



PAT McCrory  
Governor

DONALD R. VAN DER VAART  
Secretary

TO: The Coastal Resources Commission

FROM: Christine A. Goebel, Assistant General Counsel

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

RE: **Variance Request by Mark and Kellyanne Engel (CRC-VR-16-01)**

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Petitioners Mark and Kellyanne Engel (“Petitioners”) own an oceanfront lot on the west end of the Town of Oak Island. The property is located within the Commission’s Ocean Hazard Area of Environmental Concern (“AEC”). On January 21, 2016, Petitioners, through counsel, filed a CAMA Minor Permit application in order to deck over a hole in an oceanfront deck which used have a swimming pool in it until the pool was undermined and removed. On February 12, 2016, the Town of Oak Island’s Coastal Area Management Act (“CAMA”) Local Permitting Officer (“LPO”) denied Petitioner’s CAMA Minor Permit application as it was inconsistent with the applicable setback rules, where the remaining pool deck is currently waterward of the vegetation line. On March 10, 2016, Petitioners, though counsel, filed this variance petition in order to have the oceanfront setback rules varied so they could deck over the hole in the deck, as proposed in their 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.): Gary Lawrence, Petitioners’ Attorney, electronically  
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically  
Donna Coleman, Town of Oak Island CAMA LPO, electronically

**RELEVANT STATUTES OR RULES****APPENDIX A****15A NCAC 07H .0301 OCEAN HAZARD CATEGORIES**

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

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

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

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

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

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

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

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

The ocean hazard AECs contain all of the following areas:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- (3) elevated decks not exceeding a footprint of 500 square feet;
- (4) beach accessways consistent with Rule .0308(c) of this Subchapter;
- (9) swimming pools.

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

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

1. Petitioners Mark and Kellyanne Engel (“Petitioners”) are the owners of an oceanfront lot and home, located at 6601 West Beach Drive in Oak Island, Brunswick County, North Carolina (the “Site”). The deed for the sale of the Site was recorded on April 17, 2014 in the Brunswick County Registry, a copy of which is attached as a Stipulated Exhibit. This deed transferred Lot 5 and the eastern half of Lot 6, Block 135 of King’s Lynn of Long Beach (now Oak Is.), as shown on Map Book 3, Page 113.
2. Between 2014 when Petitioners purchased the Site and 1974, there are six deeds transferring the Site which all describe the property as Lot 5 and the eastern half of Lot 6, Block 135 of King’s Lynn of Long Beach as shown on Map Book 3, Page 113 of the Brunswick County registry. See deeds recorded at deed 3518/1382 in 2014, deed 1754/397 in 2003, deed 562/893 in 1984, deed 369/44 in 1977, and deed 317/514 in 1974. Copies of these deeds are attached. None of these deeds purport to transfer riparian rights.
3. In the deed dated July 1, 1960 and recorded at Deed Book 150, Page 737 of the Brunswick County Registry, a copy of which is attached, the Grantors Jetton King and wife Mary King, and L.P. McLendon Jr. and wife Mary I. McLendon transferred to the Grantees Melvin and Jane Anne Clanton, Lot 5 and the eastern half of Lot 6, Block 135 of King’s Lynn and also state “It is the intent and purpose of this deed to convey to the parties of the second part both riparian and accretive rights incident to the ownership of said lands.”
4. Map Book 3, Page 113 has no indications on it that riparian rights were being transferred with the individual lots, and shows the Site as having 150’ long side boundaries. A copy of this Map is attached.
5. The Site is located within the Ocean Erodible Area of Environmental Concern (AEC). The Site is NOT located within the Inlet Hazard AEC and the boundary of the Inlet Hazard AEC is approximately 0.15 miles to the west of the Site. N.C.G.S. 113A-118 requires that a CAMA permit be obtained before any development takes place in an AEC, on the Site or otherwise.
6. Current conditions on the Site include an existing two-story piling-supported residence with a heated area of 3,898 square feet, and a non-heated area of 1,010 square feet per the tax card, a copy of which is attached. The Site also has an existing beach accessway and deck at the waterward end of the walkway.
7. The Commission’s current Average Annual Erosion Rate for the Site is 2-feet per year.
8. This portion of Oak Island where the Site is located is NOT located within the bounds of a large-scale beach nourishment project and so is NOT subject to a static vegetation line (while other parts of Oak Is. are subject to a static vegetation line). The applicable measurement line is the first line of stable and natural vegetation (FLSNV) per 15A NCAC 07H .0305 (a)(5) and (a)(9).
9. Currently, the FLSNV is located landward of the deck, and an approximation of this line can be seen in the powerpoint. In the attached powerpoint, a 2014 aerial photograph shows the

deck landward of the FLSNV and a January 26, 2016 aerial photograph shows the deck waterward of the FLSNV. The applicable 60-foot setback currently bisects the house, based on the current location of the FLSNV.

10. Based on the applicable 2 feet per year erosion rate, the applicable Ocean Hazard Setback for development on this Site, being a structure less than 5,000 square feet is 60-feet landward of the FLSNV.

11. The Commission's rules at 15A NCAC 07H .0309 allow for some development within the setback, but all must be landward of the FLSNV, including elevated decks not exceeding a footprint of 500 square feet, beach accessways, and gazebos. Pursuant to 15A NCAC 07H .0306(a)(5) and .0309(a), no development is allowed waterward of the FLSNV.

12. On or about February 15, 2006, the prior owners of the Site, Fran & Paula Daily, applied for a CAMA Minor Permit through their agents Southland Construction Company, Inc., to develop the house, septic, driveway and a swimming pool. A copy of the application materials is attached. On March 8, 2006, the Oak Island LPO Ms. Coleman, responded with a letter identifying materials their application was lacking. On June 6, 2006, the LPO issued CAMA Minor Permit OI-06-18 authorizing, among other things, a deck, walkway and pool within the oceanward deck on the Site located landward of the FLSNV as located on November 11, 2005. A copy of this permit and the site plan are attached. The site plan shows the waterward property line bisecting the waterward deck with the pool in it.

13. Between its installation in 2006 and the present, sand underneath the pool washed away and the pool was left unsupported. Since their purchase in 2014, Petitioners had the pool removed and now there is an existing hole, approximately 8'8" by 20'4" in the deck where the pool used to be. This can be seen in attached site photos.

14. On or about January 21, 2016, Petitioners, through their attorney Gary Lawrence, applied for a CAMA Minor Permit in order to "board up the hole left when the pool moved." A copy of the application materials is attached. While there were references to a hot tub on the site plan, no hot tub is proposed as part of this variance.

15. On the site plan used for the 2016 permit application, the waterward property line is shown to bisect the deck where the pool was located. The site plan also shows that the "vegetation line" is located landward of the deck at issue. A copy of this site plan is attached.

16. When Petitioners purchased the Site, the realtor and closing attorney indicated that the property line bisected the existing deck, but that unless the deck was destroyed more than 50%, they could repair the structure.

17. DCM lacks jurisdiction to make determinations of property ownership and made no such determination by either processing the Petitioners' various permit applications or by proceeding with the variance process.

18. The deck at issue is 16' by 30' and the existing squared-off hole is approximately 8'8" by 20'4" or approximately 176 square feet.

19. The CAMA LPO for the Town of Oak Island received no objections or comments regarding Petitioners' CAMA Minor Permit application from the public or adjacent owners.
20. On February 12, 2016, the Town of Oak Island's CAMA LPO denied Petitioners' permit application as it was inconsistent with the Commission's rules at 15A NCAC 07H .0309(a)(3) as the site of the proposed development is located seaward of the 1998 static line. However, this Site is not located within an area subject to the static line. The static line's application ends approximately 0.25 miles west of the Site. The parties stipulate that the mention of the 1998 static line in the denial letter was incorrect, and the denial should have been based on .0309(a) and .0306(a) in that no development is authorized waterward of the FLSNV.
21. On March 10, 2016, Petitioners, through their counsel Gary Lawrence, filed this variance petition seeking a variance from the Commission's rules which prohibit development seaward of the "vegetation line" (in this case, the FLSNV).
22. In the spring of 2015, Petitioners planted dune vegetation seaward of their residence in an effort to stabilize the area, but these plantings are not yet considered stable or natural vegetation as those terms are used in the definition of a FLSNV. These plantings can be seen in the powerpoint slide.
23. There are houses with sandbags less than two years old and issued pursuant to a 2014 variance (to Golob, et al), approximately 125 feet to the west of the Site. These houses can be seen on the powerpoint slides.
24. Aerial and ground-level site photographs are attached as exhibits which depict the Site, Petitioners' home and deck, and the surrounding lots and homes.
25. In this matter, the Division of Coastal Management is represented by Christine Goebel, Assistant General Counsel for DEQ. The Petitioner is represented by Gary Lawrence, Esq. of Southport.

### **Stipulated Exhibits**

1. 2014 Deed to Petitioners recorded at Book 3518, Page 1382
2. Map Book 3, Page 113 showing this site
3. Back deeds to the property including:
  - a. 2003 deed at 1754/397
  - b. 1984 deed at 562/893
  - c. 1977 deed at 369/44
  - d. 1974 deed at 317/514
4. 1960 Developer's deed at 150/737
5. Tax Card for Petitioner's Site
6. 2006 Daily CAMA minor permit application and Site Plan
7. CAMA Minor Permit OI-06-18 issued February 15, 2006 to Daily
8. 2016 CAMA Minor Permit application for Petitioners including Site Plan
9. February 12, 2016 CAMA Permit Denial Letter to Petitioners
10. Powerpoint with aerial and ground level site photographs

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

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

**Petitioners' Position: Yes.**

At the time Petitioners purchased the property, there existed a boardwalk from the house, over the dune ridge, to a deck with steps down to the beach. The deck had a prefabricated swimming pool in the middle of the deck. Over time, the sand underneath the pool washed away and the pool was left hanging from the deck. Petitioners removed the pool and are left with a deck with a sizeable hole in the middle. Petitioners desire to cover this hole with deck boards. If Petitioners cannot take this action, they are left with a real safety hazard. This is true not only for Petitioners and their guests, but anyone walking on the beach who might come on the deck to enjoy the view.

**Staff's Position: No.**

Petitioners seek a variance from the Commission's oceanfront setback rules, which prohibit development waterward of the First Line of Stable and Natural Vegetation (FLSNV) except in the limited cases of oceanfront piers providing public access and state-owned bridges. While there are some exceptions (15A NCAC 07H .0309) to the oceanfront erosion setback rules (60-foot landward from FLSNV in this case), that allow limited development within the setback area, the listed structures must be located landward of the FLSNV. Structures allowed within the setback area include swimming pools, beach accessways, and 500 square feet of decking. Those exceptions are how the existing swimming pool with decking and the beach accessway were permitted in 2006. However, the Commission's rules regarding the Ocean Hazard AEC acknowledge that shoreline erosion is part of the oceanfront system, and the intent of the rules is "minimizing losses to life and property resulting from storms and long-term erosion, preventing encroachment of permanent structures on public beach areas, preserving the natural ecological conditions of the barrier dune and beach systems, and reducing the public costs of inappropriately sited development" (15A NCAC 07H .0303(b)).

Staff contend that while Petitioners face a hardship by not being able to deck over the hole left by the undermined swimming pool and admittedly causing safety concerns, given the oceanfront erosion on the lot which undermined the pool and caused the vegetation to move landward so that the remaining pool deck is located waterward of the vegetation line and on the public beach, the strict application of the Commission's oceanfront setback rules does not cause Petitioners' unnecessary hardships. Additionally, Staff note that the remaining deck was intended to serve a swimming pool which no longer exists, and was not a stand-alone deck.

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

**Petitioners' Position: Yes.**

The existing deck was built prior to Petitioners purchasing the property. The previous owners obtained a CAMA permit to build the boardwalk and deck, containing the pool. The boardwalk goes up and over the dune and provides ingress and egress to and from the beach and the residence. Based on the size of the deck and the size and location of the current hole, the petitioners have a real safety hazard. The deck as currently exists it is not functional or safe.

**Staff's Position: No.**

Staff agrees that the deck was built by the prior owner who received a CAMA permit to construct the deck. Staff also notes that the portion of the existing boardwalk (or beach accessway) located landward of the FLSNV is a conforming structure allowed by rule, providing Petitioners access the beach while limiting impact to the protective dune system. The deck and portion of the walkway waterward of the FLSNV are non-conforming and not allowed by rule as they now lie on the public trust beach seaward of the FLSNV. Staff notes that hardship of the shoreline erosion on the lot, and specifically that which has occurred since Petitioners' purchase of the lot in 2014, is not atypical for an ocean shoreline, and is contemplated in the Commission's rules for the Ocean Hazard AECs. Staff identify no peculiar conditions on the property which cause Petitioners' hardship.

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

**Petitioners' Position: No.**

The hardship does not result from actions taken by the Petitioners. The deck (with swimming pool) was built by the Petitioners predecessor in title and was done with a valid CAMA Permit. The shifting sand caused the pool to become detached from the deck and created a safety issue. Petitioners seek to correct this situation. Petitioners contend that decking over the hole in the deck is the most reasonable and practical solution to this problem.

**Staff's Position: No.**

While Staff agree that Petitioners did not cause the erosion of the vegetation line and dune system on their lot and did not cause the deck to be located waterward of the FLSNV vegetation line, shoreline erosion, and specifically that erosion which has occurred since Petitioners' purchase of the lot in 2014, is not atypical for an ocean shoreline, and is contemplated in the Commission's rules for the Ocean Hazard AECs. Staff disagree that decking over the hole in a structure now located waterward of the FLSNV is the most practical solution.

