

Burdette, Jennifer a

From: Brian Rubino <brubino@quible.com>
Sent: Friday, March 10, 2017 8:54 AM
To: Burdette, Jennifer a
Cc: Warlick, Peter
Subject: RE: Warlick Property Ocracoke
Attachments: Warlick Variance Submission 3-10-2017.pdf; Site Plan BUFFER DWR Variance-3917.pdf

Jennifer,

Please see attached submission. The proposed site plan which is included in the submission package as Exhibit C is also separately attached here. That plan is set up to be printed on 11" x 17' paper at a 1" = 20' scale. As described in the narrative and application, the only work currently being proposed is an added roofed area of 472 sq.ft. and this area is proposed over top of what is permitted (but not yet built) to be an open elevated deck. Please let me know if you have any questions about this submission.

Thanks,
Brian

Brian D. Rubino, P.G.
Vice President
Quible & Associates, P.C.
8466 Caratoke Highway, Bldg 400
Powells Point, NC 27966
P.O. Drawer 870
Kitty Hawk, NC 27949
t 252.491.8147
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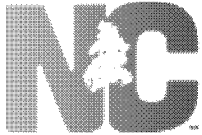
From: Burdette, Jennifer a [mailto:Jennifer.Burdette@ncdenr.gov]
Sent: Wednesday, March 08, 2017 2:07 PM
To: Brian Rubino <brubino@quible.com>
Subject: RE: Warlick Property Ocracoke

Electronic is fine. Unfortunately, I'm only available from 8-9:45 on Tuesday, which is the 14th. I'm available on Wednesday, March 15th except for 10-12.

Jennifer Burdette

401/Buffer Coordinator
Division of Water Resources - 401 & Buffer Permitting Branch
Department of Environmental Quality
919 807 6364 office
jennifer.burdette@ncdenr.gov

1617 Mail Service Center
Raleigh, NC 27699-1617
(Physical Address: 512 N. Salisbury St, Raleigh, NC 27604 - 9th Flr Archdale Bldg – Room 942F)



Nothing Compares

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From: Brian Rubino [<mailto:brubino@quible.com>]
Sent: Wednesday, March 08, 2017 1:53 PM
To: Burdette, Jennifer a <Jennifer.Burdette@ncdenr.gov>
Subject: RE: Warlick Property Ocracoke

Thanks Jennifer,

Would you be able to accept an electronic copy on the 10th, or do you need an original hardcopy then? Also, I will be driving through Raleigh on Tuesday on my way to a project in the western part of the state. Would it be helpful or productive to meet (given you are available) sometime Tuesday the 15th to discuss the proposed variance?

Thanks,
Brian

Brian D. Rubino, P.G.
Vice President
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From: Burdette, Jennifer a [<mailto:Jennifer.Burdette@ncdenr.gov>]
Sent: Wednesday, March 08, 2017 1:07 PM
To: Brian Rubino <brubino@quible.com>
Subject: RE: Warlick Property Ocracoke

Brian,

Yes, there is still room, and I do need the initial application submitted by March 10th to ensure that we will have a complete application in time for the Water Quality Committee deadline.

Thanks,
Jennifer

Jennifer Burdette
401/Buffer Coordinator
Division of Water Resources - 401 & Buffer Permitting Branch
Department of Environmental Quality
919 807 6364 office
jennifer.burdette@ncdenr.gov

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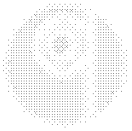
From: Brian Rubino [<mailto:brubino@quible.com>]
Sent: Tuesday, March 07, 2017 10:08 AM
To: Burdette, Jennifer a <Jennifer.Burdette@ncdenr.gov>
Subject: Warlick Property Ocracoke

Jennifer,

This email is about the Warlick Property on Ocracoke that we discussed several weeks ago. I will be submitting a Major variance Application package to you later this week, but I wanted to confirm that there is still room for us in the May EMC agenda before I do so. Also, please let me know when the variance application information is due. I wrote March 10th down in my notes, but want to confirm.

Thanks,
Brian

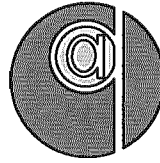
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E-TRANSMITTAL



Quible SINCE 1959
& Associates, P.C.

ENGINEERING * CONSULTING * PLANNING
ENVIRONMENTAL SCIENCES * SURVEYING

Phone: (252) 261-3300

Fax: (252) 261-1260

Web: www.quible.com

Date: March 10, 2017
To: Jennifer Burdette, NCDWR
Re: NCDWR, Tar-Pamlico Buffer Zone Major Variance Request
Warlick Residence
Ocracoke, Hyde County, NC

Ms. Burdette,

Please see enclosed submission for a Major Variance through the EMC that includes:

- Project Narrative
- Buffer Zone Variance Application and Agent Authorization
- Exhibit A- USGS and Soils Survey Maps
- Exhibit B- 2014 Property Survey
- Exhibit C- Major Variance Site Plan
- Exhibit D- Copy of Buffer Zone Authorization 14-1148, VER.2
- Exhibit E- NCDMS Mitigation Acceptance Letter

Thanks for your assistance with this project. A hardcopy of this information will follow this electronic copy. Please contact me at 252.261.3300 or brubino@quible.com with any questions or requests for additional information.

Sincerely,

Brian Rubino
Quible & Associates, P.C.

cc: Peter Warlick

PROJECT NARRATIVE

Project Narrative

The Warlick Property is located at the end of Northpoint Rd., also known as Northern Pond Rd. in Ocracoke Village, Ocracoke Island, Hyde County, NC. Included as Exhibit A is the relevant portion of the USGS Topographic Map as well as the Hyde County Soil Survey. The property is approximately centered at 35.120318 N and -75.982420 W. The Warlick family has owned the property since 1979 and the existing house was constructed in the 1960's.

This property has been utilized as a single residential parcel, but is technically recorded as Lot 13, 14 and north half of Lot 15, Brugh-Price Subdivision, as per Hyde County Register of deeds. A lot survey from 2014 (by Seaboard Surveying and Planning) with existing improvements accurately depicted is included as Exhibit B. The property is 0.37 acres and is on the waterward end of a peninsular landform, adjacent to Pamlico Sound. Due to the configuration and dimensions of the parcel, the majority of the property lies within DWR Tar-Pamlico Buffer Zones and CAMA AEC's.

