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TO: The Coastal Resources Commission

FROM: Christine A. Goebel, DEQ Assistant General Counsel

DATE: September 4, 2019 (for the September 18-19, 2019 CRC Meeting)

RE: **Variance Request by Thomas Pollard (CRC-VR-19-05)**

Petitioner Thomas Pollard (“Petitioner”) owns property located at 320 Willbarry Road in Jacksonville, Onslow County, North Carolina. The property is adjacent to the New River, which at this location is in inland fishing waters and the first 30’ landward of normal water level is Public Trust Shoreline AEC. Petitioner proposed to develop four Bed & Breakfast units on top of the existing house, which is essentially built below the upper grade on the lot, into the bank of the property. The waterward proposed B&B units would be “development” within the Commission’s 30-foot buffer area, and include some development outside the existing footprint, including the four pilings. It would also increase an existing non-conformity with the Commission’s 30% impervious limits within the 30-foot-wide AEC. On July 25, 2019, the Onslow County CAMA Local Permit Officer denied Petitioner’s CAMA Minor Permit application based on its incompatibility with the Commission’s Public Trust Shoreline AEC rules. Petitioner now seeks a variance to allow the addition as proposed in his CAMA permit application.

The following additional information is attached to this memorandum:

Attachment A: Relevant Rules

Attachment B: Stipulated Facts

Attachment C: Petitioner’s Positions and Staff’s Responses to Variance Criteria

Attachment D: Petitioner’s Variance Request Materials

Attachment E: Stipulated Exhibits including powerpoint

cc(w/enc.): Glenn Dunn, Petitioner’s counsel, electronically  
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically  
Sammie Rogers, Onslow Co. CAMA LPO, electronically



**RELEVANT STATUTES OR RULES****APPENDIX A**

## 15A NCAC 07H .0209 COASTAL SHORELINES

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

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

(c) Management Objective. The management objective is to ensure that shoreline development is compatible with the dynamic nature of coastal shorelines as well as the values and the management objectives of the estuarine and ocean system. Other objectives are to conserve and manage the important natural features of the estuarine and ocean system so as to safeguard and perpetuate their biological, social, aesthetic, and economic values; to coordinate and establish a management system capable of conserving and utilizing these shorelines so as to maximize their benefits to the estuarine and ocean system and the people of North Carolina.

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

(1) All development projects, proposals, and designs shall preserve and not weaken or eliminate natural barriers to erosion including peat marshland, resistant clay shorelines, and cypress gum protective fringe areas adjacent to vulnerable shorelines.

(2) All development projects, proposals, and designs shall limit the construction of impervious surfaces and areas not allowing natural drainage to only so much as is necessary to adequately service the major purpose or use for which the lot is to be developed. Impervious surfaces shall not exceed 30 percent of the AEC area of the lot, unless the applicant can effectively demonstrate, through innovative design, that the protection provided by the design would be equal to or exceed the protection by the 30 percent limitation. **Redevelopment of areas exceeding the 30 percent impervious surface limitation may be permitted if impervious areas are not increased and the applicant designs the project to comply with the intent of the rule to the maximum extent feasible.**

(3) All development projects, proposals, and designs shall comply with the following mandatory standards of the North Carolina Sedimentation Pollution Control Act of 1973:

(A) All development projects, proposals, and designs shall provide for a buffer zone along the margin of the estuarine water which is sufficient to confine visible siltation within 25 percent of the buffer zone nearest the land disturbing development.

(B) No development project proposal or design shall permit an angle for graded slopes or fill which is greater than an angle which can be retained by vegetative cover or other erosion control devices or structures.

(C) All development projects, proposals, and designs which involve uncovering more than one acre of land shall plant a ground cover sufficient to restrain erosion within 30 working days of completion of the grading; provided that this shall not apply to clearing land for the purpose of forming a reservoir later to be inundated.

(4) Development shall not have a significant adverse impact on estuarine and ocean resources. Significant adverse impacts include development that would directly or indirectly impair water quality standards, increase shoreline erosion, alter coastal wetlands or Submerged Aquatic Vegetation (SAV), deposit spoils waterward of normal water level or normal high water, or cause degradation of shellfish beds.

- (5) Development shall not interfere with existing public rights of access to, or use of, navigable waters or public resources.
- (6) No public facility shall be permitted if such a facility is likely to require public expenditures for maintenance and continued use, unless it can be shown that the public purpose served by the facility outweighs the required public expenditures for construction, maintenance, and continued use. For the purpose of this standard, "public facility" means a project that is paid for in any part by public funds.
- (7) Development shall not cause irreversible damage to valuable, historic architectural or archaeological resources as documented by the local historic commission or the North Carolina Department of Cultural Resources.
- (8) Established common law and statutory public rights of access to the public trust lands and waters in estuarine areas shall not be eliminated or restricted. Development shall not encroach upon public accessways nor shall it limit the intended use of the accessways.
- (9) Within the AECs for shorelines contiguous to waters classified as Outstanding Resource Waters by the EMC, no CAMA permit shall be approved for any project which would be inconsistent with applicable use standards adopted by the CRC, EMC or MFC for estuarine waters, public trust areas, or coastal wetlands. For development activities not covered by specific use standards, no permit shall be issued if the activity would, based on site-specific information, degrade the water quality or outstanding resource values.

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

- (A) Water-dependent uses as described in Rule 07H .0208(a)(1) of this Section;
- (B) Pile-supported signs (in accordance with local regulations);
- (C) Post- or pile-supported fences;
- (D) Elevated, slatted, wooden boardwalks exclusively for pedestrian use and six feet in width or less. The boardwalk may be greater than six feet in width if it is to serve a public use or need;
- (E) Crab Shedders, if uncovered with elevated trays and no associated impervious surfaces except those necessary to protect the pump;
- (F) Decks/Observation Decks limited to slatted, wooden, elevated and unroofed decks that shall not singularly or collectively exceed 200 square feet;
- (G) Grading, excavation and landscaping with no wetland fill except when required by a permitted shoreline stabilization project. Projects shall not increase stormwater runoff to adjacent estuarine and public trust waters;
- (H) Development over existing impervious surfaces, provided that the existing impervious surface is not increased and the applicant designs the project to comply with the intent of the rules to the maximum extent feasible;



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

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

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

(J) Where application of the buffer requirement set out in 15A NCAC 07H .0209(d)(10) would preclude placement of a residential structure on an undeveloped lot platted prior to June 1, 1999 that are 5,000 square feet or less that does not require an on-site septic system, or on an undeveloped lot that is 7,500 square feet or less that requires an on-site septic system, development may be permitted within the buffer if all the following criteria are met:

(i) The lot on which the proposed residential structure is to be located, is located between:

(I) Two existing waterfront residential structures, both of which are within 100 feet of the center of the lot and at least one of which encroaches into the buffer; or

(II) An existing waterfront residential structure that encroaches into the buffer and a road, canal, or other open body of water, both of which are within 100 feet of the center of the lot;

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

(iii) Placement of the residential structure and pervious decking may be aligned no further into the buffer than the existing residential structures and existing pervious decking on adjoining lots;

(iv) The first one and one-half inches of rainfall from all impervious surfaces on the lot shall be collected and contained on-site in accordance with the design standards for stormwater management for coastal counties as specified in 15A NCAC 02H .1005. The stormwater management system shall be designed by an individual who meets applicable State occupational licensing requirements for the type of system proposed and approved during the permit application process. If the residential structure encroaches into the buffer, then no other impervious surfaces will be allowed within the buffer; and

(v) The lots must not be adjacent to waters designated as approved or conditionally approved shellfish waters by the Shellfish Sanitation Section of the Division of Environmental Health of the Department of Environment and Natural Resources.

**STIPULATED FACTS****ATTACHMENT B**

1. The Petitioner is Tommy Pollard (“Petitioner”). Petitioner and his wife own a tract of land at 320 Willbary Road, Jacksonville, Onslow County (the “Site”), known as Tract II, as shown on a plat recorded at Map Book 15, Page 40 of the Onslow County Registry, a copy of which is attached. Petitioner has owned this lot since February 22, 1979, as shown on a deed recorded at Book 546, Page 496, of the Onslow County Registry, a copy of which is attached. Petitioner added his wife Rebecca to title on August 4, 2016, as shown on a deed recorded at Book 4492, Page 408 of the Onslow County Registry, a copy of which is attached.
2. The Site is shown on ground level photographs taken by Jason Dail on June 12, 2019, as well as Onslow County GIS images and parcel boundaries overlain on aerial photographs, attached.
3. The Site is adjacent to the New River, which at this location is classified as SC waters by the Environmental Management Commission, and are closed to the harvest of shellfish.
4. The Site is located “inland of the dividing line between coastal fishing waters and inland fishing waters” and so pursuant to 15A NCAC 7H .0209(a)(2), the Site is within the Public Trust Shoreline sub-category of the Coastal Shorelines AEC. The Public Trust Shoreline AEC is comprised of the first 30’ landward of the normal high water level on the Site, which here is generally located at the bulkhead. Pursuant to N.C.G.S. § 113A-118, any development in the AEC requires CAMA permit authorization.
5. The following prior CAMA permits have been issued for the Site:
  - On August 14, 2001, CAMA General Permit #27306D was issued authorizing the construction of a docking facility.
  - On July 15, 2016, CAMA General Permit #67107D was issued authorizing the installation of a boatlift in an existing slip.
  - On August 23, 2019, the Onslow County CAMA LPO issued CAMA Minor Permit #LCP2019-11 to Thomas & Rebecca Pollard authorizing the repair of an existing bulkhead. A copy of this permit is attached.
6. On or about February 7, 2019, Petitioner, through his Authorized Agent Weston Lyall, PE, PLS, PLLC, applied for a CAMA Minor Permit with the CAMA Local Permit Officer for Onslow County. Petitioner proposed to re-configure and add an addition to the existing house in order to create a bed & breakfast establishment. A copy of the original site plan is attached.
7. On March 14, 2019, the CAMA LPO for the Onslow County denied Petitioner’s CAMA minor permit application through the attached letter. The LPO noted that the new development was within the 30’ buffer but did not meet one of the listed exceptions at 7H .0209(d)(10)(A-H).
8. On May 24, 2019, Petitioner applied for a variance from the Commission’s standards in 15A NCAC 7H .0209(d)(10) (the CAMA 30’ buffer) Petitioner’s variance materials are attached.
9. During the process for agreeing on stipulated facts for the March 2019 variance, Staff became aware that the Petitioner wished to make some design changes from what had been applied for, denied, and part of the initial variance. Petitioner decided to redesign the project, submit a new CAMA minor permit application and a revised variance petition.

10. On July 3, 2019, Petitioner, through his Authorized Agent Mr. Lyall, applied for a CAMA Minor Permit with the CAMA LPO for Onslow County with the revised design, which was still proposing to re-configure and add an addition to the existing house. A copy of the revised site plan is attached.

11. According to a revised site plan dated as revised on July 3, 2019 and prepared by Weston Lyall, PE, PLS, PLLC, attached, the Site is 154,572 square feet (3.5 acres). The existing development on the Site includes an asphalt driveway, a pond, two storage buildings, a 4,802 sq. foot home set into the riverbank, an indoor pool, a concrete 4-car parking pad, a concrete walk and stairs, a bulkhead/house foundation, a deck (a portion of which extends waterward of normal high water), and an existing dock with boatslip. A copy of the tax card is attached. The proposed additions include two 28' by 20' and two 24' by 24' (total of four) piling-supported B&B units to be constructed on top of the existing residence on 12" by 12" pilings, as well as a proposed 2-story building added to the landward side of the existing residence and largely outside the 30' wide Public Trust Shoreline AEC. The floors of the B&B units would be 18' above the existing grade of the ground. On the site plan, the dashed lines indicate the footprint of the existing house and the shaded areas indicate the footprint of the proposed structures to be added on top of the existing house.

12. As part of the CAMA minor permit process, notice of the proposed project was sent to the adjacent riparian neighbors. In this case, Gerald & Amelia Hurst at 1 Amelia Lane, and Onslow County which owns the adjacent riparian parcel at 244 Riverbend Road, were sent notice letters about the proposed project by certified mail, return receipt requested, copies of which are attached. The LPO did not receive any objections from either adjacent riparian owner or anyone else during permit review.

13. The Commission's rules for the Coastal Shorelines AEC are found at 15A NCAC 7H .0209 and require several things, including

- that any "new development shall be located a distance of 30 feet landward of the normal water level or normal high water level" per 7H .0209(d)(10), and
- that "Impervious surfaces shall not exceed 30 percent of the AEC area of the lot, unless the applicant can demonstrate, through innovative design, that the protection provided by the design would be equal to or exceed the protection by the 30 percent limitation. Redevelopment of areas exceeding the 30 percent impervious surface limitation shall be permitted if impervious areas are not increased and the applicant designs the project to comply with the rule to the maximum extent feasible" per 7H .0209(d)(2).

14. While most of the proposed bed & breakfast units will be over the existing house (existing impervious area), the outer four support pilings on the two waterward B&B units, which are proposed to be 1' x 1' each, are not within the existing house footprint, making them new development within the 30' buffer area. They can be seen on the revised site plan, attached.

15. Additionally, the area of the two waterward B&B units (28' x 20' = 560 sq. ft. x 2 units = 1,120 square feet) is new "development" within the 30' buffer, though much of this development is located on top of the existing impervious surface of the existing house. On the revised site plan, the Petitioner's Agent calculated the total impervious within the 30' AEC will be 1,905 square feet once the additional 4 square feet of proposed pilings are added. This results in an impervious surface area of 37.7% within the 30' AEC, which was exceeding and will continue to exceed the

30% limit of 7H .0209(d)(2). In accordance with DEMLR's approach to measuring impervious limits for stormwater, DCM does not count the areas of the B&B units which are elevated at 18' above grade above or where they are above existing impervious surfaces, when calculating impervious surfaces within the AEC per 7H .0209(d)(2). Only the new impervious pilings outside the drip line and on currently pervious ground are counted as increases in impervious surface on this Site.

16. In anticipation of filing this variance, the Petitioner's counsel contacted DCM through counsel to see if, due to the small square footage of development within the 30' buffer, and the similarity of the pilings to other listed exceptions to the 30' buffer in the Commission's rule, the development could be considered as an exception and be granted. DCM responded through counsel on March 28, 2019, that DCM agreed with the LPO's denial, in that the proposed new development within the buffer did not fall within the exceptions and so could not be granted, but that the Petitioner could consider redesigning or seek a variance. A copy of this email is attached.

17. Also in anticipation of filing this variance, the Petitioner's counsel contacted the Onslow County Land Use Administrator, Angela Manning AICP, to find out about local variances. Ms. Manning indicated that a Special Use Permit would be needed for the use as a Bed & Breakfast, and that the proposed expansion of an existing non-conforming building that doesn't meet the county's 15' rear setback requirement, would require that he seek and get a CAMA variance first, before a Special Use Permit request. Ms. Manning also expressed concern with compliance with the Onslow County Flood Damage Prevention Ordinance. A copy of this letter is attached.

18. On July 25, 2019, the Onslow County LPO denied Petitioner's permit application as the four pilings and two 28' by 20' B&B units were "development" within the CAMA Public Trust Shoreline 30' buffer. A copy of the denial letter is attached. The parties stipulate that the revised application also does not comply with the 30% impervious surface limit within the 30' AEC area, where the 4 square feet of new pilings within the 30' AEC area slightly increase the existing exceedance with the 30% impervious limit.

19. On July 19, 2019, Petitioner revised his variance request with the new application and denial and revised petition materials, seeking a variance from the Commission's standards in 15A NCAC 7H .0209(d)(10) (the CAMA 30' buffer) and the 30% impervious surface limits within the 30' Coastal Shorelines AEC in 15A NCAC 7H .0209(d)(2). Petitioner's variance materials are attached. Petitioner stipulates that the proposed development is contrary to the rules for which he seeks a variance.

Stipulated Exhibits:

1. Map Book 15, Page 40
2. Deed 546, Page 496
3. Deed 4492, Page 408
4. Original Site Plan
5. Tax Card for Site
6. Prior Issued permits- bulkhead repair and one GP
7. Original CAMA Minor Permit Application
8. Original CAMA permit denial letter dated March 14, 2019
9. Revised CAMA Minor Permit Application with revised site plan
10. Notice to Adjacent Neighbors
11. July 25, 2019 Denial Letter
12. March 28, 2019 attorney email communication
13. May 14, 2019 letter from Onslow County to Petitioner's Counsel
14. Powerpoint with ground-level and aerial photographs of the Site

**PETITIONERS' and STAFF'S POSITIONS****ATTACHMENT C****Initial Procedural Variance Request**

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

**Petitioners' Position: Yes.**

Strict application of the rules in question would prevent the Petitioner from adding the fourth B&B units on top of the existing building. Such strict application of the rules is unnecessary in view of the minimal amount of impervious surface that would be added and the negligible potential impacts of the proposed development.

The 30-Foot Setback Rule

First, it should be understood that the Local Permit Officer ("LPO") denied the Petitioner's permit application only for being inconsistent with 15A NCAC 07H .0209(d)(10) which requires that new development shall be located a distance of 30 feet landward of the normal water level or normal high-water level, with certain specified exceptions. The permit was not denied for non-compliance with the 30% limit on impervious surface in the 30-foot Public Trust Shoreline AEC. Importantly, one of the exceptions to the 30-foot setback is for "(D)evelopment over existing impervious surfaces, provided that the existing impervious surface is not increased, and the applicant designs the project to comply with the intent of the rules to the maximum extent feasible." The two 28' x 20' B&B units that the Petitioner proposed to add to the existing residence within the 30-foot setback are on top of the existing residence, which is an impervious surface. The only additional proposed impervious surface is the four 1' x 1' footings for support pilings. If it were not for these four feet of additional impervious surface added for the pilings, the proposed new development in the 30-foot buffer would qualify for this exception, so that this variance would not be necessary. Nevertheless, Petitioner acknowledges that the addition of the four 1' x 1' footing technically requires a variance, and since the pilings are required to support the second floor B&B units, prohibiting them by strictly applying the prohibition of new development in the 30-foot buffer would be a hardship because the pilings are necessary to support the B&B units, and the hardship is unnecessary because of the negligible impact of adding four square feet of impervious surface within the 30-foot buffer.