Staff suggest that Petitioners could also address the safety concerns about the hole in the deck by removing the deck structure from the public trust beach waterward of the FLSNV, and retaining the dune accessway. Depending on how much decking Petitioners already have within the setback area (the first 60-feet of area landward of the FLSNV), Petitioners could construct up to 500 square feet of elevated decking to replace the use they now propose while meeting the rules, and not siting new development inappropriately where it is more at risk from long-term erosion and storm events.

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

**Petitioners' Position: Yes.**

The variance requested by petitioners will be consistent with the spirit, purpose and intent of the rules or orders of the Commission; will secure the public safety and welfare; and will preserve substantial justice. The boardwalk and deck were constructed prior to Petitioners purchasing the property; and was done under a valid CAMA permit. Due to the removal of the pool, there is a safety concern. Decking over this hole will eliminate this safety issue and help preserve the deck. It is the most logical solution to this issue; will not cause any harm to the surrounding area and is in keeping with the spirit, purpose and intent of the rules or orders of the Commission.

Petitioners have actively sought to further stabilize the beach dune by planting sea grass in the area.

**Staff's Position: No.**

Staff contends that granting a variance to Petitioners in order to vary the Commission's oceanfront erosion setback rules so that Petitioners can add approximately 176 square feet of new decking is not consistent with the spirit, purpose, and intent of the Commission's rules. The Commission's rules have provided an oceanfront erosion setback since 1979, and while most structures are required to meet a setback landward of the FLSNV (in this case, 60-feet), the Commission has made exceptions to allow limited development within the setback area (See the nine structures listed in 07H .0309, above). However, the Commission has strictly limited new development waterward of the FLSNV, allowing only oceanfront piers providing public access and state-owned bridges (See 07H. 0309(d)). While the additional decking proposed may seem an insignificant amount of square footage to allow in order to address the safety concerns of the hole in the existing deck, Staff believe the Commission should strictly enforce the near-ban on new development waterward of the FLSNV as the Petitioner has other options which include relocating the deck within the setback area where it is allowed by rule.

Staff contends that granting a variance will not secure public safety and welfare. While granting a variance in order to allow Petitioners will secure their own welfare and that of their guests, allowing new development waterward of the FLSNV will not secure public safety and welfare where the variance would be authorizing inappropriately sited development which can interfere with the public trust beach, be at greater risk for loss of property of Petitioners and their neighbors with more structure in harm's way, and may become a cost to the public if the public will have to pay to remove the deck as future post-storm debris.

Finally, Staff contends that granting a variance would not preserve substantial justice where the Commission's rules already make several exceptions for development which does not have to meet the oceanfront erosion setback rule, but this "exception to the exceptions" would go further and allow new development on the public trust beach waterward of the FLSNV.

**ATTACHMENT D:  
PETITIONERS' VARIANCE REQUEST MATERIALS**

**GARY S. LAWRENCE**  
ATTORNEY AT LAW  
1226 NORTH HOWE STREET  
SOUTHPORT, NORTH CAROLINA 28461

TELEPHONE (910) 454-0606

FACSIMILE (910) 454-0663

February 24, 2016

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

Re: Request for Variance

Dear Sir:

I am enclosing herewith a Request for Variance and all accompanying documents. I have also sent a copy of all documents to the Attorney General's Office. Should you need additional items, please advise.

Sincerely,



Gary S. Lawrence

cc: Attorney General

enclosures

**CAMA VARIANCE REQUEST FORM****DCM FORM 11****DCM FILE No.:** 16-01

PETITIONER'S NAME                      MARK ENGEL and KELLYANNE ENGEL  
COUNTY WHERE THE DEVELOPMENT IS PROPOSED      BRUNSWICK

Pursuant to N.C.G.S. § 113A-120.1 and 15A N.C.A.C. 07J .0700 *et seq.*, the above named 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](http://www.nccoastalmanagement.net)

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

**VARIANCE CRITERIA**

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

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

*Please make your written arguments that Petitioner meets these criteria on a separate piece of paper.*

*The Commission notes that there are some opinions of the State Bar which indicate that non-attorneys may not represent others at quasi-judicial proceedings such as a variance hearing before the Commission. These opinions note that the practice of professionals, such as engineers, surveyors or contractors, representing others in quasi-judicial proceedings through written or oral argument, may be considered the practice of law. Before you proceed with this variance request, you may wish to seek the advice of counsel before having a non-lawyer represent your interests through preparation of this Petition.*

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

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

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

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

  
Signature of Petitioner or Attorney

2-24-2016  
Date

Gary s. Lawrence, Attorney for Petitioners  
Printed Name of Petitioner or Attorney

gary@southportattorney.com  
Email address of Petitioner or Attorney

P. O. Box 11369  
Mailing Address

(910) 454-0606  
Telephone Number of Petitioner or Attorney

Southport, NC 28461  
City

State

Zip

(910) 454-0663  
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

RECEIVED

FEB 29 2016

**GARY S. LAWRENCE**  
ATTORNEY AT LAW  
1226 305 N. HOWE STREET  
P.O. BOX 11369  
SOUTHPORT, NORTH CAROLINA 28461

DCM- MHD CITY

TELEPHONE (910) 454-0606  
FACSIMILE (910) 454-0663

E-MAIL ADDRESS:  
GARY@SOUTHPORTATTORNEY.COM

February 26, 2016

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

Re: Request for Variance - Stipulation

Dear Ms. Willis:

Please consider this letter as a stipulation that our proposed development is inconsistent with one or more of the CRC's rules. I understand that you will be sending this letter to the Attorney General's office. Therefore I am not sending a copy to their office.

I am enclosing a copy of the certified mailing to the adjacent property owners. I will send a copy of the green cards once they are received.

Thanks for your assistance in this process.

Sincerely,



Gary S. Lawrence

enclosures

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FEB 29 2016

PM- MHD CITY

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

For delivery information visit our website [www.usps.com](http://www.usps.com)

**OFFICIAL RECEIPT**

Postage	\$ 6 <sup>50</sup>
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6<sup>50</sup></b>

Sent To  
**BSB Resort Properties**  
 Street, Apt. No., or PO Box No. **945 Sugar Maple Lane**  
 City, State, ZIP+4 **Harrisonburg, VA 22801**

PS Form 3800, August 2006 See Reverse for Instructions

02 1P  
 000642817 FEB 29 2016  
 UNITED STATES POSTAGE  
 PITNEY BOWES  
 \$300.00  
 MAILED FROM ZIP CODE 22801

2014 0510 0001 1000 0150 4702

U.S. Postal Service™  
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**OFFICIAL RECEIPT**

Postage	\$ 6 <sup>50</sup>
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6<sup>50</sup></b>

Sent To  
**Mary Watkins**  
 Street, Apt. No., or PO Box No. **12 Greenside Court**  
 City, State, ZIP+4 **Durham, NC 27707**

PS Form 3800, August 2006 See Reverse for Instructions

02 1P  
 000642817 FEB 26 2016  
 UNITED STATES POSTAGE  
 PITNEY BOWES  
 \$300.00  
 MAILED FROM ZIP CODE 27707

9026 1206 1000 0150 4702

**GARY S. LAWRENCE**  
ATTORNEY AT LAW  
1226 N. HOWE STREET  
P.O. BOX 11369  
SOUTHPORT, NORTH CAROLINA 28461

TELEPHONE (910) 454-0606  
FACSIMILE (910) 454-0663

E-MAIL ADDRESS:  
GARY@SOUTHPORTATTORNEY.COM

March 10, 2016

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

Re: Request for Variance  
Affidavit of service

Dear Ms. Willis:

I am enclosing my affidavit of service on the adjoining property owners of my letter and notice of Mr. and Mrs. Engel's request for a variance. I have previously forwarded the certified mailing receipt and now have proof of service.

Should you need anything else, please advise. Thanks for your assistance in this process.

Sincerely,



Gary S. Lawrence

enclosures

RECEIVED

MAR 14 2016

DCM- MHD CITY

**NORTH CAROLINA**  
**BRUNSWICK COUNTY**

**AFFIDAVIT FOR SERVICE BY**  
**CERTIFIED MAIL**

Gary S. Lawrence, being first duly sworn, deposes and says:

1. Affiant is an attorney at law and maintains an office in Southport, North Carolina.
2. He represents the Petitioner in this action.
3. He served the adjacent property owners of the fact that Mr. and Mrs. Engel had filed a request for a variance
4. On February 26, 2016, Affiant caused to be deposited in the United States mail, a letter, addressed to the adjacent property Owners notifying them of the request and the nature of what was being requested, with sufficient postage and the same was mailed to BSR Resort Properties, LLC, 945 Sugar Maple Lane, Harrisonburg, Virginia, 22801 by certified mail, certified number 70140510000190213215 a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.
5. The envelope containing the letter and notice was received by BSR Resort Properties, LLC on March 5, 2016, as shown by the attached USPS receipt which is attached hereto as Exhibit "B", and incorporated herein by reference.
6. . On February 26, 2016, Affiant caused to be deposited in the United States mail, a letter, addressed to the adjacent property Owners notifying them of the request and the nature of what was being requested, with sufficient postage and the same was mailed to Mary Watkins, 12 Greenside Court, Durham, North Carolina 27707 by certified mail, certified number 70140510000190213208 a copy of which is attached hereto as Exhibit "C" and incorporated herein by reference.

**RECEIVED**

MAR 14 2016

**DCM- MHD CITY**

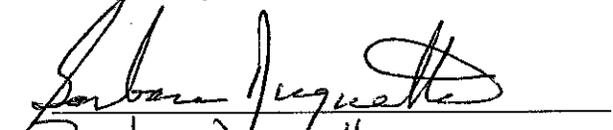
7. The envelope containing the letter and notice was received by Mary Watkins on March 5, 2016, as shown by the attached USPS receipt which is attached hereto as Exhibit "D", and incorporated herein by reference.

This the 10 day of March, 2016.



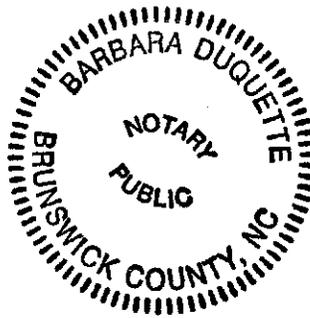
Gary S. Lawrence  
Attorney for Petitioner  
P.O. Box 11369  
Southport, North Carolina 28461  
Phone: (910) 454-0606

Sworn to and subscribed before me  
this 10th day of March, 2016.

  
Barbara Duquette, Notary Public  
*(Notary's printed or typed name)*

My Commission Expires:

6-22-19



RECEIVED

MAR 14 2016

DCM- MHD CITY

EXHIBIT A

7014 0510 0003 9201 3215

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

For delivery information visit our website [www.usps.com](http://www.usps.com)

**OFFICIAL RECEIPT**

Postage	\$ 0.50
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 10.50

02 1P  
000642817 FEB 22 2016  
MAILED FROM ZIP CODE 22801  
\$000.00  
UNITED STATES POSTAGE  
Postmark  
State

Sent To  
BSB Resort Properties LLC  
Street, Apt. No.,  
or PO Box No. 945 Sugar Maple Lane  
City, State, ZIP+4  
Huntersburg, VA 22801

PS Form 3800, August 2006 See Reverse for Instructions

RECEIVED

MAR 14 2016

DCM- MHD CITY

EXHIBIT B

USPS.com® - USPS Tracking®

Page 1 of 2

English

Customer Service

USPS Mobile

Register / Sign In



# USPS Tracking®



Customer Service ›  
Have questions? We're here to help.



Get Easy Tracking Updates ›  
Sign up for My USPS.

Tracking Number: 70140510000190213215

Updated Delivery Day: Tuesday, March 1, 2016

## Product & Tracking Information

Postal Product:

Features:  
Certified Mail™

## Available Actions

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
March 5, 2016 , 10:19 am	Delivered	HARRISONBURG, VA 22801
Your item was delivered at 10:19 am on March 5, 2016 in HARRISONBURG, VA 22801.		
March 1, 2016 , 3:43 pm	Notice Left (No Authorized Recipient Available)	HARRISONBURG, VA 22801
March 1, 2016 , 6:57 am	Arrived at Unit	HARRISONBURG, VA 22801
February 29, 2016 , 10:21 pm	Departed USPS Facility	SANDSTON, VA 23150
February 29, 2016 , 4:46 am	Arrived at USPS Facility	SANDSTON, VA 23150
February 27, 2016 , 10:31 pm	Departed USPS Facility	CHARLOTTE, NC 28228
February 27, 2016 , 10:07 pm	Arrived at USPS Facility	CHARLOTTE, NC 28228

RECEIVED

MAR 14 2016

DCM- MHD CITY

### Track Another Package

Tracking (or receipt) number

Track It

### Manage Incoming Packages

Track all your packages from a dashboard. No tracking numbers necessary.

Sign up for My USPS ›



EXHIBIT C

9023 1206 1000 0150 4102

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>®</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website [www.usps.com](http://www.usps.com)

**OFFICIAL RECEIPT**

Postage	\$ 0.50
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 0.50

MAILED FROM ZIP CODE 27601  
02 1P  
0000642817 FEB 26 2016  
\$000.00  
PITNEY BOWERS  
UNITED STATES POSTAGE  
Postmaster  
Pay Here

Sent To  
**Mary Watkins**  
Street, Apt. No.,  
or PO Box No. **12 Greenside Court**  
City, State, ZIP+4<sup>®</sup>  
**Durham, NC 27707**

PS Form 3800, August 2006 See Reverse for Instructions

RECEIVED

MAR 14 2016

DCM- MHD CITY

# EXHIBIT D

## USPS.com® - USPS Tracking®

English Customer Service USPS Mobile

Register / Sign In



### USPS Tracking®



Customer Service ›  
Have questions? We're here to help.