In 1998, a CAMA Major permit was issued for shoreline stabilization, which primarily included rock rip-rap protection which is currently in place. A portion of the property contains coastal wetlands as shown on Exhibit C, Buffer Zone Variance Exhibit. This area was present during the CAMA Major Permit process in 1998 and is still present today based on site evaluations by NC Division of Coastal Management (NCDCM). The coastal wetland area will be preserved in entirety and is not part of any development activity.

In 2014, a DWR Buffer Zone Authorization (14-1148) was issued to permit additional elevated open decking adjacent to the west side of the house. This authorization also allowed house piling replacement which has become necessary due to the age of the structure. A CAMA Minor Permit (02-14) was applied for and received in 2014 for the same activity. Based on health issues that the primary owner, Peter Warlick, has developed since that time, the family has unfortunately found the need to make additional improvements to the house. The following statement was provided by Peter Warlick to include in our project narrative:

“Approximately 18 months ago, I was diagnosed to have Amyotrophic Lateral Sclerosis (aka ALS or Lou Gehrig's disease). ALS is essentially the separation of the brain from the muscles due to the gradual deterioration of the motor neurons connected to the muscle. Overtime ones' muscles atrophy and weaken therefore requiring the use of wheelchairs and other devices for severely disabled persons. While death on average occurs 2-5 years post diagnosis, the variant I have appears to be a slow progressing form as I continue to be relatively fully functional and only require the use of leg braces for walking even 18 months post diagnosis. The use of stairs has become increasingly difficult and now generally avoided.

Without the expansion of the hallways, doorways, bedrooms, and bathroom facilities to accommodate a wheelchair and other required support equipment, the house in Ocracoke is not usable for someone who requires the use of a wheelchair. By expanding the footprint, keeping the number of bedrooms the same, and building a wheelchair accessible entry, I will be able to use the house in Ocracoke. And, without the proposed extension of the roof, there is no way to have a screened in porch which is

essentially a requirement on the Outer Banks given the prevalence of biting insects (e.g. mosquitos). I have purchased two cemetery plots in the Ocracoke Community graveyard.”

In January 2017, an on-site meeting was held with Peter Warlick, Barbara Jemison (designer, neighbor, family friend), Brian Rubino (environmental scientist with Quible & Associates, P.C.), Anthony Scarbraugh (NCDWR representative) and Steve Trowell (NCDCM representative) to discuss current needs and environmental regulations and permitting. This meeting helped guide us to the next step of required permitting and this Major Variance request.

In late January 2017, a modification to DWR Buffer Zone Authorization (14-1148) was applied for to include a handicap access ramp as well as additional open decking to what was previously permitted in 2014 (but not yet built). At the time of this modification request, we made it clear to NCDWR and NCDCM that this would be the first phase of 2017 permitting, and was stated so in the application. The idea behind this was to allow Mr. Warlick to proceed with hiring a contractor to do the piling replacement, ramp construction and decking construction, with the understanding that a portion of what was permitted as open deck would constitute an new enclosed area of the house (if a Major Variance through the EMC was successfully granted). A copy of DWR Buffer Zone Authorization (14-1148 VER.2) and the accompanying plan is included as Exhibit D.

The currently proposed work within this DWR Major Variance request includes the addition of a total of 472 sq.ft. of roofed enclosure (368 sq.ft. within Zone 1 and 104 sq.ft. within Zone 2). This 472 sq.ft. is measured to the outer roofline of this addition. This proposed roofed area is located over top of what is already permitted through DWR Buffer Zone Authorization (14-1148 VER.2) to be open decking. There is no proposed work in this variance request that is outside of the footprint of existing or already permitted improvements. The lot configuration and shoreline alignment do not permit this work to occur outside of buffer zones. All physical improvement, including wetlands and on-site septic system (approximate drain field extent) are depicted on the plan (Exhibit C). This variance would permit handicap accessibility and comfortable use of the Warlick home.

NCDWR VARIANCE APPLICATION AND AGENT AUTHORIZATION



15A NCAC 02B .0233 (8)(b), .0243 (8)(b), .0250 (11)(b), .0259 (8)(b), .0267 (11)(c), .0607 (e)(2)
Protection and Maintenance of Riparian Areas Rules - Variance Application
FORM: VAR 10-2013

PLEASE IDENTIFY WHICH RIPARIAN AREA PROTECTION RULE APPLIES:

- Neuse River Basin (15A NCAC 02B.0233)
 - Major Variance Minor Variance
- Catawba River Basin (15A NCAC 02B.0243)
- Randleman Lake Water Supply Watershed (15A NCAC 02B.0250)
 - Major Variance Minor Variance
- Tar-Pamlico River Basin (15A NCAC 02B.0259)
 - Major Variance Minor Variance
- Jordan Lake Water Supply Nutrient Strategy (15A NCAC 02B.0267)
 - Major Variance Minor Variance
- Goose Creek Watershed (15A NCAC 02B.0606 & 15A NCAC 02B.0607)

A. General Information

1. Applicant's Information (if other than the current property owner):

Name: _____

Title: _____

Street Address: _____

City, State & Zip: _____

Telephone: _____

Email: _____

2. Property Owner/Signing Official (person legally responsible for the property and its compliance):

Name: Peter Warlick

Title: Co-Owner

Street Address: 6131 Boca Raton Drive

City, State & Zip: Dallas, TX 75230

Telephone: 214-762-1572

Email: Peter.Warlick@aa.com

3. Agent Information:

3a. Name: Brian Rubino
Company Affiliation: Quible & Associates, P.C.
Street Address: P.O. Drawer 870
City, State & Zip: Kitty Hawk, NC 27949
Telephone: 252-261-3300
E-mail: brubino@quible.com

3b. Attach a signed and dated copy of the Agent Authorization letter if the Agent has signatory authority for the owner.

4. Project Name (*Subdivision, facility, or establishment name*):

Warlick Residence on Ocracoke Island

5. Project Location:

5a. Street Address: End of Northpoint Rd.
City, State & Zip: Ocracoke, NC 27960
5b. County: Hyde

5c. Site Coordinates (in decimal degrees): 35.120318 Latitude -75.982420 Longitude

5d. Attach an 8 ½ x 11 excerpt from the most recent version of the USGS topographic map indicating the location of the site.