The 30% Impervious Surface Rule

The impervious surface of the existing structure and walkways cover 37.7% of the area in the 30' Public Trust Shoreline AEC. This exceeds the 30% limit established by 15A NCAC 7H .0209(d)(2). The 7.7% by which the existing structure exceeds the 30% limit is not the issue in this variance, only the impervious surface that the proposed development would add. The only impervious surface that the proposed development will add is the four square feet for four support pilings. As stated regarding the 30-foot buffer, not allowing a variance will create unnecessary hardship because the pilings are necessary to support the B&B units, and the impact of four square feet of impervious surface would be negligible.

Furthermore, it is important to note that the support piling footing have no appreciably greater impact than several of the other exceptions to the 30-foot setback would likely have, including pile-supported signs, post or pile supported fences, elevated boardwalks, and decks/observation decks.

**Staff's Position: Yes.**

Staff agrees that strict application of the Public Trust Shoreline 30' Buffer rule will cause Petitioner unnecessary hardships. Development of the house on the Site was undertaken before the Commission's 1999 passage of the 30' Buffer rule and the accompanying 30% impervious surface limits. Petitioner's proposed design, while technically adding new development within the buffer, largely does so over existing development, and largely falls within the Commission's exception allowing redevelopment of existing impervious surfaces. However, the four 1' x 1' support pilings, the northwest corner of the western waterfront B&B unit, and the eastern portion of the eastern waterfront B&B unit are new and are outside of the current footprint as shown on the revised site plan. This development in the buffer does not meet any of the Commission's specific exceptions allowed within the buffer, so a CAMA Permit could not be issued. Additionally, while the pre-30' Buffer structure was already slightly over the 30% impervious limit in the Commission's rule, the additional 4 square feet of impervious surface increase the current non-conformity only minimally. Due to the *de minimis* nature of the four 1' x 1' support pilings and the elevated portions of the waterfront B&B units which extend past the current footprint, in terms of new development in the buffer, Staff agrees that strict application of the Commission's 30' buffer rule and the 30% impervious surface limitation cause an unnecessary hardship in this case.

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

**Petitioner's Position: Yes.**

The hardship in this case results from the fact that the residence already exists partially within the 30-foot buffer, and is peculiar in that the proposed pilings are necessary for support of the additions on top of the existing residence. Consequently, this hardship arises from the fact that rather than seeking to add rooms at ground-level, and greatly increasing new development and impervious surface, Petitioner seeks to add the rooms on top of the existing structure so that the only new impervious development, the support pilings, will add minimal additional impervious surface.

**Staff's Position: Yes.**

This structure was first built in 1982, as shown on the tax card, before the Commission's 30' Buffer rule and 30% impervious surface limits were enacted in 1999, and already occupies much of the buffer area on the Site. The existing configuration of the residence, being essentially below grade as measured from the top of the steep bank, and built into the steep bank, apparently prohibits or complicates the B&B additions without the addition of the four 1' x 1' support pilings and elevated portions of the waterfront B&B units beyond the existing impervious surface footprint. For these reasons, Staff does not disagree that Petitioner's hardships result from conditions peculiar to Petitioner's property.

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

**Petitioner's Position: No.**

Although the Petitioner has created the need for the variance because he wants to add the second floor B&Bs, this is the case for any request for a variance for an addition to an existing structure in the 30-foot Public Trust Shoreline AEC. As explained in B. above, the Petitioner is minimizing additional impervious surface being proposed and therefore minimizing the impacts created, while still adding the areas needed for a successful bed-and-breakfast. Although the Petitioner did build the residence in its location approximately thirty-eight years ago, he should not be considered to have caused his own hardship for the purpose of this variance request, but rather he has designed the addition so that it will have no significant impacts related to the intent and purposes of the rule, as explained further in D. below.

**Staff's Position: No.**

Petitioners took title to this property in 1979, and the house was built in 1982, seventeen years before the Commission's 30' Buffer and 30% impervious surface limit rules were promulgated. Petitioner now wishes to expand the structure and has designed additions to be largely within the existing impervious areas on the Site as allowed, except for the four 1' x 1' pilings and the proposed elevated waterfront B&B units which slightly extend beyond the existing footprint. Due to the *de minimis* nature of the additional development within the buffer not over existing impervious surfaces, and the apparent difficulty of supporting the B&B units due to the construction and design of the existing residence, Staff agrees that hardships are not the result of actions taken by the Petitioner.

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

**Petitioner's Position: Yes.**

The requested variance is consistent with the spirit, purpose and intent of the Commission's rules, standards or orders; will secure the public safety and welfare; and will preserve substantial justice.

The overriding reason that this variance request is consistent with the purposes of the applicable rule and standards is simply because the proposed new development adds only four square feet of impervious surface for the pilings in the 30-foot buffer in the Public Trust Shoreline AEC, and the second floor B&B addition which, although technically considered development, does not add any impervious surface. Therefore, together they would maintain the spirit, purpose and intent of the 30-foot setback rules.

The management objective of the rule is to ensure that new development is compatible with the dynamic nature of the shoreline by conserving its natural features. In summary, the stated purposes of the use standards are to limit uses to those types of development activities that will not be detrimental to public trust rights and the biological and physical functions of the estuarine system, and to avoid significant adverse impacts that would impair water quality standards, increase



shoreline erosion, alter coastal wetlands, or submerged aquatic vegetation (SAV), deposit spoils waterward of normal water level or normal high water, or cause degradation of shellfish beds. Limiting impervious coverage in the 30-foot buffer serves these objectives by allowing natural drainage, avoiding stormwater runoff and sedimentation into the adjacent public trust waters, and otherwise not weakening natural barriers to erosion. The existing structure is already in place within the 30-foot buffer, and the only development requiring the variance, the 1' x 1' footings for the four pilings and the two B&B units on top of the existing residence, will not significantly affect the potential for runoff or sedimentation, increase potential erosion, weaken natural barriers, or in any other way be detrimental to public trust rights or the biological or physical features of the estuarine system or have any of the negative impacts that the standards for the 30-foot buffer and the 30% impervious surface limit are meant to protect against. Furthermore, the proposed new development does not further expose the structure or inhabitants to the dynamic nature of the shoreline. The existing structure sits on the high, stable bluff of the New River and its foundation is 25.7 feet above the floodway elevation. There is no significant risk due to flooding or erosion. There clearly will be no effect on public safety or welfare and substantial justice will be preserved.

**Staff's Position: Yes.**

Staff agrees that the variance requested from the Commission's 30-foot Buffer and the 30% impervious surface limit rules are consistent with the spirit, purpose and intent of these rules. Petitioner wishes to add on to the uniquely designed structure on the steep-banked Site, and most of the proposed development, while partially within the 30-foot Buffer, is over existing impervious surface, which is an exception in the Commission's rule. Staff agree that the small addition of impervious development in the buffer outside the existing footprint, some of which will be elevated, will not make a significant impact to the 30' Buffer's benefits on a Site that was already impacted and built before the enactment of the Commission's Buffer Rule. Staff also agree that this *de minimis* amount of additional development will not impact public health, safety or welfare by adding development and impervious surface to this largely impacted area within the 30' buffer on the Site, and granting a variance would preserve substantial justice.

Staff note that a variance could be conditioned to be more consistent with protecting public safety and welfare regarding water quality, if the language of 7H. 0209(d)(2) were followed, which requires impervious surfaces at 30% or less "unless the applicant can effectively demonstrate, through innovative design, that the protection provided by the design would be equal to or exceed the protection by the 30 percent limitation." An engineered stormwater design could address the impacts for those impervious surfaces proposed beyond the 30% limitation.

**ATTACHMENT D:**  
**PETITIONERS' VARIANCE REQUEST MATERIALS**  
**(minus documents which are now stipulated exhibits in Attachment E)**

**CAMA VARIANCE REQUEST FORM****DCM FORM 11****DCM FILE No.:** \_\_\_\_\_

PETITIONER'S NAME BENNY THOMAS POLLARD  
 COUNTY WHERE THE DEVELOPMENT IS PROPOSED ONslow

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:**

1. The name and location of the development as identified on the permit application;
2. A copy of the permit decision for the development in question;
3. A copy of the deed to the property on which the proposed development would be located;
4. A complete description of the proposed development including a site plan;
5. A stipulation that the proposed development is inconsistent with the rule at issue;
6. Proof that notice was sent to adjacent owners and objectors\*, as required by 15A N.C.A.C. 07J .0701(c)(7);
7. Proof that a variance was sought from the local government per 15A N.C.A.C. 07J .0701(a), if applicable;
8. Petitioner's written reasons and arguments about why the Petitioner meets the four variance criteria, listed above;
9. 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.
10. This form completed, dated, and signed by the Petitioner or Petitioner's Attorney.

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

**[SEE ATTACHED]**

**1. The name and location of the development as identified on the permit application.**

Case Name – Denial of CAMA Minor Development Permit

Application Number – LCP – 2019- 09

Location – 320 Willbarry Road, Jacksonville, North Carolina

**2. A copy of the permit decision for the development in question**

See Exhibit A

**3. A copy of the deed to the property on which the proposed development would be located**

See Exhibit B

**4. A complete description of the proposed development including a site plan**

The proposed development is an addition of two 28' x 20' bed-and-breakfast (B&B) units on top of the existing residence in the 30-foot Public Trust Shoreline AEC. See Exhibit C. This new second story to the existing residence would add within the 30-foot buffer established by the AEC four square feet of impervious surface for the footings for four 1' x 1' pilings to support the second floor B&B units.

Although the two 28' x 20' B&B units within the 30-foot Public Trust Shoreline AEC are entirely on top of the existing residence, the DCM staff considers them new development. Consequently the new development that will be added within the 30' buffer totals 1,120 square feet, however only the four 1' x 1' footings for their support pilings constitute impervious surface.

The proposed addition of the new development in the 30-foot buffer is the reason for the permit denial and this variance request. However, the impervious surface of the existing residence covers approximately 37.7% of the 30' AEC, which exceeds the 30% limit for the Public Trust Shoreline AEC. The proposed development would add only four square feet of impervious surface for four 1' x 1' support pilings for the two second floor B&B units. Although the permit denial was not based on this exceedance of the Public

Trust Shoreline's 30% impervious surface limit, the Petitioner acknowledges the exceedance and requests that a variance be granted along with the variance for the new development in the 30-foot buffer for the reasons set out below in the Petitioners' reasons that the four variance criteria are met.

**5. A stipulation that the proposed development is inconsistent with the rule at issue**

The applicant hereby stipulates that the proposed development is inconsistent with the rule at issue, 15A NCAC 07H .0209(d)(10), which requires that "(W)ithin the Coastal Shorelines Category (estuarine and public trust shoreline AECs), new development shall be located a distance of 30 feet landward of the normal water level or normal high water level - - ." However, as explained in this Petition, the inconsistency is extremely minor.

**6. Proof that notice was sent to adjacent owners and objectors\*, as required by 15A N.C.A.C. 07J .0701(c)(7)**

See Exhibit C for copies of the notice, persons to whom it was sent and the certified mail receipts for each.

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

For reasons explained in 8. Below, the Onslow County Land Use Administrator directed Mr. Pollard to obtain a variance from the Coastal Resources Commission before any local zoning decision could be made, consequently a local variance was neither required nor available.

**8. Petitioner's written reasons and arguments about why the Petitioner meets the four variance criteria, listed above**

Before addressing why the proposed development meets the four criteria for a variance, the Petitioner hereby requests a procedural variance from the requirement of 15A N.C.A.C. 07J .0701(c)(7) that a variance be sought from the local government, if applicable. As explained in the letter from Angela Manning, Onslow County Land Use Administrator,

dated May 14, 2019 (See Exhibit D), the Petitioner submitted the required special use permit application to the County. The County determined that the existing building and expansion do not meet the County's rear setback requirement. The Ordinance requires a 15-foot setback from the New River except where the CAMA setback or another State or federal setback applies, in which case the proposed development must comply with the other setback. The Onslow County ordinance in this case requires compliance with the CAMA setback and the ordinance's 15-foot setback is not applicable. Therefore, Onslow County directed the Petitioner to obtain a variance from the Coastal Resources Commission before the required special use permit could be processed. Consequently the Petitioner cannot complete the permitting process under the Onslow County ordinance until this variance is obtained.

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

Yes. Strict application of the rules in question would prevent the Petitioner from adding the four B&B units on top of the existing building. Such strict application of the rules is unnecessary in view of the minimal amount of impervious surface that would be added and the negligible potential impacts of the proposed development.

The 30-Foot Setback Rule

First, it should be understood that the Local Permit Officer ("LPO") denied the Petitioner's permit application only for being inconsistent with 15A NCAC 07H .0209(d)(10) which requires that new development shall be located a distance of 30 feet landward of the normal water level or normal high-water level, with certain specified exceptions. The permit was not denied for non-compliance with the 30% limit on impervious surface in the 30-foot Public Trust Shoreline AEC. Importantly, one of the exceptions to the 30-foot setback is for "(D)evelopment over existing impervious surfaces,

provided that the existing impervious surface is not increased, and the applicant designs the project to comply with the intent of the rules to the maximum extent feasible.” The two 28’ x 20’ B&B units that the Petitioner proposed to add to the existing residence within the 30-foot setback are on top of the existing residence, which is an impervious surface. The only additional proposed impervious surface is the four 1’ x 1’ footings for support pilings. If it were not for these four feet of additional impervious surface added for the pilings, the proposed new development in the 30-foot buffer would qualify for this exception, so that this variance would not be necessary. Nevertheless, Petitioner acknowledges that the addition of the four 1’ x 1’ footing technically requires a variance, and since the pilings are required to support the second floor B&B units, prohibiting them by strictly applying the prohibition of new development in the 30-foot buffer would be a hardship because the pilings are necessary to support the B&B units, and the hardship is unnecessary because of the negligible impact of adding four square feet of impervious surface within the 30-foot buffer.

#### The 30% Impervious Surface Rule

The impervious surface of the existing structure and walkways cover 37.7% of the area in the 30’ Public Trust Shoreline AEC. This exceeds the 30% limit established by 15A NCAC 7H .0209(d)(2). The 7.7% by which the existing structure exceeds the 30% limit is not the issue in this variance, only the impervious surface that the proposed development would add. The only impervious surface that the proposed development will add is the four square feet for four support pilings. As stated regarding the 30-foot buffer, not allowing a variance will create unnecessary hardship because the pilings are necessary to support the B&B units, and the impact of four square feet of impervious surface would be negligible.



Furthermore, it is important to note that the support piling footings have no appreciably greater impact than several of the other exceptions to the 30-foot setback would likely have, including pile-supported signs, post or pile supported fences, elevated boardwalks and decks/observation decks.

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

Yes. The hardship in this case results from the fact that the residence already exists partially within the 30-foot buffer, and is peculiar in that the proposed pilings are necessary for support of the additions on top of the existing residence. Consequently, this hardship arises from the fact that rather than seeking to add rooms at ground-level, and greatly increasing new development and impervious surface, Petitioner seeks to add the rooms on top of the existing structure so that the only new impervious development, the support pilings, will add minimal additional impervious surface.

**C. Do the hardships result from actions taken by the petitioner?**

No. Although the Petitioner has created the need for the variance because he wants to add the second floor B&Bs, this is the case for any request for a variance for an addition to an existing structure in the 30-foot Public Trust Shoreline AEC. As explained in B. above, the Petitioner is minimizing additional impervious surface being proposed and therefore minimizing the impacts created, while still adding the areas needed for a successful bed-and-breakfast. Although the Petitioner did build the residence in its location approximately thirty-eight years ago, he should not be considered to have caused his own hardship for the purpose of this variance request, but rather he has designed the addition

so that it will have no significant impacts related to the intent and purposes of the rule, as explained further in D. below.

**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?**

Yes. The requested variance is consistent with the spirit, purpose and intent of the Commission rules, standards or orders; will secure the public safety and welfare; and will preserve substantial justice.


The overriding reason that this variance request is consistent with the purposes of the applicable rule and standards is simply because the proposed new development adds only four square feet of impervious surface for the pilings in the 30-foot buffer in the Public Trust Shoreline AEC, and the second floor B&B addition which, although technically considered development, does not add any impervious surface. Therefore, together they would maintain the spirit, purpose and intent of the 30-foot setback rule.

The management objective of the rule is to ensure that new development is compatible with the dynamic nature of the shoreline by conserving its natural features. In summary, the stated purposes of the use standards are to limit uses to those types of development activities that will not be detrimental to public trust rights and the biological and physical functions of the estuarine system, and to avoid significant adverse impacts that would impair water quality standards, increase shoreline erosion, alter coastal wetlands, or submerged aquatic vegetation (SAV), deposit spoils waterward or normal water level or normal high water, or cause degradation of shellfish beds. Limiting impervious coverage in the 30-foot buffer serves these objectives by allowing natural drainage, avoiding stormwater runoff and sedimentation into the adjacent public trust waters, and otherwise not weakening natural barriers to erosion. The existing structure is already in place within

the 30-foot buffer, and the only development requiring the variance, the 1' x 1' footings for the four pilings and the two B&B units on top of the existing residence, will not significantly affect the potential for runoff or sedimentation, increase potential erosion, weaken natural barriers, or in any other way be detrimental to public trust rights or the biological or physical features of the estuarine system or have any of the negative impacts that the standards for the 30-foot buffer and the 30% impervious surface limit are meant to protect against. Furthermore, the proposed new development does not further expose the structure or inhabitants to the dynamic nature of the shoreline. The existing structure sits on the high, stable bluff of the New River and its foundation is 25.7 feet above the floodway elevation. There is no significant risk due to flooding or erosion. There clearly will be no effect on public safety or welfare and substantial justice will be preserved.