Get Easy Tracking Updates ›  
Sign up for My USPS.

Tracking Number: 70140510000190213208

Updated Delivery Day: Monday, February 29, 2016

#### Product & Tracking Information

Postal Product:

Features:  
Certified Mail™

#### Available Actions

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
March 1, 2016 , 10:42 am	Delivered, Individual Picked Up at Post Office	DURHAM, NC 27717
Your item was picked up at the post office at 10:42 am on March 1, 2016 in DURHAM, NC 27717.		
February 29, 2016 , 4:19 pm	Notice Left (No Authorized Recipient Available)	DURHAM, NC 27707
February 29, 2016 , 6:49 am	Arrived at Unit	DURHAM, NC 27707
February 29, 2016 , 1:35 am	Departed USPS Facility	RALEIGH, NC 27676
February 28, 2016 , 10:48 am	Arrived at USPS Facility	RALEIGH, NC 27676
February 27, 2016 , 10:05 pm	Arrived at USPS Facility	CHARLOTTE, NC 28228

RECEIVED

MAR 14 2016

DCM- MHD CITY

#### Track Another Package

Tracking (or receipt) number

Track It

#### Manage Incoming Packages

Track all your packages from a dashboard. No tracking numbers necessary.

Sign up for My USPS ›



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



*Geddings* Ret: *Boo*  
 H Total *216* Rev *2400* Int *241*  
 Ck \$ *2510* Ck # *821* Cash \$ \_\_\_\_\_  
 Refund: \_\_\_\_\_ Cash \$ \_\_\_\_\_ Finance \_\_\_\_\_  
 Portions of document are illegible due to condition  
 Original.  
 Document notary seal verified  
 Instruments \_\_\_\_\_ ad.

Brenda M. Clemmons Register of Deeds  
 04-17-2014 15:22:04.003 Brunswick County, NC  
 NC REVENUE STAMP: \$2400.00 (#389987)

**NORTH CAROLINA GENERAL WARRANTY DEED**

*This instrument prepared by Geddings, Kleva & Campbell, licensed North Carolina attorneys. Delinquent taxes, if any, to be paid by the closing attorney to the Brunswick County Tax Collector upon disbursement of closing proceeds.*

Excise Tax: \$2,400.00 Parcel ID:  
 Brief Description For The Index: L-5 & E 1/2 of 6 B-135 S-5B

**THIS DEED** made by and between,

**GRANTOR**

**Francis W. Daily and wife, Paula M. Daily**  
 57 Long Meadow Drive  
 Pittsburgh, PA 15238

**GRANTEE**

**Mark A. Engel and wife, Kellyanne K. Engel**  
 PO Box 159  
 Bryson City, NC 28713

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

**WITNESSETH**, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple all that certain lot or parcel of land situated in Brunswick County, North Carolina and more particularly described in EXHIBIT A, attached hereto and made a part hereof.

*Geddings, Kleva & Campbell, PLLC*  
 8721 East Oak Island Drive, Oak Island, North Carolina 28465



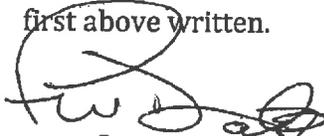
**TO HAVE AND TO HOLD** the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

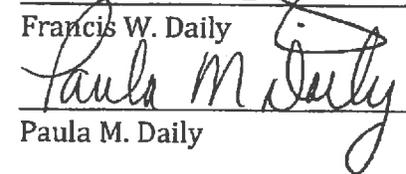
And the Grantor covenants with the Grantee that the Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons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

- 1- Ad valorem taxes for the current year;
- 2- Restrictions, easements and rights-of-way of record.

*The property being conveyed is \_\_\_/ is not XX the seller's primary residence.*

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

  
 \_\_\_\_\_ (SEAL)  
 Francis W. Daily

  
 \_\_\_\_\_ (SEAL)  
 Paula M. Daily



B3518 P1384 04-17-2014  
 15:22:04.003  
 Brenda M. Clemmons PROP  
 Brunswick County, NC Register of Deeds page 3 of 4

STATE OF PENNSYLVANIA  
 COUNTY OF ALLEGHENY

I, the undersigned Notary Public of the County and State aforesaid, certify that **Francis W. Daily and Paula M. Daily** 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 stamp or seal this 24<sup>th</sup> day of MARCH, 2014.

Deborah A. Anker  
 Notary Public  
 My commission expires: 10/23/16

(Notary Stamp or Seal)

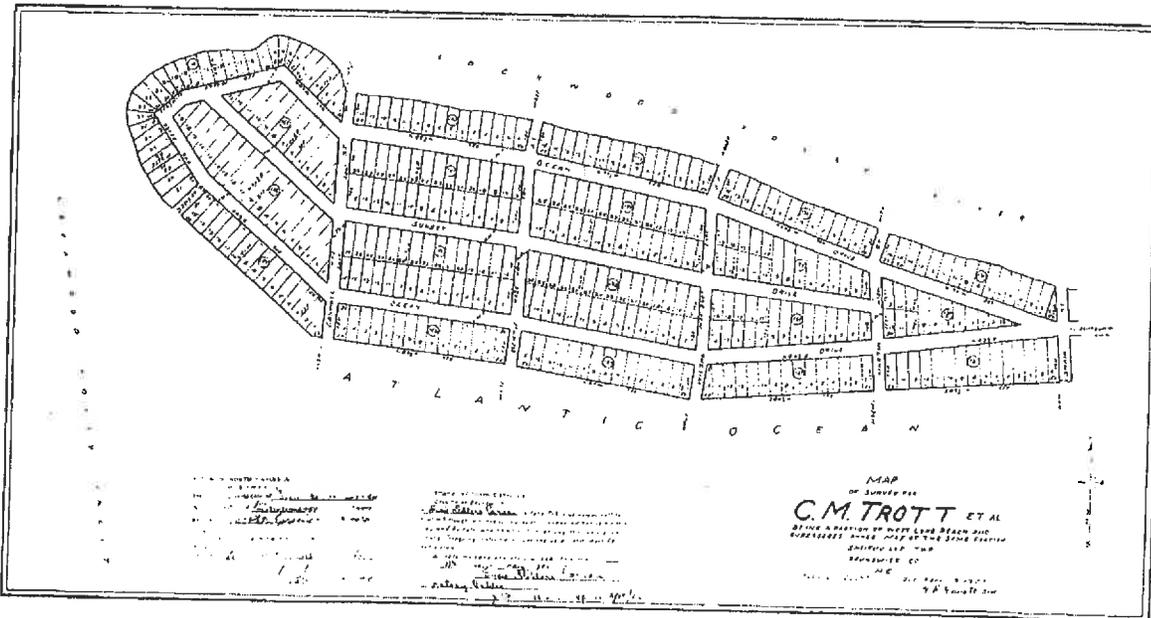
COMMONWEALTH OF PENNSYLVANIA  
 Notarial Seal  
 Deborah A. Anker, Notary Public  
 Sharpsburg Boro, Allegheny County  
 My Commission Expires Oct. 23, 2016  
 MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES



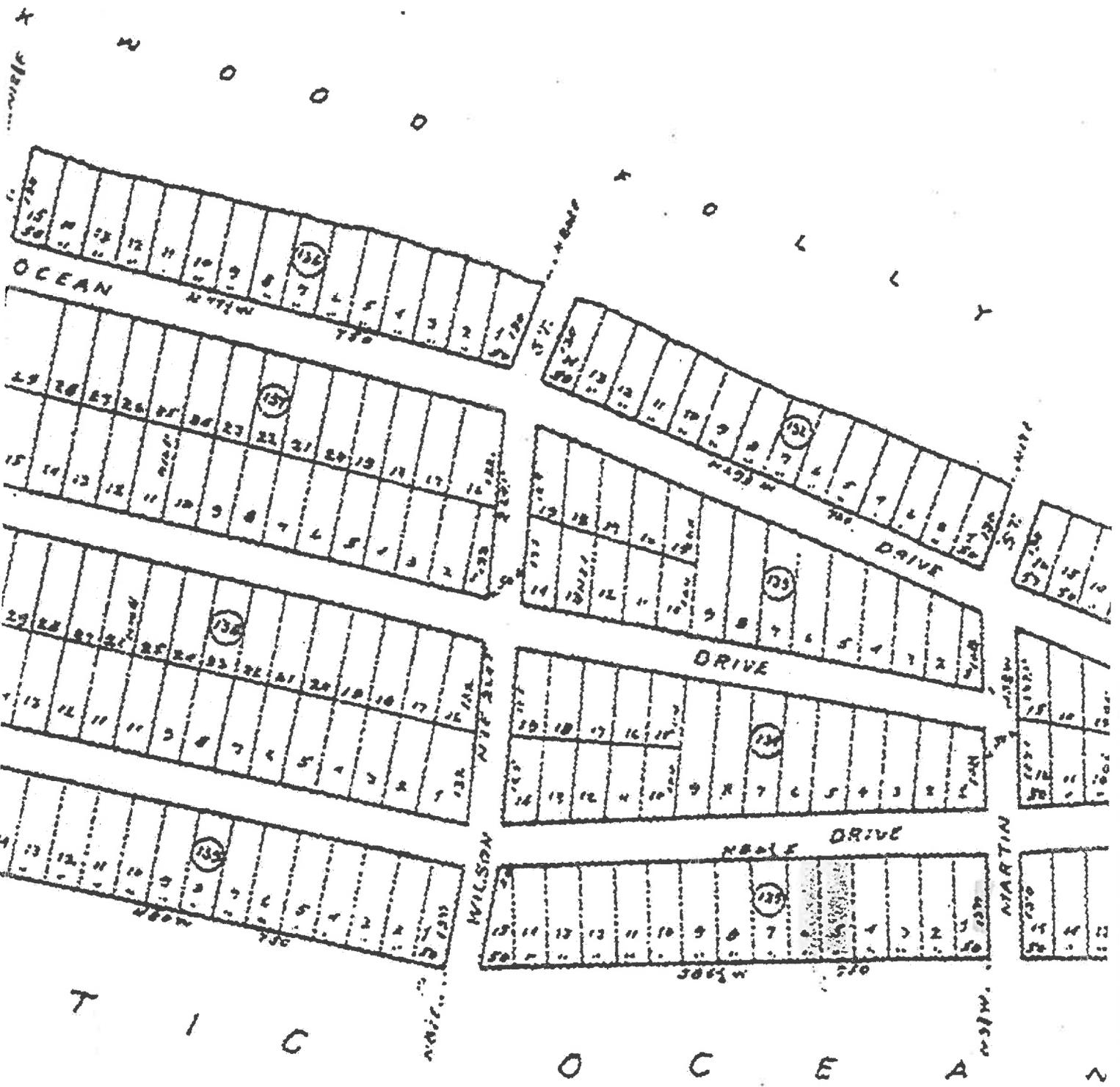
**EXHIBIT A**

BEING Lot 5 and the eastern half of Lot 6, Block 135, of King's Lynn of Long Beach (now Oak Island), as shown on map recorded in Map Book 3, Page 113, Brunswick County Registry. This property is also subject to an Agreement of Withdrawal from Dedication and Conveyance recorded in Book 158, Page 570 which withdrew from dedication all streets, roads and alleyways shown on plat recorded in Map Book 3, Page 113. The revised plat of Section 1, King's Lynn, is recorded in Map Book 7, Page 36, Brunswick County Registry.

For back reference see Deed recorded in Book 1775, Page 1379 of the Brunswick County Registry.



3/113



MAP  
3/113

MAP  
OF SURVEY ...

05/27/2003  
\$500.00 41



Real Estate  
Excise Tax

Brunswick County--Register of Deeds  
Robert J. Robinson  
Inst #159260 Book 1754 Page 397  
05/23/2003 04:12:30pm Rec# 146054

Prepared by: Robert K. Serra, Attorney  
Serra Law Firm, PLLC  
File # 9160

RET Rob Serra  
TOTAL 17 REV 500 TC# 50  
REC# \_\_\_\_\_ CK AMT \_\_\_\_\_ CK# \_\_\_\_\_  
CASH \_\_\_\_\_ REF \_\_\_\_\_ BY JS

Revenue Stamps \$ 500.00

Parcel # 233 NE 027

STATE OF NORTH CAROLINA :  
COUNTY OF BRUNSWICK : WARRANTY DEED

This Deed made this 21 day of MAY, 2003, by and between  
BONNIE J. SWAN (UNMARRIED), Grantor and MILTON C. DARR, Grantee; PO  
Box 884, Oak Island, NC 28465.

TS	AUX	CON	GR	PCL	SPL
3	5	233N	E	027	5
WITN	ESS	INT	BLK	PIN	SUF
					KB

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

**BEING Lot 5 and the eastern half of Lot 6, Block 135, of King's Lynn of Long Beach (now Oak Island), NC as shown on map recorded in Map Book 3, Page 113, Brunswick County Registry. This property is also subject to an Agreement of Withdrawal from Dedication and Conveyance recorded in Book 158, Page 570 which withdrew from dedication all streets, roads and alleyways shown on plat recorded in Map Book 3, Page 113. The revised plat of Section 1, King's Lynn, is recorded in Map Book 7, Page 36, Brunswick County Registry.**

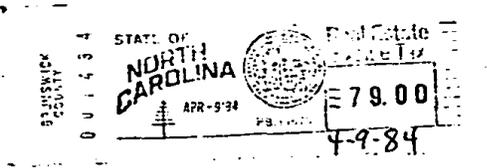
Grantor acquired sole title to this property through right of survivorship upon the death of her spouse, C.J. Swan, Jr., who died on February 6, 1996 in Brunswick County, NC.

