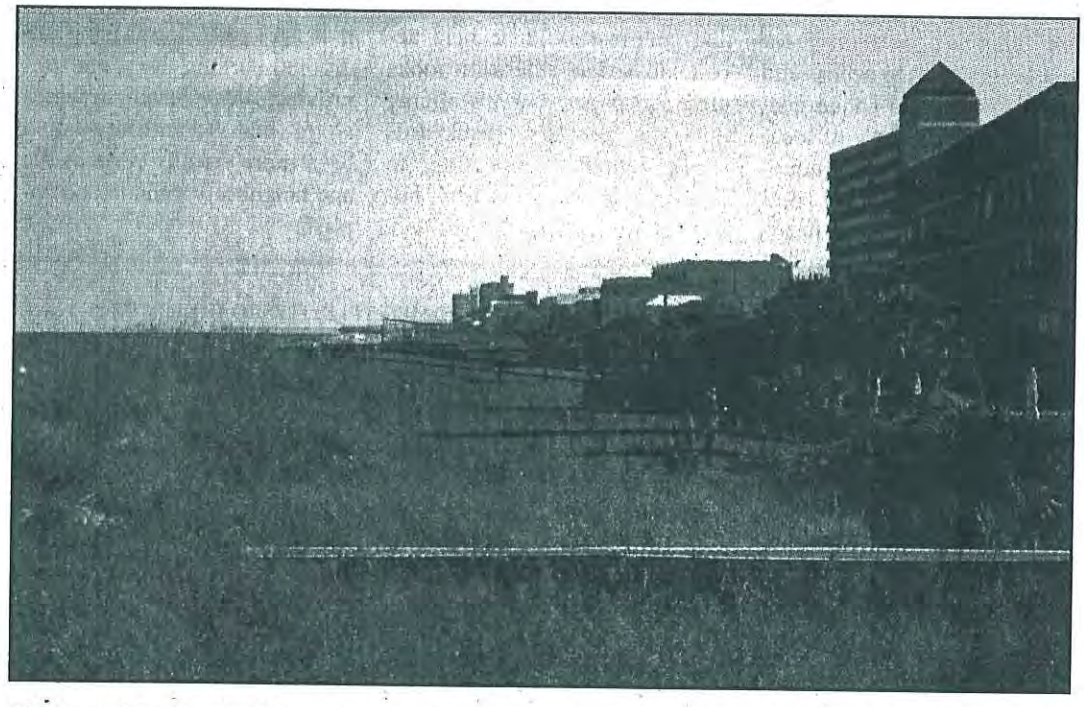
Gaz

SERVING NEW HANOVER COUN

Vol. 37 No. 26 | Wednesday June 25, 2014

Published Weekly | Caro

Homeowners Opposed To Boardwalk Extension



The Town of Carolina Beach is seeking a variance from state coastal development regulations to extend the existing wooden boardwalk from the downtown area north in front of several hotels and residential properties. Some residents are unhappy with the proposal that will bring the public right past their backdoors and ocean views. (Pictured above:) The existing boardwalk in the distance and existing private beach crossovers the extension will intersect.

By WILLARD KILLOUGH III
Managing Editor

CAROLINA BEACH - A project to replace the wooden walkway along the oceanfront at the Carolina Beach Boardwalk is scheduled to begin construction in September of this year. The Town still has to obtain permission from the Coastal Resources Commission to extend the wooden walkway 875' feet to the north. Many residents living in that area are opposed to the extension. The Carolina Beach Town Council got an update on the planning and permitting for the project during their June 10th, meeting.

In late February 2014, the North Carolina Coastal Resources Commission (CRC) approved the majority of a variance requested by the Town of Carolina Beach to renovate their existing oceanfront wooden Boardwalk orin-gally built in 1989.

The CRC voted to approve the renovation of the existing boardwalk to include doubling the width of the boardwalk lane from 8 Ft. to 16 Ft., renovating the landscaped coves,

See Boardwalk, page 8-A ➤

Boardwalk

From page 1-A

adding windsails for shading, benches, seating areas, swings, improvements to the sound stage gazebo including a new roof over the sound stage, and improved beach access points.

The project cost is estimated at approximately $1,603,000 part of which will be funded through a $250,000 Water Resources grant from the North Carolina Department of Environment and Natural Resources that requires a $250,000 match from the Town and a $603,000 CAMA grant from the State Division of Coastal Management. Last summer the New Hanover County Board of Commissioners approved a grant to the town of $500,000 towards the project.

The project would replace the existing wooden boardwalk within a setback area governed by coastal development regulations. Part of the project extends the existing boardwalk along the beachfront 875' feet north to Pelican Lane and the Town must obtain a variance from the rules governing development in that area from the Coastal Resources Commission at their upcoming July 30th, meeting. The Town must prove that strict application of the rules creates a hardship for the project.

Phase one of the project was approved under a CAMA Minor Development permit in September 2013. That phase includes replacement of crossover beach accesses, viewing platform improvements, and excavation of non-dune landscaped coves westward of the existing Boardwalk and redistribution of the sand from those areas to enhance dune low spots eastward of the existing Boardwalk.

A portion of phase 2 of the project proposed under a CAMA Minor Development permit was approved by the CRC on the Town's petition for variance was granted for the demolition of the existing Boardwalk and crossovers, widening of the existing Boardwalk, and installation of five new public beach accesses, the addition of a roof on a viewing platform, installation of showers at the Harper Avenue access, and installation of a splash pad/water park facility.

The Town applied for a CAMA Minor Permit in May of this year to extend the Boardwalk 875' feet north from Harper Avenue to Pelican Lane. That permit was denied on June 2, 2014. The design proposed in that permit was identical to that approved for the new southern section of the Boardwalk by the CRC in February at 16' wide with three new 10' wide public accesses, three rebuilt existing private accesses, and five ninety-six square foot bump outs for benches and swings. A lattice trellis is proposed at the Pelican Lane access.

The proposed area for the extension is located in the Town's Central Business District (CBD). There are a total of five property owners adjacent to the proposed extension. There are three hotels, a 76-unit condo complex and a two story single-family residence.

The Town filed their variance request for the extension with the CRC earlier this month claiming the project is an effort to "preserve substantial justice by improving the general public's access to the public trust area" along the beachfront.

The Town claims the extension, "Creates a unique opportunity for the general public without other means of access to view and access the ocean and dune ecosystem from a variety of locations. With in increased demand for access to the beach and ocean from elderly and handicapped individuals, the northern extension will allow elderly and handicapped individuals convenient beach access as well as the ability to view the dune ecosystem. An undue hardship to the public would be created development rules, standards, or orders issued by the Commission. Specifically, handicapped individuals would be denied a convenient and safe means of accessing the beach and/or viewing the ocean and dune ecosystem. Furthermore, general public's access to the ocean and view the dune ecosystem would be impaired. A lack of safe access, as provided by the proposed Boardwalk could result in damage to the dune ecosystems by those creating their own means of access to the beach."

In the Town's request for a variance it states, "The proposed northern extension enhances public beach access from Harper Avenue north to Pelican Lane by providing two new wider access ramps and one reconstructed wider ramp at Pelican Lane. At present, there are no public access points location within the proposed 875' feet extension."

The Town claims that in response to comments made by CRC commissioners in February, they have significantly redesigned aspects of the extension to "reduce potential impacts to adjacent residential property owners." The Town's variance request states, "The Town approached each property owner adjacent to the proposed northern extension and attempted to engage the property owner in discussion centered on minimizing potential impacts to the adjacent property and addressing concerns regarding the structure and potential impacts from flood driven debris."

The Town lowered the extension by one foot from a previous average of 2 to 3 feet above the dunes to lessen impact on ocean views. They also reduced the width of the extension from 16' to 8' with the reduction on the landside to increase distance between the extension and the adjacent properties. Four seating "bump outs" were removed from in front of two residential properties to reduce noise impacts from pedestrians and prevent congregation of the public in

extension.

To reduce the risks of flood or wind driven debris damaging structures during hurricanes, the Town says the extension is designed to withstand 139 mph wind speed with pilings driven 16' into the sand.

The Town says through state legislation in the 1960's the Town was granted title to the land where the extension will be constructed.

The Town is moving forward and will open bids from contractors on July 23rd. The Council will be asked to vote to award a bid to a contractor at their August meeting. Construction could begin in September with completion in February 2015.

While most of the focus earlier this year was on the opposition of one residential property owner, several owners have spoken out against the project.

Donald Averette owns an oceanfront home within that area and expressed opposition based on concerns of increased foot traffic and noise in front of his property.

His daughter - Renee Lewis - spoke to the CRC in May of this year expressing opposition to the extension citing concerns of noise, lighting, trespassing, impact on their ocean view, loss of privacy, safety and crime concerns. Additionally, the potential impact of a large wooden structure impacting their property during a future hurricane.

Lewis commented to the CRC, "May I also say that the Town of Carolina Beach only met with us after your denial of the variance. Our father initially found out about this project by reading about it in the local newspaper" and, "The Town has stated that the Averette family is the only property owner opposing this project. On the day we met with the Town they told us that they had met with the Cabana and addressed their concerns and the Cabana was in agree- received letters from owners within the Cabana De Mar condo complex. She explained, "I want to be clear that the proposed enhancements to the existing boardwalk would be a wonderful improvement to the downtown area. Our strong opposition is only with the proposed extension of the boardwalk in front of our home."

Michael Murphy owns two units in the Cabana De Mar condo building. He explained last week his concerns are with increased vandalism, trespassing, loss of privacy and security. He stated, "This proposal will being loitering on the boardwalk benches, noise, increased foot traffic, litter and trash all in front of private development."

Murphy said the extension would also impact ocean views directly for first floor unit owners. He also expressed concerns with insurance liability should a storm cause the wooden extension to break apart and impact the Cabana building. He explained, "Our insurance provider stated that per Cabana's Homeowners Association letter dated April 23, 2014, our property would not be covered from damage inflicted by water driven debris in the instance of a major storm or hurricane. As you can see, this raises serious questions about a 16' foot wide structure running the length of the property and the impact it could have on our property. Additionally, the Town of Carolina Beach will have no liability or obligation to cover any damages resulting from their structure."

Mark Richard is a unit owner in the Cabana De Mar building. He explains this week in a letter to the editor (See page 2-A) that, "Many letters and phone calls have been directed to the CRC from the Cabana homeowners, Averette family and the Homeowners' Association South in opposition to the extension of the boardwalk north. I felt it was necessary tension. The present tally indicates that 47 condominium owners are against and 5 are for the extension."

Richard explained he shares similar concerns with other property owners concerning noise, obstructing ocean views, trespassing and security. He added, "Will the approval for the boardwalk extension set precedence for other coastal communities? Why can a boardwalk be built between properties and the ocean when no other permanent structure is allowed?"

Mike Stepp opposes the boardwalk extension. He wrote in a letter to the editor this week (See page 2-A) that he shares concerns of property owners and explained, "It seems like a bad idea in general to further deface the natural beauty of the Carolina Beach dunes and wildlife habitat, especially with a wooden highway 16 feet wide, lighted all night which will likely lower property tax valuations for the city."

He explained, "Why is an additional wooden road on the other side anything but a violation of the right of unobstructed views which define the oceanfront condo we originally purchased sixteen years ago?"

The Coastal Resources Commission will consider the Town's variance request to construct the Boardwalk extension at their July 30th meeting. If you wish to send in comments to the Division of Coastal management regarding this issue, you can email them at Braxton.Davis@ncdenr.gov or by mail at Division of Coastal Management, Coastal Resources Commission, 400 Commerce Avenue, Morehead City, NC 28557

Ye Olde Public Forum

DEADLINE TO SUBMIT LETTERS TO THE EDITOR IS MONDAY MORNING ~ SEE RULES AT LEFT

BOARDWALK EXTENSION TO NOWHERE

Dear Editor,

The purpose of this letter is to voice my opposition to the boardwalk extension. I am a property owner at the Cabana for over 13 years and I presently live here year round. As you are probably aware, the Town of Carolina Beach would like to make improvements to the existing boardwalk and extend it north. I support improving the existing boardwalk, but do not support the extension of the boardwalk north. The proposed boardwalk design includes an expansion of width from 8 feet to 16 feet with increased lighting and seating. The proposed boardwalk extension will be placed in the dunes between the ocean and the Cabana and greatly impact the Cabana Homeowners' security, privacy, views and property values. It will alter the landscape, views

See Richard, page 6-A ➤

Richard

From page 2-A

and natural habitat in the dunes at the Cabana.

The Town of Carolina Beach stated to the CRC (Coastal Resource Commission) that only 17 plots of land are affected by the extension of the boardwalk north with only one major objection from the Averette family; leaving out an important component that the Cabana's one plot includes 76 privately owned condominiums.

Many letters and phone calls have been directed to the CRC from the Cabana homeowners, Averette family and the Homeowners' Association South in opposition to the extension of the boardwalk north. I felt it was necessary to poll the Cabana homeowners to determine if they are for or against the boardwalk extension. The present tally indicates that 47 condominium owners are against and 5 are for the extension.

Here are our concerns and questions:

• I purchased our condominium as ocean front property. Will properties be no longer considered ocean front because of a structure built between the property and ocean? Do we have littoral rights? ("Littoral rights" give ocean front property owners the legal right to immediate, direct and unobstructed access to the ocean, from any point of the property abutting the ocean, and an unobstructed view of the ocean from any point abutting the ocean.)

• There is a potential that a large horizontal structure 16 feet wide could cause damage to our building from water or wind driven debris by a major storm or hurricane. Will the town be liable for damages?

• The Cabana is a gated community. Security will be compromised by easy access from the boardwalk to the Cabana property. There is a potential of increased vandalism and trespassing because of access to the boardwalk 24 hours a day. How will the boardwalk be policed?

• There will be an increase in foot traffic in close proximity to our pool and condominium. This will increase noise levels, littering and directly affecting privacy and views. Who will be responsible for the clean-up of debris such as bottles, bags and cigarette butts, etc.?

• The construction and elevation of the boardwalk extension north will change the scenic views, eliminating the serenity provided by an unobstructed view of the ocean, sand dunes and sea oats. A pool privacy fence will also have to be installed to protect the privacy of the sunbathers at the pool. This tall fence will further obstruct and provide an unpleasant view of the ocean.