**9. Proposed Stipulated Facts and Stipulated Exhibits. See Exhibit F.**

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

<u></u>	<u>7/19/19</u>
Signature of Petitioner or Attorney	Date
<u>Glenn Dunn, Esq.</u>	<u>gdunn@poynerspruill.com</u>
Printed Name of Petitioner or Attorney	Email address of Petitioner or Attorney
<u>P.O. Box 1801</u>	<u>(919) 783-2842</u>
Mailing Address	Telephone Number of Petitioner or Attorney
<u>Raleigh, NC 27602-1801</u>	<u>(919) 783-1075</u>
City State Zip	Fax Number of Petitioner or Attorney

#### DELIVERY OF THIS HEARING REQUEST

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

Contact Information for DCM:

**By mail, express mail or hand delivery:**

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

**By Fax:**  
(252) 247-3330

**By Email:**

Check DCM website for the email address of the current DCM Director  
**[www.nccoastalmanagement.net](http://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

June 4, 2019

**VIA CERTIFIED MAIL,**  
**RETURN RECEIPT REQUIRED**

Gerald and Amelia Hurst  
1 Amelia Lane  
Jacksonville, NC 28540

Dear Adjacent Property Owner:

This letter is to inform you that we, Thomas & Rebecca Pollard, have requested a variance from the Coastal Resources Commission for an addition on the property at 320 Willbarry Rd., Jacksonville, NC 28540, in Onslow County. As required by CAMA regulations, we have enclosed a copy of the variance request as notification of our proposed variance. No action is required from you. However, if you wish to file written comments or objections, you may submit them to:

Braxton Davis, Director  
NC Division of Coastal Management  
Morehead City, NC 28405  
(252) 808-2808

Sincerely,

*Gleann Dunn*  
*attorney for*  
Thomas & Rebecca Pollard  
320 Willbarry Rd.  
Jacksonville, NC 28540



June 4, 2019

**VIA CERTIFIED MAIL,**  
**RETURN RECEIPT REQUIRED**

Onslow County  
234 NW Corridor Blvd.  
Jacksonville, NC 28540

Dear Adjacent Property Owner:

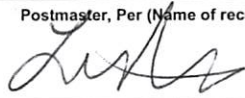
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Braxton Davis, Director  
NC Division of Coastal Management  
Morehead City, NC 28405  
(252) 808-2808

Sincerely,



*attorney for*  
Thomas & Rebecca Pollard  
320 Willbarry Rd.  
Jacksonville, NC 28540

<b>Name and Address of Sender</b> H. GLENN DUNN POYNER SPRUILL PO BOX 1801 RALEIGH, NC 27602-1801		<b>Check type of mail or service</b> <input type="checkbox"/> Adult Signature required <input type="checkbox"/> Priority Mail Express <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Collect on Delivery (COD) <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Priority Mail		<b>027</b> <b>Affix Stamp Here</b> <i>(If issued as an international certificate of mailing or for additional copies of this receipt)</i> <b>Postmark with Date of Receipt</b>													
<b>USPS Tracking/Article Number</b>		<b>Addressee (Name, Street, City, State &amp; Zip Code™)</b>		<b>Postage</b>	<b>(Extra Service) Fee</b>	<b>Handling Charge</b>	<b>Actual Value if Registered</b>	<b>Insured Value</b>	<b>Due Sender if COD</b>	<b>ASR Fee</b>	<b>ASRD Fee</b>	<b>RD Fee</b>	<b>RR Fee</b>	<b>SC Fee</b>	<b>SCRD Fee</b>	<b>SH Fee</b>	
1. 92148901066154000138872100		ONSLow COUNTY 234 NW CORRIDOR BLVD JACKSONVILLE, NC 28540-5309  304463-00002000		1.45	3.50								1.60				
2. 92148901066154000138871929		GERALD & AMELIA HURST 1 AMELIA LN JACKSONVILLE, NC 28540-2932		1.45	3.50								1.60				
<b>Total Number of Peices Listed by Sender</b> <b>2</b>	<b>Total Number of Peices Received at Post Office</b> <b>2</b>	<b>Postmaster, Per (Name of receiving employee)</b> 															

Facsimile PS Form 3877, April 2015 (Page 1 of 1)

Complete in Ink

Privacy Notice: For more information on USPS privacy policies, visit [usps.com/privacypolicy](http://usps.com/privacypolicy).

\$13.10



**ATTACHMENT E:**  
**STIPULATED EXHIBITS INCLUDING POWERPOINT**

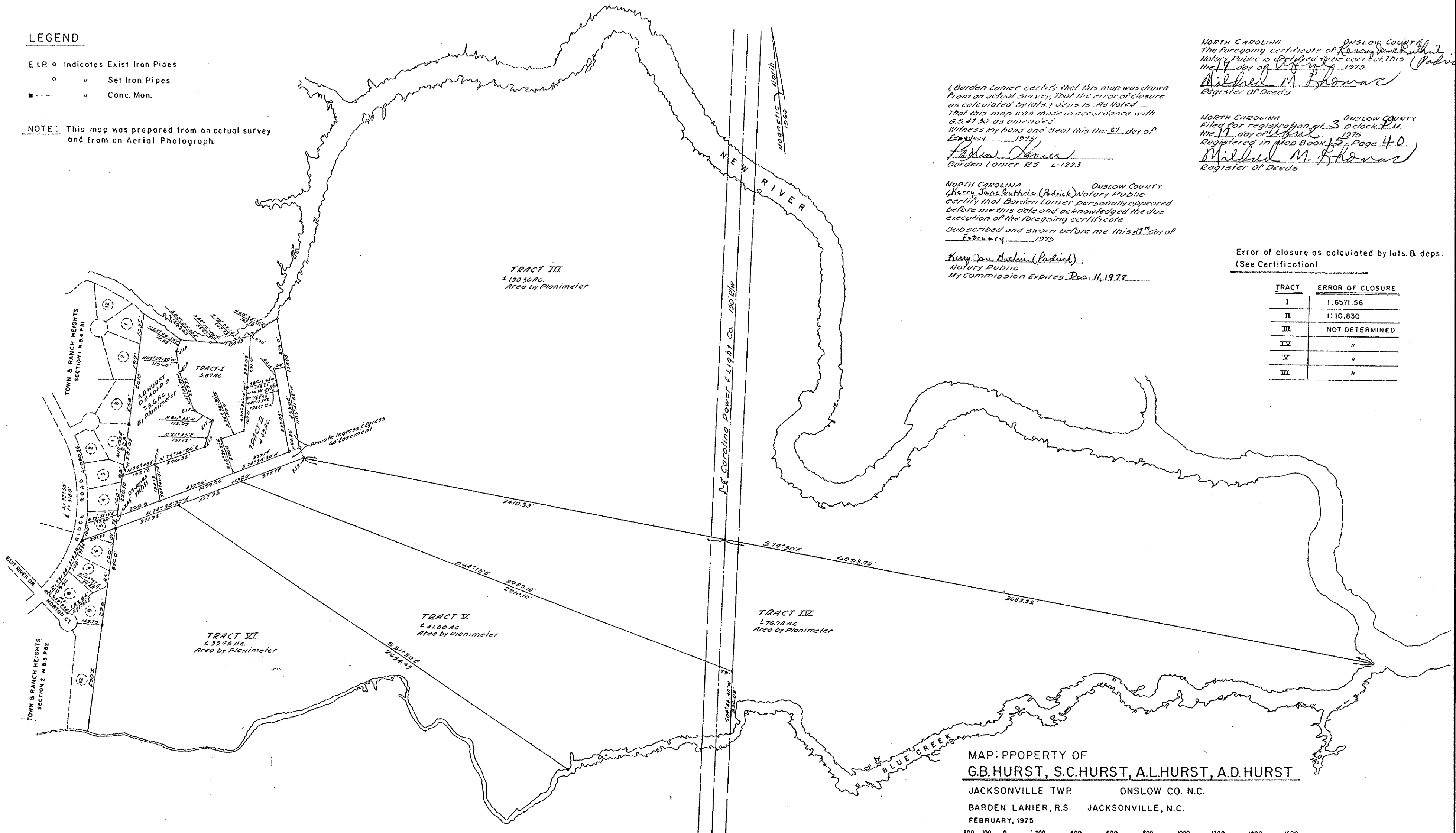
1. Map Book 15, Page 40
2. Deed 546, Page 496
3. Deed 4492, Page 408
4. Original Site Plan
5. Tax Card for Site
6. Prior Issued permits- bulkhead repair and one GP
7. Original CAMA Minor Permit Application
8. Original CAMA permit denial letter dated March 14, 2019
9. Revised CAMA Minor Permit Application with revised site plan
10. Notice to Adjacent Neighbors
11. July 25, 2019 Denial Letter
12. March 28, 2019 attorney email communication
13. May 14, 2019 letter from Onslow County to Petitioner's Counsel
14. Powerpoint with ground-level and aerial photographs of the Site



LEGEND

- E.I.P. o Indicates Exist Iron Pipes
- o " Set Iron Pipes
- " Conc. Mon.

NOTE: This map was prepared from an actual survey and from an Aerial Photograph.



Borden Lanier certifies that this map was drawn from an actual survey, that the error of closure as calculated by lats. & deps is as noted. That this map was made in accordance with G.S. 41-30 as amended. Witness my hand and Seal this the 21<sup>st</sup> day of February 1975.

*Borden Lanier*  
Borden Lanier R.S. L-1223

North Carolina, Onslow County, I, Betty Jane Guthrie (Patrick) Notary Public certify that Borden Lanier personally appeared before me this date and acknowledged the due execution of the foregoing certificate. Subscribed and sworn before me this 21<sup>st</sup> day of February 1975.

*Betty Jane Guthrie (Patrick)*  
Notary Public  
My Commission Expires Dec. 11, 1978

NORTH CAROLINA, Onslow County, The foregoing certificate of Recording Authority, Notary Public is certified to be correct, this the 17<sup>th</sup> day of February 1975.

*Michael M. Thomas*  
Register of Deeds

NORTH CAROLINA, Onslow County, Filed for registration at 3 o'clock P.M. the 17<sup>th</sup> day of February 1975. Registered in Map Book 15, Page 40.

*Michael M. Thomas*  
Register of Deeds

Error of closure as calculated by lats. & deps. (See Certification)

TRACT	ERROR OF CLOSURE
I	1:6571.56
II	1:10,830
III	NOT DETERMINED
IV	"
V	"
VI	"

MAP: PROPERTY OF  
G.B. HURST, S.C. HURST, A.L. HURST, A.D. HURST  
JACKSONVILLE TWP. ONSLOW CO. N.C.  
BARDEN LANIER, R.S. JACKSONVILLE, N.C.  
FEBRUARY, 1975

200 100 0 200 400 600 800 1000 1200 1400 1600  
SCALE IN FEET SCALE: 1"=200'

Book 546 Page 496

546 PAGE 496

THIS PRESENTED  
TO TAX OFFICE  
DATE Feb 22 1979  
CRAWFORD COLLINS

NORTH CAROLINA

WARRANTY DEED

ONSLOW COUNTY

THIS DEED, made this the 21st day of February, 1979, by ALBERT L. HURST and wife, LINDA M. HURST of Onslow County, North Carolina, the parties of the first part, to BENNY TOMMY POLLARD, of Onslow County, North Carolina, the party of the second part;

WITNESSETH:

That the said parties of the first part, in consideration of Ten Dollars (\$10.00) to them in hand paid, have bargained and sold, and by these presents do bargain, sell, and convey unto the said party of the second part, his heirs and assigns, a tract or parcel of land lying and being in Jacksonville Township, Onslow County, North Carolina, and described as follows:

Being all of Tract No. II, containing 4.49 acres, more or less, as shown on that plat entitled "Map Property of G.B. HURST, S.C. HURST, A.L. HURST, A.A. HURST" and recorded in Map Book 15 at Page 40 of the Onslow County Registry, to which reference can be made for a more particular description.

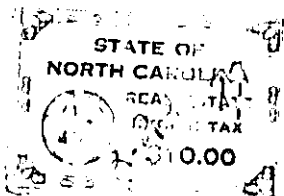
Subject to the same restrictive covenants as shown in that certain "Declaration of Covenants" by JERALD B. HURST and wife, AMELIA Z. HURST, dated March 10, 1977, and recorded in Book 532 at Page 300 of the Onslow County Registry, reference to which is hereby made for a complete listing and detailed explanation of the covenants. (SEE ATTACHED RESTRICTIONS)

To have and to hold the aforesaid tract or parcel of land and all privileges and appurtenances thereinto belonging to the said party of the second part and his heirs and assigns forever. And the said parties of the first part do covenant that they are seized of said premises in fee and have the right to convey the same in fee simple; that the same are free from encumbrances; and that they will warrant and defend the said title to the same against the claims of all persons whatsoever.

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

Albert L. Hurst (Seal)  
Albert L. Hurst

Linda M. Hurst (Seal)  
Linda M. Hurst



STAMPS \$10.00

*Book 546 Page 497*

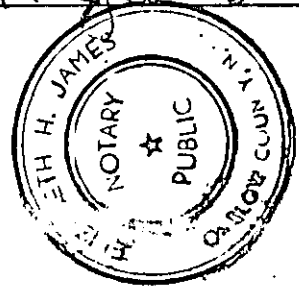
546 PAGE 497

NORTH CAROLINA  
ONslow COUNTY

I, ELIZABETH H. JAMES, a Notary Public in  
and for said County and State do hereby certify that ALBERT L. HURST and wife,  
LINDA M. HURST personally appeared before me this day and acknowledged the due  
execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and notarial seal, this the 21st day of February,  
1979.

*Elizabeth H. James*  
Notary Public



My commission expires: May 11, 1983

NORTH CAROLINA, ONSLOW COUNTY

The foregoing certificate(s) of Elizabeth H. James

~~XXXX~~

Notary(ies) Public is (are) certified to be correct. This instrument was presented for registration and re-  
corded in this office in Book 546 Page 496. This 22 day of February,

1979 A. D., at 3:57 o'clock P. M.

*Mildred M. Thomas*  
Register of Deeds Onslow County

Register of Deeds

## RESTRICTIONS ON PROPERTY OF BENNY TOMMY POLLARD

## I

All lots shall be known and described as residential lots, and no buildings, other than residences and accessory outbuildings and garages, shall be built on any lot or used for any purpose other than residential. No business, trade or commerce shall be operated on any part of any lot, nor shall any signs announcing or advertising any goods or services be displayed on any lot. This restriction shall not apply to a sales and information office to be erected by Declarants or their agent on any lot in the subdivision so long as any of the lots remain unsold. Declarants also reserve the right to move the sales and information office from lot to lot as the subdivision progresses and agree to remove this office when all of the lots in the subdivision have been sold.

## II

No structure shall be erected on any lot other than a detached single family dwelling not to exceed two and one-half (2-1/2) stories in height and a one (1) or more car garage and outbuildings. The following square footage requirement shall apply: Any one (1) story house with attached garage or carport shall have a minimum of 1400 square feet of living space; any one (1) story house without attached garage or carport shall have a minimum of 1700 square feet of living space; any one and one-half (1-1/2) story house shall have a minimum of 900 square feet on the ground floor, exclusive of garages or carports, and a minimum of 700 square feet on the second floor; any two (2) story house shall have a minimum of 800 square feet on the ground floor, exclusive of garages or carports, and a minimum of 800 square feet on the second floor; and any split-level house shall have a minimum of 1100 square feet on the ground floor, exclusive of garages or carports, and a total minimum square footage of 1600 square feet. A split foyer shall be considered a two (2) story house.

## III

No stables of any kind shall be maintained on any lot and no animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial

purpose. No dogs or cats or other household pets may be kept for any purpose unless they are confined to the premises of the owner by means of a fence, or pen or unless they are tied by chain, rope, or other securing device which does not extend beyond the premises of the owner.

## IV

Minimum building setback lines shall be as shown on the recorded plat of the subdivision. No lot shall be subdivided, nor shall its boundary lines be changed, except with the consent of the Declarants or their successors.

## V

No trailer, basement, tent, shack, barn, or other outbuilding erected on any lot shall be used at any time as a residence, either temporarily or permanently, nor shall any residence of a temporary character be permitted. No modular houses or structures shall be permitted.

## VI

No trailer, tent, shack, or other temporary structure shall be permitted at any time on any lot.

## VII

No residence or outbuilding or garage shall be erected on any lot with any type of exterior wall finish other than brick, wood, siding, underwriter's approved composition siding, wood shingles, or natural stone. No exposed foundation or basement facing shall be of any material other than brick or natural stone.

## VIII

All driveways will be culverted and paved by the owner to join existing street pavement. All driveway culverts shall have brick headwalls constructed at either end of the culvert and culverts will be constructed in accordance with North Carolina Department of Transportation approved specifications.

## IX

The exterior of all residences and other permanent structures shall be completed within one (1) year after the commencement of construction except where such completion is impossible or would result in great hardship to the owner or builder due to strikes, national emergency or natural

034  
Book 546 Page 500

546 PAGE 500

calamities. No structure shall be used at any time either temporarily or permanently as a residence until the exterior of such structure is completed.

X

Every dwelling which may be erected on any lot shall have its heating supply furnished from a central heating system located in the dwelling or on the premises, if coal, oil, or gas is used as fuel.

XI

In order to safeguard natural beauty of the area, after construction of a single residence, no debris, including trees, underbrush, etc., shall be burned on any of said lots, but shall be hauled away for burning or destruction elsewhere.

XII

All plans for the construction of residences, garages, or other buildings, or for any addition to the aforesaid residences, garage, or other buildings, must be approved by Declarants or their successor prior to construction.

XIII

All plumbing in any dwelling house shall be connected with an adequate approved sanitary septic tank properly constructed and maintained until such time as sanitary sewers shall have been installed by Declarants or by a political subdivision is a part. Water systems shall be individual well as approved by the local Health authorities until such time as a governmentally approved central supply system shall have been installed by Declarants or the political subdivision of which this subdivision is a part.

XIV

Declarants reserve the right to subject the real property in this subdivision to a contract with Carolina Power and Light Company for the installation of underground electrical cables and/or the installation of street lighting either or both of which may require an initial payment and/or a continuing monthly payment to Carolina Power and Light Company by the owner of each lot.

XV

No fences higher than 4 feet in height shall be erected on any lot,

except that this restriction shall not apply to any fence built to enclose a patio immediately adjacent to any dwelling and to any fence build 50 feet or more from a front property line. Corner lots are considered to have two front property lines. No metal or chain link type fencing shall be permitted within 50 feet to a front property line. No fencing will exceed 6 feet in height. Easements for the installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over or under the front 10 feet of each lot shown on plat and over 10 feet along each side of each lot shown on the plat. No structure of any nature shall be built upon said easement areas except fences which may be removed. This reservation shall not be considered an obligation of Declarants to provide or maintain any utilities or drainage.