Grantor acquired title to this property by Deed recorded in Book 562, Page 893, Brunswick County Registry.

BOOK PAGE

0562 0893

FILED FOR REGISTRATION  
562 893  
APR 9 1954  
BRUNSWICK COUNTY, N.C.



Excise Tax

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.  
Verified by County on the day of 19  
by

Mail after recording to

This instrument was prepared by THOMAS P. HELLER

Brief description for the Index Lot 5 & eastern 1/2 of 6, Elk 135  
King's Lynn Section

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 3rd day of April, 1954, by and between

GRANTOR

GRANTEE

SANDRA L. REGELBRUGGE  
8316 Sardis Road  
Matthews, NC 28105

C.J. SWAN, Jr. and wife,  
BONNIE J. SWAN

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

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Long Beach Township,

Brunswick County, North Carolina and more particularly described as follows:

Lot 5 and the eastern half of Lot 6, Elock 135, of King's Lynn of Long Beach, as shown on a map recorded in Map Book 3, Page 113 of the Brunswick County Registry.

Being the same property conveyed to Roger R. Regelbrugge and wife, Sandra L. Regelbrugge by Deed recorded in Book 369 at Page 44 in the Brunswick County Public Registry.

10

AUX	COM	FR	TO	BY
	233	N	E	27
				emp

NORTH CAROLINA  
BRUNSWICK COUNTY

WARRANTY DEED

THIS DEED, made this 7th day of March, 1977,  
by and between WILLIAM F. COLLINS and wife, DOROTHY V. COLLINS,  
herein, whether one or more, called GRANTORS, and ROGER R.  
REGELBRUGGE and wife, SANDRA L. REGELBRUGGE, of Mecklenburg  
County herein, whether one or more, called GRANTEES.

W I T N E S S E T H T H A T:

The GRANTORS, for and in consideration of the sum of  
Ten Dollars (\$10.00) and other valuable considerations to them  
in hand paid by the GRANTEES, the receipt whereof is hereby  
acknowledged, have bargained and sold, and by these presents  
do hereby bargain, sell and convey unto GRANTEES and their heirs,  
successors and assigns forever, all that certain real property  
located in Brunswick County, North Carolina, described as follows:

Lot 5 and the eastern half of Lot 6, Block 135, of King's  
Lynn of Long Beach, as shown on a map recorded in Map  
Book 3, Page 113 of the Brunswick County Registry.

Subject to restrictive covenants in the chain of  
title and zoning ordinances for the Town of  
Long Beach, North Carolina.

TO HAVE AND TO HOLD the above granted and described  
property, together with all and singular, the rights, privileges,  
easements, tenements and appurtenances thereunto belonging, or  
in anywise appertaining unto the said GRANTEES, their heirs, suc-  
cessors and assigns, in fee simple, forever.

And the GRANTORS, for themselves, their heirs, executors  
and administrators, do covenant to and with the said GRANTEES,  
their heirs, successors and assigns, that they are seized in fee  
of the above granted and described property; that they have good  
right to sell and convey the same in fee simple; that the same is  
free and clear from any and all restrictions, easements or encum-  
brances, except those mentioned above; and that they will and  
their heirs, executors, administrators and successors shall

Parcel No. 16A

1 NCB Suit 2000  
Chaf Loffe, N.C.

27

STATE OF NORTH CAROLINA  
MAR 14 1977  
REG. 10740  
125.00

STATE OF NORTH CAROLINA  
COUNTY OF BRUNSWICK

THIS DEED, Made and entered into this the 14 day of August, 1974  
by and between MELVIN CLANTON and wife, JANE ANNE CLANTON, of Guilford County  
North Carolina, parties of the first part; and WILLIAM F. COLLINS and wife,  
DOROTHY V. COLLINS, of P. O. Box 453, Siler City, North Carolina, parties  
of the second part:

W I T N E S S E T H

THAT the said parties of the first part, for and in consideration  
of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS to them in hand  
paid by the said parties of the second part, the receipt of which is hereby  
acknowledged, have bargained and sold and by these presents do hereby bargain,  
sell and convey unto the said parties of the second part, their heirs and  
assigns, SUBJECT TO the reservations and restrictions hereinafter referred to  
all those certain lots or parcels of land lying and being in Smithville  
Township, Brunswick County, North Carolina, and more particularly described  
as follows:

LOT FIVE (5) and the eastern one-half of LOT SIX (6)  
BLOCK ONE HUNDRED AND THIRTY-FIVE (135) of the King's  
Lynn Section of Long Beach, North Carolina, a map of  
which is duly recorded in Map Book 3 at Page 113,  
records of Brunswick County, North Carolina.

For a more particular description, reference is  
hereby made to Deed Book 150 , Page 737, Brunswick  
County Registry.

There is also conveyed any and all riparian rights  
held by parties of the first part.

This conveyance is SUBJECT TO the WITHDRAWAL OF  
DEDICATION AND RESTRICTIONS as recorded in Book  
158 at Page 570 of the Brunswick County Registry.

TO HAVE AND TO HOLD the above described lots or parcels of land,  
together with all privileges and appurtenances thereunto belonging, unto the  
said parties of the second part, their heirs and assigns, to their only use  
and behoof forever, SUBJECT TO the reservations and restrictions herein above  
referred to.

TRANSFERRED,  
TRANSFER RECORD  
SEP 4 1974  
BRUNSWICK COUNTY, N. C.  
TAX SUPERVISOR  
BY [Signature]

PREVATTE & PREVATTE  
ATTORNEYS AT LAW  
SOUTHPORT, N. C.

JETTON KING ET UX ET AL (
PRINCE O'BRIEN, TRUSTEE
TO DEED
MELVIN CLANTON ET UX

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

THIS DEED, Made and entered into this first day of July, 1960, by and between
JETTON KING AND WIFE, MARY KING, L. P. McLENDON JR, AND WIFE, MARY I. McLENDON, of Guilford
County, North Carolina, and PRINCE O'BRIEN, Trustee, of Brunswick County, North Carolina,
parties of the first part; and MELVIN CLANTON AND WIFE, JANE ANNE CLANTON, Guilford County,
North Carolina, parties of the second part;

WITNESSETH:

THAT said parties of the first part for and in consideration of the sum of TEN
DOLLARS AND OTHER VALUABLE CONSIDERATIONS, to them in hand paid by the said parties of the
second part, the receipt of which is hereby acknowledged, have bargained and sold, and by
these presents do hereby bargain, sell and convey unto the said parties of the second part,
their heirs and assigns, that certain tract or parcel of land in Smithville Township, Bruns-
wick County, North Carolina, and more particularly described as follows:

LOT Number 6 and the western one-half of Lot Number 5 (said portion
of Lot Number 5 being twenty-five feet in width) in Block 135, according
to a map of Long Beach made by H. R. Hewett, surveyor, which map is
duly recorded in the Office of the Register of Deeds of Brunswick County,
North Carolina, in Book of Maps 3 at Page 113. It is the intent and pur-
pose of this deed to convey to the parties of the second part both riparian
and accretive rights incident to the ownership of said lands.

PRINCE O'Brien trustee, join in the execution of this deed for the sole
purpose of releasing lien of deed of trust on one-half of Lot Number 5 herein described
and conveyed, said lien being created by the certain deed of trust from L. P. McLendon Jr.
and wife, Mary I. McLendon to PRINCE O'BRIEN, trustee, recorded in Book 114, at page 33,
in the Office of the Register of Deeds of Brunswick County, North Carolina.

IT IS COVENANTED AND AGREED by and between the parties hereto and made a part of the
consideration hereof that the above described property herein conveyed is sold subject
to the following limitations, conditions, restrictions and provisions:

(1) No lots in said subdivision shall be occupied, sold or owned by any Negro,
Mulatto, Japanese or Chinese person, or persons of such extraction or color. These
restrictions shall not prevent occupancy by domestic servants domiciled with an
owner or tenant

(2) There shall be no outside toilets in any section of this subdivision, nor
shall any sewage or refuse be deposited in either Davis Creek, Davis Creek Sound,
Lockwood's Polly River, Lockwood's Polly Sound or the Atlantic Ocean. All sewage
disposal shall at all times meet with the approval of the North Carolina State
Board of Health.

(3) Blocks, 130, 130A, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142,
and 143, according to said aforementioned map may not be used for any purpose other
than residential purposes.

(4) Blocks 144, 145, 146, 147, or any individual lot within said blocks may be
used for either residential or business purposes provided, however, that no
business establishment or building may be constructed within said area without
the express written consent of the grantors named in this deed or their duly
authorized agent or agents. Any person wishing to use any portion of said area
for business purposes must submit to the grantor, their agent or agents, a
written statement setting forth the purposes for which said lot is to be used
together with a complete set of plans and specifications for said proposed build-
ing or buildings. If the purchaser uses said lot for residential purposes then the
restrictions and conditions imposed on the blocks enumerated in Paragraph 3 above
shall apply to said lot or lots in the same manner as those enumerated for resi-
dential blocks aforesaid.

(5) All constructions within said subdivision shall be carried out according to
the following rules:

(a) No residence or building within the residential area as above designated
with the exception of garages as hereinafter provided, shall be smaller than
750 square feet of floor space on the ground floor and such space shall be
exclusive of porches, steps, walks, and other additions of such character.

(b) There shall be no more than one dwelling on any one lot in blocks, 130,
130A, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, as
shown on said plat of said subdivision, except that a person may have a
garage in addition to said dwelling, and may have living quarters within
said building, with no limitation as to the amount of floor space in said
garage.

(c) There shall be no temporary shacks built in the residential area of
this subdivision.

(d) All outside walls of all buildings shall be built either of concrete
blocks and/or stucco, cinder blocks, brick, asbestos shingles or wood.

(6) These covenants are to run with the land and shall be binding on all parties
claiming under them until January 1, 1977, at which time said covenants shall be
automatically extended for successive periods of 10 years unless by vote of the
majority of the then owners of the lots it is agreed to change said covenants
in whole or part.

738

(7) If the parties hereto, or any of them, or their heirs and assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any person or persons owning any real property situate in said development or subdivision to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such covenants, and to prevent him or them from doing so.

(8) Invalidation of any one of these restrictions shall not invalidate the others.

TO HAVE AND TO HOLD the herein above described tracts or parcels of land, together with all privileges and appurtenances thereunto belonging, unto the said parties of the second part, their heirs and assigns, to their only use and behoof forever, subject, however, to the above enumerated restrictions.

AND the said parties of the first part covenant to and with the said parties of the second part, their heirs and assigns, that they are seized of the said premises in fee subject only to the above enumerated restrictions and conditions, and that they have a right to convey the same in fee simple; that the same is free and clear of all encumbrances, and that they do hereby and will forever warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals as of the date first above written,

REVENUE STAMP: \$2.20

L. P. McLendon Jr. (Seal)  
Mary I. McLendon (Seal)  
Jetton King (Seal)  
Mary King (Seal)  
Prince O'Brien (Seal)

STATE OF NORTH CAROLINA  
COUNTY OF GUILFORD

I, Frances M. Bridges, Notary Public, do hereby certify that JETTON KING AND WIFE, MARY KING, personally appeared before me this day and acknowledged the due execution of the foregoing Deed for the purposes therein set forth.  
Witness my hand and notarial seal, this the first day of July, 1960.

My commission expires: 2-5-62  
N. P. Seal

Frances M. Bridges  
Notary Public

STATE OF NORTH CAROLINA  
COUNTY OF GUILFORD

I, Frances M. Bridges Notary Public, do hereby certify that L.P. McLENDON JR. AND WIFE, MARY I. McLENDON, PERSONALLY appeared before me this day and acknowledged the due execution of the foregoing Deed for the purposes therein set forth.  
Witness my hand and notarial seal, this the first day of July, 1960.

My commission expires: 2-5-62  
N. P. Seal

Frances M. Bridges  
Notary Public

STATE OF NORTH CAROLINA  
COUNTY OF BRUNSWICK

I, Neil Lewis, Notary Public do hereby certify that Prince O'Brien, trustee, appeared before me personally this day and acknowledged the due execution of the foregoing Deed for the purposes therein set forth.  
Witness my hand and notarial seal this the 19th. day of July, 1960.

My commission expires: Jan. 25, 1962  
N. P. Seal

Neil Lewis  
Notary Public

STATE OF NORTH CAROLINA  
COUNTY OF BRUNSWICK

THE foregoing certificates of Frances M. Bridges, N. P. of Guilford County, N. C. and Neil Lewis, Notary Public of Brunswick County, State of North Carolina, are adjudged to be correct.

Let the instrument with the certificates be registered.  
Witness my hand and official seal this 22 day of July, 1960.

J. E. Brown  
Clerk Superior Court

Filed for registration on the 22 day of July, 1960, at 11:35 o'clock A. M. and duly recorded.