• Will property be devalued?

• Will the approval for the boardwalk extension set precedence for other coastal communities? Why can a boardwalk be built between properties and the ocean when no other permanent structure is allowed?

The community has spent years preserving and rebuilding the dunes. In our opinion, we have plenty of beach access points for the public. There is no good reason for this extension. Why ignore the concerns and needs of the homeowners that are directly affected by this extension? I purchased at the Cabana for the unobstructed views of the ocean and the serenity it provides; not to have a boardwalk the size of a pier between the ocean and the Cabana property. The damage that could be caused from a major storm and the potential for trespassing and vandalism is a high probability.

Respectfully submitted,
Mark Richard
Cabana Homeowner

Oppose Carolina Beach Boardwalk Extension

Dear Editor,

Updating the existing boardwalk at Carolina Beach in September may be needed, but we join our voice with many other property owners north of the existing Carolina Beach boardwalk to OPPOSE ANY EXTENSIONS sandwiched between our existing properties and the ocean. It seems like a bad idea in general to further deface the natural beauty of the Carolina Beach dunes and wildlife habitat, especially with a wooden highway 16 feet wide, lighted all night which will likely lower property tax valuations for the city.

There is already a paved road and sidewalk with multiple beach access points to

See Stepp, page 6-A ➤

Stepp

From page 2-A

accommodate tourists on one side of our Cabana condominium and that of other property owners.

Why is an additional wooden road on the other side anything but a violation of the right of unobstructed views which define the oceanfront condo we originally purchased sixteen years ago?

And why is it responsible governance for Carolina Beach to add to the debris field damage potential from future storms and yet expect no liability for their actions? It seems to us that further extension of the boardwalk is ill-considered and would set a grim precedent contrary to the preservation of North Carolina's natural coastline at Carolina Beach.

DON'T PLANK THE DUNES, save the dunes at Carolina beach!

Please join us in opposing unwelcome boardwalk extensions,

North Carolina Residents
Mike and Gail Stepp,
Carolina Beach, NC

Editorial: Boardwalk Extension Variance

By WILLARD KILLOUGH III
Managing Editor

The Town of Carolina Beach is requesting a variance from coastal development regulations to extend the wooden boardwalk that parallels the downtown Boardwalk Business area north 875' feet in front of residential properties and several hotels. (See report on page 1-A).

The Town claims the extension, "Creates a unique opportunity for the general public without other means of access to view and access the ocean and dune ecosystem from a variety of locations. With in increased demand for access to the beach and ocean front elderly and handicapped individuals, the northern extension will allow elderly and handicapped individuals convenient beach access as well as the ability to view the dune ecosystem. An undue hardship to the public would be created from strict application of the development rules, standards, or orders issued by the Commission. Specifically, handicapped individuals would be denied a convenient and safe means of accessing the beach and/or viewing the ocean and dune ecosystem. Furthermore, general public's access to the ocean and view the dune ecosystem would be impaired. A lack of safe access, as provided by the proposed Boardwalk could result in damage to the dune ecosystems by those creating their own means of access to the beach."

The extension will not create a "unique opportunity" for the general public to access and view the ocean and "dune ecosystem" from a variety of locations. How can it be "unique" when the Town already provides numerous public beach access areas with parking and provides beach wheelchairs when requested? The existing boardwalk in the downtown area is ADA accessible and provides a vast area of opportunity to view the ocean.

An "undue hardship to the public" would not be created if the state denied the Town's variance request. On the contrary, improving the existing wooden boardwalk would absolutely provide more than enough opportunity for viewing the ocean and "dune ecosystem."

As for people creating their own means of access over the dunes without the extension, that's called breaking the law and people should be held accountable. The extension looks great on paper, but it's slicing through people's backyards while merely connecting to beach accesses at nearby hotels. If this variance is granted, then what's to stop the Town from claiming they need another extension to the south of the Boardwalk in the future? A variance would set precedent.

Providing access means a walkway from a road or parking area crossing the dunes to the beach. There are several city blocks worth of existing wooden boardwalk where people can cross to the beach or sit and look out at the ocean. That boardwalk needs improvement and those enhancements will be greatly appreciated.

The extension on the other hand will likely be entirely under utilized and serve no real purpose. People will not miss it if it isn't built. Purchasing additional parking areas and improving older beach accesses along our oceanfront would be a more fiscally responsible and neighborly thing to accomplish.

From: Donny & Connie Averette [mailto:averettesix@gmail.com]
Sent: Sunday, July 13, 2014 12:45 PM
To: Davis, Braxton C; Mairs, Robb L; Willis, Angela; Renee A Lewis
Subject: Re: Homeowners Opposed To Boardwalk Extension

Angela - Please add this article below to the new folder for review of the new variance request by the Town of Carolina Beach. Thanks.

Island Gazette

Boardwalkfront or Beachfront?

Is big business the reason why the sand dunes are being manipulated in order to allow for the construction of the boardwalk in front of the Cabana Private Residences and Northern waterfront beach housing? The rational for building the boardwalk, according to the Town of Carolina Beach, is to provide a "unique opportunity" for the public to access and view the "dune ecosystem." The only "unique opportunity" provided would be a chance to further traumatize the ecosystem by building a 16 foot wide pier on the lower ridge of the dunes and right in the front yards of homeowners. Will the homeowners now call their beachfront property or boardwalkfront property? The incongruence of building a boardwalk on the dunes in order to provide a "unique opportunity" contradicts every aspect of preserving an oceanic ecosystem. How can one preserve the integrity of an eoosystem by allowing the Town of Carolina Beach to build on top of the dunes, thus, introducing the area to trash, cigarette butts, and beer cans? It can and will happen. Who will be responsible for cleaning up the trash? The law states an individual will be fined if caught walking on the dunes themselves. The inequality and social injustice of the boardwalk extension oversteps the bounds of what is considered ecosystem friendly and is not representative of citizens of Carolina Beach homeowners.

On May 17, 2014 this Carolina Beach homeowner decided to collect a data sample at the Cabana Private residences for approximately one week by means of a petition called, "The Anti-Boardwalk Petition". The petition included the following statement, "Please practice your homeowner rights by signing the petition to keep our residences free from, noise, trash, night lights, loss of privacy, blocking our ocean view, and devaluing our property by no longer being considered ocean front." According to the results of the petition, for an average week during the summer, 40 renters and horneowners objected to the building of the Boardwalk. Current polls of votes collected by Cabana Homeowners Association reports a majority against it and only 5 for it.

The long-term results of Carolina Beach building an extension of the boardwalk will leave a negative carbon footprint impacting the next generation. The amount of destruction created to build the extension of the boardwalk will create more damage to the dunes; and, marks the precursor of further systemic damage to our beloved Carolina Beach Coastline (i.e. trash). Do we not have enough natural disasters? If the Town of Carolina Beach is allowed to build the boardwalk extension, how much father will they go?

Are we starting to emulate that of northern beaches by charging a fee to get on the beach? People come from up north to visit Carolina Beach because it is different from other beaches. Can we retain the nostalgic feeling we have had for all these years? The aesthetics of the coastline is what makes Pleasure Island - Pleasure Island. We have freedoms so many of the beaches don't have. This concerned homeowner will continue to advocate for the rights of the property owners, the public, and marine life.

This is not just about my property being affected, this is about preserving our coastline and marine life.

What can you do? We the people can speak our disdain against the proposed boardwalk by writing the Town of Carolina Beach, as well as, letters, news papers, television, emails, and petitions. And we wonder why we are having sand kicked in front of our faces.

Respectfully submitted,
Charlotte Karnopp,
Cabana Homeowner

On Fri, Jun 27, 2014 at 9:34 AM, Donny & Connie Averette <averettesix@gmail.com> wrote:
Just an FYI about an article published this week in the Carolina Beach Island Gazette. Thanks.

http://www.islandgazette.net/news-server5/

http://islandgazette.net/news-server5/index.php/news/local-and-state-news/local/22372-homeowners-opposed-to-boardwalk-extension

RECEIVED
DCM WILMINGTON, NC
JUL 14 2014

TO: BRAXTON DAVIS, COASTAL RESOURCE COMMISSION

FROM: MARK RICHARD – CABANA UNIT #132

SUBJECT: BOARDWALK EXTENSION-OPPOSITION

DATE: SEPTEMBER 18, 2014

Please include this article from the Island Gazette in the opposition folder for the boardwalk extension. It is obvious that renters and guests are also unhappy with the proposed boardwalk extension. It's not just the homeowners concerned with the negative impact of the boardwalk extension.

RECEIVED

SEP 22 2014

DCM-MHD CITY

Boardwalk Extension

Dear Editor,

Please let me start this letter by telling you how beautiful Carolina Beach is! My family is originally from Wilmington and we have been vacationing at the beach for 30+ years.

We have been fortunate enough to stay in numerous vacation rentals over the years and spent our last vacation at the Cabana complex this past August. This was our first stay here.

Our unit was on the first floor, and was oceanfront. The purpose of my letter is to offer my thoughts on the proposed boardwalk extension. The units on the first floor of the Cabana offer a nice view of the ocean but the height of the dunes block the view of the beach. If the proposed extension of the boardwalk is built over the dunes, any people passing by will have a direct view into the first floor units. I can tell you in my experience at the Cabana that I would not rent a first floor unit again if there is a boardwalk extension due to a lack of privacy. I also feel that the extension would interfere with the privacy of the occupants at the pool as well. I feel for the homeowners at the Cabana that have purchased oceanfront

See Davis, page 9-A ➤

ISLAND GAZETTE
CAROLINA BEACH, N.C
WED. Sept. 17TH, 2014

Davis

From page 2-A

property and believe they have the right to an unobstructed view of the ocean without having to worry about added foot traffic at all hours of the day and night. I also feel that the first floor units will lose rental income due to loss of privacy of their guests. Carolina Beach has very nice sidewalks in front of the Cabana for pedestrians to use that I believe serve their purpose well without extending the boardwalk. My husband and I walked every evening and enjoyed the restaurants and shops at the beach without having to walk in front of somebody's private residence.

I see no reason to disturb the existing dunes which are absolutely beautiful by placing a large structure over them which will disrupt the views and privacy of the Cabana owners and guests. I have been following this story for some time and wanted to offer my opinion as a frequent visitor to your lovely area.

Sincerely,
Denise Davis

RECEIVED
SEP 22 2014
DCM-MHD CITY

FW Carroll letter - opposition

From: Wilson, Debra
Sent: Monday, August 04, 2014 10:34 AM
To: Simpson, Shaun
Subject: FW: Carroll letter - opposition

-----Original Message-----
From: Davis, Braxton C
Sent: Monday, August 04, 2014 8:56 AM
To: bobcarrol@aol.com
Cc: Diana J. Carroll
Subject: RE: Carolina Beach Boardwalk Extension - Request for variance - opposition

Mr. Carrol,
Thank you for your comments on the proposed variance. We will include your comments in the official record for consideration by the Coastal Resources Commission.

Sincerely,
Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.
E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

-----Original Message-----
From: bobcarrol@aol.com [mailto:bobcarrol@aol.com]
Sent: Saturday, August 02, 2014 10:07 AM
To: Davis, Braxton C
Cc: Diana J. Carroll
Subject: Carolina Beach Boardwalk Extension - Request for variance - opposition

Dear Mr. Davis,
My wife and I reside at 505 Carolina Beach Ave. N. Carolina Beach, NC 28428
I'd like to express my opposition to the Town of Carolina Beach Boardwalk Extension project as proposed in the town's request for variance. I am not opposed to the plan to widen and improve the existing boardwalk. I'm only opposed to the proposed 875' extension northward. It seems that allowing this type of new construction within the CAMA protected area is contrary to the State of North Carolina's commitment to preserving and protecting the ocean front coastline.
Simply put, a private land owner would not be granted approval for new construction within the protected area. I believe it is inappropriate and sets a bad precedent to grant such permission to a government/public land owner.

Thank you for your service and consideration of my statement of opposition.

Robert Carroll

From: Jonathan Adams [mailto:jonathan@johnadamscpa.com]
Sent: Tuesday, August 12, 2014 8:38 AM
To: Mairs, Robb L
Subject: Carolina Beach NC - Board Walk Extension

Mr. Mairs,

I, along with my sisters, own a condo at Carolina Surf (201 Carolina Beach Ave South).
This condo has been in our family for over 24 years.
We are adamantly opposed to the boardwalk extension north and south of the existing boardwalk.
The Town of Carolina Beach has made ZERO effort to notify us of this proposed project.
Our condo is located next to the Hamlet beach access point, which is currently over crowed and does not come close to having adequate parking or bathroom facilities.
I cannot imagine cramming more bodies in this area of Carolina Beach.

Please feel free to contact me if needed.
Thank you.

Jonathan D. Adams, CPA
John D. Adams & Company, CPAs, PLLC
1266 Benson Road, PO Box 529
Garner, NC 27529
Phone (919) 779-2020
Fax (919) 772-5810
Email jonathanadams@johnadamscpa.com
Please visit our website at www.johnadamscpa.com

US Treasury Department Circular 230 Disclosure: In accordance with applicable professional regulations, please understand that, unless specifically stated otherwise, any written advice contained in, forwarded with, or attached to this communication is not a tax opinion and is not intended or written to be used, and cannot be used, by any person for the purpose of avoiding any penalties that may be imposed under the Internal Revenue Code or applicable state or local tax law provisions.

Confidentiality Notice: This message, together with any attachments, may be legally privileged and is confidential information intended only for the use of the individual or entity to which it is addressed. It is exempt from disclosure under applicable law including court orders. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution or copy of this message, or any attachment, is strictly prohibited. If you have received this message in error, please immediately notify the original sender and delete this message, along with any attachments, from your computer.

From: Josamprop@aol.com [mailto:Josamprop@aol.com]
Sent: Wednesday, September 03, 2014 2:59 PM
To: Mairs, Robb L
Subject: Carolina Beach, NC, proposed Boardwalk Extension

Mr. Mairs:

For nearly 15 years, my wife and I have owned a condo which is adjacent to, abuts and is located just south of the Hamlet Avenue beach access point. The condo is located at 201 Carolina Beach Avenue, South.