## XVI

In the event of violation or breach of any of the covenants set forth in this Declaration, Declarants, the owners of lots in the immediate neighborhood or elsewhere in the subdivision, or any or them severally or jointly, shall have the right to proceed at law or in equity to compel compliance with the terms and conditions hereof and to prevent the violation or breach of these covenants. In addition to the foregoing, Declarants shall have the right, whenever there shall have been built on any lot in the subdivision any structure which is in violation of the terms of this Declaration, to enter upon the property where such violation exists and summarily remove such structure at the expense of the owner thereof, if after 30 days written notice of such violation it shall not have been corrected by such owner. Such entry and abatement or removal shall not be deemed a trespass. The failure of the Declarants or of any other party so entitled to enforce any covenant contained in this Declaration, however long continued, shall not be deemed a waiver of the right to do so hereafter as to the same breach or as to a breach occurring prior or subsequent thereto and shall not bar or affect its enforcement. The invalidation by any court of any restriction contained in this Declaration shall in no way affect any of the other restrictions, which shall remain in full force and effect.

## XVII

These covenants and restrictions are to run with the land and shall

BOOK 546 PAGE 502

be binding on all parties owning lots in the subdivision, and all persons claiming under them until January 1, 2007, at which time, said covenants shall be automatically renewed for successive periods of ten (10) years, unless the majority of the then lot owners at that time or at the end of any subsequent ten (10) year period, agree to change the covenants in whole or in part.

## XVIII

LAND USE AND BUILDING TYPE: no lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars.

## XIX

DWELLING COST, QUALITY AND SIZE: No dwelling shall be permitted on any lot at a cost of less than Nine Thousand and No/100 (\$9,000.00) Dollars based upon cost levels prevailing on the date these Covenants are recorded, it being the intention and purpose of this covenant to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these Covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall not be less than eight hundred (800) square feet for a one-story dwelling, nor less than five hundred (500) square feet for a dwelling of more than one story.

## XX

BUILDING LOCATION: No building shall be located on any corner lot nearer than twenty (20) feet to the front lot line, or nearer than twenty (20) feet to any side street line and no building shall be located on any other lot nearer than twenty-five (25) feet to the front lot line; it being the intention of the parties hereto that the minimum building line shown on the plat hereinabove referred to shall control all construction on the lots subject to these Covenants. No building shall be located nearer than eight (8) feet to an interior lot line. There shall be allowed a ten (10%) percent tolerance in the set back line on both the front and side of each lot set



forth above and any dwelling constructed so as not to extend beyond said set back line more than ten (10%) percent of the set back distance encroached shall not be in violation of these covenants. No side yard shall be required for a garage or other permitted accessory building located fifty (50) feet or more from the minimum set-back line. For the purpose of this Covenant, eaves, steps, open carports and open porches shall not be considered a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot. No fence shall be built on any lot which extends nearer the front lot line than the front portion of the house located on said lot.

## XXI

LOT AREA AND WIDTH: No dwelling shall be erected or placed on any lot having a width of less than seventy (70) feet at the minimum building set-back line, nor shall any dwelling be erected or placed on any lot having an area of less than seven thousand (7,000) square feet.

## XXII

EASEMENTS: Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear ten (10) feet of each lot. It shall be the sole responsibility and duty of the owner of each lot or parcel of land described in Article I herein to maintain the drainage easement on said lot free from any obstruction and in a manner satisfactory to the Veterans Administration and Federal Housing Authority.

## XXIII

NUISANCES: No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.

## XXIV

TEMPORARY STRUCTURES: No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently; or allow trucks, school buses or other vehicles to be parked on said property, except those used for personal use.

## XXV

LIVESTOCK AND POULTRY: No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats or

BOOK 546 PAGE 504

other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose. No dogs or cats or other household pets may be kept for any purpose unless they are confined to the premises of the owner by means of a fence, or pen, or unless they are tied by a chain, rope, or other securing device which does not extend beyond the premises of the owner.

## XXVI

GARBAGE AND REFUSE DISPOSAL: No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste, and waste shall not be kept except in sanitary containers, and no garbage incinerators shall be used on any residential lot.

## XXVII

WATER AND SEWERAGE: There shall be no septic tanks constructed on any of the lots described in Article I hereof and no wells shall be dug or installed on any of said lots for the purpose of supplying water for household uses. Said prohibited uses shall include, but shall not be limited to, drinking, cooking, washing or bathing. Provided, however, that the restrictions contained in this article shall be effective only so long as water and sewerage services are available from a public utility company approved by the appropriate State or Federal agencies.

## XXVIII

TERN: The Covenants are to run with the land, and shall be binding on all parties and all persons claiming under them, for a period of twenty (20) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

## XXIX

ENFORCEMENT: Enforcement shall be by proceeding at law, or in equity, against any person or persons violating or attempting to violate any covenants, either to restrain violation or to recover damages.

## XXX

SEVERABILITY: Invalidation of any one of these Covenants by Judgment or Court Order shall in no wise affect any of the other provisions which shall remain in full force and effect.

039  
Book 546 Page 505

546 PAGE 505

XXXI

It is understood and agreed and the grantees and all subsequent grantees expressly agree by the acceptance of the land within the above restrictive area that any or all of the above restrictive covenants that are set forth as Articles XX, XXI and XXII may be released, changed, modified, or amended by a majority vote of the property owners having frontage on the street involved on the area shown on the aforesaid plat; owners shall have one vote for each lineal foot owner.

Doc ID: 012947890004 Type: CRP  
 Recorded: 08/04/2016 at 08:21:12 AM  
 Fee Amt: \$26.00 Page 1 of 4  
 Revenue Tax: \$0.00  
 Onslow County, NC  
 Rebecca L. Pollard Reg. of Deeds  
**BK 4492 PG 408-411**

Excise Tax 0 Recording Time, Book and Page  
**NO SEARCH REQUESTED**

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. 021441  
 Verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_

Mail after recording to: **Benny Thomas Pollard**  
 This instrument was prepared by: **Benny Thomas Pollard**  
 Brief Description for the index **Tract 2 4.49 ac Map Bk 15 Pg 40**

**NORTH CAROLINA GENERAL WARRANTY DEED**

THIS DEED made \_\_\_\_\_, by and between \_\_\_\_\_

GRANTOR	GRANTEE
<p>Benny Thomas Pollard, who acquired title as Benny Tommy Pollard and wife, Rebecca L. Pollard</p> <p>320 Willbary Road , Jacksonville NC 28540</p>	<p>Benny Thomas Pollard and wife, Rebecca L. Pollard</p> <p>320 Willbary Road Jacksonville NC 28540</p>

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

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

...  
r:  
l:  
ou  
ERT  
RA  
and  
of  
enc

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

**BEING ALL OF THAT CERTAIN PROPERTY AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN ALTHOUGH FULLY SET OUT**

Subject to any restrictions easements appearing of record.

All or a portion of the property herein conveyed includes the primary residence of Grantor.



The properties hereinabove described was acquired by Grantor by instruments recorded in Book 546 Page 496  
Onslow County Registry.

A map showing the above described property is recorded in Map Book 15 Page 40 Onslow County Registry.

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

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

The purpose of this deed is to create tenancy by the entireties pursuant to N.C.G.S.39.13.3 for the above-referenced real property.

*Benny Tommy Pollard*  
Benny Tommy Pollard (SEAL)

Benny Tommy Pollard AKA  
Benny Thomas Pollard

*Rebecca L. Pollard*  
Rebecca L. Pollard (SEAL)  
Rebecca L. Pollard

STATE OF North Carolina

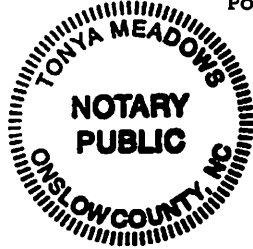
COUNTY OF

I certify that the following people personally appeared before me this day, acknowledging to me that they signed the foregoing document in the capacity indicated thereon: Benny Tommy Pollard and Rebecca L. Pollard

Date: 8-3-16

*Tonya Meadows*  
Notary Public Tonya Meadows

My Commission Expires  
1-29-21



## EXHIBIT A

Lying and being in Jacksonville Township, Onslow County, North Carolina and being more particularly described as follows:

Being all of Tract No. II, containing 4.49 acres, more or less, as shown on that plat entitled, "Map Property of G.B. Hurst, S.C. Hurst, A.L. Hurst, A.A. Hurst" and recorded in Map Book 15, at Page 40 of the Onslow County Registry, to which reference can be made for a more particular description.

Subject to the same restrictive covenants as shown in that certain "Declaration of Covenants" by Gerald B. Hurst and Amelia Z. Hurst, dated March 10, 1977, and recorded in Book 532 at Page 300 of the Onslow County Registry, reference to which is hereby made for a complete listing and detailed explanation of the covenants. Also subject to the restrictions recorded in Book 546 Page 496, Onslow County Registry.

DEPARTMENT OF TAX ADMINISTRATION



## Tax Certification Form

(Check One Box)

- This certifies that there are no delinquent ad valorem taxes, or other taxes which the Onslow County Tax Collector is charged with collecting, that are a lien on:

Parcel Identification Number:

021441

This is not a certification that this Onslow County Parcel Identification Number matches the deed description.

- No certification required, as attorney statement that any delinquent taxes will be paid from closing proceeds is included on first page of deed.
- Balance due on account. It must be paid to Onslow County Tax Collector within 5 days of closing.

Pam McAteer  
Digitally signed by Pam McAteer  
 DN: cn=Pam McAteer, o=Onslow County, ou=Tax Collections, email=pam.mca@onslowcountync.gov, c=US  
 Date: 2016.08.03 15:35:43 -0400  
 Tax Collections Staff Signature

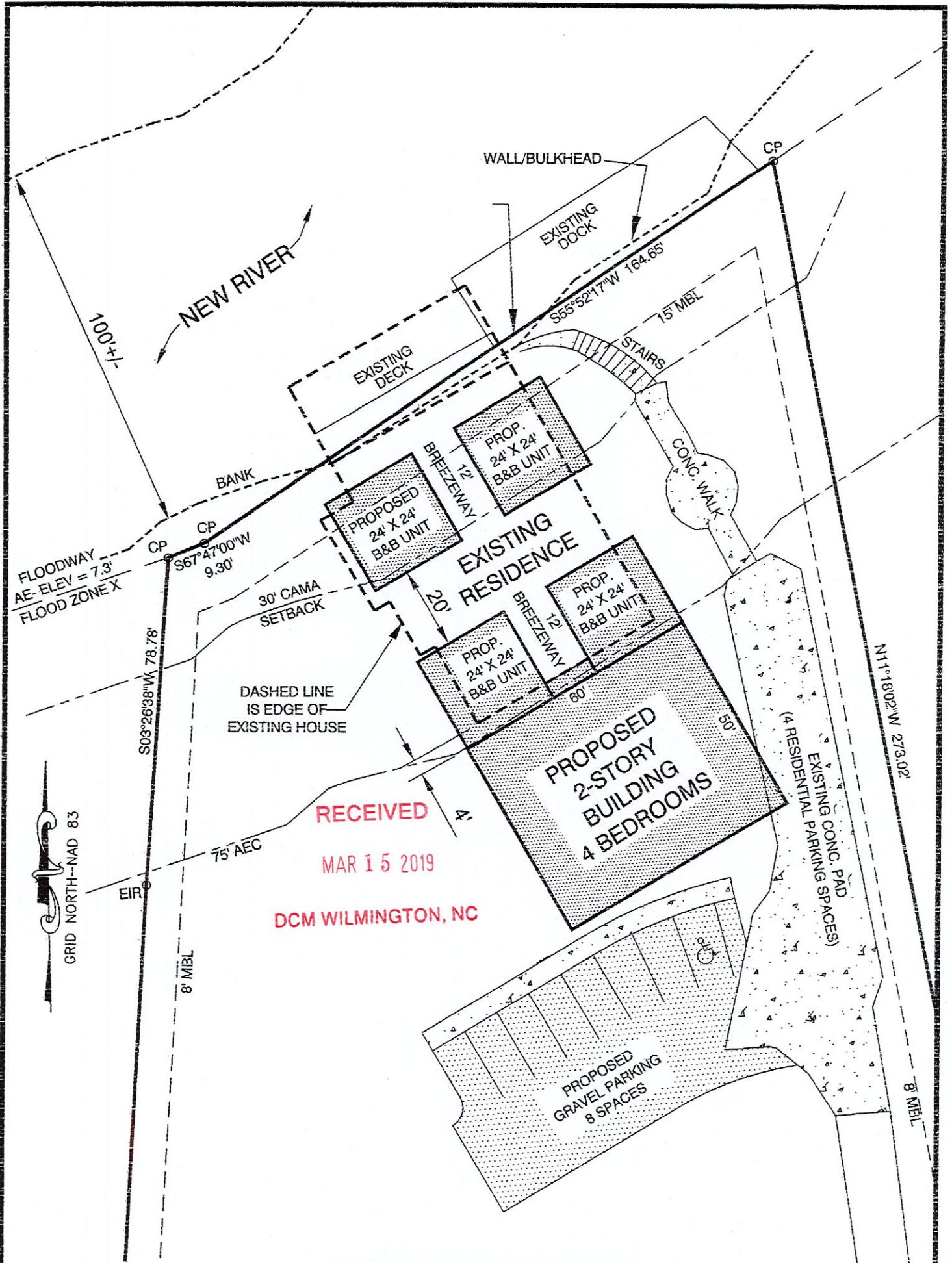
08/03/2016

Date

- This parcel may have deferred taxes which become due upon transfer of the property. Call the Tax Office, Land Records Division at 910-989-2204 for more information.

234 NW Corridor Blvd • Jacksonville, North Carolina • 28540 • Phone: (910) 989-2200 • Fax: (910) 989-5818 • OnslowCountyNC.gov/tax





RECEIVED  
MAR 15 2019  
DCM WILMINGTON, NC

**ATTACHMENT**

GRAPHIC SCALE IN FEET



**NORTH CAROLINA  
ONSLOW COUNTY**

I, **WESTON LYALL**, PROFESSIONAL LAND SURVEYOR NUMBER L-4438, CERTIFY THAT THIS PLOT PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION (MAP BOOK 15 PAGE 40) AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY: CLASS OF SURVEY: B; POSITIONAL ACCURACY: 500 RMS; TYPE OF GPS FIELD PROCEDURE: VRSRTKGPS; DATUM: NAD83; ELEVATION DATUM: NAVD88; GEIOD MODEL: GEOID 03; COMPARISON FACTOR: 0.9999697; UNITS: US SURVEY FEET.

*Weston Lyall* 11/21/18  
SEAL  
L-4438  
LAND SURVEYOR  
WESTON LYALL

**WESTON LYALL**  
REGISTRATION NUMBER L-4438

**PRELIMINARY SITE PLAN ATTACHMENT FOR  
POLLARD BED & BREAKFAST**

320 WILLBARRY RD, TRACT 2 HURST DIVISION  
ONSLOW COUNTY, NC  
JACKSONVILLE TOWNSHIP

SCALE: 1" = 30'  
JANUARY 31, 2018

**WESTON LYALL, PE, PLS, PLLC**  
214 HIGHWAY 17N SUITE 1  
HOLLY RIDGE, NC 28445  
PHONE: 910-329-9961 FIRM LICENSE #P-0937  
STRUCTURAL & CIVIL ENGINEERING & LAND SURVEYING



**Profile**

Parcel:	021441	Land Use Code:	08
Map # :	331-32.1	LUC Description:	Waterfront River/Creek
PIN:		Municipality:	021441
Address:	320 WILLBARRY RD	NBHD:	OAKHURST RIVER
Tax Year:	2020	Tax District:	
Owner Details:	POLLARD BENNY THOMAS & REBECCA L	Zoning:	R-15
Mailing Address:	320 WILLBARRY RD	Land Acres:	3.54
	JACKSONVILLE NC 28540	Topography:	
Description:	PT TR2 HURST DIV	Utilities	08 - Electric
	UNDRGRND DWELL W/INDOOR POOL		02 - Public Water
			05 - Well

**Value Summary**

Appraised Land:	110600	Prior Land	Assessed Land	110600
Appraised Building:	279180	Prior Building	Assessed Building	279180
Appraised Total:	389780	Prior Total	Assessed Total	389780

**Primary Residential Card**

Card:	1	Basement:	None	Fireplace Pref.:	1
Stories:	2	Square Feet:	4802	Fireplace OP/ST:	
Use:		HT/AC:	Central Heat / AC	Basement Gar.:	1
Type:	Single Family	Fuel:	Solar	Grade:	C
Year Built:	1982	System:	Forced Hot Air	Cond (CDU):	Average
Year Remod.		Attic:	1	Percent Complete:	
Total Rooms:	3	Finished Basement:	0	Family Room:	
Bedrooms:	2	Recreation Room:	0	Ext. Material:	Concrete Block
Full Bath:	3	Half Bath:	0		

**Commercial Card**

Year Built	Stories	Units
Eff. Yr. Built	Gross Flr. Area	Grade

**Land**

Classification	Eff. Front	Eff. Depth	Type	Acres
29-LAKE/POND	G	/ .44	100	
08-WATERFRONT RIVER/CREEK	G	/ 1	100,000	
23-RESIDUAL	A	/ 2.1	10,500	

Agriculture	Line	Acres
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**Other Items**

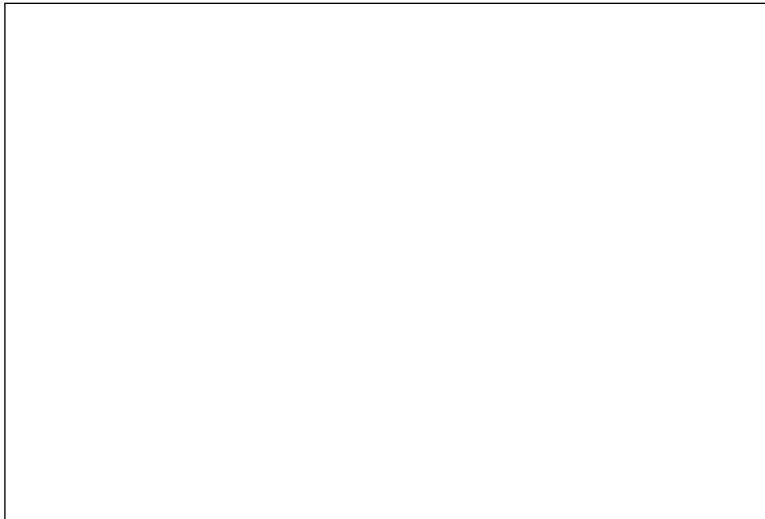
Code	Description	Yr Blt	Grade
02 - WOOD DECK	C	75.3.25	450
91 - Bricking	B	759.3.253	4,000
12 - BLACK TOP	D	3570.10.357	3,350
67 - DOCK	C	400.20.20	5,200