*J. E. Brown*  
Register of Deeds



# Brunswick - Real Estate Search

[Basic Search](#)  
 [Real Estate Search](#)  
 [Tax Bill Search](#)  
 [Sales Search](#)  
 [Help](#)

[Hide Details...](#)

Owner Last Name: engel      Owner First Name: mark      Account #:

CMAP   GP PAR   SPI   IN      PIN  
 Parcel #:      Tax Year: 2016      PIN:

House #   Unit #   Direction      Street Name      Type      Suffix      Municipality  
 Property Address:      Search      Clear

[Advanced Search](#)

**Search Results**      [click on a parcel number below to continue](#)      [Hide Details...](#)

Parcel #	Buildings	Property Address	Account #	Owner Name	Owner Name2	Unit/Type	Legal Description	PIN
233NE027	1	6601 W. BEACH DR OAK ISLAND	80028058	ENGEL MARK A ETUX KELLYANNE K		1.500 LT	L-5&E 1/2 OF 6 B-135 S-I KL PL 7/36&3/113	203619508390

**Selected Parcel Info**

[Hide Details...](#)

Parcel #: 233NE027    PIN: 203619508390 Account #: 80028058 Owner Name: ENGEL MARK A ETUX KELLYANNE K Exempt: Exemptions:	Neighborhood: 306A - LONG BEACH WEST Legal Description: L-5&E 1/2 OF 6 B-135 S-I KL PL 7/36&3/113 Land Units: 1.500 LT	Building Value: 672,660 Outbuilding Value: 9,350 Land Value: 412,500 Parcel Value Total: 1,094,510 Deferred Value: 0 Taxable Value: 1,094,510
---	--	--

[Land](#)  
 [Building](#)  
 [OBXF](#)  
 [Sales](#)  
 [Property Record Cards](#)  
 [Owners](#)  
 [Photos](#)  
 [Tax Codes](#)

BLDG	AYB	EYB	Heated Area	Non-Heated Area	Total Area	Appraised Value	Building Name	Property Address	Use Model	%Good	Base Rate	Replacement Cost	New Strata	Exemptions
BLDG: 1	2007	2011	3,898	1,010	4,908	672,660		6601 W. BEACH DR OK	07 01	98.0%	172.500	686,386		

USE	Building Use/Model Descriptions	Historic Indicator
07 - SFR RESORT	01 - SFR CONSTRUCTION	N/A

Quality	Category	Code	Description	Value
Market/Design		5	Custom	1,2500
Size		3	Size	1,0200
				0,9500

Sub Area Type	Description	Actual Area	% Of Base	Effective Area	Replacement Cost New
BAS	Base Living Area	2,025	100	2,025	349,313
WDD	Wood Deck	216	020	43	7,418
FOP	Porch, Open, Finished	533	030	160	27,600
FUS	Upper Story, Finished	1,873	090	1,686	290,835
UOP	Porch, Open, UnFinished	261	020	52	8,970

Element	Point Value	%
Air Conditioning Type	03-Central	
Bedrooms/Bathrooms/Half-Bathrooms	3/4/1	100
Exterior Walls	19-Hardy Plank	100
Fireplace	7-Prefab	100
Foundation	3-Piers>8ft w/Con	100
Heating Fuel	04-Electric	100
Heating Type	09-Heat Pump Only	100
Interior Floor Cover	12-Hardwood	100
Interior Floor Cover	14-Carpet	50
Interior Wall Construction	6-Custom Interior	100
Roofing Cover	03-Composition Shingle	100
Roofing Structure	03-Gable	100
Sub Floor System	4-Plywd/PLI bd	100

	Base Area	Upper Level	Lower Level
Bathrooms	4	0	0
Bedrooms	3	0	0
Half-Bathrooms	1	0	0

Bldg#	Code	Description	Length	Width	Units	Unit Price	Condition Factor	Actual Year Built	Effective Year Built	Annual Depreciation	Depreciation Override	Net % Good	Appraised Value	Exemptions
1	72	PIER/DOCK (RESID)	6	42	252	16.00	0	A 2007	2007	16.0%		84	3,387	
1	72	PIER/DOCK (RESID)	10	20	200	16.00	0	A 2007	2007	16.0%		84	2,688	
1	72	PIER/DOCK (RESID)	4	40	160	16.00	0	A 2007	2007	16.0%		84	2,150	
1	72	PIER/DOCK (RESID)	6	14	84	16.00	0	A 2007	2007	16.0%		84	1,129	

Locality OAK ISLAND Permit Number OT-06-18

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

RECEIVED  
DCM WILMINGTON, NC

MAR 01 2006

**GENERAL INFORMATION**

**LAND OWNER**

Name Frank & Paula Daily  
Address 57 Long Meadow Dr  
City Pittsburgh State PA Zip 15238 Phone 631-730-2578

**AUTHORIZED AGENT**

Name Southland Const. Co, Inc  
Address PO Box 278  
City Oak Is. State NC Zip 28465 Phone 278-3800

**LOCATION OF PROJECT:** (Address, street name and/or directions to site. If not oceanfront, what is the name of the adjacent waterbody?) L5E East 1/2 of L6, W. Beach Dr.  
Oak Is.

**DESCRIPTION OF PROJECT:** (List all proposed construction and land disturbance.) Clear, fill, grade, const. house w/ decks and swimming pool, install septic system and driveway

**SIZE OF LOT/PARCEL:** 11,250 square feet .26 acres

**PROPOSED USE:** Residential  (Single-family \_\_\_\_\_ Multi-family \_\_\_\_\_) Commercial/Industrial \_\_\_\_\_  
Other \_\_\_\_\_

**TOTAL ENCLOSED FLOOR AREA OF A BUILDING IN THE OCEAN HAZARD AREA OF ENVIRONMENTAL CONCERN (AEC):** Approx 4,600 square feet (includes all floors and roof-covered decks)

**SIZE OF BUILDING FOOTPRINT AND OTHER IMPERVIOUS OR BUILT-UPON SURFACES IN THE COASTAL SHORELINE AREA OF ENVIRONMENTAL CONCERN (AEC):** 2,742 sq. ft.  
(Calculations include the area of the roof/drip line of all buildings, driveways, covered decks, concrete or masonry patios, etc. that are within the applicable AEC. Attach your calculations with the project drawing.)

**Choose the AEC area that applies to your property:**

- (1) within 75 feet of Normal High Water for the Estuarine Shoreline AEC
  - (2) within 575 feet of Normal High Water for the Estuarine Shoreline AEC, adjacent to Outstanding Resource Waters
  - (3) within 30 feet of the Public Trust Shoreline AEC
- (Contact your Local Permit Officer if you are not sure which AEC applies to your property.)

**STATE STORMWATER MANAGEMENT PERMIT:** Is the project located in an area subject to a State Stormwater Management Permit issued by the N.C. Division of Water Quality?  
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. As a service we have compiled a list of the kinds of permits that might be required. We suggest you check over the list with your LPO to determine if any of these apply to your project: Zoning, 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.

**STATEMENT OF OWNERSHIP:**

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

an owner or record title. Title is vested in \_\_\_\_\_, see Deed Book \_\_\_\_\_ page \_\_\_\_\_ in the \_\_\_\_\_ County Registry of Deeds.

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

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

**NOTIFICATION OF ADJACENT PROPERTY OWNERS:**

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

- | (Name)             | (Address)                                    |
|--------------------|--|
| (1) Ruth Bamford;  | 2700 Lafayette Dr Greensboro, NC 27408       |
| (2) L.P. McLendon; | 8114 Mabe Marshall Rd; Summerfield, NC 27358 |
| (3) _____          | _____  |
| (4) _____          | _____  |

**FOR DEVELOPERS IN OCEAN HAZARD AND ESTUARINE HAZARD AREAS:**

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

**PERMISSION TO ENTER ON LAND:**

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

This application includes: general information (this form), a site drawing as described on the back of this application, the ownership statement, the AEC hazard notice where necessary, a check for \$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.

This the 15 day of February, 2006  


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





RECEIVED  
DCM WILMINGTON, NC

MAR 09 2006

03/08/2006

Fran & Paula Daily  
57 Long Meadow Dr.  
Pittsburg, PA 15238

CERT # 7064 0550 0000 8260 9639

**RE: INCOMPLETE APPLICATION ADDITIONAL INFORMATION REQUIRED**  
**APPLICATION NUMBER- OI 06-18**  
**PROJECT ADDRESS- 6601 W. Beach Dr.**

Dear Fran & Paula:

We originally accepted your application under the impression that it was complete. On subsequent review, I have discovered that additional information is needed to complete the review process. Accordingly, I am requesting that you submit the following additional information to this office:

1. Side view rendering with topographical view of house and pool placement.
2. Label toe of dune on both sides of dune ridge on survey.
3. Site plan to include location of septic system.

In accordance with the Department of Environment and Natural Resources regulations, we note that a certain time has passed while the application has remained in our office. Upon resubmission of a complete application, a local decision will be made in twenty-seven (27) days, provided this period is not extended as provided by law.

Please contact me at 910-278-5024 if you have any questions.

Respectfully yours,

Donna F. Coleman, LPO  
Town of Oak Island

cc: Jim Gregson/ DCM-Wilmington  
Jeff Gross/Agent



RECEIVED  
DCM WILMINGTON, NC  
MAR 01 2006

2/23/2006

Fran & Paula Daily  
57 Long Meadow Dr.  
Pittsburg, PA 15238

**RE: NOTICE TO EXTEND TIME TO GRANT OR DENY CAMA MINOR PERMIT  
APPLICATION NUMBER - 01-06-18**

**PROJECT ADDRESS/LOCATION - 6601 W. Beach Dr.**

Dear Fran & Paula:

Pursuant to NCGS 113A-121(b), the undersigned hereby gives notice to the applicant that for good cause, and in order to properly consider all information necessary to making a decision on this permit application, the time period within which a final decision shall be made has been extended an additional twenty-five (25) days.

If you have any questions concerning this action, please contact me at 910-278-5024.

Sincerely,

Donna F. Coleman, LPO  
Development Services

Cc: Jim Gregson/DCM-Wilmington  
Southland Construction/Agent

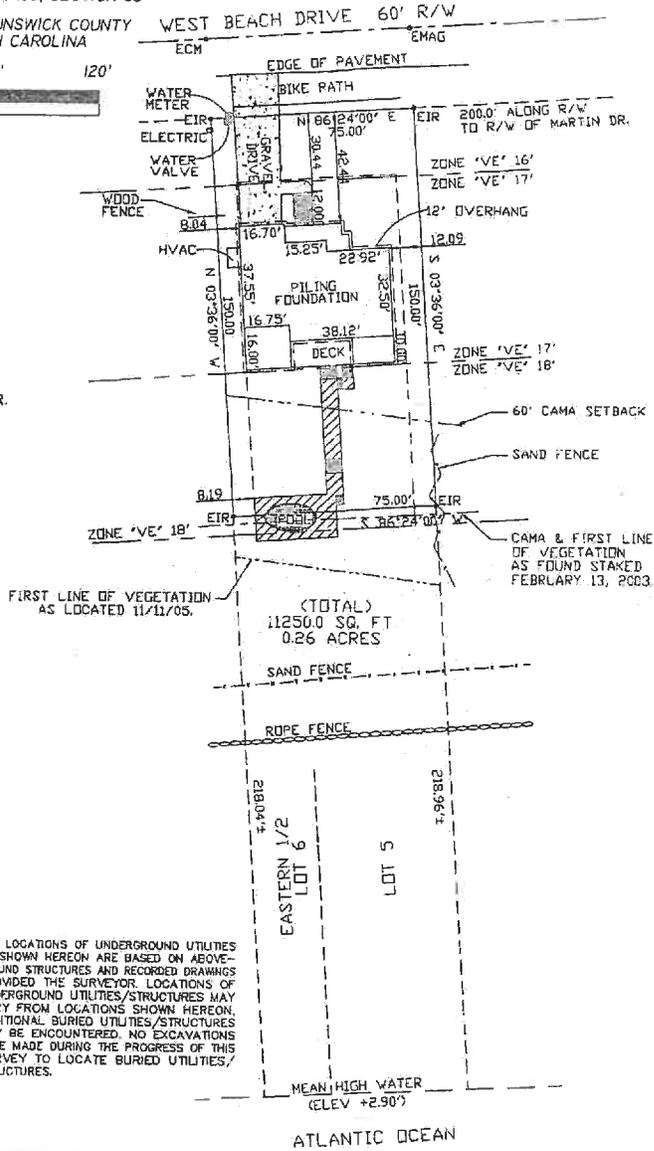
REDUCED COPY  
SCALE NOT PRECISE

PLAT OF SURVEY FOR  
FRAN AND PAULA DAILY

LOT 5 & EASTERN 1/2 OF 6, BLOCK 135, SECTION 5B  
SMITHVILLE TOWNSHIP, BRUNSWICK COUNTY  
OAK ISLAND, NORTH CAROLINA



BLOCK 135  
SECTION 5B  
KINGS LYNN  
OAK ISLAND, N.C.  
DB 562 PG 893 B.C.R.



IMPERVIOUS AREA CALCULATIONS  
TOTAL AREA WITHIN LOT = 11250.0 SQ.FT.  
USABLE AREA (30%) = 3375.0 SQ.FT.  
IMPERVIOUS AREA IN HOUSE = 2754.7 SQ.FT.  
(OVERHANG INCLUDED IN CALCULATION)

NOTE: THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE 'VE' BASE ELEVATION VARIES. REF., F.I.R.M. COMMUNITY NO. 370523, PANEL 2036, SUFFIX 'J' DATED 6/2/06.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE-GROUND STRUCTURES AND RECORDED DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES.