Each year, more and more people come. They litter the beach. They park in our private parking deck. They climb over the fence and swim in our pool [and often use the pool as their restroom even though public facilities are located just across the street]. There are so many now, they we rarely come during the period between Memorial and Labor Day because of all of the traffic and the other items listed above.

Please be advised that we strongly and adamantly oppose the extension of the Boardwalk area -- either north or south of its current location.

What further concerns me that as a taxpayer in both New Hanover County and the Town of Carolina Beach, I have receive NO, ZERO notice of any public hearings or town hall sessions concerning the proposed extension of the Boardwalk. I only heard about this from friends who own condos closer to the proposed boardwalk extension area.

We do NOT need more beach-goers coming to the area. The Town cannot manage the traffic and other attendant problems it has now. Please note that the only thing which gets better by getting bigger is chocolate pie.

I hope that I am not too late in providing this strong opposition to the proposed boardwalk extension plans.

As a real estate professional [I am not a Realtor] who has nearly 40 years of property management experience, I can assure you that the boardwalk extension, if approved, will degrade and devalue my investment in my condo and of the 27 others who also own condos in the same building.

Thank you for allowing me to toss in my "2c Worth" concerning the proposed boardwalk extension. Please be in touch if I can provide any additional information. Thank you so much. joe

Joseph T.and Angela L. Sample
GM&M Real Estate Services
Post Office Box 388
Garner, North Carolina 27529-0388

Telephone: [919] 772-5631
Facsimile: [919] 772-0755

josamprop@aol.com

TO: BRAXTON DAVIS, COASTAL RESOURCE COMMISSION
FROM: MARK RICHARD – CABANA UNIT #132, CAROLINA BEACH, NC
SUBJECT: BOARDWALK EXTENSION - RESPONSE TO PROPOSED STIPULATED FACTS AND WRITTEN ARGUMENTS
DATE: SEPTEMBER 10, 2014

This document presents my facts, views and opinions that oppose the proposed stipulated facts and written arguments presented by the Town of Carolina Beach, NC to the CRC in reference to the Boardwalk Extension North. Many numbered stipulated facts and written arguments will be refuted in the text of this document. There are 27 stipulated facts. Only the stipulated facts, that we oppose, will have a response with additional comments. The reponses are referenced from the CAMA Handbook, General Statues of North Carolina and the North Carolina Law Review.

TCB has no substantiated facts that indicate additional access areas are needed for the general public. However, I agree that the existing boardwalk and access areas should be more accessible to the elderly and handicapped.

PROPOSED STIPULATED FACTS:

2. The Carolina Beach Building Line Act was passed in 1963 [Session Law 1963, Chapter 511] which granted the Town title to the land between low water between the building line and the low water mark of the Atlantic Ocean subject to the public trust rights.

3. The Public Beach (land from the low water mark westward to any land raised by a publicly financed beach renourishment project) is owned by the State of North Carolina in accordance with N.C.G.S. 146-6(f) and the Public Trust Doctrine.

RESPONSE: ACCORDING TO NORTH CAROLINA GENERAL ASSEMBLY 1963 SESSION-CHAPTER 511-HOUSE BILL 612

The General Assembly of North Carolina do enact:
Section 1. All land filled in, restored, and made, and to be filled in, restored, and made, as the result of the recitals in the preamble to this Act, which will exist between the present eastern property line of the lot owners at present bordering on said ocean and the low water mark of the Atlantic Ocean after the work referred to in the preamble hereof is completed, shall be within the corporate limits of the Town of Carolina Beach and so much of said lands so filled in, restored and made which will lie West of "the building line" to be defined and determined by Section 2 of this Act, **is hereby granted and conveyed in fee simple to the land owner, to the extent that his land abuts thereon, and the balance of said land lying East of said "building line" to be fixed and determined by Section 2 of this**

Act is hereby granted and conveyed in fee simple to Page 2 S.L. 1963-511 House Bill 612 the Town of Carolina Beach, provided, however, that no building or structure shall be built and erected on said made and built-up land lying East of "the building line" to be defined and set out in Section 2 of this Act, and provided further that all made and constructed land lying East of "the building line" shall be at all times kept open for the purpose of street and highways for the use of the public and further for the development and uses as a public square or park, as the governing authorities of the Town of Carolina Beach by ordinance shall determine; and provided further that if any such property as is hereby granted and conveyed to the Town of Carolina Beach shall cease to be used for the purposes or in the manner prescribed in this Act, it shall revert and become the property of the State of North Carolina**, and provided further that the owners of the property abutting on said newly made or constructed land, shall, in front of their said property possess and keep their rights, as if littoral owners, in the waters of the Atlantic Ocean, bordering on said newly acquired and constructed land.**

RESPONSE #2: NC GENERAL STATUTES SECTION 146-1D (NC LAW REVIEW PAGES 1462-1467

a. Does North Carolina General Statutes Section 146-1(d) Preserve Existing Littoral Rights?

It is true that section 146-6(f) of the General Statutes of North Carolina places the title to a beach created by a publicly funded beach nourishment project in the state, subject to public trust use rights;[142] however, section 146-6(f) does not address the consequences of such filling on the oceanfront property owner's littoral rights. But, section 146-6(f) is found in "Subchapter I: Unallocated State Lands." The first section of that subchapter, section 146-1—entitled "Intent of Subchapter"—provides in part (d): **"[n]othing in this Subchapter shall be construed to limit or expand the full exercise of common law riparian or littoral rights."**[143] Therefore an appropriate construction of section 146-6(f) is that, although it grants title to raised lands to the state, the statute is not intended to impair pre-existing littoral rights.[144]

According to the session law, "owners of the property abutting on said newly made or constructed land, shall, in front of their said property, possess and keep their rights, *as if littoral owners*, in the waters of the Atlantic Ocean, bordering on said newly acquired and constructed land."[152]

c. Impairment of the Rights of Access and View
Two valuable characteristics of oceanfront property are that the property owners have direct access from their land to ocean waters and they have an unobstructed view of scenic ocean waters.[156] One or

both of these features may be jeopardized by a beach project. To protect the newly constructed dune, the vegetation planted to stabilize it, and the habitat created following a beach project, regulations may be promulgated that prohibit oceanfront property owners from crossing the dunes in front of their homes to reach the ocean.[157] No longer able to walk directly out to the beach and ocean waters, the oceanfront property owners instead must walk or drive down a coastal road to one of the designated public beach access paths or walks located at spaced distances along the coastline to reach the beach.[158] And, the dunes created may be so high that, instead of a panoramic ocean view from a living room picture window, the only view is of a wall of sand.[159] **Or, the State or Town, as title holder to the raised lands, might decide to place buildings or other structures upon the raised lands which interfere with both the oceanfront property owner's access to, and view of, the water.[160] In these situations, the property owner may assert that the project has resulted in a taking of valuable littoral rights for which the property owner is entitled to compensation.**

COMMENTS ON #2 & #3: The above facts substantiates that our littoral rights will be compromised and have legal and factual argument to oppose the boardwalk extension. I maintain that our rights as ocean property owners are being impacted and will have detrimental effects on property values, safety, views, security and overall enjoyment of our property.

PROPOSED STIPULATED FACTS:

10. Currently, there is no public beach access in the 875 foot proposed northern extension to the Boardwalk.

20. The proposed northern extension of the Carolina Beach Boardwalk will provide access to the public trust areas for the general public.

COMMENTS ON #10 & #20: The Town of Carolina Beach currently has 20 public beach access areas stretching from the boardwalk to the Carolina Beach Pier in less than a 2 mile area. Of the 20 public access areas, there are 4 at the central boardwalk area. TCB is planning on developing 3 more access areas. How many is enough? Can the infrastructure hold such a high demand? It is great to provide access to the general public; however, this has caused major congestion, parking problems, safety-security issues especially near the boardwalk area. They do not have enough parking to meet the present demands of public access to the beach. In addition, the building of the Hampton Inn and their parking demands will only exasperate the problem. **Public access is providing a perpendicular walkway to the beach, not a parallel structure like the boardwalk proposed.** There are more than enough access areas to the beach stretching from Freeman Park to Fort Fisher. It is parking that is the problem.

PROPOSED STIPULATED FACTS:

11. TCB has approached each of the five property owners adjacent to the public trust area where the proposed northern extension of the Boardwalk will be located.

14. TCB official met with the Cabana Homeowners Association members in November, 2013 and again in January, 2014 to discuss concerns and issues regarding the Boardwalk. These issues are summarized in a letter from the HOA dated April 21, 2014. The Town Manager responded to these concerns in a letter dated May 7, 2014. TCB officials have a meeting scheduled for Thursday, June 19, 2014 to continue discussion of the issues.

RESPONSE: ACCORDING TO CAMA HANDBOOK FOR DEVELOPMENT IN COASTAL NORTH CAROLINA - {15A NCAC 7H Section .0308(a)}:

You must notify all adjacent property owners of your proposed project. No permit will be issued until the property owners have signed the notice form or until a reasonable effort has been made to contact them by certified mail.

4. The **minor development permit application** asks for basic information about the project and the property involved. This information includes:

- the names, addresses and telephone numbers of the landowners and authorized agents;
- the location, scale and nature of the project;
- a statement of property ownership, found on the deed to the property;
- a list of adjacent riparian property owners and their addresses, available from the local tax office;
- a signed statement allowing the local permit officer to enter the property.

5. You must **notify all riparian property owners** of your project either in person or by mail, or as required by your local government.

COMMENTS ON #11 &14: The Cabana Suites is a condominium consisting of 76 privately owned units. TCB has misrepresented the Cabana Suites since this project began. Based on the CAMA Handbook, TCB did not meet the requirements set forth in #4 and #5 above. All owners of the Cabana should have received a certified letter explaining the project. **This was not done!** . Instead one letter was sent certified mail to the Cabana at Carolina Beach, NC and received by the maintenance manager of the property. (See attached). I feel this is a failure of TCB to fulfill specific requirements set forth by CAMA. This project should be scrubbed for this reason alone.

The Town of Carolina Beach did attend a homeowners' meeting in January 2014. However, all of the property owners were not able to attend this meeting. TCB's representatives' only purpose at this meeting was to review the drawings and did not address any concerns or objections to the project. TCB's key players should have attended this meeting to deal with the opposition. We attended this meeting and left with a feeling that the boardwalk extension was a done deal and we had no say in the project.

PROPOSED STIPULATED FACTS:

12. TCB has engaged with discussions with each of the five property owners adjacent to the public trust area where the proposed northern extension of the Boardwalk to assuage fears about noise, loitering, trespass and impacted views.

COMMENT ON #12: The proposed boardwalk extension will be placed in the dunes between the ocean and the Cabana and greatly impact the Cabana Homeowners' security, privacy, views and property values. It will alter the landscape, views and natural habitat in the dunes at the Cabana. The Cabana is a gated community. Security will be compromised by easy access from the boardwalk to the Cabana property. There is a potential of increased vandalism and trespassing because of access to the boardwalk 24 hours a day. How will the boardwalk be policed? There will be an increase in foot traffic in close proximity to our pool and condominium. This will increase noise levels, littering and directly affect privacy and views. Who will be responsible for the clean-up of debris such as bottles, bags and cigarette butts, etc.? The TCB can state no fact that the above problems will not occur. They do not live here and experience the problems of noise, loitering and trespassing that occur in the streets in front of the Cabana. Do you now want to bring these same problems to our backyard, destroying the serenity and peacefulness that the ocean provides?

PROPOSED STIPULATED FACTS:

21. The proposed northern extension of the Carolina Beach Boardwalk will preserve and perpetuate the biological and aesthetic value of the public trust area.

22. The proposed northern extension of the Carolina Beach Boardwalk will operate as a sand fence and improve and preserve the dune ecosystem.

23. The proposed northern extension of the Carolina Beach Boardwalk enhance existing dunes by using sand from enlarged landscaped coves between the proposed crossover accesses.

25. The proposed northern extension of the Carolina Beach Boardwalk will not diminish the dune's capacity as a protective barrier against flooding and erosion.

RESPONSE: ACCORDING TO CAMA HANDBOOK FOR DEVELOPMENT IN COASTAL NORTH CAROLINA - {15A NCAC 7H Section .0308(a)}:

At the edge of the ocean, ocean hazard AECs get the full force of any storm. Waves, wind and water can quickly change the shape of a shoreline, creating or filling inlets, flattening nearby dunes, eroding beaches and battering nearby structures. No oceanfront development can be absolutely safe from destructive natural forces, but development in ocean hazard areas can be carefully designed and located to minimize the risk to life and property, as well as to reduce the cost of relief aid. Oceanfront beaches and dunes help protect buildings and environments behind them by absorbing the force of wind and waves, while the dense root networks of dune plants trap and anchor sand. Left uncontrolled, development can destroy these dunes and their vegetation, increasing the risk of damage to structures from erosion, flooding and waves.

The following requirements apply to all development in the Ocean Hazard AEC {15A NCAC 7H .0306}:

- Your development must be located and designed to protect human lives and property from storms and erosion, to prevent permanent structures from encroaching on public beaches and reduce the public costs (such as disaster relief aid) that can result from poorly located development.
- Your development must incorporate all reasonable means and methods to avoid damage to the natural environment or public beach accessways. Reasonable means and methods include: limiting the scale of the project and the damage it causes; restoring a damaged site; or providing substitute resources to compensate for damage.
- No growth-inducing development paid for (in any part) by public funds will be permitted if it is likely to require more public funds for maintenance and continued use – unless the benefits of the project will outweigh the required public expenditures.
- Your project should be set as far back from the ocean as possible. At minimum, all building must be located behind the crest of the primary dune, the landward toe of the frontal dune or the erosion setback line - whichever is the farthest from the first line of stable natural vegetation (see Figure 3.1).

Figure 3.1

- Your project must not remove or relocate sands or vegetation from primary or frontal dunes. These dunes help protect structures from erosion, flooding and storm waves, and they help maintain North Carolina's barrier islands and beaches.

Dune creation and stabilization projects must meet the general rules for ocean hazard AECs as well as the following standards {15A NCAC 7H Section .0308(b)}:

Dune building must not damage existing vegetation. You must immediately replant or otherwise stabilize the dunes if vegetation is harmed.