14 - SHOP	C	360.18.20	4,210
05 - POOL	C	896.32.28	16,130
02 - WOOD DECK	C	150.6.25	900
91 - Bricking	C	300.6.50	1,010

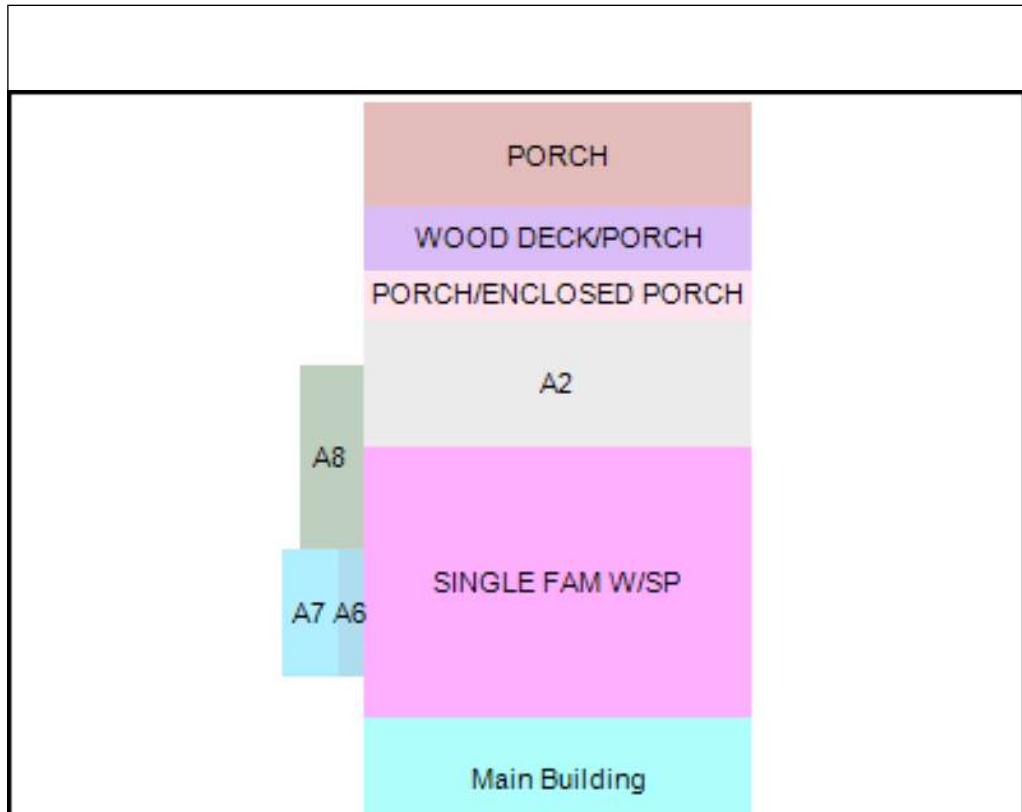
**Sales History**

Date	Book-Page	Grantor	Sale	Desc	Parcels	Amount
22-FEB-1979	546--496		00	Valid Sale		10,000
04-AUG-2016	4492--408	POLLARD BENNY T	25	Unqualified Sales		0

**PHOTO**



**SKETCH**



**Sketch**

- 0 Main Building 784 Sq. Ft.
- 1 SINGLE FAM W/SP - 05:SINGLE FAM W/SPEC 1666 Sq. Ft.
- 2 SINGLE FAMILY/SINGLE FAMILY - 01/01:SINGLE FAMILY/SINGLE FAMILY 784 Sq. Ft.
- 3 PORCH/ENCLOSED PORCH - 80/81:PORCH/ENCLOSED PORCH 294 Sq. Ft.
- 4 WOOD DECK/PORCH - 88/80:WOOD DECK/PORCH 392 Sq. Ft.
- 5 PORCH - 80:PORCH 637 Sq. Ft.
- 6 PATIO - 84:PATIO 48 Sq. Ft.
- 7 UTILITY ROOM - 86:UTILITY ROOM 112 Sq. Ft.
- 8 UTILITY ROOM - 86:UTILITY ROOM 184 Sq. Ft.
- 1 - 05:POOL 896 Sq. Ft.
- 2 2s FR - 12:2s FR 3570 Sq. Ft.
- 3 - 67:DOCK 400 Sq. Ft.
- 4 - 02:WOOD DECK 150 Sq. Ft.
- 5 - 02:WOOD DECK 75 Sq. Ft.
- 6 - 91:Bricking 300 Sq. Ft.
- 7 - 91:Bricking 759 Sq. Ft.
- 8 1s FR - 14:1s FR 360 Sq. Ft.

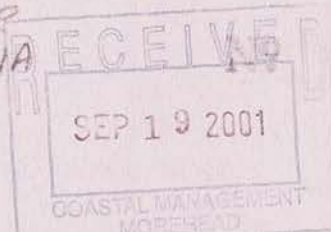




# CAMA and DREDGE AND FILL GENERAL PERMIT

as authorized by the State of North Carolina  
Department of Environment and Natural Resources and the Coastal Resources Commission  
in an area of environmental concern pursuant to 15 NCAC 21.2000

RIVER FILE  
5080314A



27306-D

Applicant Name TOMMY POLLARD Phone Number (910) 459-4019

Address 1 POLLARD LN.

City JACKSONVILLE State NC Zip 28576

Project Location (County, State Road, Water Body, etc.) SAMO, ADJACENT NEW RIVER, ONSLOW CO.

Type of Project Activity RECONFIGURATION OF EXISTING DOCK

**PROJECT DESCRIPTION SKETCH** (SCALE: 1" = 40')

Pier (dock) Length 3' x 63'

Groin Length \_\_\_\_\_ number \_\_\_\_\_

Bulkhead Length \_\_\_\_\_ max. distance offshore \_\_\_\_\_

Basin, channel dimensions \_\_\_\_\_ cubic yards \_\_\_\_\_

Boat ramp dimensions \_\_\_\_\_

Other DOCK 12' x 23'

*\* REMOVE 20' x 20' DOCK*

*\* REMOVE 6' x 20' DOCK*

This permit is subject to compliance with this application, site drawing and attached general and specific conditions. Any violation of these terms may subject the permittee to a fine, imprisonment or civil action; and may cause the permit to become null and void.

This permit must be on the project site and accessible to the permit officer when the project is inspected for compliance. The applicant certifies by signing this permit that 1) this project is consistent with the local land use plan and all local ordinances, and 2) a written statement has been obtained from adjacent riparian landowners certifying that they have no objections to the proposed work.

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

Thomas T. Clark  
applicant's signature

J.H. Cooper  
permit officer's signature

09-14-01 issuing date 11-14-01 expiration date

21.2000 attachments

\$100.00 application fee CK # 1300

**CAMA**  
**MINOR DEVELOPMENT**  
**PERMIT**



as authorized by the State of North Carolina, Department of Environment Quality and the Coastal Resources Commission for development in an area of environment concern pursuant to Section 113A-118 of the General Statutes, "Coastal Area Management"

Issued to Thomas & Rebecca Pollard authorizing development in the Estuarine Shoreline at 320 Willbary Rd., in Jacksonville, NC, as requested in the permittee's application, dated August 8, 2019. This permit, issued on August 23, 2019, is subject to compliance with the application and site drawing (where consistent with the permit), all applicable regulations and special conditions and notes set forth below. Any violation of these terms may subject permittee to a fine, imprisonment or civil action, or may cause the permit to be null and void.

This permit authorizes: Repair bulkhead & banks to erosion.

- (1) All proposed development and associated construction must be done in accordance with the permitted work plat drawings(s) dated received on August 12, 2019.
- (2) All construction must conform to the N.C. Building Code requirements and all other local, State and Federal regulations, applicable local ordinances and FEMA Flood Regulations.
- (3) Any change or changes in the plans for development, construction, or land use activities will require a re-evaluation and modification of this permit.
- (4) A copy of this permit shall be posted or available on site. Contact this office at 910-989-3065 for a final inspection at completion of work.

(Additional Permit Conditions on Page 2)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. This permit must be on the project site and accessible to the permit officer when the project is inspected for compliance. Any maintenance work or project modification not covered under this permit, require further written permit approval. All work must cease when this permit expires on:

December 31, 2022

In issuing this permit it is agreed that this project is consistent with the local Land Use Plan and all applicable ordinances. This permit may not be transferred to another party without the written approval of the Division of Coastal Management.

ONSLOW COUNTY  
CAMA LOCAL PERMIT OFFICIAL  
234 Northwest Corridor Blvd  
JACKSONVILLE, NC, 28540

PERMITTEE

(Signature required if conditions above apply to permit)

Name: Thomas & Rebecca Pollard

Minor Permit # LCP2019-11

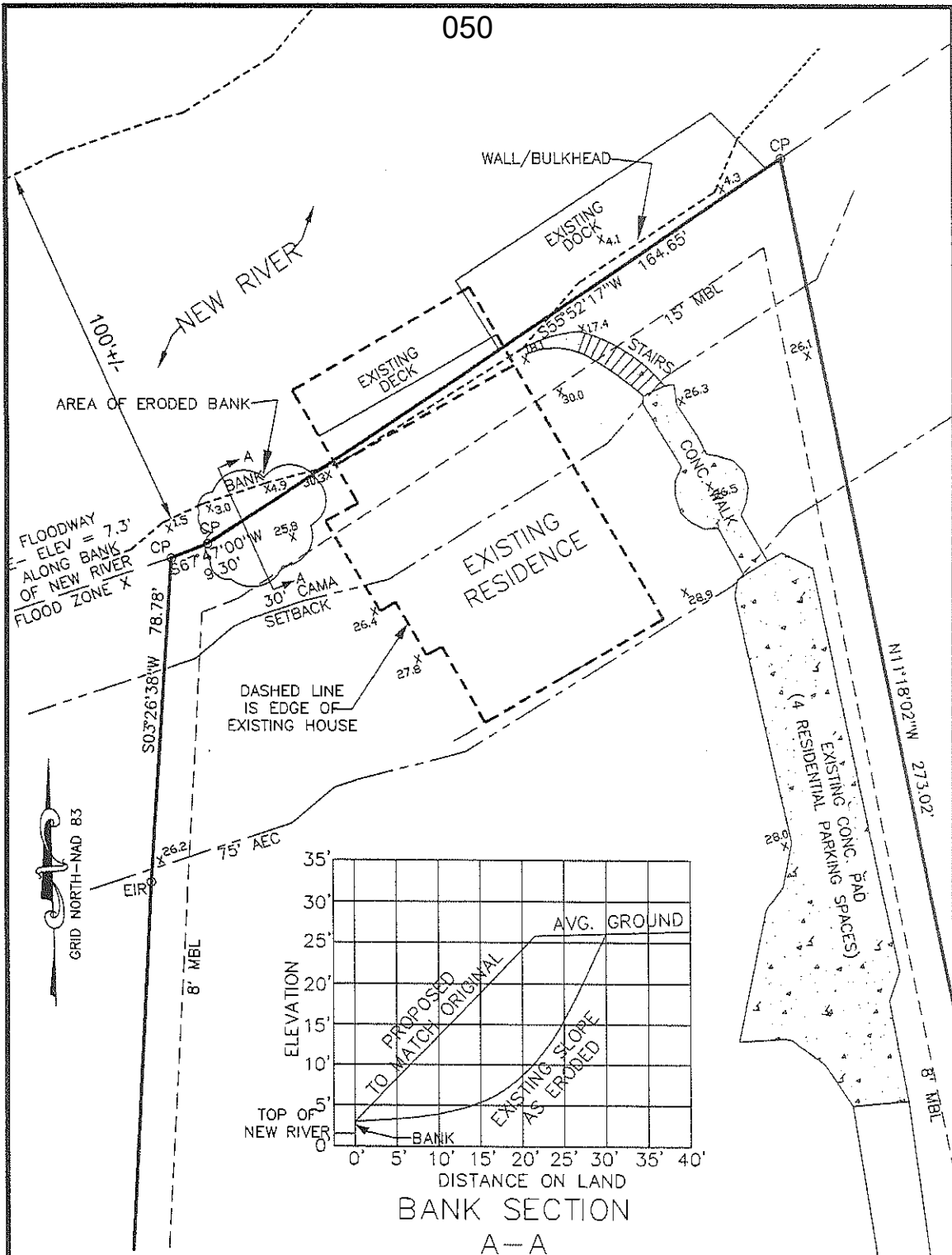
Date: August 23, 2019

Page 2

- (5) Unless specifically allowed in 15A NCAC 07H. 0209(d)(10), and shown on the permitted plan drawing, all development/construction shall be located a distance of 30 feet landward of Normal High Water. No portion of the roof overhang shall encroach into the 30 ft. buffer.
- (6) All unconsolidated material resulting from associated grading and landscaping shall be retained on site by effective sedimentation and erosion control measures. Prior to any land-disturbing activities, a barrier line of filter cloth must be installed between the land disturbing activity and the adjacent marsh or water areas, until such time as the area has been properly stabilized with a vegetative cover.
- (7) Any proposed for grading within the 30' buffer from the Normal High Water must be contoured to prevent additional stormwater runoff to the adjacent marsh. This area shall be immediately vegetatively stabilized, and must remain in a vegetated state.
- (8) All other disturbed areas shall be vegetatively stabilized (planted and mulched) within 14 days of construction completion.

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
PERMITTEE

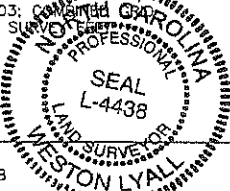




NORTH CAROLINA  
ONSLow COUNTY

I, WESTON LYALL, PROFESSIONAL LAND SURVEYOR  
 NUMBER L-4438, CERTIFY THAT THIS PLOT PLAN WAS  
 DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS  
 SURVEY MADE UNDER MY SUPERVISION (MAP BOOK 15  
 PAGE 40) AND THE FOLLOWING INFORMATION WAS USED  
 TO PERFORM THE SURVEY: CLASS OF SURVEY: B;  
 POSITIONAL ACCURACY: 500 RMS; TYPE OF GPS FIELD  
 PROCEDURE: VRSRTKGPS; DATUM: NAD 83  
 NAVD88; GEIOD MODEL: GEIOD 03; CONVERSION  
 FACTOR: 0.9999697; UNITS: US SURVEYING

*Weston Lyall*  
 8/6/19



WESTON LYALL  
 REGISTRATION NUMBER L-4438

SITE PLAN FOR  
**TOMMY POLLARD**  
 320 WILLBARRY RD, TRACT 2 HURST DIVISION  
 ONSLOW COUNTY, NC  
 JACKSONVILLE TOWNSHIP

SCALE: 1" = 30' AUGUST 6, 2019

**WESTON LYALL, PE, PLS, PLLC**  
 214 HIGHWAY 17N SUITE 1  
 HOLLY RIDGE, NC 28445  
 PHONE: 910-329-9961 FIRM LICENSE #P-0937  
 STRUCTURAL & CIVIL ENGINEERING & LAND SURVEYING

Locality ONSLowPermit Number LCP-2019-05

Ocean Hazard \_\_\_\_\_ Estuarine Shoreline \_\_\_\_\_ ORW Shoreline \_\_\_\_\_ Public Trust Shoreline \_\_\_\_\_ Other \_\_\_\_\_

(For official use only)

**GENERAL INFORMATION****LAND OWNER - MAILING ADDRESS**Name Thomas + Rebecca PollardAddress 320 Willbary RoadCity Jacksonville State NC Zip 28540 Phone 910.455.5552Email btommy.pollard@gmail.com**AUTHORIZED AGENT**Name Weston Wall, PE, PLS, PLCAddress 214 Highway 17 N. Suite 1City Holly Bridge State NC Zip 28445 Phone 910.329.9961Email westonwall@westonwall.com**LOCATION OF PROJECT:** (Address, street name and/or directions to site; name of the adjacent waterbody.)320 Willbary Rd. Jacksonville, NC 28540. Property is located on New River (R-15)**DESCRIPTION OF PROJECT:** (List all proposed construction and land disturbance.)Proposed deck + breakfast addition**SIZE OF LOT/PARCEL:** 154,572 square feet 3.5 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:** \_\_\_\_\_ 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:** 4,332 square feet (includes the area of the foundation of all buildings, driveways, covered decks, concrete or masonry patios, etc. that are within the applicable AEC. Attach your calculations with the project drawing.)  
(proposed)**STATE STORMWATER MANAGEMENT PERMIT:** Is the project located in an area subject to a State Stormwater Management Permit issued by the NC Division of Energy, Mineral and Land Resources (DEMLR)?YES \_\_\_\_\_ NO 

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

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

**STATEMENT OF OWNERSHIP:**

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

an owner or record title, Title is vested in name of Thomas + Rebecca Pollard, see Deed Book 4492 page 408 in the ONSLOW County Registry of Deeds.

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

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

**NOTIFICATION OF ADJACENT RIPARIAN PROPERTY OWNERS:**

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

- | (Name)                           | (Address)   |
|----------------------------------|---|
| (1) <u>Gerald + Amelia Hurst</u> | <u>1 Amelia Ln. Jacksonville, NC 28540</u>          |
| (2) <u>ONSLOW County</u>         | <u>234 NW Corridor Blvd. Jacksonville, NC 28540</u> |
| (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 7<sup>th</sup> day of Feb., 20 19

Worin Lynn

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.*



**AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION**

Name of Property Owner Requesting Permit: Thomas + Rebecca Pollard

Mailing Address: 320 Wilhamy Rd.  
Jacksonville, NC 28540

Phone Number: 910.455.5552

Email Address: btommy.pollard@gmail.com

I certify that I have authorized Weston Wall, PE, PLS, PUC  
Agent / Contractor

to act on my behalf, for the purpose of applying for and obtaining all CAMA permits necessary for the following proposed development: Proposed bed + breakfast addition

at my property located at 320 Wilhamy Rd Jacksonville, NC,  
in Onslow County.