STATE OF NORTH CAROLINA  
BRUNSWICK COUNTY

I, ROBERT B McHENRY, JR. CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION; THAT THE RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 10,000 +; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED.  
WITNESS MY HAND AND SEAL THIS THE 20TH DAY OF JULY, A.D. 2007.  
ROBERT B. McHENRY, JR.  
LAND SURVEYOR REGIS. NO. 12521



DATE SURVEYED: JULY 17, 2007

SCALE: 1 INCH = 40 FEET

SURVEY BY: DW/SM/LH

JOB NUMBER: 07-0362

DRAWN BY: C.KENNEDY

FIELD BOOK: LB-07-3

LEGEND:  
EIP = EXISTING IRON PIPE FOUND  
NIP = NEW IRON PIPE SET  
EIR = EXISTING IRON ROD FOUND  
NIR = NEW IRON ROD SET  
TBM = TEMPORARY BENCH MARK

**McHENRY SURVEYING**  
PROFESSIONAL LAND SURVEYOR

P.O. BOX 433 - 8509 E. OAK ISLAND DR.  
OAK ISLAND, N.C. 28465  
TEL. 910-278-9874  
FAX: 910-278-3799

REDUCED COPY  
SCALE NOT PRECISE

PLAT OF SURVEY FOR  
FRAN AND PAULA DAILY

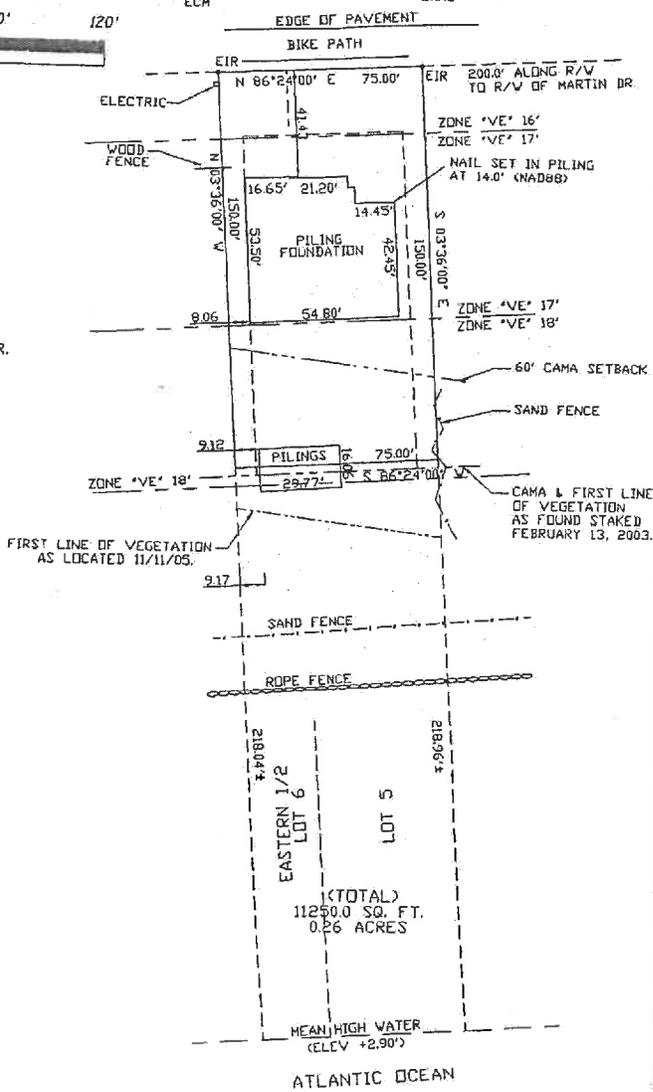
LOT 5 & EASTERN 1/2 OF 6, BLOCK 135, SECTION 5B

SMITHVILLE TOWNSHIP, BRUNSWICK COUNTY  
OAK ISLAND, NORTH CAROLINA

WEST BEACH DRIVE 60' R/W  
ECH EMAG



BLOCK 135  
SECTION 5B  
KINGS LYNN  
OAK ISLAND, N.C.  
DB 562 PG 893 B.C.R.



NOTE: THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE 'VE'. BASE ELEVATION VARIES. REF. F.I.R.M. COMMUNITY NO. 370523, PANEL 2036, SUFFIX 'J' DATED 6/2/06.

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EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

STATE OF NORTH CAROLINA  
BRUNSWICK COUNTY

I, ROBERT B. McHENRY, JR. CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION; THAT THE RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 10,000 +/-; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED.

WITNESS MY HAND AND SEAL THIS THE 2ND DAY OF NOVEMBER, A.D. 2006.  
*Robert B. McHenry, Jr.*  
LAND SURVEYOR REG. NO. L-3521



DATE SURVEYED: NOVEMBER 1, 2006

SCALE: 1 INCH = 40 FEET

SURVEY BY: DW/SM

JOB NUMBER: 06-0808

DRAWN BY: C.KENNEDY

FIELD BOOK: LB-06-8

LEGEND:  
EIP = EXISTING IRON PIPE FOUND  
NIP = NEW IRON PIPE SET  
EIR = EXISTING IRON ROD FOUND  
NIR = NEW IRON ROD SET  
TBM = TEMPORARY BENCH MARK

**McHENRY SURVEYING**  
PROFESSIONAL LAND SURVEYOR  
P.O. BOX 433 - 8509 E. OAK ISLAND DR.  
OAK ISLAND, N.C. 28465  
TEL: 910-278-9874  
FAX: 910-278-3799

CAMA  
MINOR DEVELOPMENT  
PERMIT



as authorized by the State of North Carolina, Department of Environment,  
and Natural Resources 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 Frank & Paula Daily, authorizing development in OCEAN ERODIBLE at 6601 W. Beach Dr. as requested in the permittee's application, dated 2/15/2006. This permit, issued on 6/06/2006, 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 single family residential dwelling and pool with associated development. Any other development will require additional permits or a modification of this permit. The following conditions shall apply:*

- (1) All proposed development and associated construction must be done in accordance with the permitted work plat drawings(s) dated received 2/15/2006.
- (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 for a final inspection at completion of work: (910) 278-5024

Conditions continued on second page

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. From the date of an appeal, any work conducted under this permit must cease until the appeal is resolved.

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, 2009.

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.

  
Local Permit Official (signature)

CAMA Local Permit Official

Town of Oak Island  
Donna F. Coleman  
8500 Oak Island Dr.  
Oak Island, NC 28465  
(910) 278-5024

Permittee (signature required if conditions above apply to permit)

Name Daily

Minor Permit # OI-06-18

Date 3/10/2006

- (5) The structure must be set back a minimum of 60 feet from the first line of stable natural vegetation and no associated development is allowed beyond the first line of stable natural vegetation, as determined by DCM or the LPO.
- (6) The structure must be located entirely off of the frontal dune.
- (7) The structure must be elevated on pilings with a diameter of at least eight (8) inches and meet the elevation requirements of the designate flood zone.
- (8) All pilings shall have a tip penetration greater than eight (8) feet below the lowest ground elevation under the structure. For those structures so located on the primary dune or nearer to the ocean, the pilings must extend to five (5) feet below mean sea level or sixteen (16) feet which ever is least.
- (9) No impermeable surfaces shall be allowed over any functional part of the septic tank system.
- (10) Dune disturbances shall be allowed only to the extent necessary for development and if the dune's protective value is not weakened or reduced. Disturbed areas will be immediately stabilized vegetatively. No development shall involve the significant relocation or removal of primary or frontal dune sand or vegetation thereon.
- (11) The permittee is required to contact the Local Permit Officer shortly before he plans to begin construction to arrange a setback measurement that will be effective for sixty (60) days barring a major shoreline change. Construction must begin within sixty (60) days of the determination or the measurement is void and must be re-established.
- (12) Any structure authorized by this permit shall be relocated or dismantled when it becomes imminently threatened by changes in shoreline configuration. The structure(s) shall be relocated or dismantled within two (2) years of the time when it becomes imminently threatened, and in any case, upon its collapse or subsidence. However, if natural shoreline recovery or beach re-nourishment takes place within two (2) years of the time the structure becomes imminently threatened, so that the structure is no longer imminently threatened, then it need not be relocated or dismantled at that time. This condition shall not affect the permit holder's right to seek authorization of temporary protective measures allowed under CRC Rules.

Signature

Date

Locality	Permit Number
Ocean Hazard	Estuarine Shoreline
ORW Shoreline	Public Trust Shoreline
Other	
(For official use only)	

**GENERAL INFORMATION**

**LAND OWNER**

Name: Mark A. Engel and Kellyanne K. Engel  
 Address: P. O. Box 159  
 City: Bryson City State: NC Zip: 28713 Phone: 828-507-4107

**AUTHORIZED AGENT**

Name: Gary S. Lawrence  
 Address: P. O. Box 11369  
 City: Southport State: NC Zip: 28461 Phone: 910-454-0606

**LOCATION OF PROJECT:** (Address, street name and/or directions to site. If not oceanfront, what is the name of the adjacent waterbody.) 6601 W. Beach Dr., Oak Island, NC 28465; Adjacent to Atlantic Ocean

**DESCRIPTION OF PROJECT:** (List all proposed construction and land disturbance.) There is a wooden deck South East of residence that contained a small pool. Plan to board up the hole left when pool moved.  
**SIZE OF LOT/PARCEL:** 11,250 square feet acres

**PROPOSED USE:** Residential (Single-family Multi-family) Commerical/Industrial Other

**TOTAL ENCLOSED FLOOR AREA OF A BUILDING IN THE OCEAN HAZARD AREA OF ENVIRONMENTAL CONCERN (AEC):** 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)  
**COASTAL SHORELINE AREA OF ENVIRONMENTAL CONCERN AECs :SIZE OF BUILDING FOOTPRINT AND OTHER IMPERVIOUS OR BUILTUPON SURFACES:** 176 square feet (includes the area of the roof/drip line of all buildings, driveways, covered decks, concrete or masonry patios, etc. that are within the applicable AEC. Attach your calculations with the project drawing .)

**Choose the AEC area that applies to your property:**  
 (1) within 75 feet of Normal High Water for the Estuarine Shoreline AEC  
 (2) within 575 feet of Normal High Water for the Estuarine Shoreline AEC, adjacent to Outstanding Resource Waters  
 (3) within 30 feet of the Public Trust Shoreline AEC  
 (Contact your Local Permit Officer if you are not sure which AEC applies to your property.)

**STATE STORMWATER MANAGEMENT PERMIT:** Is the project located in an area subject to a State Stormwater Management Permit issued by the NC Division of Water Quality? YES NO

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

**OTHER PERMITS MAY BE REQUIRED:** The activity you are planning may require permits other than the CAMA minor development permit. As a service we have compiled a listing of the kinds of permits that might be required. We suggest you check over the list with your LPO to determine if any of these apply to your project. Zoning, 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.

**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)

Mark & Kellyanne Engel

an owner or record title, Title is vested in \_\_\_\_\_, see Deed Book 3518 page 1382 in the Brunswick 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 and attach to this application.

**NOTIFICATION OF ADJACENT PROPERTY OWNERS:**

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

- | (Name)                           | (Address)                                    |
|----------------------------------|--|
| (1) BSB Resort Properties, LLC;  | 945 Sugar Maple Lane, Harrisonburg, VA 22801 |
| (2) Ruth Bamford & Mary Watkins; | 12 Greenside Court, Durham, NC 27707         |
| (3)                              |  |
| (4)                              |  |

**FOR DEVELOPERS IN OCEAN HAZARD AND ESTUARINE HAZARD AREAS:**

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

**PERMISSION TO ENTER ON LAND:**

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

This application includes: general information (this form), a site drawing as described on the back of this application, the ownership statement, the AEC hazard notice where necessary, a check for \$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.

This the 21st day of Jan., 20 16

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

Gary S. Lawrence  
Attorney for Landowner  
P.O. Box 11369, Southport, NC 28461  
(910) 454-0606

## SITE DRAWING/APPLICATION CHECKLIST

Please make sure your site drawing includes the following information required for a CAMA minor development permit. The drawing may be simple and not necessarily to scale. The Local Permit Officer will help you, if requested.

### PHYSICAL DIMENSIONS

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

### PHYSICAL CHARACTERISTICS

- Draw and label mean high water mark
- Draw location of on-site wastewater system

If you will be working in the ocean hazard area:

- Draw and label dune ridges (note height)
- Draw and label toe of dune
- Identify and locate first line of stable vegetation
- Draw and label setback line under CAMA
- Draw and label topographical features (optional)

If you will be working in an estuarine shoreline area:

- Draw and label landward limit of AEC
- Describe terrain (slope)

### DEVELOPMENT PLANS

- Draw and label areas that will be disturbed
- If a house is to be placed on lot, describe location of house
- Note size of piling and depth to be placed in ground
- Draw and label all areas to be paved or graveled
- Describe composition of surface
- Note and list fully all trees and vegetation to be removed or relocated
- Show landscaping

### NOTE TO APPLICANT

Have you:

- completed all blanks and / or indicated if not applicable?
- notified and listed adjacent property owners?
- included your site drawing?
- signed both application and statement of ownership?
- enclosed the \$100.00 fee?
- completed an AEC Hazard Notice, if necessary?

### FOR STAFF USE

Site Notice Posted \_\_\_\_\_ Final Inspection \_\_\_\_\_ Fee Received \_\_\_\_\_

Site Inspections

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of Action: Issued \_\_\_\_\_ Exempted \_\_\_\_\_ Denied \_\_\_\_\_ Appeal Deadline (20 days) \_\_\_\_\_

AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION

Name of Property Owner Applying for Permit: Mark A. Engel and Kellyanne K. Engel

Mailing address: P. O. Box 159  
Bryson City, NC 28461

Phone Number: 828-507-4107

I certify that I have authorized Gary S. Lawrence,  
Agent / Contractor

to act on my behalf, for the purpose of applying and obtaining all CAMA permits  
necessary for the proposed covering a hole in our existing deck where a swimming pool  
was. The deck will not be increased; just decking over the hole.

at my property located at 6601 W. Beach Drive, Oak Island, NC 28465

---

Brunswick County.