New construction or substantial improvements to existing structures (an increase of 50 percent or more in the value of existing square footage) must meet the following standards in addition to the general rules for ocean hazard AECs {15A NCAC 7H.0308(d)}:

- All development must be designed and located to avoid unreasonable dangers to humans and property and to minimize damage caused by changes in ground elevation and wave action in a 100-year storm.
- Structures built in the ocean hazard area must comply with the N.C. Building Code, including the Coastal and Flood Plain Construction Standards and local flood damage prevention ordinances required by the National Flood Insurance Program. *If any provision of the building code or flood ordinance is not consistent with CAMA standards, the more restrictive provisions apply.* Your local building inspector can explain the requirements of the State Building Code and local ordinances.

Permit Decisions – CAMA HANDBOOK

DCM **must deny** a permit if the project violates the CRC's standards for development in an Area of Environmental Concern, the local CAMA land use plan or a local development regulation. If the application for a major development permit is also an application for a state Dredge and Fill permit, both permits can be denied if it is found that:

- The proposed dredging and filling will obstruct or damage public use of waterways.
- **The project will diminish the value and enjoyment of adjacent property owners.**
- **The project will damage or threaten public health, safety and general welfare.**
- The project will threaten the quality or quantity of public and private water supplies.
- The project will have a significant adverse impact on wildlife or fisheries.

COMMENTS: The building of the boardwalk will cause damage to the present ecosystem that has taken years to develop. Improvements to the existing boardwalk and access areas will provide sufficient opportunities for the general public, elderly and handicapped to have access to the beach and view the dune ecosystem. We have been here for ten years and have not seen the public abuse of dunes by creating their own access areas. If they do, fines are in place to deal with this violation. Currently, signs are posted in the dunes stating the fine for crossing the dunes. Realistically, with the building of the boardwalk, dunes will be compromised even more with the introduction of trash, cigarette butts, beer cans, etc. The amount of destruction created while building a boardwalk to nowhere will erase years of growth to vegetation and dune stabilization. I believe the construction of the boardwalk extension violates CAMA's rules and regulations as mentioned above.

The following are the four variance criteria listed in the CAMA Variance Request Form that the TCB responded to:

(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 action 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 justice? Explain.

RESPONSE TO WRITTEN REASONS AND ARGUMENTS PRESENTED BY THE TOWN OF CAROLINA BEACH:

The dunes may be public trust areas however, as property owners, we still maintain littoral rights. These will be compromised due to the obstructed view caused by the boardwalk and the additional privacy fence needed to surround the pool due to the close proximity of the boardwalk. There are sufficient perpendicular access areas to the ocean as indicated in prior responses. These need to be improved and refurbished to allow improved access for the public, elderly and handicapped. However, parking will still be a reoccurring problem. A parallel boardwalk does not increase access to the ocean, it only interferes and causes problems for the property owners wanting privacy, security and safety. It will cost the Cabana to remain as a gated community. Why not add two perpendicular beach access areas to the Sea Witch and Surf Side Motel? That will provide additional access for the general public and not interfere with the 76 privately owned units at the Cabana or the Averettes' who own a single family home. A parallel structure is not needed to provide beach access. With the addition of the boardwalk extension, there is a high probability that a major storm and hurricane, due to wind and water loft, will cause destruction to our properties. Who will be responsible? TCB is causing extreme hardship to Cabana property owners by providing an environment that will increase security issues, littering, privacy concerns and possible danger to our building. Also, we will be subject to increased hardships with having to pay for and install two lockable gates, a security fence along the pool and rear boundaries in order to remain a gated community.

CONCLUSION:

The facts, arguments and opinions above reflect the reasons why so many people are in opposition to the boardwalk extension. Cabana, alone, had 49 owners who objected to the boardwalk extension. The numerous letters and correspondence directed to the

CRC should be sufficient enough evidence to block this project. These opposition letters directly affect the homeowners that will have to live with the shot and long term adverse effects of the boardwalk extension. Please don't ignore the concerns and needs of the homeowners.

From: Davis, Braxton C
Sent: Sunday, September 28, 2014 11:16 AM
To: Beverley Pellom
Subject: RE: Opposition to Town of Carolina Beach request to extend the Boardwalk

Ms. Pellom, thank you for your email, we will include your comments in the official record for consideration by the Coastal Resources Commission.

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.

E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Beverley Pellom [mailto:bpellom@hotmail.com]
Sent: Saturday, September 27, 2014 3:33 PM
To: Davis, Braxton C
Subject: Opposition to Town of Carolina Beach request to extend the Boardwalk

To : Braxton Davis, Director of the Division of Coastal Management

Dear Mr Davis,
It has come to my attention that previous correspondence concerning our opposition to the Carolina Beach Boardwalk extension must be resubmitted for the October hearing on the matter. Please review the below opposition.

On behalf of my father Ralph McElderry and myself, as condo owners at Carolina Beach (Boardwalk Condos. 115 Carolina Beach Avenue, South) this letter is being sent to you as resounding opposition to the Town of Carolina Beach (further known as TCB) Boardwalk proposal to extend the Boardwalk.

We feel that the extension is unnecessary and in fact detrimental to the existing ecosystem. TCB states in their Variance Request that the extended Boardwalk would provide viewing access to the dune ecosystem and provide handicapped visitors access as well. This can be done by retrofitting the existing Boardwalk and by using the other existing access points to view the dunes and ocean. Handicapped visitors already can be driven directly onto the beach at the northern end of the island. Digging a proposed 16 plus feet into the dunes is a detrimental force against the ecosystem for no reason when other options exist. If beautification is the purpose of the extension proposal, it makes no sense to cover dunes and seagrass and natural beauty with decking. While it is unnecessary as previously noted it is also extremely detrimental to the property values of the homeowners who would be subject to this unnecessary "beautification". TCB acknowledges this detrimental nature to the property owner throughout their request by mentioning modifications they have made to "reduce impacts" on the property owners and even in their cover letter mention "modifications which have been made to reduce the impacts of the Boardwalk" and go on further to state "The Town would be willing to make other modifications to the width of the Boardwalk to further minimize the impacts to adjacent property owners". These impacts to the property owners include lower property values, safety, noise, security, wind driven debris damage, and impeding ocean front view. We stand firmly in opposing this extension and join with those other homeowners both North and South of the existing Boardwalk in this opposition.

We love our beach home and the entire Carolina Beach community having owned various properties there continuously since the early 70's.

We support the towns efforts to improve and beautify the existing Boardwalk. We draw the line at disrupting natural beauty and affecting property values.

I thank you for your attention and careful consideration in this matter.

Warm Regards,

Beverley M. Pellom

Ralph E. McElderry

From: kurt910@yahoo.com [mailto:kurt910@yahoo.com]
Sent: Thursday, July 31, 2014 12:55 PM
To: Mairs, Robb L
Subject: Purposed Boardwalk ext.

Dear Mr. Mairs,

I am writing in support of the purposed boardwalk extension! As a property owner in Carolina Beach, feel it will be a tremendous asset not only to Carolina Beach but also to New Hanover County! I feel the CRC should approve the request for the building of the complete walk way. No one person or such a small group should stop a project that benefits the public as a whole based on personal assumptions to the value of there property, or what will happen during a hurricane? If you that during Hurricane Fran the current walkway did not destroy anybody property! As far as the argument on property values where is the documented prove based on the argument. I ask why a develop company getting ready to build a mult-million dollar hotel right beside the Cabana De Mar property, if it was going to hurt property values hurt by the developer why would they build there project, instead they support the project!

Please don't let a few people stop a project that many want to see completed!

Kurt Bartley
714 Sailor Court
Kure Beach, NC 28449

Property Owner:
#2 South 4th. Street
Carolina Beach, NC 28428

-----Original Message-----
From: Davis, Braxton C
Sent: Friday, August 01, 2014 9:45 AM
To: Karen Blackwelder
Subject: RE: Extension of boardwalk

Ms. Blackwelder, thank you for your comments. We will include your comments in the official record for consideration by the Coastal Resources Commission.

Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.
E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

-----Original Message-----
From: Karen Blackwelder [mailto:kblackwelder@triad.rr.com]
Sent: Thursday, July 31, 2014 9:15 PM
To: Davis, Braxton C
Subject: Extension of boardwalk

I am in favor of the boardwalk extension. It will provide a safer pathway for people to walk to the center of town instead of dodging cars. It also will provide a more aesthetic environment for walking as opposed to walking by smelly garbage cans on the sidewalk. I think the extended boardwalk is progress for our town. Thank you for considering my opinion.
Karen Blackwelder

Sent from my iPhone

-----Original Message-----
From: Davis, Braxton C
Sent: Monday, August 04, 2014 8:56 AM
To: bobcarrol@aol.com
Cc: Diana J. Carroll
Subject: RE: Carolina Beach Boardwalk Extension - Request for variance - opposition

Mr. Carrol,
Thank you for your comments on the proposed variance. We will include your comments in the official record for consideration by the Coastal Resources Commission.

Sincerely,
Braxton

Braxton Davis
Director, NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
(252) 808-2808 ext. 202

Please visit www.nccoastalmanagement.net to subscribe to Coastal Management's quarterly newsletter, the CAMAgram.
E-mail correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

-----Original Message-----
From: bobcarrol@aol.com [mailto:bobcarrol@aol.com]
Sent: Saturday, August 02, 2014 10:07 AM
To: Davis, Braxton C
Cc: Diana J. Carroll
Subject: Carolina Beach Boardwalk Extension - Request for variance - opposition

Dear Mr. Davis,
My wife and I reside at 505 Carolina Beach Ave. N. Carolina Beach, NC 28428
I'd like to express my opposition to the Town of Carolina Beach Boardwalk Extension project as proposed in the town's request for variance. I am not opposed to the plan to widen and improve the existing boardwalk. I'm only opposed to the proposed 875' extension northward. It seems that allowing this type of new construction within the CAMA protected area is contrary to the State of North Carolina's commitment to preserving and protecting the ocean front coastline.
Simply put, a private land owner would not be granted approval for new construction within the protected area. I believe it is inappropriate and sets a bad precedent to grant such permission to a government/public land owner.

Thank you for your service and consideration of my statement of opposition.

Robert Carroll

Sent from my Verizon Wireless BlackBerry

From: Roy Lee Carter [mailto:royleecarter@gmail.com]
Sent: Monday, August 04, 2014 12:58 PM
To: Mairs, Robb L
Subject: Carolina Beach Boardwalk Support

North Carolina Department of Environment and Natural Resources

Coastal Resource Commission

400 Commerce Ave.

Morehead City, NC 28557

Mr. Frank Gorham, Chairman , Mr. Neal Andrew, Mr. Larry Baldwin, Ms. Renee Cahoon, Ms Suzanne Dorsey,

Mr. Bob Emory, Mr. Marc Hairston, Mr. Greg Lewis, Mr. Bill Naumann, Mr. Ben Simmons, Mr. Harry Simmons,

Mr. John Snipes, Mr. Lee Wynns

Mr. Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for Carolina Beach Boardwalk extension. I would like to voice my opinion in support of the proposed permit variance as applied for by the Town of Carolina Beach. I am a residentof Carolina Beach and I feel the plan in its entirety including the extension would be a tremendous benefit to our community. This project would not only be an economical benefit to the Town and local businesses, but also will increase public access to the beach strand for residents and families and those individuals with a mobility issues. The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for this project.

The existing boardwalk area has earned recent national recognition as one of the top 10 boardwalks in the country. Please let our community work to improve our boardwalk area and beach access for visitors and our residents alike. The Town of Carolina Beach staff has held numerous public meetings and utilized the recommendations of 20 of our residents who serve on the boardwalk committee and gather input from residents about design.

I encourage you to vote in favor of the variance to allow our community to rebuild our current boardwalk which is in need of significant repair and to expand the boardwalk so that individuals visiting our community or residents can have an integrated walking route around our central business district connected to our boardwalk.

Best Regards,

Roy Lee Carter
Carolina Beach, NC 28428

royleecarter@gmail.com

919-259-4663 C

August 6, 2014

Teresa A. McLamb, Broker/REALTOR & Freelance Journalist
Coldwell Banker Sea Coast Advantage & McLamb Communications
630 St. Joseph Street #203
Carolina Beach, NC 28428

I Support the Carolina Beach Boardwalk Extension

Dear Coastal Resources Commission:

I encourage the CRC to approve and support the planned extension of the Carolina Beach Boardwalk. As a local business owner and resident, I am keenly aware of the importance this project has for the enhancement of Carolina Beach and Pleasure Island's reputation and therefore, property values.
The historic Boardwalk is widely recognized by county, city and state officials to be an important historical landmark representative of Carolina Beach and New Hanover County and a significant tourist destination and attraction.
There has already been significant investment of taxpayer funds to renovate and update the Boardwalk. It continues to be a leading attraction for more than 85 years. One of the main goals of the Boardwalk extension is to ensure that visitors in public parking lots are able to access the beach and central business district more quickly and safely. In addition, the Boardwalk extension is designed to provide ready beach access to boaters and other visitors arriving from the Carolina Beach harbor.
I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Teresa A. McLamb

RECEIVED
AUG 08 2014
DCM-MHD CITY

August 8, 2014

Trudy L Rinker

Pleasure Island Dog House

104 Palm Breeze Drive

Carolina Beach, North Carolina 28428

RE: I Support the Carolina Beach Boardwalk Renovation and Extension

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Trudy L. Rinker

RECEIVED

AUG 0 8 2014

DCM-MHD CITY

July 17, 2014

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach and a local business owner. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Stan Swinson (Stan Swinson)
Carolina Beach Resident & Small Business Owner

RECEIVED
AUG 0 8 2014
DCM-MHD CITY

August 7, 2014

Go Automotive

6401 Carolina Beach Rd

Wilmington N.C. 28412

RE: I Support the Carolina Beach Boardwalk Renovation and Extension

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Annie Stefanovich

Annie Stefanovich

196 Mariners Way

Carolina Beach N.C.

RECEIVED

AUG 0 8 2014

DCM-MHD CITY

August 7, 2014

Go Automotive
Annie Stefanovich
196 Ol Mariners Way
Carolina Beach N.C.

I Support The Carolina Beach Boardwalk Extension

Dear Coastal Resources Commission:

I am a Carolina Beach business owner and resident and I would like to go on record with the Coastal Resources Commission in support of the planned extension of the Carolina Beach Boardwalk. The historic Boardwalk is widely recognized by county, city and state officials to be an important historical landmark representative of Carolina Beach and New Hanover County, and a significant tourist destination and attraction.