5e. Attach an 8 ½ x 11 excerpt from the most recent version of the published County NRCS Soil Survey Map depicting the project site.

6. Property Information:

6a. Property identification number (parcel ID): 9501-22-1472

6b. Date property was purchased: 1979

6c. Deed book 160 and page number 527-529

6d. Map book PC A and page number SL 83B

6e. Attach a copy of the recorded map that indicates when the lot was last platted.

7. Is your project in one of the 20 Coastal Counties covered under the Coastal Area Management Act (CAMA)?

YES NO

7a. If you answered yes above, in which AEC do you fall (30 ft or 75 ft)? 30 and 75 ft

7b. If you answered yes above, what is the total percent of impervious cover that you have proposed within the AEC? Already permitted: 30 ft AEC = 23.6%, 75 ft AEC = 24.0%. This includes decks since decks are listed in the DWR variance application

instructions to be included. This project includes no more coverage to be permitted, only a roof over a portion of what is already permitted as open deck.

8. Directions to site from nearest major intersection:

From Hatteras Ferry, take Irvin Garrish Hwy. (NC 12) to Ocracoke Village; Turn Rt. on British Cemetary Rd.; Follow to Pamlico Shores Rd.; Take left onto Pamlico Shores Rd.; Take first right onto Northpoint Rd. (house at end of road on soundfront)

9. Stream associated with riparian buffer to be impacted by the proposed activity:

Name	Water Quality Classification
Pamlico Sound	SA

9a. For Goose Creek only: Is the buffer in the 100-year floodplain? YES NO

10. List any permits/approvals that have been requested or obtained for this project in the past (including all prior phases).

Date Applied:	Date Received:	Permit Type:
<u>1998</u>	<u>10/29/1998</u>	<u>CAMA Major 146-98</u>
<u>10/22/2014</u>	<u>11/19/2014</u>	<u>DWR Buffer Zone Auth. 14-1148</u>
<u>12/2/2014</u>	<u>12/22/2014</u>	<u>CAMA Minor 02-14</u>
<u>1/30/2017</u>	<u>2/20/2017</u>	<u>DWR Buffer Zone Auth. 14-1148 VER.2</u>

B. Proposed Activity

1. Project Description

1a. Provide a detailed description of the proposed activity including its purpose:

See attached narrative

1b. Attach a site plan showing the following items as applicable to the project:

- ◇ Development/Project name
- ◇ Revision number & date
- ◇ North arrow
- ◇ Scale (1" = 50' is preferred)
- ◇ Property/project boundary with dimensions
- ◇ Adjacent streets and roads labeled with names and/or NC State Road numbers
- ◇ Original contours and proposed contours
- ◇ Perennial and intermittent streams, ponds, lakes, rivers and estuaries
- ◇ Mean high water line (if applicable)
- ◇ Wetlands delineated, or a note on plans that none exist
- ◇ Location of forest vegetation along the streams, ponds, lakes, rivers and estuaries
- ◇ Extent of riparian buffers on the land including Zone 1 and Zone where applicable
- ◇ Location and dimension of the proposed buffer impact (label the area of buffer impact in ft² on the plan)
- ◇ Details of roads, parking areas, cul-de-sacs, sidewalks, and curb and gutter systems

- ◇ Footprint of any proposed buildings or other structures
- ◇ Discharge points of gutters on existing structures and proposed buildings
- ◇ Existing drainage (including off-site), drainage easements, and pipe dimensions
- ◇ Drainage areas delineated

C. Proposed Impacts and Mitigation

1. Individually list the square footage of each proposed impact to the protected riparian buffers:

Buffer Impact Number ¹ – Permanent (P) or Temporary (T)	Reason for Impact	Buffer Mitigation Required	Zone 1 Impact (square feet)	Zone 2 Impact (square feet)
B1 - <input checked="" type="checkbox"/> P <input type="checkbox"/> T	Handicap use and accessibility	<input type="checkbox"/> Yes <input type="checkbox"/> No <i>unknown</i>	368	104
B2 - <input type="checkbox"/> P <input type="checkbox"/> T		<input type="checkbox"/> Yes <input type="checkbox"/> No		
B3 - <input type="checkbox"/> P <input type="checkbox"/> T		<input type="checkbox"/> Yes <input type="checkbox"/> No		
Total Buffer Impacts				472

¹Label on site plan

2. Identify the square feet of impact to each zone of the riparian buffer that requires mitigation from the table above. Calculate the amount of mitigation required.

Zone	Total Impact (square feet)	Multiplier	Required Mitigation (square feet)
Zone 1 ¹	368	3 (2 for Catawba only)	1,104
Zone 2	104	1.5	156
Total Buffer Mitigation Required:			1,260 <i>if necessary</i>

¹For projects in the Goose Creek Watershed, list all riparian buffer impacts as Zone 1 and use Zone 1 multiplier.

3. Provide a description of how mitigation will be achieved at your site pursuant to the mitigation requirements of the applicable river basin/watershed.

We respectfully request that mitigation is waived since this variance request is related to health reasons. However, if deemed necessary by the Commission, the owner would satisfy mitigation through in-lieu payment to NCDMS.

3a. Is buffer restoration or enhancement proposed? Yes No

If yes, attach a **detailed planting plan** to include plant type, date of plantings, the date of the one-time fertilization in the protected riparian buffers, and a plan sheet showing the proposed location of the plantings.

3b. Is payment into a buffer restoration fund proposed? Yes No *if necessary*

If yes, attach an **acceptance letter** from the mitigation bank you propose to use or the NC Ecosystem Enhancement Program stating they have the mitigation credits available for the mitigation requested.

D. Stormwater

1. Provide a description of how diffuse flow will be maintained through the protected riparian buffers (e.g., re-planting vegetation or enhancement of existing vegetation, gutter splash pads, level spreader to control of runoff from impervious surfaces, etc.).