This certification is valid through January 1, 2017  
Date

**(Property Owner Information)**

  
Signature

Mark A. Engel  
Print or Type Name

Landowner  
Title

January 21, 2015  
Date

828-507-4107  
Phone Number

markengel@live.com  
Email Address



# BEFORE YOU BUILD

## Setting Back for Safety: A Guide to Wise Development Along the Oceanfront

When you build along the oceanfront, you take a calculated risk. Natural forces of water and wind collide with tons of force, even on calm days.

Man-made structures cannot be guaranteed to survive the force of a hurricane. Long-term erosion (or barrier island migration) may take from two to ten feet of the beach each year, and, sooner or later, will threaten oceanfront structures. These are the facts of life for oceanfront property owners.

The Coastal Resources Commission (CRC) has adopted rules for building along the oceanfront. The rules are intended to avoid an unreasonable risk to life and property, and to limit public and private losses from storm and long-term erosion. These rules lessen but do not eliminate the element of risk in oceanfront development.

As you consider building along the oceanfront, the CRC wants you to understand the rules and the risks. With this knowledge, you can make a more informed decision about where and how to build in the coastal area.

### The Rules

When you build along the oceanfront, coastal management rules require that the structure be sited to fit safely into the beach environment.

Structures along the oceanfront, less than 5,000 square feet in size, must be behind the frontal dune, landward of the crest of the primary dune, and set back from the first line of stable natural vegetation a distance equal to 30 times the annual erosion rate (a minimum of 60 feet). The setback calculation increases as the size of the structure increases [15A NCAC 7H.0306(a)(2)]. For example: A structure between 5,000 and 10,000 square feet would require a setback from the first line of stable, natural vegetation to a distance equal to 60 times the annual erosion rate (a minimum of 120 feet). The graduated setback continues to increase through structure sizes greater than 100,000 square feet.

### The Reasons

The beachfront is an ever-changing landform. The beach and the dunes are natural "shock absorbers," taking the beating of the wind and waves and protecting the inland areas. By incorporating building setbacks into the regulations, you have a good chance of enjoying the full life of the structure. At first, it seems very inviting to build your dream house as close to the beach as possible, but in five years you could find the dream has become a nightmare as high tides and storm tides threaten your investment.

### The Exception

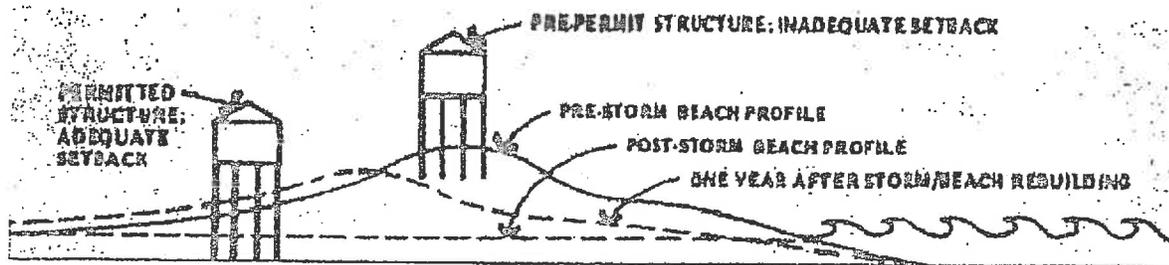
The Coastal Resources Commission recognized that these rules, initially passed in June 1979, might prove a hardship for some property owners. Therefore, they established an exception for lots that cannot meet the setback requirement. The exception allows buildings in front of the current setback, if the following conditions apply:

- (1) the lot must have been platted as of June 1, 1979, and is not capable of being enlarged by combining with adjoining land under the same ownership;
- (2) development must be constructed as far back on the property as possible and in no case less than 60 feet landward of the vegetation line;
- (3) no development can take place on the frontal dune;
- (4) special construction standards on piling depth and square footage must be met; and
- (5) all other CAMA, state and local regulations must be met.

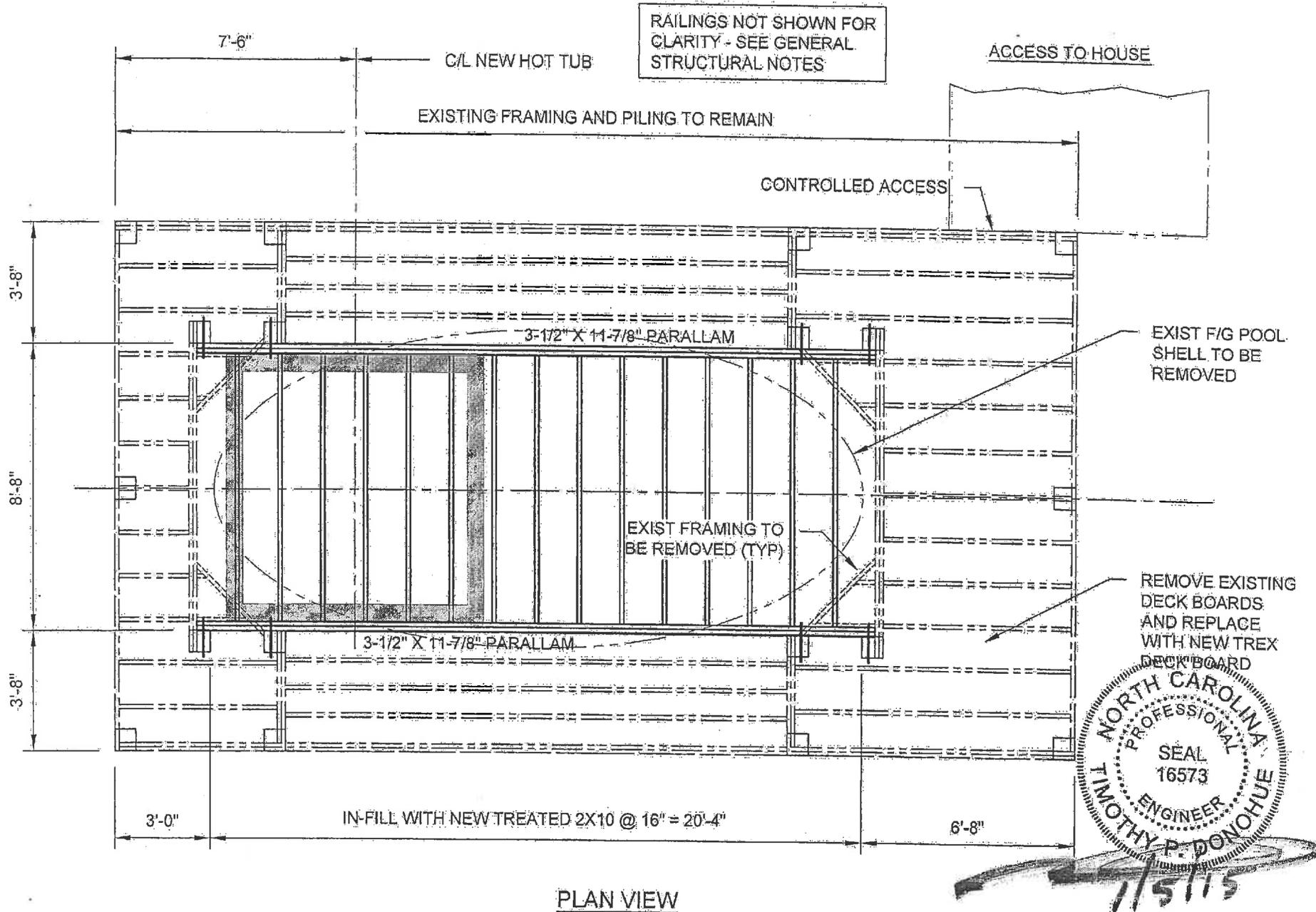
### The exception is not available in the Inlet Hazard Area.

To determine eligibility for the exception the Local Permit Officer will make these measurements and observations:

- \_\_\_\_\_ required setback from vegetation line
- \_\_\_\_\_ exception setback (maximum feasible)
- \_\_\_\_\_ rear property line setback
- \_\_\_\_\_ max. allowable square footage on lowest floor
- \_\_\_\_\_ piling length needed to extend 4 feet below MSL



After the storm, the house on the dune will be gone. The other house has a much better chance of survival.



RAILINGS NOT SHOWN FOR CLARITY - SEE GENERAL STRUCTURAL NOTES

ACCESS TO HOUSE

C/L NEW HOT TUB

EXISTING FRAMING AND PILING TO REMAIN

CONTROLLED ACCESS

3-1/2" X 11-7/8" PARALLAM

EXIST F/G POOL SHELL TO BE REMOVED

EXIST FRAMING TO BE REMOVED (TYP)

REMOVE EXISTING DECK BOARDS AND REPLACE WITH NEW TREX DECK BOARD

3-1/2" X 11-7/8" PARALLAM

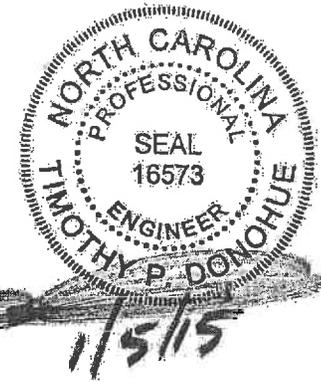


IN-FILL WITH NEW TREATED 2X10 @ 16" = 20'-4"

PLAN VIEW

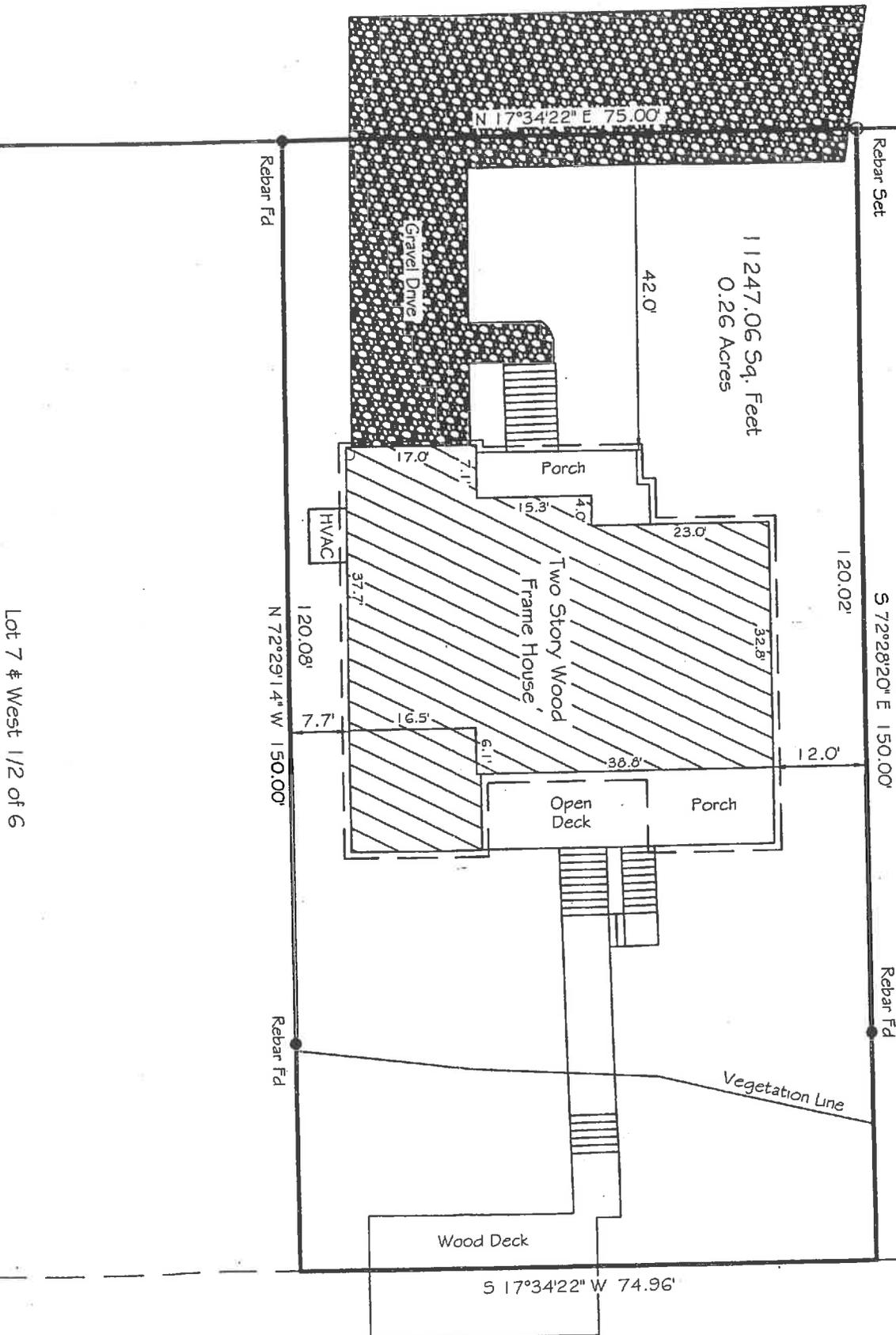
GENERAL STRUCTURAL NOTES:

1. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE 2012 NORTH CAROLINA RESIDENTIAL BUILDING CODE. REFER TO APPENDIX M - WOOD DECKS.
2. ALL EXISTING CONDITIONS TO BE VERIFIED PRIOR TO CONSTRUCTION.
3. DESIGN LOAD:     LIVE - 40 PSF  
                          HOT TUB - 100 PSF (84" X 84" - 370 GAL)
4. ALL EXTERIOR MATERIALS SHALL BE SUITABLE FOR USE IN EXTERIOR ENVIRONMENT.
5. EXISTING JOIST, HEADER AND PILE FRAMING TO REMAIN, EXCEPT AS NOTED.
6. PROVIDE TEMPORARY SUPPORT OF EXISTING DECK FRAMING AS REQUIRED.
7. NEW/REPLACEMENT FRAMING TO BE TREATED #2 SYP OR BETTER.
8. RAILING FRAMING NOT SHOWN FOR CLARITY. ALL RAILINGS TO BE REMOVED FOR CONSTRUCTION, STORED, SALVAGED AND PUT BACK PRIOR TO COMPLETION.
9. PARALAM BEAMS TO BE CONTINUOUS (NO SPLICE). ATTACH PARALAM BEAMS TO ALL EXISTING PILES WITH A MINIMUM OF (2) 3/4" DIA GALVANIZED THROUGH BOLTS AT EACH PILE.
10. ATTACH ALL NEW 2X10 FRAMING WITH GALVANIZED JOIST HANGERS AND LEDGER BOARDS WITH STAINLESS STEEL FASTENERS.
11. REPAIR ANY ADJACENT DETERIORATED FRAMING AS REQUIRED.