There has already been a significant investment of taxpayers funds in the renovation and updating of the Boardwalk for both residents and visitors alike and the Boardwalk continues to be a leading attraction for over 85 years. One of the main goals of the Boardwalk extension is to insure that visitors in public parking lots be able to access the beach and central business district more quickly and safely. In addition, the Boardwalk extension is designed to provide ready beach access to boaters and other visitors arriving from the Carolina Beach harbor.

We respectfully request the Coastal Resources Commission grant the town the right to include the Boardwalk extension in the updated and renovated Boardwalk.

Sincerely,

Annie Stefanovich

Annie Stefanovich

RECEIVED
AUG 0 8 2014
DCM-MHD CITY

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Mr. Gorham and members of the North Carolina Coastal Resource Commission, I am writing to voice my strong support for Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach and a business owner. I feel the extension would be a tremendous benefit to our community. This project would not only be an economical benefit to the Town and local businesses, but also will increase public access to the beach strand. The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for this project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country. Please let us work to improve our community and our boardwalk.. Carolina Beach staff has held public meetings to gather input from residents about design. The have done a good job and I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Jose Donate

RECEIVED
DCM WILMINGTON, NC
JUL 18 2014

Blanchard
& Calhoun
COMMERCIAL

July 18, 2014

Mr. Frank Gorham
Chairman, NC CRC

Re: Boardwalk extension – Carolina Beach, NC

Dear Mr. Gorham,

Over the next several months, our company plans to begin construction of a new "Class A" Hotel facility at Carolina Beach. Our hotel will operate under a Hampton Inn & Suites Hilton franchise. The facility will include the construction of a major outdoor venue, extending from our hotel towards the ocean. In addition to the normal vacation market, a major portion of our business will be events such as weddings, business meetings, etc. We are constructing an outdoor venue to accommodate more than 200 guests with an outdoor covered bar, pool, and large reception area. Our plans include extending our facility to tie in to the proposed Boardwalk extension that is currently planned by Carolina Beach and New Hanover County. We believe that, when complete, our event venue coupled with the direct access to the Boardwalk extension and the ocean, will provide an exceptional location for weddings, business meetings, conferences, and other events that are extremely important to the Town of Carolina Beach, New Hanover County and our Hotel.

Several months ago, we completed a Market Impact Study which demonstrated that our new facility will provide contributions from property taxes, sales taxes, ext. of more than $10 million accruing to the town, county and state. We believe that the extension of the Boardwalk is an important ingredient for us to meet the goals that we have worked with the town to establish.

Please accept this correspondence as our strong recommendation in support of extending the existing Boardwalk pursuant to the current construction and development plans. We understand that, as always, there are a few private property owners objecting to these improvements. We hope that your judgment as to what best serves the citizens of New Hanover County, Carolina Beach, and visitors from all over NC and the Southeast will show the wisdom of allowing this important project to progress.

Thank you in advance for your consideration. Please feel free to call me personally to discuss in items in greater deal, or if we can provide additional information.

Sincerely,

RECEIVED
DCM WILMINGTON, NC
JUL 18 2014

Victor J Mills
CEO

P.O. Box 212839 • Augusta, Georgia • 30917
2743 Perimeter Parkway • Bldg. 100 • Suite 370 • Augusta, Georgia • 30909
Office (706)722.5565 • fax (706)722.6960 • bccommercial.com

July 17, 2014

Tina Forster
633 Spencer Farlow #12
Carolina Beach, NC 28428

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Dear Mr. Gorham and Members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for Carolina Beach Boardwalk extension and requesting that the Commission please approve the permit variance as applied for by Town of Carolina Beach.

I am a resident of Carolina Beach and feel the extension would be a tremendous benefit to our community as the project will not only be an economic benefit to the Town and local businesses, but also will at the same time increase public access to the beach strand, including for those with mobility handicaps.

The Town has actively worked to gather input from residents about the overall design and Town leaders have worked hard to obtain grants from NCDENR and New Hanover County to help pay for this project. They have done an outstanding job and I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country, please let us work to continue to improve our community and our historic boardwalk.

Sincerely,

Tina Forster

via email

RECEIVED
DCM WILMINGTON, NC
JUL 18 2014

Steve Shuttleworth, President
Dennis Barbour, Vice President
Miles Bielec, Director
Lisa Wills, Director

Sarah Friede, Secretary/Treasurer
Kim Ward, Assistant Secretary
Dawn Johnson, Assistant Treasurer

CBP3, INC.

1121 North Lake Park Blvd.
Carolina Beach, NC 28428
910 458 2999
Fax 910 458 2997

July 18, 2014

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman

Mr. Neal Andrew	Mr. Larry Baldwin
Ms. Renee Cahoon	MS Suzanne Dorsey
Mr. Bob Emory	Mr. Marc Hairston
Mr. Greg Lewis	Mr. Bill Naumann
Mr. Ben Simmons	Mr. Harry Simmons
Mr. John Snipes	Mr. Lee Wynns

Chairman Gorham,

I am the President of CBP3, Inc., the owner of the Surfside Motel properties on Carolina Beach Ave. North. Our property is the original site selected for the Aquarium Pier Project. When the State abandoned that project, the Town of Carolina Beach began working hard to improve many aspects of the commercial business district. Some of those improvements include handicapped access to the beach, beach wheelchairs that are available at no charge for use by the public, new and improved recycling trash containers, and more.

The request for the Boardwalk extension bisects our ocean front property at the terminus of the proposed extension. We **strongly encourage you to support and vote in favor** of the variance requested. This project will be a huge benefit for the Town of Carolina Beach and New Hanover County. Our Boardwalk was named as one of the top 10 in the country. As a community we have worked hard to improve our visitor's experience. This will allow handicapped people and others including the elderly to enjoy the views and walk along the beach area.

The town has worked very hard to address concerns from property owners along the route. They have reduced the number of swings and benches, removed lighting, and lowered the elevation, offered security fencing and private gates. We see this as a very positive project for our customers and the community.

Please approve this permit - it is a unique opportunity for the Town and the State.

Sincerely,

Steve Shuttleworth
President CBP3, Inc.

RECEIVED
DCM WILMINGTON, NC
JUL 21 2014

RECEIVED
JUL 21 2014
DCM-MHD CITY

Mr. Kirkbride,

Thank you for your comments. I will make sure to include your comments into the variance request file, which will be heard in the October CRC meeting.

Thanks,

Robb Mairs, Field Representative

NC Division of Coastal Management
127 Cardinal Drive Extension
Wilmington, NC 28405
Phone: (910)796-7423, Fax: (910)395-3964
robb.mairs@ncdenr.gov

RECEIVED
DCM WILMINGTON, NC
JUL 18 2014

From: michael kirkbride [mailto:michael@oceangrovecottages.com]
Sent: Friday, July 18, 2014 8:43 AM
To: Mairs, Robb L
Cc: Michael Kirkbride
Subject: Re: Support for Boardwalk extension for Carolina Beach

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission, 400 Commerce Ave., Morehead City, NC 28557

Mr. Frank Gorham, Chairman, Mr. Neal Andrew, Mr. Larry Baldwin, Ms. Renee Cahoon, Ms Suzanne Dorsey, Mr. Bob Emory, Mr. Marc Hairston, Mr. Greg Lewis, Mr. Bill Naumann, Mr. Ben Simmons, Mr. Harry Simmons, Mr. John Snipes, Mr. Lee Wynns

Mr. Gorham and members of the North Carolina Coastal Resource Commission,
I am writing to voice my strong support for Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.
I am a resident of Carolina Beach and a business owner. I feel the extension would be a tremendous benefit to our community. Having been the Bicycle and Pedestrian representative for Carolina Beach on the WMPO for 6 years I am well aware how difficult it is to pry back vital connections for bicyclists and pedestrians that our town so vitally needs safety wise and connectivity wise. This is one of those projects that would allow for connectivity from our southern part of town to the Northern part without having to walk or bike on our congested Lake Park Blvd. By allowing this safe connectivity along the beach it would encourage more walking and biking for our residents and visitors, similar to what river walk has done for Wilmington. This project would not only be an economical benefit to the Town and local businesses, but also will increase public access to the beach strand. The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for this project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country. Please let us work to improve our community and our boardwalk.. Carolina Beach staff has held public meetings to gather input from residents about design. They have done a good job and I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,
Michael Kirkbride
1216 Mackerel Lane
Carolina Beach, NC 28428 Cell: 910 616-2421 Email: michael@oceangrovecottages.com

-----Original Message-----
From: Mairs, Robb L
Sent: Friday, July 18, 2014 8:29 AM
To: Miles Bielec; Michael Cramer
Cc: Simpson, Shaun
Subject: RE: Variance Request for Carolina Beach Boardwalk Extension

Mr. Bielec,

Thank you for your comments. I will make sure to include your comments into the variance request file, which will be heard in the October CRC meeting.

Thanks,

Robb Mairs, Field Representative

NC Division of Coastal Management
127 Cardinal Drive Extension
Wilmington, NC 28405
Phone: (910)796-7423, Fax: (910)395-3964 robb.mairs@ncdenr.gov

-----Original Message-----
From: Miles Bielec [mailto:miles.bielec@charter.net]
Sent: Thursday, July 17, 2014 9:44 PM
To: Mairs, Robb L; Michael Cramer
Subject: Variance Request for Carolina Beach Boardwalk Extension

Mr. Mairs,

Please find attached a letter supporting the expansion of the Town of Carolina Beach Boardwalk and requesting the Coastal Resources Commission's approval of the Town's variance request.

Thank you in advance,

Miles Bielec
Carolina Beach, NC

910-707-0607

--
"Seize Opportunity, Accept Responsibility"

RECEIVED
DCM WILMINGTON, NC
JUL 18 2014

July 17, 2014

Miles Bielec
633 Spencer Farlow #12
Carolina Beach, NC 28428

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Dear Mr. Gorham and Members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for Carolina Beach Boardwalk extension and requesting that the Commission please approve the permit variance as applied for by Town of Carolina Beach.

I am a resident of Carolina Beach and a business operator benefitting from the Town's tourism industry. I feel the extension would be a tremendous benefit to our community as the project will not only be an economic benefit to the Town and local businesses, but will also at the same time increase public access to the beach strand, including for those with mobility handicaps.

The Town has actively worked to gather input from residents about the overall design and Town leaders have worked hard to obtain grants from NCDENR and New Hanover County to help pay for this project. They have done an outstanding job and I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country, please let us work to continue to improve our community and our historic boardwalk.

Sincerely,

Miles Bielec

RECEIVED
DCM WILMINGTON, NC
JUL 18 2014

via Email

From: Mary Grady [mailto:marygrady13@yahoo.com]
Sent: Tuesday, July 22, 2014 7:43 PM
To: Mairs, Robb L; michael.cramer@carolinabeach.org
Subject:

My name is Fred Grady and I have lived on the Beach since 2004. Since I bought our house in 2004, there have been so many changes in Carolina Beach, especially the Boardwalk. The Boardwalk has come so far with all the family activities. We have family night, fireworks and bands, there is bingo night and every Christmas there is Christmas by the Sea that the town sponsors at no cost to people who participate. All of the Gazebo is decorated as well as all the trees and bushes with lights. Different shop owners decorate coves which advertise their businesses. The boardwalk has really changed in the past 6 or so years and it began with the efforts of volunteers who really love this boardwalk and had a vision. How many boardwalks does the state of North Carolina have? Shop owners have updated their buildings and the town has done some beautiful landscaping.

I have been coming to Carolina Beach since 1952 visiting my family. I have seen the boardwalk when you could walk along the boardwalk and actually see the ocean. Then came the sand dunes to protect everyone from the storm surge. The wooden boardwalk was built which enabled tourists as well as citizens to see the ocean without having to go out on the sand. What a treat that was' especially for the elderly, as well as babies in strollers. Everyone wants to see the ocean.

I don't understand why anyone would not want to extend the view of the ocean. How many of the people who are complaining actually live on the beach 12 months out of the year. There was only one homeowner (I am not sure he lives on the beach year round) complaining about the extension when this request first came to you and since you put a halt to the extension until we could work things out, now, all of a sudden, we have Cabana homeowners complaining. Who, of those people that are complaining, live in their condos year round. It is very sad that a few people can stop progress. Other Towns don't do this, when they want something they go on and make it happen

.

Remember, a lot of money comes to the State from this Beach community. People go to the beach to see the Ocean, lets make this happen and I appreciate your time in reading this letter. I just hope you will vote in favor of the extension.

Sincerely,

Fred Grady

RECEIVED
JUL 23 2014
DCM-MHD CITY

Lenita Griffin

406 Wilson Ave

Carolina Beach, NC 28428

July 21, 2014

North Carolina Department of Environment and Natural Resources

Coastal Resource Commission

400 Commerce Ave.

Morehead City , NC 28557

Dear Mr. Gorham and members of the Commission:

I am writing in effort to obtain your support of the extension of the Carolina Beach Boardwalk. Please approve the permit variance that has been applied for by Carolina Beach. I am a twelve year resident of Carolina Beach and have seen our town go through many changes over those Twelve years. Our boardwalk is one of our greatest assets and has been greatly improved. The work that the boardwalk renovation project has done, enabled us to be named as one of the top ten boardwalks in this country. I feel the extension of the boardwalk would bring vital economic stability to our town and local businesses while also allowing greater public access to the beach strand. Our town has done an extensive amount of hard work to obtain grants from NCDENR and New Hanover County to help pay for this project and I am kindly asking for your vote in favor of the variance to allow expansion of the Carolina Beach Boardwalk.