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

**Property Owner Information:**

B J Pollard  
Signature

Tommy Pollard  
Print or Type Name

owner  
Title

2, 7, 19  
Date

This certification is valid through 3, 31, 19

Receipts for  
Certified Mail  
 (Staple Here)

2-7-19

Date

Gerald + Amelia Hurst

Adjacent Property Owner

1 Amelia Ln.

Mailing Address

Jacksonville, NC 28540

City, State, Zip Code

Dear Adjacent Property:

This letter is to inform you that I, Thomas + Rebecca Pollard, have applied for a CAMA Minor  
 Property Owner

Permit on my property at 320 Willbary Rd. Jacksonville, NC, in Pender Onslow  
 Property Address 28540

County. As required by CAMA regulations, I have enclosed a copy of my permit application and project drawing(s) as notification of my proposed project. No action is required from you or you may sign and return the enclosed no objection form. If you have any questions or comments about my proposed project, please contact me at 910.455.5552, or by mail at the address listed below. If you wish to  
 Applicant's Telephone

file written comments or objections with the Surf City CAMA Minor Permit Program, you may submit them to:

Jason Dail, Field Representative  
 NC Division of Coastal Management  
 Town of Surf City Local Permit Program  
 127 Cardinal Drive Extension  
 Wilmington, NC 28405

Sincerely,

Thomas + Rebecca Pollard

Property Owner

320 Willbary Rd.

Mailing Address

Jacksonville, NC 28540

City, State, Zip Code

# ADJACENT RIPARIAN PROPERTY OWNER STATEMENT FOR CAMA MINOR PERMITS

I hereby certify that I own property adjacent to Thomas + Hebeera Pollock's

(Name of Property Owner)

property located at 320 Willbany Rd.

(Address, Lot, Block, Road, etc.)

on New River, in Jacksonville - Onslow Co. N.C.

(Waterbody)

(Town and/or County)

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

(APPLICATION AND DRAWING OF PROPOSED DEVELOPMENT ATTACHED)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Date

Receipts for  
Certified Mail  
(Staple Here)

2-7-19

Date

Onslow County

Adjacent Property Owner

234 NW Comidor Blvd.

Mailing Address

Jacksonville, NC 28540

City, State, Zip Code

Dear Adjacent Property:

This letter is to inform you that I, Thomas + Rebecca Pollard have applied for a CAMA Minor  
Property Owner

Permit on my property at 320 Willbary Rd Jacksonville NC in Pender Onslow  
Property Address 28540

County. As required by CAMA regulations, I have enclosed a copy of my permit application and project drawing(s) as notification of my proposed project. No action is required from you or you may sign and return the enclosed no objection form. If you have any questions or comments about my proposed project, please contact me at 910.455.5552 or by mail at the address listed below. If you wish to  
Applicant's Telephone

file written comments or objections with the Surf City CAMA Minor Permit Program, you may submit them to:

Jason Dail, Field Representative  
NC Division of Coastal Management  
Town of Surf City Local Permit Program  
127 Cardinal Drive Extension  
Wilmington, NC 28405

Sincerely,

Thomas + Rebecca Pollard

Property Owner

320 Willbary Rd.

Mailing Address

Jacksonville, NC 28540

City, State, Zip Code

# ADJACENT RIPARIAN PROPERTY OWNER STATEMENT FOR CAMA MINOR PERMITS

I hereby certify that I own property adjacent to Thomas + Rebecca Polbrd's

(Name of Property Owner)

property located at 320 Willbarny Rd.

Address, Lot, Block, Road, etc.)

on New River, in Jacksonville - Onslow Co., N.C.

(Waterbody)

(Town and/or County)

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

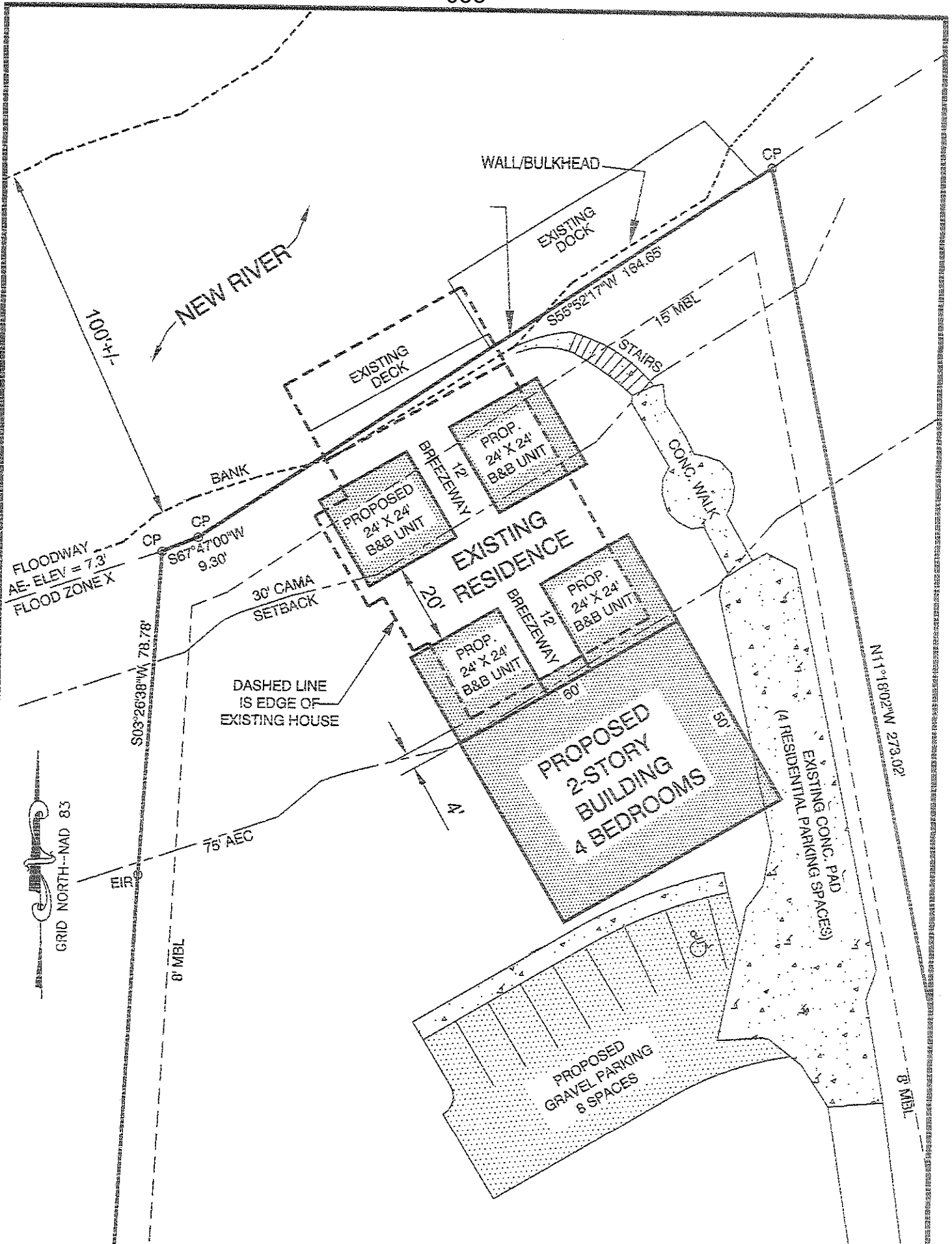
(APPLICATION AND DRAWING OF PROPOSED DEVELOPMENT ATTACHED)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

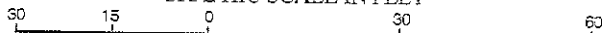
\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Date



# ATTACHMENT

GRAPHIC SCALE IN FEET





March 14, 2019

**CERTIFIED MAIL – 91 7199 9991 7039 7024 3629**  
**RETURN RECEIPT REQUESTED**

Thomas & Rebecca Pollard  
 320 Willbarry Road  
 Jacksonville, NC 28540

**RE: DENIAL OF CAMA MINOR DEVELOPMENT**  
**PERMIT APPLICATION NUMBER- LCP-2019-03**  
**PROJECT ADDRESS- 320 Willbarry Rd, Jacksonville, NC**

Dear Mr. & Mrs. Pollard:

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

This decision is based on my findings that your request violates NCGS 113A-118(d)(2) which requires that all applications be denied which are inconsistent with CAMA guidelines. Specifically, the development for which you applied consist of creating two “bed and breakfast” structures (each measuring approximately 24-foot x 24-foot) within the 30-foot Coastal Shoreline buffer.

Your proposal is **Inconsistent** with **15A NCAC 7H .0209(d) (10)**, which state the following:

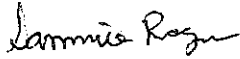
**15A NCAC 07H .0209(d) (10)** – Within the Coastal Shorelines category (estuarine and public trust shoreline AECs), new development shall be located a distance of 30 feet landward of the normal water level or normal high water level with exception of the following:

- (A) *Water-dependent uses as described in Rule 07H.0208(a)(1) of this section;*
- (B) *Pile-supported signs (in accordance with local regulations);*
- (C) *Post- or pile-supported fences;*
- (D) *Elevated, slatted, wooden boardwalks exclusively for pedestrian use and six feet in width or less. The boardwalk may be greater than six feet in width if it is to serve a public use of need;*
- (E) *Crab Shedders, if uncovered with elevated trays and no associated impervious surfaces except those necessary to protect the pump;*
- (F) *Decks/Observation Decks limited to slatted, wooden, elevated and unroofed decks that shall no singularly or collectively exceed 200 square feet;*
- (G) *Grading, excavation and landscaping with no wetland fill except when required by a permitted shoreline stabilization project. Projects shall not increase stormwater runoff to adjacent estuarine and public trust waters;*

*(H) Development over existing impervious surfaces, provided that the existing impervious surface is not increased and the applicant designs the project to comply with the intent of the rules to the maximum extent feasible;*

Should you wish to appeal my decision to the Coastal Resource Commission or request a variance from the Commission, please contact me so I can provide you with the proper forms and any other information you may require. The Division of Coastal Management in Morehead City must receive appeal notices within twenty (20) days of the date of this letter in order to be considered. The Division of Coastal Management 400 Commerce Ave., Morehead City, NC 28557.

Respectfully yours,



Sammie Rogers  
Local Permit Officer



Locality ONSLow Permit Number LCP-2019-09

Ocean Hazard \_\_\_\_\_ Estuarine Shoreline  ORW Shoreline \_\_\_\_\_ Public Trust Shoreline \_\_\_\_\_ Other \_\_\_\_\_  
(For official use only)

**GENERAL INFORMATION**

**LAND OWNER - MAILING ADDRESS**

Name Thomas + Rebecca Pollard  
Address 320 Willbary Road  
City Jacksonville State NC Zip 28540 Phone 910.455.5552  
Email btommy.pollard@gmail.com

**AUTHORIZED AGENT**

Name Weston Wall, PE, PLS, PLC  
Address 214 Highway 17 N. Suite 1  
City Holly Ridge State NC Zip 28445 Phone 910.329.9961  
Email westonwall@westonwall.com

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

320 Willbary Rd. Jacksonville, NC 28540. Property is located on New River

**DESCRIPTION OF PROJECT:** (List all proposed construction and land disturbance.) Proposed Deed

+breakfast addition

SIZE OF LOT/PARCEL: 154,572 square feet 3.5 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: \_\_\_\_\_ 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: 6 square feet (includes the area of the foundation of all buildings, driveways, covered decks, concrete or masonry patios, etc. that are within the applicable AEC. Attach your calculations with the project drawing.)  
(Proposed piling)

STATE STORMWATER MANAGEMENT PERMIT: Is the project located in an area subject to a State Stormwater Management Permit issued by the NC Division of Energy, Mineral and Land Resources (DEMRLR)?  
YES \_\_\_\_\_ NO

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



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

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

an owner or record title. Title is vested in name of Thomas Rebecca Pollard  
see Deed Book 4492 page 408 in the ONSION County Registry of Deeds.

an owner by virtue of inheritance. Applicant is an heir to the estate of \_\_\_\_\_  
probate was in \_\_\_\_\_ County.

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

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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.

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|--------------------------------------|---|
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| (2) <u>ONSION County</u>             | <u>234 NW Corridor Blvd. Jacksonville, NC 28540</u> |
| (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 3 day of July, 2019

Worsham

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.*

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Name of Property Owner Requesting Permit: Thomas + Rebecca Pollard

Mailing Address: 320 Wilhamy Rd  
Jacksonville, NC 28540

Phone Number: 910.455.5552

Email Address: btommy.pollard@gmail.com

I certify that I have authorized Weston Wall, PE, PS, PJC  
Agent / Contractor

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

breakfast addition

at my property located at 320 Wilhamy Rd Jacksonville, NC

in Onslow County

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

**Property Owner Information:**

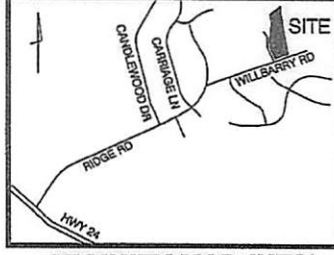
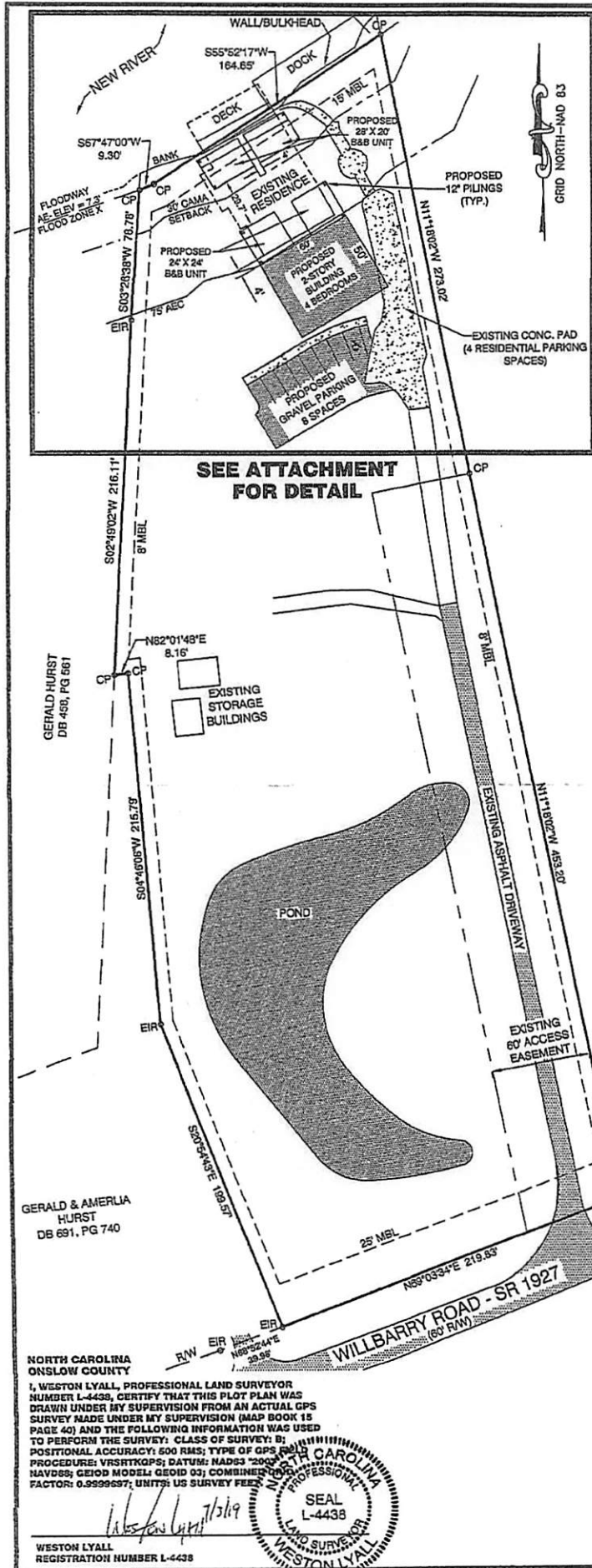
B J Pollard  
Signature

Tommy Pollard  
Print or Type Name

owner  
Title

7, 3, 19  
Date

This certification is valid through 8, 31, 19



VICINITY MAP (NTS)

- NOTES -

1. THIS SURVEY IS OF AN EXISTING PARCEL OF LAND.
2. SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS OF RECORD, ZONING ORDINANCE, & UNDERGROUND UTILITIES, IF ANY.
3. NO TITLE SEARCH BY SURVEYOR.
4. REFERENCES: DB 4492, PG 408; MB 15, PG 40
5. FLOOD ZONE: X (AREA OF MINIMAL FLOODING)
6. NCFIRM MAP #3720-435700-J, EFFECTIVE DATE 11/3/2005
7. ZONE: ONSLOW - R-15
8. SETBACKS: FRONT- 25', SIDE- 6', REAR - 15'
9. NO WETLANDS EXIST ON THIS SITE PER ONSLOW COUNTY GIS.