The rest of the riparian buffer areas will remain in their undeveloped state and the applicant will commit to planting native grasses and/or shrubs in areas that are not sufficiently vegetated. There are currently areas of bare sand within the buffers that would benefit from plantings. In addition, roof runoff from the proposed new roofline will be directed away from surface waters. As stated, this new roof will be over what is already permitted to be elevated open decking, permitted through DWR Buffer Zone Authorization 2014-1148 VER.2. There are no level spreaders proposed, but non-built upon areas will serve as natural vegetated infiltration areas and bare sand areas are intended to be planted.

- 1a. Show the location of diffuse flow measure(s) on your site plan.
 - 1b. Attach a completed **Level Spreader Supplement Form** or **BMP Supplement Form** with all required items for each proposed measure.
 - 1c. Attach an **Operation and Maintenance (O&M) Form** for each proposed level spreader or BMP.
2. **For Major, Catawba, and Goose Creek variance requests**, provide a description of all best management practices (BMPs) that will be used to minimize disturbance and control the discharge of nutrients and sediments from stormwater.

- 2a. Show the location of BMPs on your site plan.
- 2b. Attach a **Supplement Form** for each structural BMP proposed.
- 2c. Attach an **Operation and Maintenance (O&M) Form** for each structural BMP proposed.

E. Demonstration of Need for a Variance

The variance provision of the riparian buffer rules allows the Division or the Environmental Management Commission to grant a variance when there are practical difficulties or unnecessary hardships that prevent compliance with the strict letter of riparian buffer protection.

1. Explain how complying with the provisions of the applicable rule would prevent you from securing a reasonable return from or make reasonable use of your property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. The Division will consider whether the variance is the minimum possible deviation from the terms of the applicable Buffer Rule that shall make reasonable use of the property possible.
As described in the narrative, this property is on a peninsula, surrounded by water on 3 sides. Given the geomorphic conditions and lot geometry, the majority of the Site is located within buffer zones and/or CAMA AEC's. This is a family property and the reason for the new roofed area is to provide use by the primary owner who has been diagnosed with a disease known as ALS or Lou Gerhig's disease. The current configuration of the house will not allow handicap accessibility and interior use with a wheelchair. This project will allow for increased hallway widths, increased bathroom and sitting area to the extent necessary for safe and comfortable use. If the existing house and lot would allow expansion outside buffer zones, this would have been pursued. This is not a proposal to increase the number of bedrooms or to increase property monetary values.

2. Explain how the hardship results from application of the Buffer Rule to the property rather from other factors such as deed restrictions or other hardships (e.g. zoning setbacks, floodplains, etc).
Due to the nature of the property (located at the end of a peninsula), there are extensive buffer zones extending into the property. The house, septic system and driveway have existing well before DWR buffer zones were developed. There is a wetlands area on the west side of the property as shown on the plan. This area will be entirely preserved.

3. Explain how the hardship results from physical nature of the property, such as its size, shape, or topography, which is different from that of neighboring property.
The neighboring properties are waterfront, but they are not surrounded on multiple side by buffer zones because of the shoreline configuration that is unique to this property.

4. Explain whether the hardship was caused by the applicant knowingly or unknowingly violating the applicable Buffer Rule.
The hardship is derived from a physical health problem and unique geomorphic conditions. Due to the presence of flood zones, this structure must remain sufficiently elevated and there is no opportunity to have any additional enclosed floor area on the ground floor to satisfy owner needs.

5. **For Neuse, Tar-Pamlico, Jordan Lake and Goose Creek only:** Did the applicant purchase the property after the effective date of the applicable Buffer Rule and then request a variance?
No, this property was purchased in 1979 and the estimated date of the existing house construction is in the late 1960's.

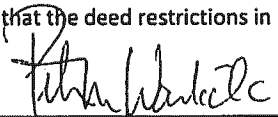
6. Explain how the hardship is rare or unique to the applicant's property, rather than the result of conditions that are widespread.
This is a unique circumstance in that the property is located at the tip of a peninsular feature. This, coupled with the nature of the owner's physical condition, makes this a unique problem.

F. Deed Restrictions

By your signature in Section G of this application, you certify that all structural stormwater BMPs required by this variance shall be located in recorded drainage easements, that the easements will run with the land, that the easements cannot be changed or deleted without concurrence from the State, and that the easements will be recorded prior to the sale of any lot.

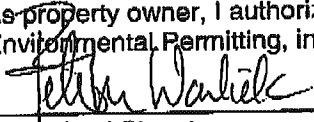
G. Applicant's Certification

I, Peter Warlick (print or type name of person listed in Section A, Item 2), certify that the information included on this permit application form is correct, that the project will be constructed in conformance with the approved plans and that the deed restrictions in accordance with Section F of this form will be recorded with all required permit conditions.

Signature: 
 Date: 3/9/17

RE: Environmental Permitting
Warlick Property on Ocracoke Island
DWR Buffer Zone Authorization, CAMA Permitting

As property owner, I authorize Quible & Associates, P.C. to act as agent for the purpose of Environmental Permitting, including DWR Buffer Zone Authorization and CAMA Permitting.