Thank you for your consideration regarding this matter

Sincerely ,

Lenita Griffin

RECEIVED
DCM WILMINGTON, NC
JUL 23 2014

From: wellergl@verizon.net [mailto:wellergl@verizon.net]
Sent: Wednesday, July 23, 2014 6:06 PM
To: Mairs, Robb L
Cc: michael.cramer@carolinabeach.org
Subject: Carolina Beach Boardwalk

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Gary Weller

317 Birmingham Ave

Carolina Beach NC 28428

From: Janet Knott [mailto:janlknott@gmail.com]
Sent: Wednesday, July 23, 2014 5:57 PM
To: Mairs, Robb L
Cc: Michael Cramer
Subject: Carolina Beach Boardwalk Extension

North Carolina Department of Environment and Natural Resources

Coastal Resource Commission

400 Commerce Ave.

Morehead City, NC 28557

Mr. Frank Gorham, Chairman, Mr. Neal Andrew, Mr. Larry Baldwin, Ms. Renee Cahoon, Ms. Suzanne Dorsey,

Mr. Bob Emory, Mr. Marc Hairston, Mr. Greg Lewis, Mr. Bill Naumann, Mr. Ben Simmons, Mr. Harry Simmons,

Mr. John Snipes, Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am a resident of Carolina Beach, a local business owner, manage the local farmer's market and am involved in many events taking place in our community. I am writing to voice my strong support for the Carolina Beach Boardwalk extension. The extension of the boardwalk would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Janet Knott

1326 St. Joseph Street

Carolina Beach, NC 28428

910-431-8122

From: Richard Knott [mailto:reknott24@gmail.com]
Sent: Wednesday, July 23, 2014 5:54 PM
To: Mairs, Robb L
Cc: Michael Cramer
Subject: Carolina Beach Boardwalk Extension Project

North Carolina Department of Environment and Natural Resources

Coastal Resource Commission

400 Commerce Ave.

Morehead City, NC 28557

Mr. Frank Gorham, Chairman, Mr. Neal Andrew, Mr. Larry Baldwin, Ms. Renee Cahoon, Ms. Suzanne Dorsey,

Mr. Bob Emory, Mr. Marc Hairston, Mr. Greg Lewis, Mr. Bill Naumann, Mr. Ben Simmons, Mr. Harry Simmons,

Mr. John Snipes, Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am a resident of Carolina Beach, a local business owner, manage the local farmer's market and am involved in many events taking place in our community. I am writing to voice my strong support for the Carolina Beach Boardwalk extension. The extension of the boardwalk would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Richard Knott

Carolina Beach Resident

Vice Chairman, Carolina Beach Planning and Zoning Commission

Member, Carolina Beach Harbor Commission

From: stephanie.brubaker@superiorimg.com [mailto:stephanie.brubaker@superiorimg.com]
Sent: Wednesday, July 23, 2014 2:41 PM
To: Mairs, Robb L
Cc: michael.cramer@carolinabeach.org
Subject: Carolina Beach Boardwalk extension

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,
Stephanie A. Brubaker
610B Greenville Ave
Carolina Beach, NC 28428

Stephanie A. Brubaker
Agent - Superior Insurance
Stephanie.Brubaker@SuperiorIMG.com
910-399-6628 (W)
910-515-1716 (C)

July 17, 2014

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach and a local business owner. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Keith Bloemendaal
Carolina Beach Resident & Small Business Owner

RECEIVED
DCM WILMINGTON, NC
JUL 23 2014

From: Lynn Halterman [mailto:carolinabeachpontoonrental@gmail.com]
Sent: Wednesday, July 23, 2014 1:30 PM
To: Mairs, Robb L
Cc: michael.cramer@carolinabeach.org
Subject: Variance For The Extension for the Boardwalk

Date: July 23, 2013

Dear Mr. Mairs:

Thank-you for taking the time to read this note, as I respectfully encourage you to vote in favor of the boardwalk variance.

Carolina Beach became our permanent home a little over two and a half years ago as we migrated here after spending ten years in Charlotte. I am a native of Indiana growing up in a small town much like Carolina Beach, and this was my attraction to this very special place. It was like coming home except for the fact my backyard is the Atlantic Ocean. I am very proud to live here and support our town council and it's member's.

This newly designed Broadwalk speaks highly of the residents and the visitors that embrace this special beach community, and will only enhance the landscape of this nostalgic geographic location. According to the 2010 US Census Bureau the Carolina Beach population was Five Thousand Seven Hundred Six people, (5706). If each of us spent an additional $100.00 more on local businesses, it would generate over $500,000 a year more into our local economy, not only that, but it would create more jobs and tax revenue. This new Boardwalk will be the vehicle to catapult Carolina Beach into this position by attracting more people, and revenue year after year.

Please approve the permit variance for the extension of the Boardwalk.

Respectfully,

Lynn Harrison Halterman
1200 St. Joseph Street
Unit #21
Carolina Beach, NC
28428

From: Brian Eskew [mailto:brianeskew@yahoo.com]
Sent: Wednesday, July 23, 2014 1:11 PM
To: Mairs, Robb L
Cc: michael.cramer@carolinabeach.org
Subject: Carolina Beach Boardwalk Extension

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand.

Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Brian, Laurie, Phoebe & Tanner Eskew
515 Birmingham Ave.
Carolina Beach, NC 28428

From: Karl Kemper [mailto:karlekemper@gmail.com]
Sent: Wednesday, July 23, 2014 5:45 PM
To: Davis, Braxton C
Subject: Carolina Beach Boardwalk Extension

Dear Mr. Davis,
As owners of a condo in Cabana De Mar, my wife and I want to be sure that our strong opposition to the proposed extension is noted for the record and to urge the CRC to deny the requested variance by the town of Carolina Beach. Admittedly our condo is a second residence, but unlike some owners, we do not rent ours out. Our primary residence is in Leland, 30 minutes away, and proximity and direct, unhindered ocean view were the two essential criteria that drove our purchasing decision. If the waiver is granted, the unhindered view will no longer exist, and we will immediately put our condo on the market. Inevitably, we will not be able to recoup our cost as having a public boardwalk between our condo and the ocean will adversely affect our property's value.

The town's stated rationale for the variance request, increasing access to view the dune environment and access to the ocean with particular emphasis on access for the elderly and handicapped, is laudable. There are ample alternatives to accomplish that goal without the requested variance. The town is currently in compliance with the existing regulations to provide public access to the ocean. Installing a boardwalk through the dunes in no way preserves the natural dune environment that the town purportedly wants to make available to the public. In fact the proposed boardwalk extension significantly alters the natural dune environment. The natural dune environment could be maintained and public access for the elderly and handicapped significantly improved by simply improving the access points already in existence.

Additionally, as many others have noted, no reasonable person could fail to recognize that increase foot traffic on the proposed boardwalk extension will increase noise and litter. There are, at a minimum, 4 bars adjacent to the current boardwalk, and with the recently re-routed roadway to accommodate the new hotel, the most direct pathway between those 4 bars and the existing hotels on Carolina Beach Ave. N. will be along the proposed boardwalk extension. Already the street noise from midnight to 2 A.M. is considerable and predominated by walkers leaving the bars. A day does not go by that our maintenance staff is not picking up litter tossed over the fence in front of our condo complex. The proposed extension will inevitably result in both noise and litter on both sides of the complex. One only needs to take a short walk along the beach itself to see the litter impact. Having litter strewn across the dunes only further diminishes the natural dune environment that the town seeks to promote in its variance request. Notably, there has been no commitment by the town to pick up litter along the boardwalk extension, and even if there was such a commitment the very act of regularly walking on those dunes to pick up litter would serve to degrade the dunes at a level significantly greater than the town contends would exist by beach goers breaking the law and making their own paths in the dunes if the boardwalk extension variance is not granted.

While we have no objection to the improvements to the existing boardwalk, we do not believe that the hardship claimed by the town in seeking the variance from the CRC is sufficiently supported. As noted, the town has other means at its disposal to improve access and promote social justice. Therefore the claim of irreparable harm unless the waiver is granted is specious at best. I am confident that the CRC is justifiably cautious in granting waivers and that you will carefully consider whether the town has recourse to solutions to their alleged problem that does not require such a significant variance as the one currently before you.

Thank you for your consideration.

Sincerely,
Karl and Anna Kemper
Unit 222, Cabana De Mar,

Sent from my iPad

GIGGEY
WITH A NAME LIKE GIGGEY, YOU GOTTA BE GOOD!
REAL ESTATE

July 21, 2014

Mr. Frank Gorham
400 Commerce Ave
Morehead City, NC 28557

Dear Mr. Gorham and members of the North Carolina Coastal Resource Commission :

I support this boardwalk extension at Carolina Beach. I hope you will support it by permitting this variance. The Town of Carolina Beach has met all the necessary requirements thus far.

As a proprietor of a business located in the center of town, I know this boardwalk extension will offer better access to the beach for residents' and tourists' as well. In addition, it will give the all the residents' a place to walk, to enjoy the 'beach experience' year round. Even I look forward to walking on the boardwalk daily.

It is my understanding, the Town of Carolina Beach has fulfilled all the obligations for grants from NCDENR and New Hanover County concerning payments for this project.

The Carolina Beach boardwalk is a popular hot-spot for families once again. This boardwalk extension has been supported by the majority of residents'. The staff at the Town of Carolina Beach has engaged the community every step of the way with the permitting process. I think it is a good design.

I ask for your support by voting for this project to proceed forward.

Regards,

Matthew Giggey
REALTOR/Broker
www.GiggeyRealEstate.com

RECEIVED
DCM WILMINGTON, NC
JUL 23 2014

4 Seasons Site and Demo, Inc.
PO Box 15590
Wilmington, NC 28408
910-833-0622 Fax: 910-338-3154

July 17, 2014

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach and a local business owner. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

RECEIVED
DCM WILMINGTON, NC
JUL 23 2014

Carolina Beach Resident & Small Business Owner

(Chuck Ohnmacht)

July 23, 2014

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach and a local business owner. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Ethan Crouch
932 Searidge Lane
Carolina Beach, NC 28428

RECEIVED
DCM WILMINGTON, NC
JUL 23 2014

July 17, 2014

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

RECEIVED
DCM WILMINGTON, NC
JUL 23 2014

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach and a local business owner. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Jeremy Lindvist

Carolina Beach Resident & Small Business Owner

From: Frank T Grady [mailto:frankgradyjr@ft.newyorklife.com]
Sent: Monday, July 28, 2014 11:10 AM
To: Mairs, Robb L
Cc: michael.cramer@carolinabeach.org
Subject: Carolina Beach Boardwalk Extention

July 28, 2014

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,
Frank T. Grady, Jr.

Carolina Beach Resident

July 23, 2014

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Debra LeCompte

Debra LeCompte
307 Charlotte Avenue
Carolina Beach, NC 28428

RECEIVED
JUL 24 20
DCM-MHD CITY

RECEIVED
DCM WILMINGTON, NC
JUL 24 2014

From: Rich Walsh [mailto:walshra@charter.net]
Sent: Thursday, July 24, 2014 9:00 AM
To: Mairs, Robb L
Cc: michael.cramer@carolinabeach.org
Subject: Carolina Beach Boardwalk Extension

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Richard Walsh
141 Lighthouse Dr.
Carolina Beach, NC 28428

Simpson, Shaun

From: Mairs, Robb L
Sent: Monday, July 28, 2014 10:07 AM
To: Riley Kirby
Cc: michael.cramer@carolinabeach.org; Simpson, Shaun
Subject: RE: Kirby letter

Categories: sks

Mr. Kirby,

Thank you for your comments and I will make sure to include them into the variance request file, which will be heard at the CRC meeting in October.

Thanks,

Robb Mairs, Field Representative

NC Division of Coastal Management
127 Cardinal Drive Extension
Wilmington, NC 28405
Phone: (910)796-7423, Fax: (910)395-3964 robb.mairs@ncdenr.gov

-----Original Message-----
From: Riley Kirby [mailto:orileyk2@gmail.com]
Sent: Thursday, July 24, 2014 6:13 PM
To: Mairs, Robb L
Cc: michael.cramer@carolinabeach.org
Subject: Boarwalk extension

I live in Carolina Beach year round and urge you to approve the boardwalk extension project. It would be a real positive for the town, for both locals and visitors. My family uses the boardwalk frequently as well and would benefit greatly from a more extensive boardwalk.

Thank you for your consideration of this.

Best regards,

Riley Kirby
927 Salt Water Lane
Carolina Beach

From: Tom Bridges [mailto:mtb1952@bellsouth.net]
Sent: Thursday, July 24, 2014 4:47 PM
To: Mairs, Robb L
Cc: Michael Cramer
Subject: Boardwalk extension

July 24, 2014

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach and a former town councilman. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

When I was serving on the Carolina Beach Town Council, we worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Tom Bridges, Ed.D.
Former Carolina Town Councilman

July 17, 2014

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach and a business owner. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Carolina Beach Resident & Small Business Owner

From: John Maguire [mailto:JMaguire@hopeservices4u.com]
Sent: Thursday, July 24, 2014 2:28 PM
To: Mairs, Robb L
Cc: 'michael.cramer@carolinabeach.org'
Subject: Carolina Beach Boardwalk Extension

From: Mike Maume [mailto:momaume@gmail.com]
Sent: Thursday, July 24, 2014 9:17 AM
To: Mairs, Robb L
Cc: michael.cramer@carolinabeach.org
Subject: Carolina Beach Boardwalk extension

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Mike Maume

920 Tidewater Ln

Carolina Beach

From: captaingld [mailto:captaingld@bellsouth.net]
Sent: Friday, July 25, 2014 1:21 PM
To: Mairs, Robb L
Cc: Michael Cramer
Subject: Carolina Beach Boardwalk extension project

I have been a resident of Carolina Beach for 62 years and am currently a Town Councilman for the Town of Carolina Beach. We have been working very hard to enhance the family experience here in Carolina Beach. We have always welcomed visitors to our beach and tried to offer an affordable opportunity. The extension to the Boardwalk Enlargement and Enhancement Project will certainly provide additional vacation access to the beach for resident and visitors alike. It will also .be a connector to our municipal marina from our Central Business District. This connector will provide a safe corridor for families wishing to see what our town has to offer, fishing, moonlight cruises. Please consider this a vital step in our effort to provide a safe enjoyable experience for all that come to Carolina Beach. We have made every effort to include all in the development of this project and continue to consider ideas which will make this project a success for all residents and visitors. Carolina Beach depends on our summer economy to offset higher taxes and fees which I feel this project will certainly help. We have always understood that three months out of the year we experience some inconveniences due to our visitors which is little to pay for living in a desirable coastal community. Thank you for your dedication keeping our coast a jewel in the crown that North Carolina certainly is.
Gary Doetsch

From: Mairs, Robb L
Sent: Monday, July 28, 2014 9:38 AM
To: Kathy Doyle
Cc: michael.cramer@carolinabeach.org; Simpson, Shaun
Subject: RE: Doyle letter

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Kure Beach. My husband's grandparents had a house in Carolina Beach, and the stories they tell of all the fun they had growing up near the wonderful Boardwalk! To bring back the boardwalk to were it once was would be a great benefit.