PARKING CALCULATIONS:

PARKING REQUIRED (8' X 18' SPACES):  
 1 SPACE PER BEDROOM FOR RESIDENCE - 4 SPACES  
 1 SPACES PER BED & BREAKFAST UNIT - 8 SPACES  
 TOTAL PARKING REQUIRED - 12 SPACES

PARKING PROVIDED (8' X 18' SPACES):  
 EXISTING RESIDENCE (4 BEDROOMS) - 4 SPACES  
 PROPOSED ADDITION (4 B&B UNITS) - 8 SPACES  
 PROPOSED BUILDING (4 B&B UNITS) - 8 SPACES  
 TOTAL PARKING PROVIDED - 12 SPACES  
 (INCLUDES 1 VAN-ACCESSIBLE)

TOTAL LOT AREA: 154,572 SF  
 TOTAL EXISTING BUILDINGS: 3,942 SF  
 TOTAL PROPOSED BUILDINGS: 4,332 SF  
 TOTAL PAVED ROADS/WALKWAYS: 8,028 SF  
 TOTAL IMPERVIOUS AREA: 16,300 (10.5%)

AREA WITHIN 75' AEC: 13,841 SF  
 EXISTING BUILDINGS WITHIN AEC: 3,849 SF  
 EXISTING CONCRETE WALKWAYS WITHIN AEC: 619 SF  
 PROPOSED NEW IMPERVIOUS/PILINGS WITHIN AEC: 6 SF  
 TOTAL IMPERVIOUS WITHIN AEC: 4,571 SF  
 % IMPERVIOUS WITHIN AEC: 35.9%

LOT AREA WITHIN 30' CAMA SETBACK: 5,050 SF  
 EXISTING BUILDING WITHIN CAMA SETBACK: 1,745 SF  
 PROPOSED NEW IMPERVIOUS/PILINGS WITHIN CAMA SETBACK: 4 SF  
 EXISTING WALKWAYS WITHIN CAMA SETBACK: 158 SF  
 TOTAL IMPERVIOUS WITHIN CAMA SETBACK: 1,905 SF  
 % IMPERVIOUS WITHIN CAMA SETBACK: 37.7%

NEW DEVELOPMENT AREA = 1,120 SF

ONSLow COUNTY  
 DB 2193, PG 291

- LEGEND -

- SIR - 1/2" Set Iron Rod
- EIP - Existing Iron Pipe
- EIR - Existing Iron Rod
- ECM - Existing Concrete Monument
- CP - Calculated Point
- R/W - Right-of-Way
- DB - Deed Book
- MB - Map Book
- PG - Page

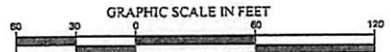
- Property Line Surveyed
- - - Property Line Not Surveyed

PROPERTY DESCRIPTION:

OWNER: THOMAS & REBECCA POLLARD  
 ADDRESS: 320 WILLBARRY RD  
 JACKSONVILLE, NC 29530

TOTAL AREA: 3.54 AC.

MAP BOOK 15, PAGE 40  
 DEED BOOK 4492, PAGE 408  
 PIN: 435716938120



PRELIMINARY SITE PLAN FOR  
**POLLARD BED & BREAKFAST**

320 WILLBARRY RD, TRACT 2 HURST DIVISION  
 ONSLOW COUNTY, NC  
 JACKSONVILLE TOWNSHIP

RS: JULY 3, 2019  
 PG: JAN 31, 2018  
 RT: JAN 4, 2018  
 DECEMBER 12, 2018

SCALE: 1" = 60'

**WESTON LYALL, PE, PLS, PLLC**

214 HIGHWAY 17N SUITE 1  
 HOLLY RIDGE, NC 28445  
 PHONE: 910-325-9961 FIRM LICENSE #P-0937  
 STRUCTURAL & CIVIL ENGINEERING & LAND SURVEYING

NORTH CAROLINA  
 ONSLOW COUNTY

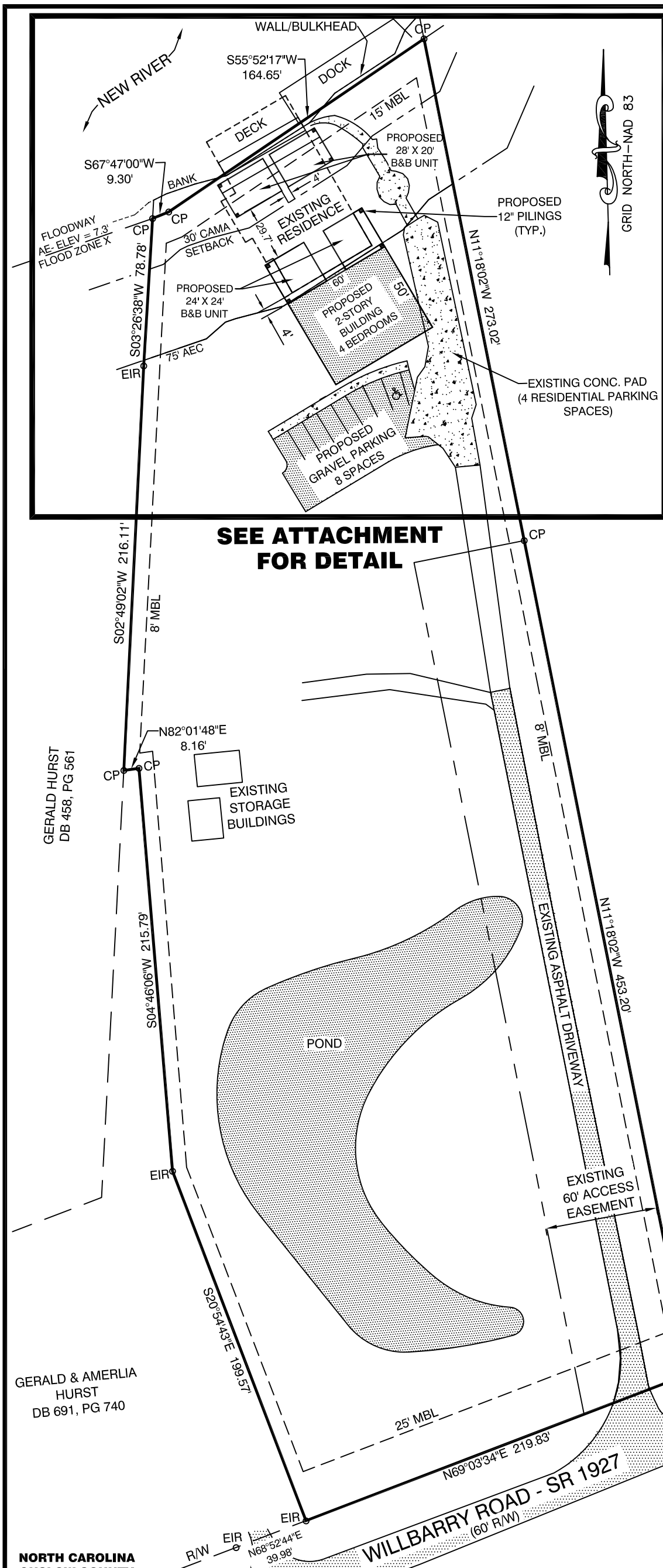
I, WESTON LYALL, PROFESSIONAL LAND SURVEYOR  
 NUMBER L-4438, CERTIFY THAT THIS PLOT PLAN WAS  
 DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS  
 SURVEY MADE UNDER MY SUPERVISION (MAP BOOK 15  
 PAGE 40) AND THE FOLLOWING INFORMATION WAS USED  
 TO PERFORM THE SURVEY: CLASS OF SURVEY: B1;  
 POSITIONAL ACCURACY: 500 RMS; TYPE OF GPS: REAL  
 TIME; PROCEDURE: VRSRTKOPS; DATUM: NAD83 \*2000  
 NAVD83; GEIOD MODEL: GEIOD 03; COMBINATION  
 FACTOR: 0.9999697; UNITS: US SURVEY FEET



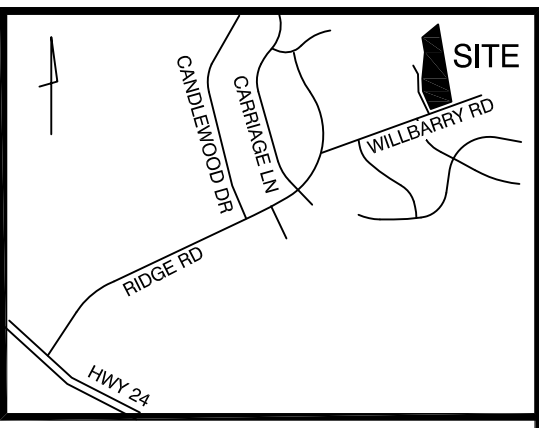
WESTON LYALL  
 REGISTRATION NUMBER L-4438







**SEE ATTACHMENT FOR DETAIL**



**- NOTES -**

1. THIS SURVEY IS OF AN EXISTING PARCEL OF LAND.
2. SUBJECT TO RESTRICTIVE COVENANTS, EASEMENTS OF RECORD, ZONING ORDINANCE, & UNDERGROUND UTILITIES, IF ANY.
3. NO TITLE SEARCH BY SURVEYOR.
4. REFERENCES; DB 4492, PG 408; MB 15, PG 40
5. FLOOD ZONE: X (AREA OF MINIMAL FLOODING) NCFIRM MAP #3720-435700-J, EFFECTIVE DATE 11/3/2005
6. ZONE: ONSLOW - R-15  
SETBACKS: FRONT- 25', SIDE- 8', REAR - 15'
7. NO WETLANDS EXIST ON THIS SITE PER ONSLOW COUNTY GIS.

**PARKING CALCULATIONS:**

PARKING REQUIRED (9' X 18' SPACES):  
 1 SPACE PER BEDROOM FOR RESIDENCE - 4 SPACES  
 1 SPACES PER BED & BREAKFAST UNIT - 8 SPACES  
 TOTAL PARKING REQUIRED - 12 SPACES

PARKING PROVIDED (9' X 18' SPACES):  
 EXISTING RESIDENCE (4 BEDROOMS) - 4 SPACES  
 PROPOSED ADDITION (4 B&B UNITS) - 4 SPACES  
 PROPOSED BUILDING (4 B & B UNITS) - SPACES  
 TOTAL PARKING PROVIDED - 12 SPACES  
 (INCLUDES 1 VAN-ACCESSIBLE)

TOTAL LOT AREA: 154,572 SF  
 TOTAL EXISTING BUILDINGS: 3,942 SF  
 TOTAL PROPOSED BUILDINGS: 4,332 SF  
 TOTAL PAVED ROADS/WALKWAYS: 8,026 SF  
 TOTAL IMPERVIOUS AREA: 16,300 (10.5%)

AREA WITHIN 75' AEC: 13,841 SF  
 EXISTING BUILDINGS WITHIN AEC: 3,848 SF  
 EXISTING CONCRETE WALKWAYS WITHIN AEC: 619 SF  
 PROPOSED NEW IMPERVIOUS/PILINGS WITHIN AEC: 6 SF  
 TOTAL IMPERVIOUS WITHIN AEC: 4,971 SF  
 % IMPERVIOUS WITHIN AEC: 35.9%

LOT AREA WITHIN 30' CAMA SETBACK : 5,050 SF  
 EXISTING BUILDING WITHIN CAMA SETBACK: 1,745 SF  
 PROPOSED NEW IMPERVIOUS/PILINGS WITHIN CAMA SETBACK: 4 SF  
 EXISTING WALKWAYS WITHIN CAMA SETBACK: 156 SF  
 TOTAL IMPERVIOUS WITHIN CAMA SETBACK: 1,905 SF  
 % IMPERVIOUS WITHIN CAMA SETBACK: 37.7%

NEW DEVELOPMENT AREA = 1,120 SF

ONSLow COUNTY  
 DB 2193, PG 291

**- LEGEND -**

- SIR - 1/2" Set Iron Rod
- EIP - Existing Iron Pipe
- EIR- Existing Iron Rod
- ECM - Existing Concrete Monument
- CP - Calculated Point
- R/W - Right-of-Way
- DB - Deed Book
- MB - Map Book
- PG - Page

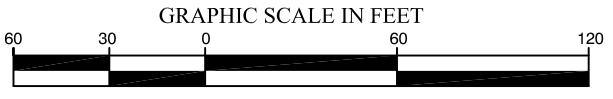
— — — — — - Property Line Surveyed  
 - - - - - - Property Line Not Surveyed

**PROPERTY DESCRIPTION:**

OWNER: THOMAS & REBECCA POLLARD  
 ADDRESS: 320 WILLBARRY RD  
 JACKSONVILLE, NC 28530

TOTAL AREA: 3.54 AC.

MAP BOOK 15, PAGE 40  
 DEED BOOK 4492, PAGE 408  
 PIN: 435716938120



**NORTH CAROLINA ONSLOW COUNTY**  
**I, WESTON LYALL, PROFESSIONAL LAND SURVEYOR NUMBER L-4438, CERTIFY THAT THIS PLOT PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION (MAP BOOK 15 PAGE 40) AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY: CLASS OF SURVEY: B; POSITIONAL ACCURACY: 500 RMS; TYPE OF GPS FIELD PROCEDURE: VRSRTKGPS; DATUM: NAD83 "2007", NAVD88; GEIOD MODEL: GEOID 03; COMBINED GRID FACTOR: 0.9999697; UNITS: US SURVEY FEET.**

**PRELIMINARY PLAT NOT FOR RECORDATION CONVEYANCES OR SALES**

**PRELIMINARY SITE PLAN FOR POLLARD BED & BREAKFAST**  
 320 WILLBARRY RD, TRACT 2 HURST DIVISION  
 ONSLOW COUNTY, NC  
 JACKSONVILLE TOWNSHIP

R5: JUNE 17, 2019  
 R4: MAY 15, 2019  
 R3: MAY 14, 2019  
 R2: JAN 31, 2019  
 R1: JAN 4, 2018  
 DECEMBER 12, 2018

**SCALE: 1" = 60'**

**WESTON LYALL, PE, PLS, PLLC**  
 214 HIGHWAY 17N SUITE 1  
 HOLLY RIDGE, NC 28445  
 PHONE: 910-329-9961 FIRM LICENSE #P-0937  
 STRUCTURAL & CIVIL ENGINEERING & LAND SURVEYING

WESTON LYALL  
 REGISTRATION NUMBER L-4438

GERALD & AMERLIA HURST  
 DB 691, PG 740

GERALD HURST  
 DB 458, PG 561

Receipts for  
Certified Mail  
(Staple Here)

7-3-19

Date  
Gerald + Amelia Hurst  
Adjacent Property Owner  
1 Amelia Ln.  
Mailing Address  
Jacksonville, NC 28540  
City, State, Zip Code

Dear Adjacent Property:

This letter is to inform you that I, Thomas + Rebecca Pollard have applied for a CAMA Minor  
Property Owner

Permit on my property at 320 Willbary Rd. Jacksonville, NC in Pender Onslow  
Property Address 28540

County As required by CAMA regulations, I have enclosed a copy of my permit application and project drawing(s) as notification of my proposed project. No action is required from you or you may sign and return the enclosed no objection form. If you have any questions or comments about my proposed project, please contact me at 910.455.5552, or by mail at the address listed below. If you wish to  
Applicant's Telephone

file written comments or objections with the Surf City CAMA Minor Permit Program, you may submit them to:

Jason Dail, Field Representative  
NC Division of Coastal Management  
Town of Surf City Local Permit Program  
127 Cardinal Drive Extension  
Wilmington, NC 28405

Sincerely,

Thomas + Rebecca  
Property Owner  
320 Willbary Rd  
Mailing Address  
Jacksonville, NC  
City, State, Zip Code

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- 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:  
Gerald + Amelia Hurst  
1 Amelia Ln.  
Jacksonville, NC 28540



2. Article Number (Transfer from serial number)  
1130 0000 8464 6922

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
[Signature]  Agent  Addressee

B. Received by (Printed Name)  
GERALD HURST

C. Date of Delivery  
7-6-19

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

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

# ADJACENT RIPARIAN PROPERTY OWNER STATEMENT FOR CAMA MINOR PERMITS

I hereby certify that I own property adjacent to Thomas & Rebecca Dilbert's  
(Name of Property Owner)  
property located at 320 Willbarny Rd. #1  
(Address, Lot, Block, Road, etc.)  
on New River in Jacksonville - Onslow Co. N.C.  
(Waterbody) (Town and/or County)

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

(APPLICATION AND DRAWING OF PROPOSED DEVELOPMENT ATTACHED)

Signature \_\_\_\_\_

Print or Type Name \_\_\_\_\_

Telephone Number \_\_\_\_\_

Date \_\_\_\_\_



Receipts for Certified Mail (Staple Here)

7-31-19

Date: ORSON COUNTY
Adjacent Property Owner: 234 NW Corridor Blvd.
Mailing Address: Jacksonville, NC 28540
City, State, Zip Code

Dear Adjacent Property:

This letter is to inform you that I, Thomas + Rebecca Pollard, have applied for a CAMA Minor Property Owner

Permit on my property at 320 Willbary Rd Jacksonville, NC in Permits (Orson) Property Address 28540

County. As required by CAMA regulations, I have enclosed a copy of my permit application and project drawing(s) as notification of my proposed project. No action is required from you or you may sign and return the enclosed no objection form. If you have any questions or comments about my proposed project, please contact me at 910.455.5552 or by mail at the address listed below. If you wish to Applicant's Telephone

file written comments or objections with the Surf City CAMA Minor Permit Program, you may submit them to:

Jason Dail, Field Representative
NC Division of Coastal Management
Town of Surf City Local Permit Program
127 Cardinal Drive Extension
Wilmington, NC 28405

Sincerely,

Thomas + Rebecca
Property Owner
320 Willbary Rd
Mailing Address
Jacksonville, NC
City, State, Zip Code

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
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:
Orson Co. Attn: Sammie Progers
234 NW Corridor Blvd.
Jacksonville, NC 28540



2. Article Number (Transfer from service label)
7018 1130 0000 8464 7042

COMPLETE THIS SECTION ON DELIVERY

A. Signature (with signature)
B. Received by (Printed Name) (with name)
C. Date of Delivery

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

- 3. Service Type
Adult Signature, Adult Signature Restricted Delivery, Certified Mail, Certified Mail Restricted Delivery, Collect on Delivery, Collect on Delivery Restricted Delivery, Priority Mail Express, Registered Mail, Registered Mail Restricted Delivery, Return Receipt for Merchandise, Signature Confirmation, Signature Confirmation Restricted Delivery

# ADJACENT RIPARIAN PROPERTY OWNER STATEMENT FOR CAMA MINOR PERMITS

---

I hereby certify that I own property adjacent to Thomas + Rebecca Pollock's  
(Name of Property Owner)

property located at 320 Williams Rd.  
Address, Lot, Block, Road, etc.)

on New River in Jacksonville - Onslow Co. N.C.  
(Waterbody) (Town and/or County)

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

(APPLICATION AND DRAWING OF PROPOSED DEVELOPMENT ATTACHED)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print or Type Name

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Date

PLANNING &amp; DEVELOPMENT DEPARTMENT



July 25, 2019

**CERTIFIED MAIL – 91 7199 9991 7039 6988 0965**  
**RETURN RECEIPT REQUESTED**

Thomas & Rebecca Pollard  
 320 Willbarry Road  
 Jacksonville, NC 28540

**RE: DENIAL OF CAMA MINOR DEVELOPMENT**  
**PERMIT APPLICATION NUMBER- LCP-2019-09**  
**PROJECT ADDRESS- 320 Willbarry Rd, Jacksonville, NC**

Dear Mr. & Mrs. Pollard:

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

This decision is based on my findings that your request violates NCGS 113A-118(d)(2) which requires that all applications be denied which are inconsistent with CAMA guidelines. Specifically, the development for which you applied consist of creating two “bed and breakfast” structures (each measuring approximately 20-foot x 28-foot) within the 30-foot Coastal Shoreline buffer.