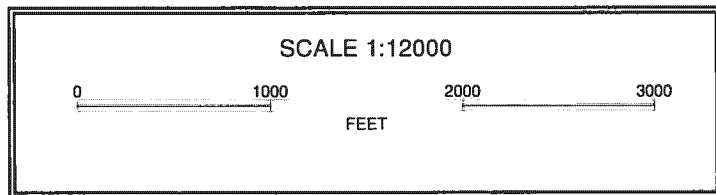
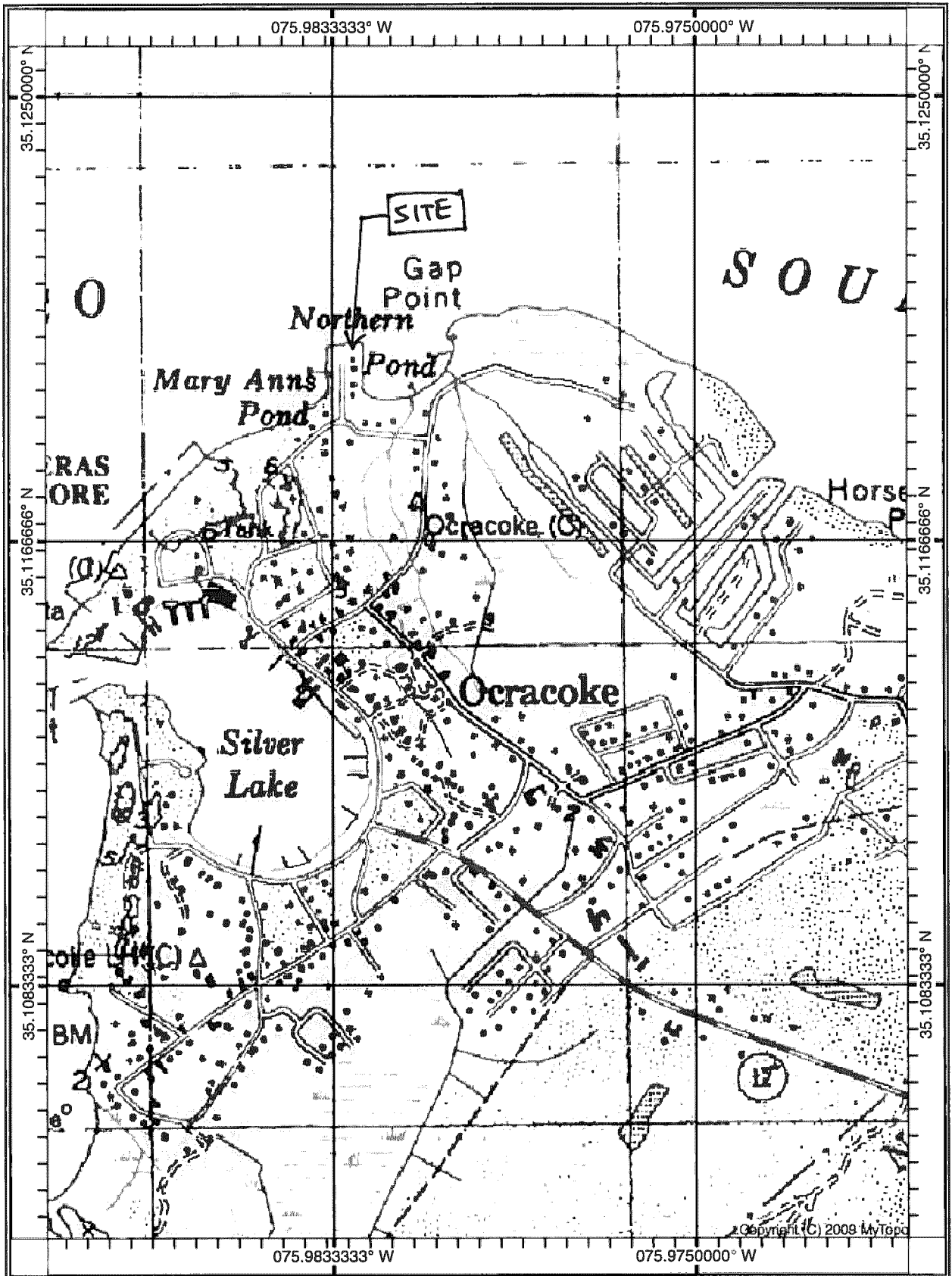


Authorized Signature

Name: PETER M. Warlick

Date: 1/30/17

EXHIBIT A- USGS TOPOGRAPHIC MAP AND SOIL SURVEY





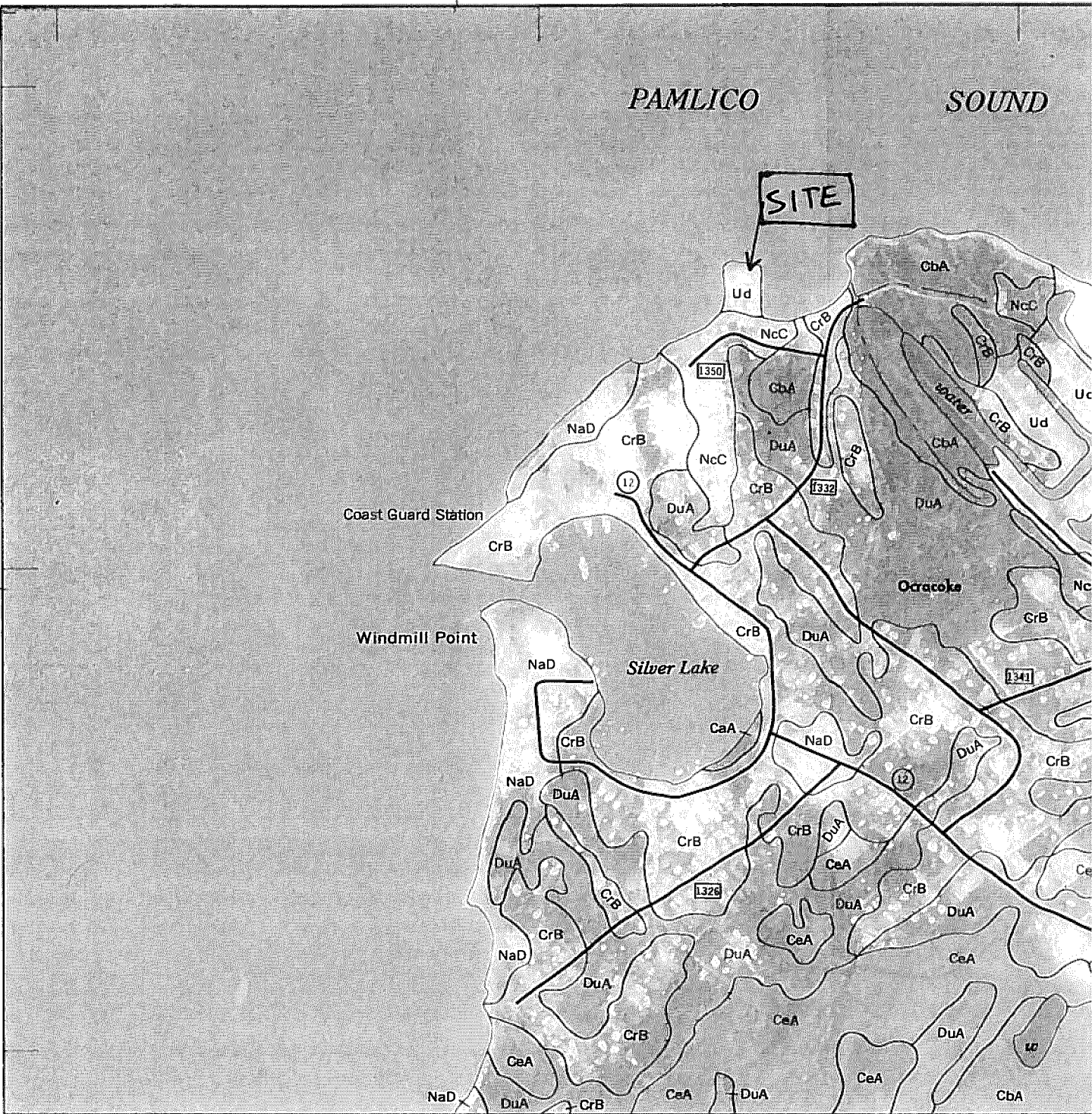
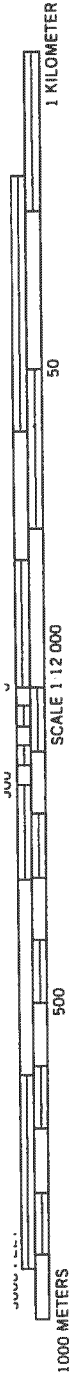
76°00'00"
35°07'30"