This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

Please vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Kathy Doyle
Custom Home
Furniture Galleries
3514 S. College Rd.
Wilmington, NC 28412
910-799-4013 910-791-2791 (fax)
www.shopcustomhome.com

July 17, 2014

RECEIVED
DCM WILMINGTON, NC
JUL 2 8 2014

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. After personally walking around the area affected, I realized that very little environmental damage would done. As far as restricting views and problems for property owners, every property already has fences and vegetative barriers between the property and the beach. My evaluation is based on over thirty years in the environmental field. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Harold G. Mills

Digitally signed by Harold G. Mills
DN: cn=Harold G. Mills, o, ou, email=gene_mills@live.com, c=US
Date: 2014.07.26 15:48:58 -04'00'

Carolina Beach Resident

TO: Braxton Davis

FROM: Mark Richard-Cabana Unit #132

RE: Island Gazette Article

DATE: September 9, 2014

COMMENTS PRETAINING TO ARTICLE:

Attached is an article pertaining to the boardwalk project proposed by the Town of Carolina Beach. Since there are many letters and correspondence to the CRC in **opposition** to the boardwalk extension, the town felt it was necessary to start a letter campaign for **support**. It seems a little unethical that a councilman would exert his influence to coax letters of support from various business owners. If people supported this project, why would it be necessary to provide them bullet points to write a letter of support?

Please include this memo and article in the packet of opposition of the boardwalk extension.

Thank you.

RECEIVED
SEP 09 2014
DCM-MHD CITY

Town Starts Letter Campaign For Support Of Boardwalk Extension

Details Published on Wednesday, 30 July 2014 10:52 Written by Super User

RECEIVED
SEP 09 2014
DCM-MHD CITY

The Town of Carolina Beach is seeking permission to build an 875' extension for an oceanfront boardwalk. (Pictured:) The existing boardwalk in the distance and existing private beach crossovers the extension will intersect.

By WILLARD KILLOUGH III
Managing Editor

CAROLINA BEACH - The Town of Carolina Beach will have to wait until October to find out if the NC Coastal Resources Commission (CRC) will approve their request for a variance from coastal regulations to build an 875' extension for their existing downtown wooden boardwalk which is a little over 750' in length.

The CRC was origingally set to hear the Town's request at their July 30th, meeting. Due to technical issues, the item was postponed until the CRC's October 22nd and 23rd, meeting in Wilmington, NC. The location has not yet been announced.

The Town Council received public input at their July 8th, meeting regarding the planned extension. A project to replace the wooden walkway along the oceanfront at the Carolina Beach Boardwalk is scheduled to begin construction in September of this year. The Town still has to obtain permission from the Coastal Resources Commission to extend the wooden walkway 875' feet to the north. Many residents living in that area are opposed to the extension.

In recent weeks the Town has started a campaign to solicit letters of support from area residents and business owners to be delivered to the Coastal Resources Commission.

In late February 2014, the North Carolina Coastal Resources Commission (CRC) approved the majority of a variance requested by the Town of Carolina Beach to renovate their existing oceanfront wooden Boardwalk originally built in 1989. The CRC voted to approve the renovation of the existing boardwalk to include doubling the width of the boardwalk lane from 8 Ft. to 16 Ft., renovating the landscaped coves, adding windsails for shading, benches, seating areas, swings, improvements to the sound stage gazebo including a new roof over the sound stage, and improved beach access points.

The project cost is estimated at approximately $1,603,000 part of which will be funded through a $250,000 Water Resources grant from the North Carolina Department of Environment and Natural Resources that requires a $250,000 match from the Town and a $603,000 CAMA grant from the State Division of Coastal Management. Last summer the New Hanover County Board of Commissioners approved a grant to the town of $500,000 towards the project.

The project will replace the existing wooden boardwalk within an area governed by coastal development regulations. Part of the project extends the existing boardwalk along the beachfront 875' feet north to Pelican Lane and the Town was set to obtain a variance from the rules governing development in that area from the Coastal Resources Commission at their upcoming July 30th, meeting. That request has now been moved to a meeting in October.

The Town must prove that strict application of the rules creates a hardship for the project.

Phase one of the project was approved under a CAMA Minor Development permit in September 2013. That phase includes replacement of crossover beach accesses, viewing platform improvements, and excavation of non-dune

landscaped coves westward of the existing Boardwalk and redistribution of the sand from those areas to enhance dune low spots eastward of the existing Boardwalk.

A portion of phase 2 of the project proposed under a CAMA Minor Development permit was approved by the CRC on the Town's petition for a variance. Specifically, a variance was granted for the demolition of the existing Boardwalk and crossovers, widening of the existing Boardwalk, and installation of five new public beach accesses, the addition of a roof on a viewing platform, installation of showers at the Harper Avenue access, and installation of a splash pad/water park facility.

The Town applied for a CAMA Minor Permit in May of this year to extend the Boardwalk 875' feet north from Harper Avenue to Pelican Lane. That permit was denied on June 2, 2014. The design proposed in that permit was identical to that approved for the new southern section of the Boardwalk by the CRC in February at 16' wide with three new 10' wide public accesses, three rebuilt existing private accesses, and five ninety-six square foot bump outs for benches and swings. A lattice trellis is proposed at the Pelican Lane access.

The proposed area for the extension is located in the Town's Central Business District (CBD). There are a total of five property owners adjacent to the proposed extension. There are three hotels, a 76-unit condo complex and a two story single-family residence.

The Town filed their variance request for the extension with the CRC last month and claims the extension, "Creates a unique opportunity for the general public without other means of access to view and access the ocean and dune ecosystem from a variety of locations. With in increased demand for access to the beach and ocean from elderly and handicapped individuals, the northern extension will allow elderly and handicapped individuals convenient beach access as well as the ability to view the dune ecosystem. An undue hardship to the public would be created from strict application of the development rules, standards, or orders issued by the Commission. Specifically, handicapped individuals would be denied a convenient and safe means of accessing the beach and/or viewing the ocean and dune ecosystem. Furthermore, general public's access to the ocean and view the dune ecosystem would be impaired. A lack of safe access, as provided by the proposed Boardwalk could result in damage to the dune ecosystems by those creating their own means of access to the beach."

The Town claims that in response to comments made by CRC commissioners in February, they have significantly redesigned aspects of the extension to "reduce potential impacts to adjacent residential property owners."

RECEIVED
09 2014
DCM-MHD CITY

Donald Averette owns an oceanfront home within that area and expressed opposition based on concerns of increased foot traffic and noise in front of his property.

His daughter - Renee Lewis - spoke to the CRC in May of this year expressing opposition to the extension citing concerns of noise, lighting, trespassing, impact on their ocean view, loss of privacy, safety and crime concerns. Additionally, the potential impact of a large wooden structure impacting their property during a future hurricane.

During the Council's July 8th meeting Lewis explained they are excited for the improvements to the existing downtown boardwalk. She explained, "Our strong opposition is only with the proposed extension. It seems the justifications for the extension do not exist. We've owned our property for over 80 years and we love coming to Carolina Beach. This is like our second home here. That is why it saddened us to find out about this project by reading it in the Island Gazette. No one from the town called my father before this to get his opinion or feedback when this project was first proposed. He only received a call after it had already gotten started and then only received correspondence through the mail."

Lewis said during a previous CRC meeting, when a CRC member asked the Town Attorney what the Town's position would be if the CRC approved the south side expansion but not approve the north side, "Her response was it would be a hardship to the 17 other property owners that are in the Central Business District that are in support of the boardwalk expansion in front of their properties. This is false. There are 70 plus units in the Cabana with. I think know about 49 of those property owners, against this northern extension," said Lewis.

She explained, "We understand that the Town desires to connect the existing Boardwalk area to the Marina and create a pedestrian flavor. When in reality the two are already connected through adequate sidewalks that are surrounded by many local businesses."

Michael Murphy owns two units in the Cabana De Mar condo building. He explained last month his concerns are with increased vandalism, trespassing, loss of privacy and security. He stated, "This proposal will being loitering on the boardwalk benches, noise, increased foot traffic, litter and trash all in front of private development."

Last week Brenda Butler - Community Organization Officer for the Town of Carolina Beach - wrote in an email to

various individuals asking them to write letters to the Coastal Resources Commission showing support for the Boardwalk extension project.

Butler wrote, "There has been controversy about the Boardwalk extension. We are asking if each of you and your members, would write a letter to Robb Mairs: robb.mairs@ncdenr.gov requesting the Coastal Resources Commission, and all other governmental agencies with jurisdiction over the proposed Boardwalk structure, its renovation and proposed extension, acknowledge that the Boardwalk is a critical asset to Carolina Beach, Pleasure Island and New Hanover County and that the Boardwalk extension is in full compliance with all aspects of CRC and Coastal Area Management policies and guidelines for the construction of permanent fixtures on protected coastal areas."

After listing various bullet points for people to mention in their letters, Butler wrote, "Many of the individuals writing letters against the updated and expanded Boardwalk are inconsistent, factually inaccurate and in many cases, they are neither property owners nor stakeholders in the property they claim to be representing; The Town has made every effort to address each of their specific concerns, including the addition of more physical security measures, lowering the structure's height and eliminating any possibility of ocean views being blocked by the Boardwalk's extension."

When contacted for comment on July 25th, asking who the people are that sent letters opposing the project that do not own property and are not stakeholders in the property they claim to be representing, Butler responded, "No comment."

Councilman Steve Shuttleworth has been working behind the scenes to solicit letters of support from people in the community.

Shuttleworth wrote last month in a letter from CBP3, Inc. - a shell corporation he was appointed to by the Council that owns hotels in the area of the proposed extension - that, "The request for the Boardwalk extension bisects our ocean front property at the terminus of the proposed extension. We strongly encourage you to support and vote in favor of the variance requested. This project will be a huge benefit for the Town of Carolina Beach and New Hanover County."

He wrote, " This will allow handicapped people and others including the elderly to enjoy the views and walk along the beach area" and, "The town has worked very hard to address concerns from property owners along the route. They have reduced the number of swings and benches, removed lighting, and lowered the elevation, offered security fencing and private gates. We see this as a very positive project for our customers and the community. Please approve this permit - it is a unique opportunity for the Town and the State."

Shuttleworth sent email requests to various business owners throughout Town asking them to write letters of support to the Coastal Resources Commission membership.

Jerry Haire - Project Coordinator for the Town - explained Monday July 21, the delay was due to technicalities. Any comments received by the Town during the comment period established by the CRC must be forwarded to the CRC. He said there were some comments emailed to the Town and that resulted in some issues causing the delay.

Haire said bids received from construction companies to build the project will opened later this week. The project was bid three ways. The first is a lump sum bid for the entire project. The extension and existing boardwalk renovations were also bid separately. Haire said that means even with the delay until the CRC's October meeting, the first phase of the project can begin in September on replacing the existing wooden Boardwalk. If the CRC grants the Town's request for a variance, the 875' extension to the north could begin this fall and be completed in time for the 2015 season.

If you wish to send in comments to the Division of Coastal management regarding this issue, you can email Braxton.Davis@ncdenr.gov or by mail at Division of Coastal Management, Coastal Resources Commission, 400 Commerce Avenue, Morehead City, NC 28557

RECEIVED
SEP 09 2014
DCM-MHD CITY

From: Christina Dees [mailto:christinamdees@gmail.com]
Sent: Tuesday, July 29, 2014 9:28 AM
To: Mairs, Robb L
Cc: Michael Cramer
Subject: I support the CB Boardwalk Extension

July 17, 2014

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach and a local business owner. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Christina Dees
Carolina Beach Resident & Small Business Owner

Scotty's Promotions

August 6, 2014

Scott Diamond
Scotty's Promotions
105 Georgia Ave. Bldg. A
Carolina Beach, NC 28428

RE: I Support the Carolina Beach Boardwalk Renovation and Extension

Chairman Gorham and members of the North Carolina Coastal Resource Commission,
I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.
I am a resident of Carolina Beach. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.
The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.
I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Scott Diamond
Resident and Business Owner

105 Georgia Ave. Bldg.A
Carolina Beach, NC 28428

cc: Michel Cramer, Town Manager at Carolina Beach, North Carolina

August 8, 2014

Renee Merritt
Big Red Fire Truck Adventures
1030 Piner Road
Wilmington, NC 28409

RE: I Support the Carolina Beach Boardwalk Renovation and Extension

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Renee and Kevin Merritt

Wilmington NC 28409

From: Terry Moore [mailto:onabeach@charter.net]
Sent: Wednesday, August 06, 2014 2:54 AM
To: Davis, Braxton C
Subject: Carolina Beach Boardwalk Extension

As a resident of Carolina Beach with physical limitations that restrict easy access to the beach, I certainly favor extension of the Boardwalk, which would allow myself and many others with physical restrictions to have significantly greater ability to enjoy our oceanfront.