# W. Beach Drive

60' RW



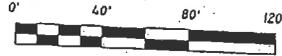
REDUCED COPY  
SCALE NOT PRECISE

PLAT OF SURVEY FOR  
FRAN AND PAULA DAILY

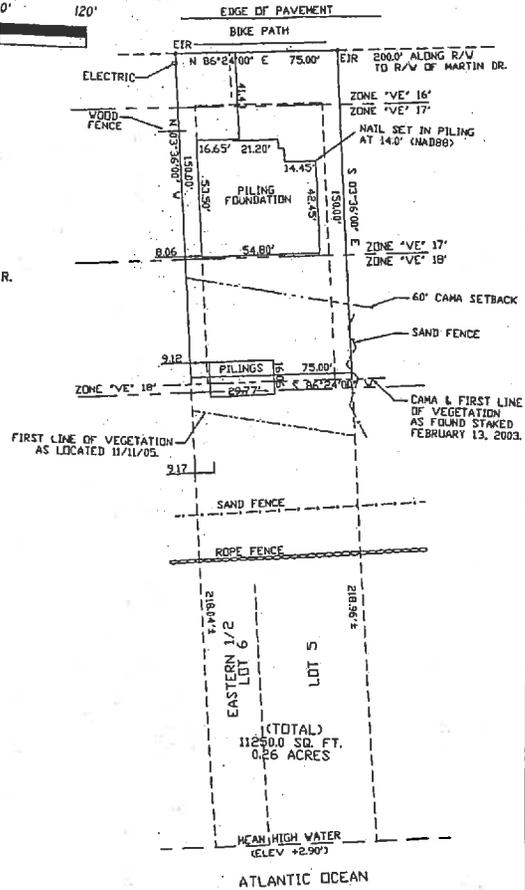
LOT 5 & EASTERN 1/2 OF 6, BLOCK 135, SECTION 5B

SMITHVILLE TOWNSHIP, BRUNSWICK COUNTY  
OAK ISLAND, NORTH CAROLINA

WEST BEACH DRIVE 60' R/W



BLOCK 135  
SECTION 5B  
KINGS LYNN  
OAK ISLAND, N.C.  
DB 562 PG 893 B.C.R.



NOTE: THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE "VE" BASE ELEVATION VARIES. REF. F.I.R.M. COMMUNITY NO. 370523, PANEL 2036, SUFFIX "J" DATED 6/2/06.

THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE-GROUND STRUCTURES AND RECORDED DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REJECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS THAT WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND USE REGULATIONS AND ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

STATE OF NORTH CAROLINA  
BRUNSWICK COUNTY

L. ROBERT B. MCHENRY, JR. CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION; THAT THE RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 10,000 ±; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED.  
WITNESS MY HAND AND SEAL THIS THE 2ND DAY OF NOVEMBER A.D. 2006.  
L. ROBERT B. MCHENRY, JR.  
LAND SURVEYOR REG. NO. 1-3521



DATE SURVEYED: NOVEMBER 1, 2006

SCALE: 1 INCH = 40 FEET

SURVEY BY: DW/SM

JOB NUMBER: 04-0808

DRAWN BY: C.KENEDY

FIELD BOOK: LB-06-B

LEGEND:  
EP = EXISTING IRON PIPE FOUND  
NP = NEW IRON PIPE SET  
EIP = EXISTING IRON ROD FOUND  
NIR = NEW IRON ROD SET  
TBM = TEMPORARY BENCH MARK

**MCHENRY SURVEYING**  
PROFESSIONAL LAND SURVEYOR

P.O. BOX 432 - 8509 E. OAK ISLAND DR.  
OAK ISLAND, N.C. 28465  
TEL: 910-278-8874  
FAX: 910-278-3799

Date \_\_\_\_\_  
 BSB Resort Properties, LLC  
 Adjacent Property Owner  
 945 Sugar Maple Lane  
 Mailing Address  
 Harrisonburg, VA 22801  
 City, State, Zip Code

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL RECEIPT**

Postage \$ 0.50  
 Certified Fee \_\_\_\_\_  
 Return Receipt Fee (Endorsement Required) \_\_\_\_\_  
 Restricted Delivery Fee (Endorsement Required) \_\_\_\_\_  
 Total Postage & Fees \$ 0.50

7014 0510 0001 9021 2775

MAILED FROM ZIP CODE 0000642817 JAN 28 02 1P  
 UNITED STATES POSTAGE  
 PRIORITY MAIL  
 \$300.00  
 Postmark Here

Sent to BSB Resort Properties, LLC  
 Street, Apt. No., or PO Box No. 945 Sugar Maple Lane  
 City, State, ZIP+4 Harrisonburg, VA 22801

PS Form 3800, August 2006 See Reverse for Instructions

Dear Adjacent Property:

This letter is to inform you that I, Mark & Kellyanne Engel have applied for a CAMA Minor Property Owner

Permit on my property at 6601 W. Beach Drive, Oak Island, NC 28465, in Brunswick Property Address

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 828-507-4107, or by mail at the address listed below. If you wish to Applicant's Telephone

file written comments or objections with the Town of Oak Island CAMA Minor Permit Program, you may submit them to:

Donna F. Coleman  
 Local Permit Officer for the Town of Oak Island  
 4601 E. Oak Island Dr.

Sincerely,

Mark & Kellyanne Engel  
 Property Owner  
 P. O. Box 1579  
 Mailing Address  
 Bryson City, NC 28713  
 City, State, Zip Code

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <u>2/6/10</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No          If YES, enter delivery address below: _____</p>
<p>1. Article Addressed to:  <u>BSB Resort Properties, LLC</u>  <u>945 Sugar Maple Lane</u>  <u>Harrisonburg, VA 22801</u></p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)  <u>7014 0510 0001 9021 2775</u></p>	<p><input type="checkbox"/> Restricted Delivery</p>



9590 9403 0293 5155 9090 98

# ADJACENT RIPARIAN PROPERTY OWNER STATEMENT FOR CAMA MINOR PERMITS

---

I hereby certify that I own property adjacent to Mark & Kellyanne Engel's

(Name of Property Owner)

property located at 6601 W. Beach Drive, Oak Island, NC 28465,

Address, Lot, Block, Road, etc.)

on Atlantic Ocean, in Oak Island, 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

BSB Resort Properties, LLC

Print or Type Name

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

\_\_\_\_\_  
Date

Date \_\_\_\_\_  
Ruth Bamford & Mary Watkins  
 Adjacent Property Owner  
12 Greenside Court  
 Mailing Address  
Durham, NC 27707  
 City, State, Zip Code

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

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL RECEIPT**

Postage \$ 0.50  
 Certified Fee \_\_\_\_\_  
 Return Receipt Fee (Endorsement Required) \_\_\_\_\_  
 Restricted Delivery Fee (Endorsement Required) \_\_\_\_\_  
 Total Postage & Fees \$ 0.50

Sent To  
Ruth Bamford and Mary Watkins  
 Street, Apt. No., or PO Box No. 12 Greenside Court  
 City, State, ZIP+4 Durham, NC 27707

02 1P  
 0000642817 JAN 2010  
 MAILED FROM ZIP CODE 27707  
 \$0.00  
 PITNEY BOWES  
 UNITED STATES POSTAGE  
 Postmark Here

PS Form 3800, August 2006 See Reverse for Instructions

Dear Adjacent Property:

This letter is to inform you that I, Mark & Kellyanne Engel have applied for a CAMA Minor Property Owner Permit on my property at 6601 W. Beach Drive, Oak Island, NC 28465, in Brunswick 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 828-507-4107, or by mail at the address listed below. If you wish to file written comments or objections with the Town of Oak Island CAMA Minor Permit Program, you may submit them to:

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 Local Permit Officer for the Town of Oak Island  
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 Oak Island, NC 28465

Sincerely,

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 Property Owner  
P. O. Box 1579  
 Mailing Address  
Bryson City, NC 28713  
 City, State, Zip Code

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <u>Mary Watkins</u> <input type="checkbox"/> Agent  <input type="checkbox"/> Address</p> <p>B. Received by (Printed Name) <u>MARY WATKINS</u> C. Date of Delivery <u>2/6/10</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>1. Article Addressed to:  <u>Ruth Bamford and Mary Watkins</u>  <u>6605 W Beach LLC</u>  <u>12 Greenside Court</u>  <u>Durham, NC 27707</u>  <u>Mary Helen Watkins</u></p>	<p>3. Service Type  <input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Mail Restricted Delivery (00)</p> <p><input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation  <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)  <u>7014 0510 0001 9021 2751</u></p>	<p>Barcode: 9590 9403 0293 5155 9090 81</p>

# ADJACENT RIPARIAN PROPERTY OWNER STATEMENT FOR CAMA MINOR PERMITS

---

I hereby certify that I own property adjacent to Mark & Kellyanne 's

(Name of Property Owner)

property located at 6601 W. Beach Drive, Oak Island, NC 28465,

Address, Lot, Block, Road, etc.)

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

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(APPLICATION AND DRAWING OF PROPOSED DEVELOPMENT ATTACHED)

\_\_\_\_\_  
Signature

Ruth Bamford

\_\_\_\_\_  
Signature

Mary Watkins

Print or Type Name

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

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

Date \_\_\_\_\_

Date \_\_\_\_\_





2/12/2016

**CERTIFIED MAIL - INSERT CERTIFIED MAIL # VIA EMAIL**  
**RETURN RECEIPT REQUESTED**

Mark & Kellyanne Engel  
PO Box 159  
Bryson City, NC 28713

**RE: DENIAL OF CAMA MINOR DEVELOPMENT PERMIT**  
**APPLICATION NUMBER- OI 16-12**  
**PROJECT ADDRESS- 6601 W. Beach Dr.**

Dear Mr. & Mrs. Engel:

After reviewing your application in conjunction with the development standards required by the Coastal Area Management Act (CAMA) and our locally adopted Land Use Plan and Ordinances, it is my determination that no permit may be granted for the project which you have proposed. This decision is based on my findings that your request violates NCGS 113A-120(a)(8) which requires that all applications be denied which are inconsistent with CAMA guidelines and Local Land Use Plans. You have applied to add decking to an existing pool deck which is seaward of the 1998 static vegetation line and is inconsistent with 15A NCAC 07H .0309(a)(3).

Your application is also inconsistent with 15A NCAC 07H .0601, which states that no development shall be allowed in any AEC which would result in a contravention or violation of any rules, regulations or laws of the State of North Carolina or of local government in which the development takes place. On page 88 of the local Land Use Plan, you will find that:

**Policy 2.A.17: Ocean Hazard Areas: The Town supports State policies that do not conflict with the Town's development regulations, for ocean hazard areas as set forth in Chapter 15NCAC subchapter 7H of the State CAMA regulations. Suitable land uses in ocean hazard areas include ocean shoreline erosion control activities, dune establishment and stabilization. Residential, commercial and recreational land uses and parking lots for beach access are also acceptable uses in ocean hazard areas provided they meet all general and specific standards of 15 NCAC: 7H that do not conflict with the Town's development regulations.**

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

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

Respectfully yours,



Donna F. Coleman, LPO  
Town of Oak Island

cc: Sean Ferrell Wilmington-DCM



July 13, 2016

*Department of Environmental Quality*



# Engel Variance Request



# Engel Variance Request



# Engel Variance Request



# *Engel Variance request*



**Engel Residence**

**DCM Aerial Reference Photo**

**January 29, 2016**

# *Engel Variance Request*



**Existing Pool Deck**

**Photo taken from rear  
of house**

**March 9, 2016**

# Engel Variance Request



**Approximate  
First Line of Stable Natural Vegetation**



**Existing Pool Deck**

**Photo taken facing West**

**April 7, 2016**



# Engel Variance Request



**Existing Pool Deck**

**Photo taken facing East**

**April 7, 2016**

# *Engel Variance Request*



**Existing Pool Deck**

**Photo taken facing North**

**April 7, 2016**



# *Engel Variance Request*



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

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

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