(Joins sheet 57)

PAMLICO

SOUND

SITE

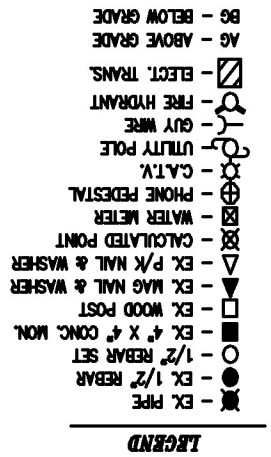
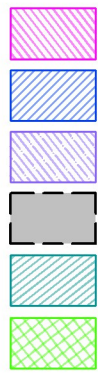
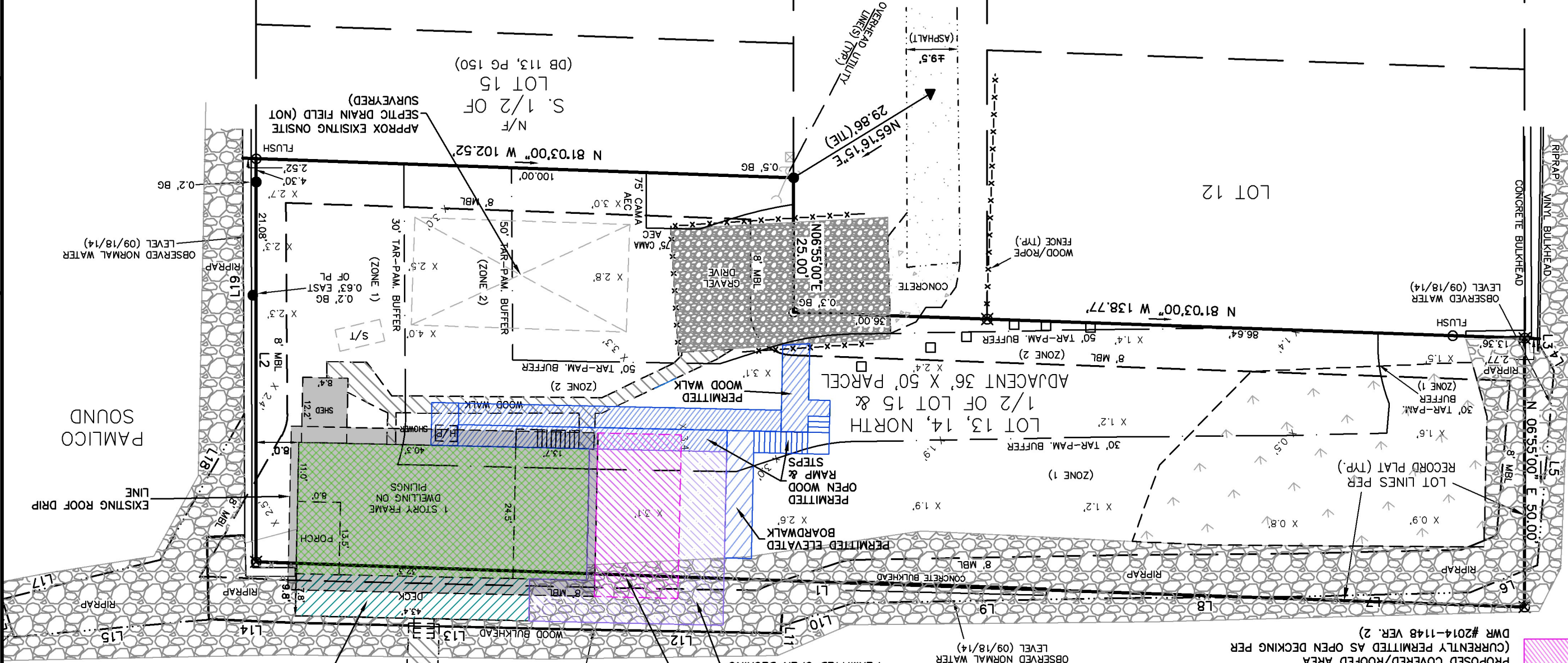


1:24000 FEET

(Joins sheet 60)

EXHIBIT B- 2014 PROPERTY SURVEY

EXHIBIT C- MAJOR VARIANCE SITE PLAN



LINE TABLE

LINE	LENGTH	BEARING
L1	236.00	S81°03'00"E
L2	75.00	S06°55'00"W
L3	1.10	N08°01'48"E
L4	5.57	N22°29'03"W
L5	36.34	N11°50'31"E
L6	13.47	N74°51'01"E
L7	33.62	S84°26'25"E
L8	31.54	S83°31'48"E
L9	49.49	S84°08'08"E
L10	14.06	N78°58'27"E
L11	1.40	N11°36'49"E
L12	37.16	S82°04'01"E
L13	53.50	S81°43'03"E
L14	15.84	S80°30'41"E
L15	36.33	S88°12'26"E
L16	7.36	S10°21'18"E
L17	30.31	S82°52'43"W
L18	31.25	S36°51'50"W
L19	47.60	S06°33'21"W

EXISTING BOUNDARY AND SURVEY INFORMATION OBTAINED IN ELECTRONIC FORMAT FROM SEABOARD SURVEYING AND PLANNING, FILE 9700110A ON 10-6-2014.