Your proposal is **Inconsistent** with **15A NCAC 7H .0209(d) (10)**, which state the following:

**15A NCAC 07H .0209(d) (10)** – Within the Coastal Shorelines category (estuarine and public trust shoreline AECs), new development shall be located a distance of 30 feet landward of the normal water level or normal highwater level with exception of the following:

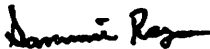
- (A) *Water-dependent uses as described in Rule 07H.0208(a)(1) of this section;*
- (B) *Pile-supported signs (in accordance with local regulations);*
- (C) *Post- or pile-supported fences;*
- (D) *Elevated, slatted, wooden boardwalks exclusively for pedestrian use and six feet in width or less. The boardwalk may be greater than six feet in width if it is to serve a public use of need;*
- (E) *Crab Shedders, if uncovered with elevated trays and no associated impervious surfaces except those necessary to protect the pump;*
- (F) *Decks/Observation Decks limited to slatted, wooden, elevated and unroofed decks that shall no singularly or collectively exceed 200 square feet;*
- (G) *Grading, excavation and landscaping with no wetland fill except when required by a permitted shoreline stabilization project. Projects shall not increase stormwater runoff to adjacent estuarine and public trust waters;*



*(H) Development over existing impervious surfaces, provided that the existing impervious surface is not increased and the applicant designs the project to comply with the intent of the rules to the maximum extent feasible;*

Should you wish to appeal my decision to the Coastal Resource Commission or request a variance from the Commission, please contact me so I can provide you with the proper forms and any other information you may require. The Division of Coastal Management in Morehead City must receive appeal notices within twenty (20) days of the date of this letter in order to be considered. The Division of Coastal Management 400 Commerce Ave., Morehead City, NC 28557.

Respectfully yours,



Sammie Rogers  
Local Permit Officer

CC: Weston Lyall  
214 Highway 17 N. Suite 1  
Holly Ridge NC 28445

**Goebel, Christine A**

---

**From:** Dunn, Glenn <hgdunn@poynerspruill.com>  
**Sent:** Thursday, March 28, 2019 7:44 PM  
**To:** Goebel, Christine A  
**Subject:** [External] Re: Pollard- 320 Willbarry Road, Jacksonville, NC

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [report.spam@nc.gov](mailto:report.spam@nc.gov)

Thanks

Sent from my iPhone

> On Mar 28, 2019, at 4:26 PM, Goebel, Christine A <Christine.Goebel@NCDENR.GOV> wrote:

>

> Hi Glenn-

>

> I checked in with DCM staff and had them review your clients' situation. DCM believes the LPO's call was correct.

>

>

> 1. The proposed footprint is outside the existing impervious footprint within the 30' buffer (as measured from NWL). This is addressed in the LPO's denial letter and as we discussed, if there is new impervious in the buffer that doesn't fall within the exceptions listed in the buffer rule, the LPO has to deny the permit and can't grant a variance.

>

> 2. Also, it appears that the existing impervious within the 75' AEC already exceeds the 30% threshold allowed (it looks like the existing residence is at 32%, not including the concrete walk in the 75' AEC). The proposed footprint would add to this and further intensify the non-compliance of the proposal with the buffer rules.

>

> As we discussed, if they wish to pursue a variance, the filing deadline for the July 17-18, 2019 CRC meeting (likely in the Morehead City area) is June 5, 2019. Of course, they could also re-design to keep the changes within the same impervious footprint and re-apply for a permit, likely eliminating the need for a variance.

>

> In case you haven't seen it, I've included the permit materials and denial letter.

> Thanks-

> Christy

>

> [CG Sig block]

>

>

> <image001.jpg>

> <Pollard LCP19-03.pdf>

> <Pollard drawing.pdf>

\*\*\*\*\*





PLANNING & DEVELOPMENT DEPARTMENT

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May 14, 2019

Mr. Glenn Dunn  
Attorney at Law  
Poyner Spruill LLP  
301 Fayetteville Street, Suite 1900  
Raleigh, NC 27601

RE: 320 Willbarry Road  
Tax Parcel ID#: 331-32.1

Dear Mr. Dunn:

Per our conversation earlier today, Mr. Tommy Pollard met with our staff and submitted an application for a Special Use Permit to establish a Bed & Breakfast at the above-referenced address. After reviewing the site plan, we determined that the existing building which he plans to expand is non-conforming as it does not meet the rear setback requirements; therefore, we advised him that he would need to obtain a variance from the Coastal Resources Commission prior to processing his Special Use request. Additionally, we expressed concerns regarding the location of the existing structure in relation to the floodway and compliance with the Onslow County Flood Damage Prevention Ordinance.

The Onslow County Zoning Ordinance establishes a 15-foot rear setback requirement except where lot lines are "established by reference to a mean high water mark" and in those instances, the setback line shall comply with "all appropriate state (CAMA) and Federal setback limitations."

With the exception of the rear setback and needing clarification on the floodway line, the site plan presented appears to comply with all other standards set forth in the Zoning Ordinance.

Please contact me at (910) 989-3062 if you have any questions.

Cordially yours,

Angela S. Manning, AICP  
Land Use Administrator



## Thomas Pollard variance request (*CRC-VR-19-05*)

Brad Connell  
Environmental Specialist II  
Morehead City District  
Division of Coastal Management

NC Coastal Resources Commission  
Meeting on September 18, 2019

*Department of Environmental Quality*





# *Vicinity map of 320 Willbary Road, Onslow County*

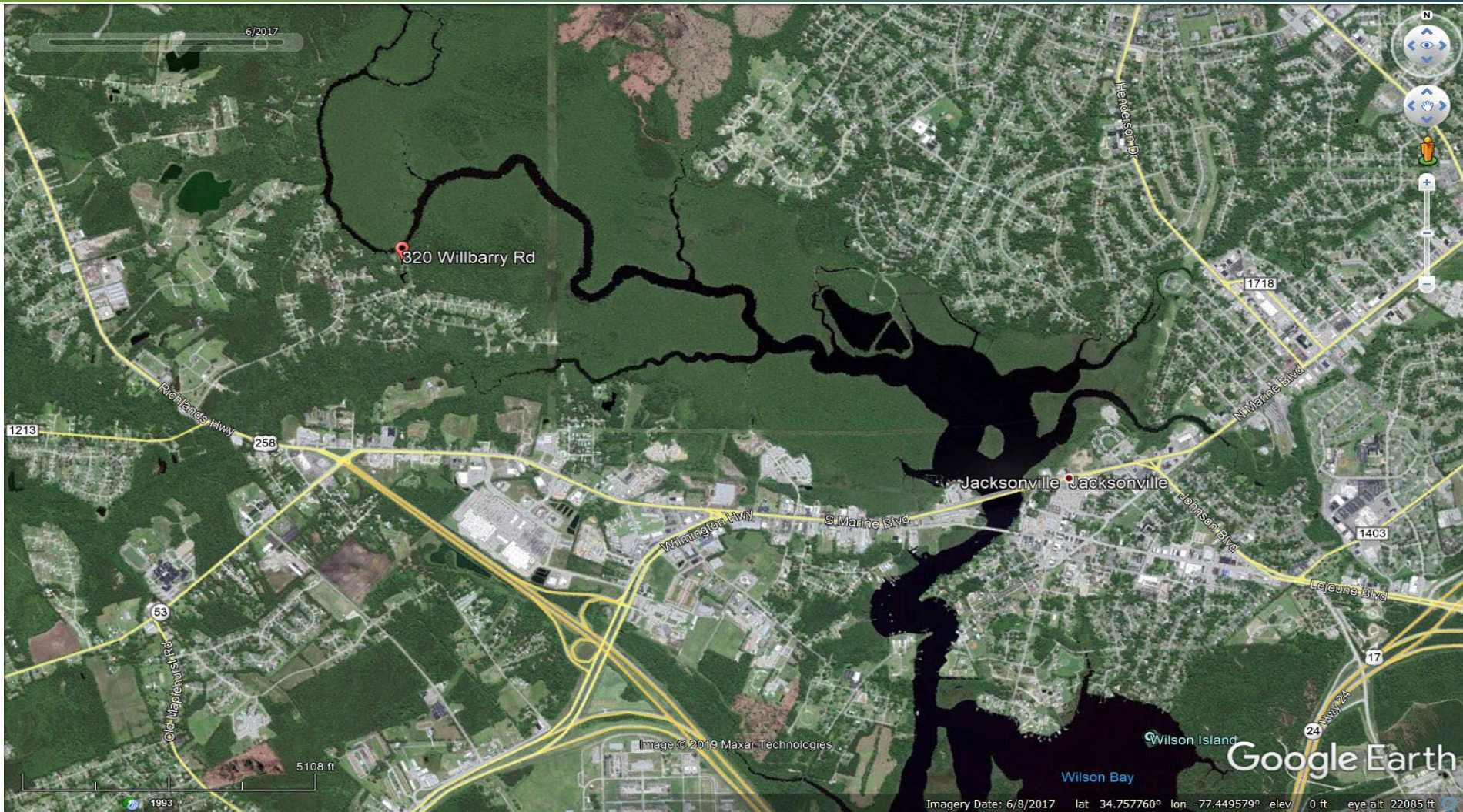


Source: Google Earth ca. 2018





# Vicinity map of 320 Willbary Road, Onslow County





078  
*Google Earth satellite imagery  
ca. March 2019*





079

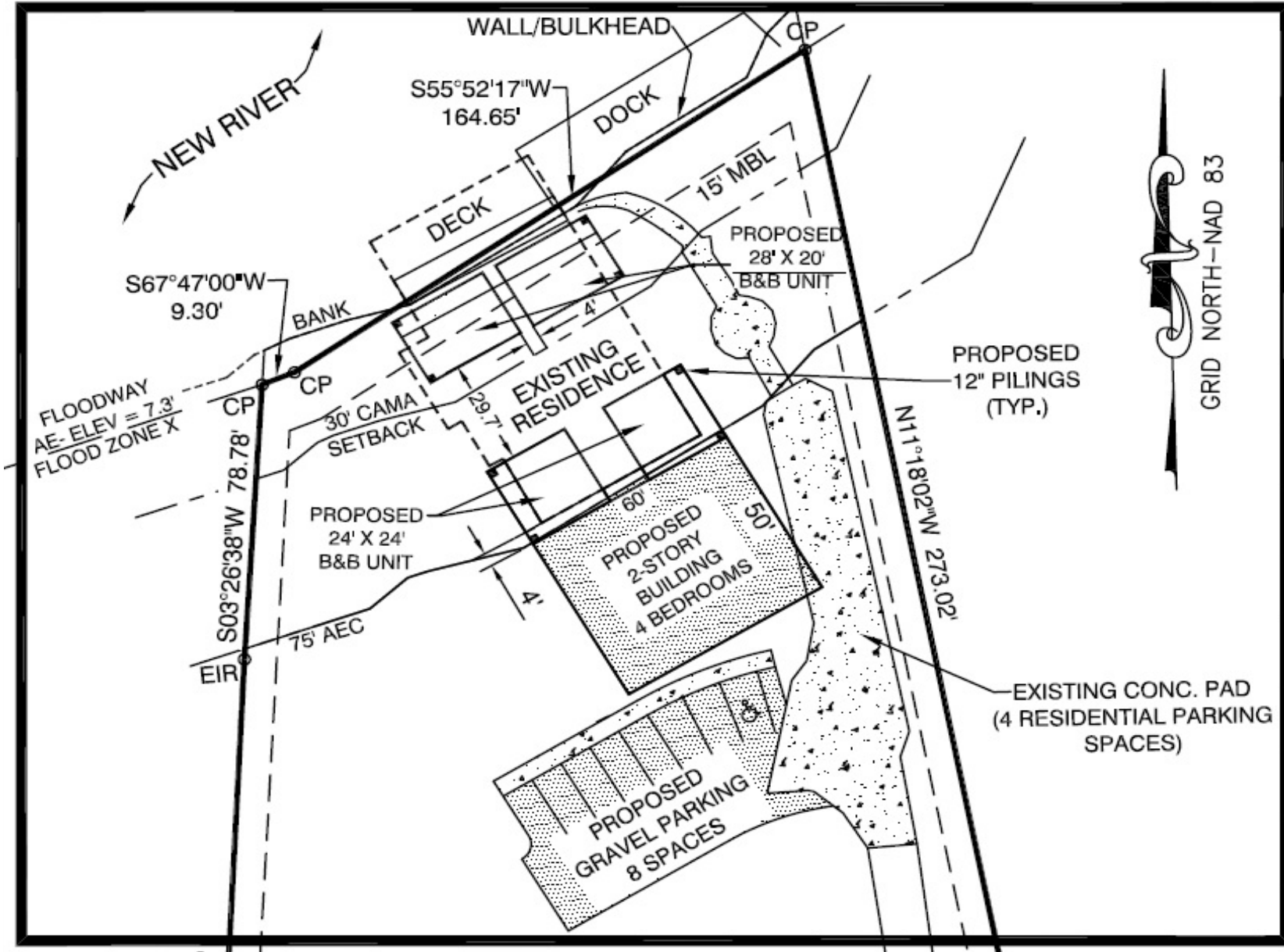
# *Aerial photograph of Pollard property, ca. 2019*



Onslow County GIS pictometry

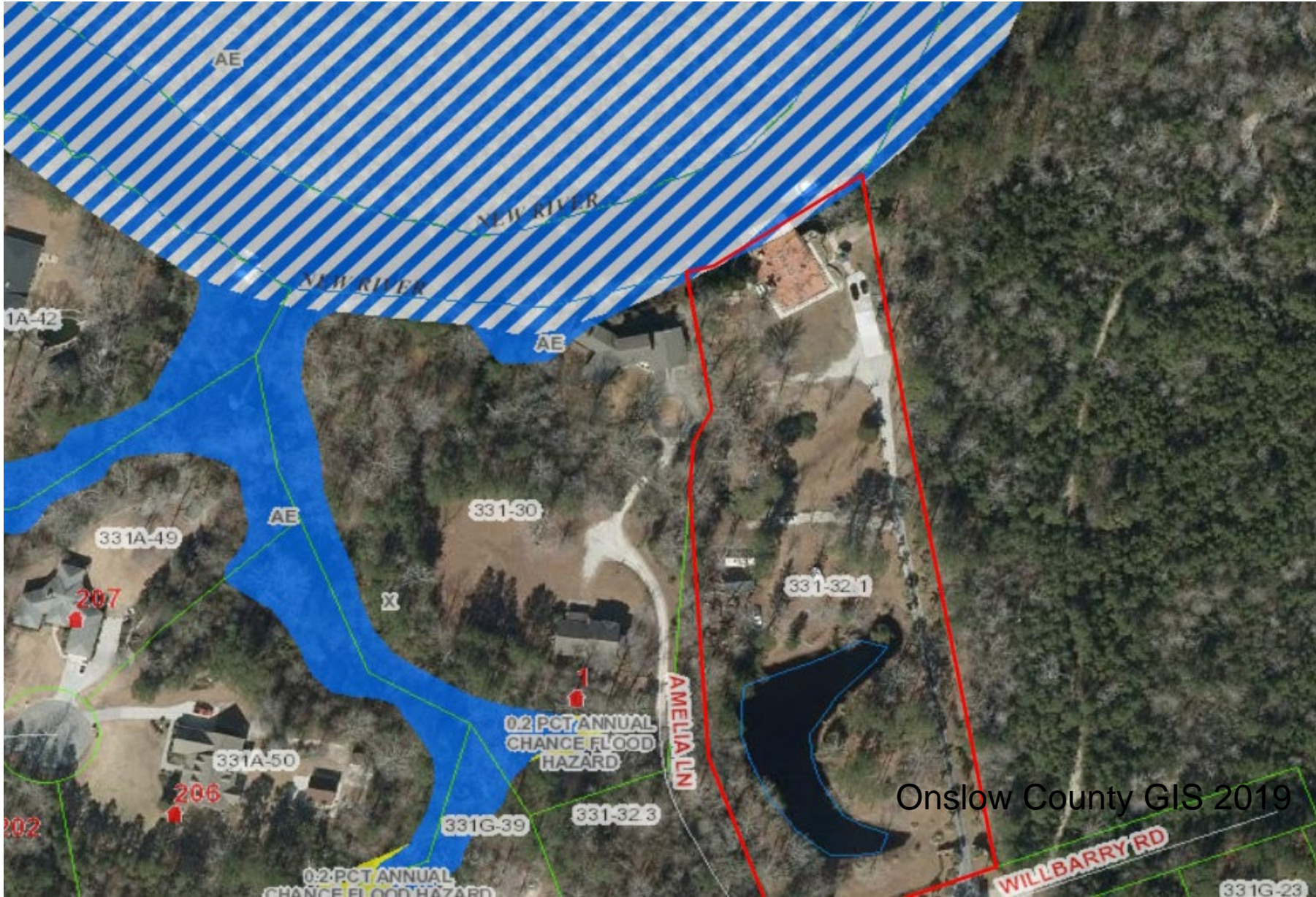


# Pollard revised site plan (inset)





# Local area flood zone relative to Pollard property <sup>081</sup>





082  
*Facing east on Pollard property shoreline  
taken by DCM staff on August 28, 2019*





*Facing west on Pollard property shoreline  
taken by DCM staff on August 28, 2019*

083





084  
*Facing NW on Pollard property shoreline  
taken by DCM staff on June 12, 2019*





085  
*Facing SE on Pollard property shoreline  
taken by DCM staff on June 12, 2019*





086

# *Aerial photograph of Pollard property*



Onslow County GIS pictometry



## 15A NCAC 07J .0703 Procedures for Deciding Variance Petitions

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

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