Terrance G. Moore
709 Atlanta Av.
Carolina Beach, NC 28428

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Mr. Gorham and members of the North Carolina Coastal Resource Commission, I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.
I am a resident of Carolina Beach **and** a business owner. I feel the extension would be a tremendous benefit to our community. This project would not only be an economical benefit to the Town and local businesses, but also will increase public access to the beach strand. The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for this project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country which has in turn given focus to our area, increased visitors, and also increases business!. Please let us work to improve our community and our boardwalk. Carolina Beach staff has held public meetings to gather input from residents about design. They have done a good job and I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Noël Stevens

Ronald and Noël Stevens
Carolina Beach Residents
Owners – Island Hots Restaurant

Plus a few of our friends:

Alyssa Kaplan - Resident
Patrick ♂ - resident ♂
Katelynn Clyne - Resident
Debb Lane - Resident/Business
Jennifer DiLisio - Resident
Richard English - resident
Daniel English - resident
Diane English - resident
Deanna English - resident
Dan Rosenbaum
Lily Belle Rosenbaum
Mike Kiglics (Carolina Town)

RESOLUTION
OF
THE PLEASURE ISLAND CHAMBER OF COMMERCE

July 16th 2014

CAROLINA BEACH HISTORIC BOARDWALK RENOVATION AND EXTENSION

WHEREAS, the Pleasure Island Chamber of Commerce is a 76 year old nonprofit organization representing over 445 active businesses, nonprofits, stakeholders and residents of Carolina and Kure Beach; and

WHEREAS, the historical Carolina Beach Boardwalk has been an important asset and visitor attraction on Pleasure Island for over 85 years; and

WHEREAS, it is widely recognized by residents, visitors, county and Wilmington city officials to be an important historical landmark representative of both Carolina Beach and New Hanover County; and

WHEREAS, the 2007 Carolina Beach Master Plan called for upgrades and improvements to many areas of the Central Business District, including extending the Boardwalk to the town's harbor to enable visitors arriving by vessel to readily access both the beach area and the central business district; and

WHEREAS, the current condition of the Boardwalk has deteriorated and requires it be renovated and updated to address safety concerns, enhance visitor appeal, provide better pedestrian flow and access to the beach and to accommodate an important new beachfront hotel development; and

WHEREAS, Carolina Beach and New Hanover County governments have invested significant taxpayer resources to implement the Master Plan, including updating and expanding the Boardwalk and Boardwalk area, building a large transient boater mooring field and new dinghy docks to accommodate water-born visitors, as well as provide ready access to residents and visitors seeking access to the beach area from existing public parking facilities; and

RECEIVED
DCM WILMINGTON, NC
JUL 23 2014

WHEREAS, town government has made every effort to address each of their specific concerns, including the addition of more physical security measures, lowering the structure's height and eliminating any possibility of ocean views being blocked by the Boardwalk's extension.

NOW, THEREFORE, BE IT RESOLVED, that the Pleasure Island Chamber of Commerce fully endorses each and every design aspect of the new Boardwalk renovations, as well as its full extension to the Carolina Beach Harbor Basin via Pelican Lane;

BE IT FURTHER RESOLVED, that we respectfully request the Coastal Resources Commission, and all other governmental agencies with jurisdiction over the proposed Boardwalk structure, its renovation and proposed extension, acknowledge that the Boardwalk is a critical asset to Carolina Beach, Pleasure Island and New Hanover County and that the Boardwalk extension is in full compliance with all aspects of CRC and Coastal Area Management policies and guidelines for the construction of permanent fixtures on protected coastal areas.

Pleasure Island Chamber of Commerce

Mike Worley, Chair
Carol Magestro, Secretary
Brenda Butler, Treasurer
Paul Boroznoff, Director
Anne Brodsky, Director
Van Coley, Director
Angie Earl, Director
Janet Knott, Director
Judy Royal, Director
Andrea Cinanni-Wilson, Director
Leslie Weston, Director
Bruce Holsten, Director
Simon Sanders, Director
Gail McCloskey, President
Greg Reynolds, Executive Director

RECEIVED
DCM WILMINGTON, NC
JUL 23 2014

July 29, 2014

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach, a business owner and former councilwoman in Carolina Beach. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

In addition, I serve as volunteer coordinator and President of the Pleasure Island Sea Turtle Project. With the new boardwalk, we look forward to fresh opportunities to raise awareness and educate the public about sea turtles, their habitats and protecting our precious natural resources.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Jody (Smith) Springer

Carolina Beach resident, business owner, former councilwoman
President, Pleasure Island Sea Turtle Project

From: Surfside Steve [mailto:carkeep@aol.com]
Sent: Monday, August 11, 2014 10:34 AM
To: Davis, Braxton C
Subject: Carolina Beach

Mr. Davis: I am writing in support of the Carolina Beach Boardwalk Extension Project. I encourage your support as well as that of the CRC in making this project a reality.

Thank you
Steve Stanton

1235 Pinfish Lane,
Carolina Beach, NC

July 17, 2014

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach and a local business owner. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Ann W. Swinson

Carolina Beach Resident & Small Business Owner

RECEIVED
AUG 11 2014
DCM-MHD CITY

From: tthomas007@outlook.com [mailto:tthomas007@outlook.com] **On Behalf Of** Ted Thomas
Sent: Wednesday, July 30, 2014 4:57 PM
To: Mairs, Robb L
Cc: michael.cramer@carolinabeach.org
Subject: Carolina Beach Boardwalk extension

North Carolina Department of Environment and Natural Resources
Coastal Resource Commission
400 Commerce Ave.
Morehead City, NC 28557

Mr. Frank Gorham, Chairman
Mr. Neal Andrew
Mr. Larry Baldwin
Ms. Renee Cahoon
Ms Suzanne Dorsey
Mr. Bob Emory
Mr. Marc Hairston
Mr. Greg Lewis
Mr. Bill Naumann
Mr. Ben Simmons
Mr. Harry Simmons
Mr. John Snipes
Mr. Lee Wynns

Chairman Gorham and members of the North Carolina Coastal Resource Commission,

I am writing to voice my strong support for the Carolina Beach Boardwalk extension. Please approve the permit variance as applied for by Carolina Beach.

I am a resident of Carolina Beach. The extension would be a tremendous benefit to our community. This project would not only have a positive economic benefit for the Town and local businesses, but will also increase public access to the beach strand. Given our obvious geographic constraints, it isn't often that a public project can expand beach access – it is a rare and important gift that can be given to the community.

The town has worked hard to obtain grants from NCDENR and New Hanover County to help pay for the project. The existing boardwalk has earned national recognition as one of the top 10 boardwalks in the country and continues to improve every year. Please let us work to continue to improve our community and our boardwalk.

I encourage you to vote in favor of the variance to allow our community to expand our public boardwalk.

Sincerely,

Ted and Terri Thomas

203 Carolina Sands Drive

Carolina Beach, NC

October 8, 2014

To Braxton Davis
Director, Division of Coastal Management
400 Commerce Ave.
Morehead City, NC 28557

From Boardwalk Condominium Homeowners Association
115 Carolina Beach Avenue, South
Carolina Beach, NC 28428

In 2004 Carolina Beach requested a grant to extend the existing public Boardwalk south from the Marriott to Hamlet Street. That proposal involved a much smaller footprint than the one currently proposed. All twelve of the owners joined together to oppose the project. At that time, the owners were concerned that a public boardwalk between their properties and the ocean would take away their "littoral rights." **" Littoral rights" give** ocean front property owners the legal right to immediate, direct and unobstructed access to the ocean, from any point of the property abutting the ocean, and an unobstructed view of the ocean from any point abutting the ocean. Our position has not changed.

Ten years later the extension and (now much larger) expansion of the public Boardwalk is again planned. The Boardwalk Expansion Committee has discussed extending the Boardwalk south as well as north, but, at present, funding is sought only for extending the public Boardwalk north. We are confident that if this project moves forward on the north end of the current Boardwalk, it will soon be back on track for the area south of the current Boardwalk. Our position is the same as it was in 2004, the Boardwalk should not extend past the current footprint. Besides losing access to and view of the ocean, ocean front property owners would be dealing with constant foot traffic, noise, trash, litter, night lights and loss of privacy. A real estate agent advised that those affected owners could no longer advertise these properties as "oceanfront" because there would be a structure between the property and the ocean and those owners would have lost their littoral rights. Further, this loss of **littoral rights** would decrease the values of those oceanfront properties.

The private oceanfront property owners between the Marriott and Hamlet Street again are very much opposed to a Boardwalk extension beyond it's current foot print. The sand berm today is much higher than it was ten years ago and CAMA (Coastal Area Management Agency) regulations require that a structure be built well above the berm, not on the berm. The sand cannot be shaved down. Oceanfront property owners on the first floors, besides dealing with noise, lights, trash, litter, and loss of privacy, will be looking straight out at the Boardwalk. They would no longer have an ocean view.

As property owners and individuals, we love Carolina Beach and want to see it continue to attract visitors. We, however, do not want to see it lose the charm that has brought

visitors here for many years. We fully support the Town's efforts to improve the immediate Boardwalk area. We do not favor taking away property rights of those owners who have supported this beach community for many years.

We stand united with the owners on the north end in opposing this project.

Regards,

Sean DesNoyer, President HOA/Boardwalk Condominiums, 303
Beverley Pellom, Vice President HOA/Boardwalk Condominiums, 102
Cathy Lane, Secretary HOA/Boardwalk Condominiums, 201
Paul and Carolyn Glaser, 101
Ralph McElderry, 102
Mark and Jamie Immordino, 103
David Lane, 201
Dico Drakulevski, 202
Robert and Mary Firth, 203
Ben and Emily Carr, 301
Dan and Janet Abernethy, 302

Town of Carolina Beach
Public Boardwalk Extension
Carolina Beach,
New Hanover County

Variance Request
October 22, 2014


Hampstead
40
140
17
Delco
76
74
Murrayville
Kings Grant
Leland
132
Wilmington
Wrightsville Beach
Winnabow
Green Swamp Preserve
Myrtle Grove
421
211
Site Location
Carolina Beach
Cape Fear River
Supply
Joe Eakes Park
87
Fort Fisher State Recreation Area
Southport
Oak Island
1100
N

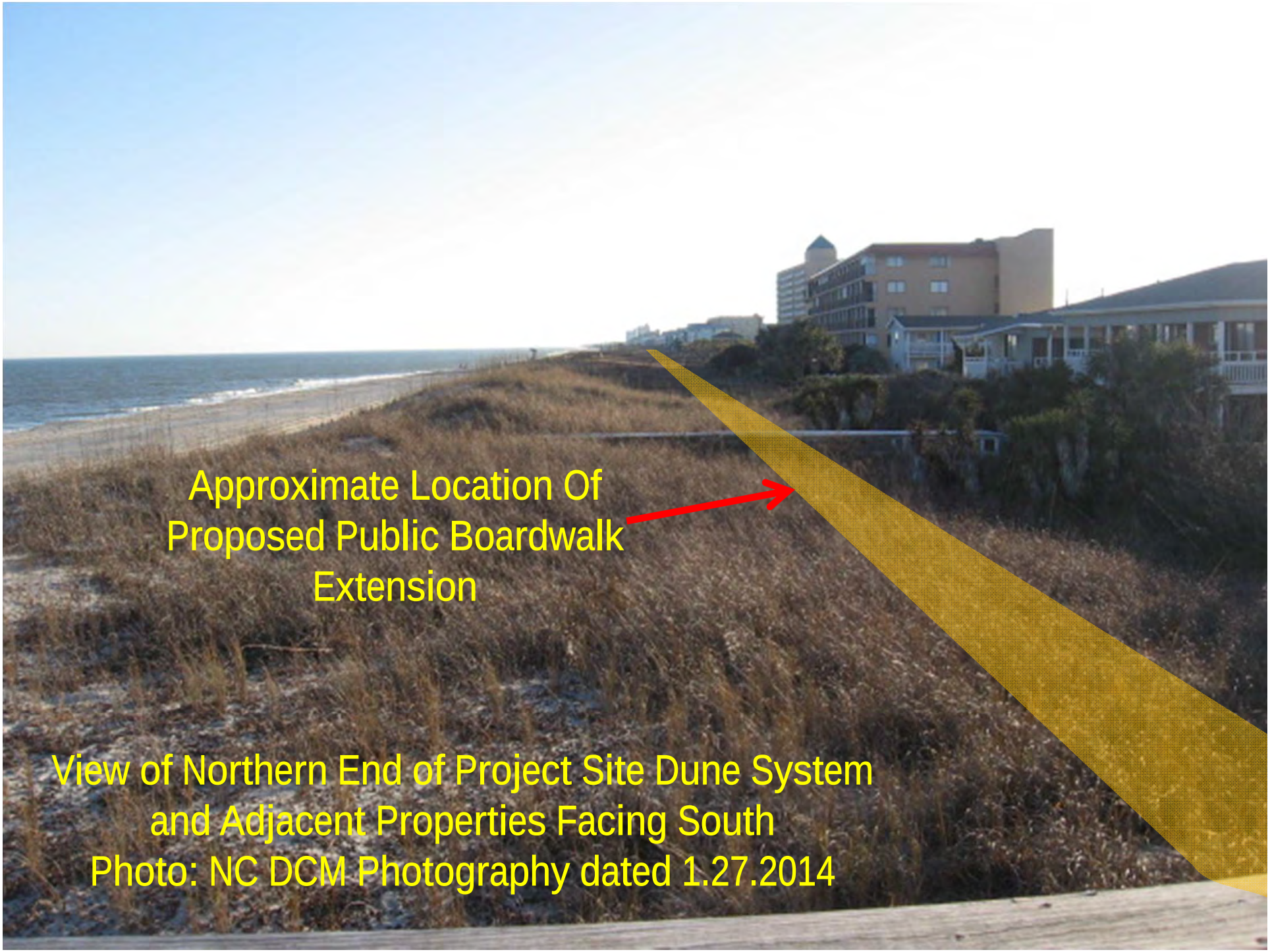

Carolina Beach Inlet
Freeman Park
Sea Breeze
Snow's Cut
Carolina Beach State Park
Cape Fear River
421
Site Location
Pleasure Island
Carolina Beach
421
N


Pelican Ln
Carl Winner Dr
Florence Ave
Myrtle Ave
Harper Ave
Canal Dr
Carolina Beach Ave N
421
Raleigh Ave
Beach Ave S
Charlotte Ave
Proposed Public Boardwalk Extension
Existing Public Boardwalk
N


Properties Located Adjacent To Proposed Public Boardwalk Extension
N
Pelican Lane
Canal Drive
Carolina Beach Ave. North
Harper Ave.
CBP, 3 Inc. Property
Averette Property
Myrtle Grove Properties, LLC Property
Cabana Del Mar COA, Inc. Property
Carolina Beach Hospitality, LLC Property
Approximate Location Of Existing Public Boardwalk


PELICAN LN
CANAL DR
KING AVE
CAROLINA BEACH AVE
Approximate 60' Setback from Static Vegetation Line
Static Vegetation Line
Actual Vegetation Line
Northern End of Project
Proposed Public Boardwalk Extension
0
0.022mi
NC DCM - Copyright (C) 2014

View of Project Site Facing West
Photo: NC DCM Aerial Photography dated
11.20.2013



View of Northern End of Project Site Dune System
and Adjacent Properties Facing South
Photo: NC DCM Photography dated 1.27.2014