1. ADDITION OF 472 SQ. FT. OF COVERED/ROOFED AREA
 A. COVERED AREA WITHIN ZONE 1: 367.8 SQ. FT.
 B. COVERED AREA WITHIN ZONE 2: 104.2 SQ. FT.
 NOTE: THE PROPOSED ROOFED AREA IS ALREADY PERMITTED AS OPEN DECKING PER DWR #2014-1148 VER. 2

PROPOSED NEW WORK REQUIRING A MAJOR VARIANCE:

- EXISTING HOME TO BE ELEVATED AND PILING REPLACED (SAME BUILDING FOOTPRINT)
- CONSTRUCTION OF AN OPEN SLATED DECK AND ACCESS STAIRWAY
- A. TOTAL DECK AREA: 692.6 SQ. FT.
 B. DECK AREA WITHIN ZONE 1: 539.1 SQ. FT.
 C. DECK AREA WITHIN ZONE 2: 153.5 SQ. FT.
- DECK AREA WITHIN ZONE 1: INCREASE FROM 539.1 SQ. FT. TO 900.22 SQ. FT.
- DECK AREA WITHIN ZONE 2: INCREASE FROM 153.5 SQ. FT. TO 764.77 SQ. FT.
- MODIFY ACCESS TO INCLUDE HANDICAP RAMP AS SHOWN.



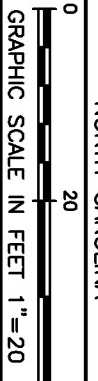
PROJECT P14058
 DRAWN BY TAS/JTM
 CHECKED BY BDR
 DATE 2/2/17

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BUFFER ZONE VARIANCE EXHIBIT
R. PATTERSON WARLICK & MARGARET-ANNE B. WARLICK
LOTS 13, 14, & N 1/2 OF 15 & ADJACENT 367.50' PARCEL
 OCRACOKE TOWNSHIP
 NORTH CAROLINA
 HYDE COUNTY

PRELIMINARY PLAT-NOT FOR RECORDATION, CONVEYANCES OR SALES

Quible & Associates, P.C.
 SINCE 1959
 ENGINEERING * CONSULTING * PLANNING
 ENVIRONMENTAL SCIENCES * SURVEYING
 NC License#: C-02208
 PO Drawer 870, Kitty Hawk, NC 27949
 Phone: (252) 491-8147
 Fax: (252) 491-8146
 E-Mail: administrator@quible.com



**EXHIBIT D- NCDWR BUFFER ZONE AUTHORIZATION 14-1148 VER.2
AND ASSOCIATED SITE PLAN**



NOT A CONSTRUCTION PERMIT

ROY COOPER
Governor
 MICHAEL S. REGAN
Secretary
 S. JAY ZIMMERMAN
Director

February 20, 2017

DWR # 2014-1148 VER. 2
 HYDE County

R. Patterson Warlick
 6131 Boca Raton Drive
 Dallas, TX 75230

Subject: AUTHORIZATION CERTIFICATE PER THE TAR-PAMLICO RIPARIAN BUFFER PROTECTION RULES (15A NCAC 02B .0259) WITH ADDITIONAL CONDITIONS
 Warlick Residence on Ocracoke Island

Dear Mr. Warlick:

You have our approval for the impacts listed below for the purpose described in your application dated February 7, 2017, received by the Division of Water Resources (Division) on October 8, 2016 with additional information received on January 30, 2017. Please note that you should get any other federal, state or local permits before proceeding with your project, including those required by (but not limited to) Sediment and Erosion Control, Non-Discharge, and Water Supply Watershed regulations. **Please note, this buffer authorization supersedes the previous buffer authorization issued on November 19, 2014 under DWR Project No. 2014-1148. This Authorization Certificate shall expire five (5) years from the date of this letter.**

This approval requires you to comply with the following additional conditions:

1. The following impacts are hereby approved provided that all of the other specific and general conditions of the Buffer Rules are met. No other impacts are approved, including incidental impacts [15A NCAC 02B. 0259(8)].

Type of Impact	Amount Approved (units) Permanent	Amount Approved (units) Temporary	Plan location/ Reference Attached
Buffers – Zone 1			
B1 (Deck Extension)	811 (square feet)	0 (square feet)	P. Patterson Warlick & Margaret-Anne B. Warlick Lots 13, 14, & N ½ of 14 & Adjacent 36'x50' Parcel
B2 (Slatted access ramp, boardwalk and stairs)	89 (square feet)	0 (square feet)	



Buffers – Zone 2			
B1 (Deck Extension)	94 (square feet)		P. Patterson Warlick & Margaret-Anne B. Warlick Lots 13, 14, & N ½ of 14 & Adjacent 36'x50' Parcel
B2 (Slatted access ramp, boardwalk and stairs)	671 (square feet)		

2. Diffuse Flow

An additional condition is that all stormwater shall be directed as diffuse flow at non-erosive velocities through the protected stream buffers and will not re-concentrate before discharging into the stream as identified within 15A NCAC 2B .0259(5).

3. The Permittee shall replant the vegetation within temporarily disturbed areas associated with this project in an "in kind" manner immediately following construction. (Example: Disturbed areas with pre-existing grassed lawns must be replanted with grass. Disturbed areas with pre-existing trees or woody vegetation must be replanted with trees and woody vegetation. Disturbed areas with pre-existing forest vegetation must be replanted with forest vegetation including at least two different native hardwood tree species at a density sufficient to provide 260 trees per acre at maturity. This density can usually be achieved by planting approximately 360 (11 x 11 spacing) to 538 (9 x 9 spacing) trees per acre.) Restoration of trees/shrubs/forest must be completed by the first subsequent planting season (November 1 through March 30). Note, if the tree plantings do not survive, they will need to be replaced such that the density is sufficient to provide 320 trees per acre at maturity. [15A NCAC 02H .0507 (c), 15A NCAC 02H .0506 (b)(3), and 15A NCAC 02B .0259 (6)]
4. This approval is for the purpose and design described in your application. The plans and specifications for this project are incorporated by reference as part of the Authorization. If you change your project, you must notify the Division and you may be required to submit a new application package with the appropriate fee. If the property is sold, the new owner must be given a copy of this approval letter and Authorization and is responsible for complying with all conditions. [15A NCAC 02B .0507(d)(2)]
5. This approval and its conditions are final and binding unless contested. {G.S. 143-215.5}

This Buffer Authorization can be contested as provided in Articles 3 and 4 of General Statute 150B by filing a written petition for an administrative hearing to the Office of Administrative Hearings (hereby known as OAH). A petition form may be obtained from the OAH at <http://www.ncoah.com/> or by calling the OAH Clerk's Office at (919) 431-3000 for information.

Within **sixty (60) calendar days** of receipt of this notice, a petition must be filed with the OAH. A petition is considered filed when the original and one (1) copy along with any applicable OAH filing fee is received in the OAH during normal office hours (Monday through Friday between 8:00am and 5:00pm, excluding official state holidays).

The petition may be faxed to the OAH at (919) 431-3100, provided the original and one copy of the petition along with any applicable OAH filing fee is received by the OAH within five (5) business days following the faxed transmission.

Mailing address for the OAH:

If sending via US Postal Service:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714

If sending via delivery service (UPS, FedEx, etc):

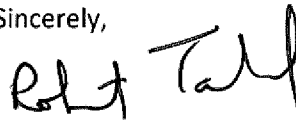
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh, NC 27609-6285

One (1) copy of the petition must also be served to DEQ:

William F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

This letter completes the review of the Division under the Tar-Pamlico Riparian Buffer Rules as described in 15A NCAC 02B .0259. Please contact Anthony Scarbraugh at 252-948-3924 or anthony.scarbraugh@ncdenr.gov if you have any questions or concerns.

Sincerely,



Robert Tankard, Assistant Regional Supervisor
Water Quality Regional Operations Section
Division of Water Resources, NCDEQ

cc: Steve Trowell, DCM WaRO
Brian Rubino, Quible & Associates, P.C. (via email: brubino@quible.com)
Jennifer Burdette, DWR 401 & Buffer Permitting Unit
Laserfiche
File

EXHIBIT E - NCDMS MITIGATION ACCEPTANCE LETTER



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

March 8, 2017

Peter Warlick
6131 Boca Raton Dr.
Dallas, TX 75230

Expiration of Acceptance: September 8, 2017

Project: Warlick Residence

County: Hyde

The purpose of this letter is to notify you that the NCDEQ Division of Mitigation Services (DMS) is willing to accept payment for compensatory mitigation for impacts associated with the above referenced project as indicated in the table below. Please note that this decision does not assure that participation in the DMS in-lieu fee mitigation program will be approved by the permit issuing agencies as mitigation for project impacts. It is the responsibility of the applicant to contact permitting agencies to determine if payment to the DMS will be approved. You must also comply with all other state, federal or local government permits, regulations or authorizations associated with the proposed activity including G.S. § 143-214.11.

This acceptance is valid for six months from the date of this letter and is not transferable. **If we have not received a copy of the issued 404 Permit/401 Certification/CAMA permit within this time frame, this acceptance will expire.** It is the applicant's responsibility to send copies of the permits to DMS. Once DMS receives a copy of the permit(s) an invoice will be issued based on the required mitigation in that permit and payment must be made prior to conducting the authorized work. The amount of the in-lieu fee to be paid by an applicant is calculated based upon the Fee Schedule and policies listed on the DMS website.

Based on the information supplied by you in your request to use the DMS, the impacts for which you are requesting compensatory mitigation credit are summarized in the following table. The amount of mitigation required and assigned to DMS for this impact is determined by permitting agencies and may exceed the impact amounts shown below.

Impact	River Basin	CU Location (8-digit HUC)	Stream (feet)			Wetlands (acres)			Buffer I (Sq. Ft.)	Buffer II (Sq. Ft.)
			Cold	Cool	Warm	Riparian	Non-Riparian	Coastal Marsh		
	Tar-Pamlico	03010205*	0	0	0	0	0	0	368	104

* Buffer mitigation credit is not currently available in the 03020105 HUC; therefore, DMS proposes to use buffer mitigation credit outside of the HUC of impact. 15A NCAC 02B .0295(f) requires an additional 2:1 locational mitigation ratio be applied. Upon receipt of payment, DMS will take responsibility for providing the compensatory mitigation. The mitigation will be performed in accordance with the In-Lieu Fee Program instrument dated July 28, 2010 and 15A NCAC 02B .0295 as applicable. Thank you for your interest in the DMS in-lieu fee mitigation program. If you have any questions or need additional information, please contact Kelly Williams at (919) 707-8915.

Sincerely,

James B Stanfill
Asset Management Supervisor

cc: Brian Rubino- agent

c:\2014\p14058\DRAWINGS\p14058-BUFFER - JTM Working Drawing.dwg 3/9/2017 3:39 PM Tmurphy

LEGEND

- EX. PIPE
- EX. 1/2" REBAR
- 1/2" REBAR SET
- EX. 4" X 4" CONC. MON.
- EX. WOOD POST
- EX. MAG NAIL & WASHER
- EX. P/K NAIL & WASHER
- CALCULATED POINT
- WATER METER
- PHONE PEDESTAL
- C.A.T.V.
- UTILITY POLE
- GUY WIRE
- FIRE HYDRANT
- ELECT. TRANS.
- AG — ABOVE GRADE
- BG — BELOW GRADE

- EXISTING STRUCTURE (TO BE ELEVATED ON NEW PILINGS)
- EXISTING OPEN DECKING (TO BE ELEVATED ON NEW PILINGS)
- EXISTING COVERED/ROOFED AREA
- PERMITTED OPEN DECKING (DWR #2014-1148 VER. 2)
- PERMITTED WOOD RAMP, WOOD WALK, STEPS, AND ELEVATED BOARDWALK (DWR #2014-1148 VER. 2)
- PROPOSED COVERED/ROOFED AREA (CURRENTLY PERMITTED AS OPEN DECKING PER DWR #2014-1148 VER. 2)

LINE	LENGTH	BEARING
L1	238.00	S81°03'00"E
L2	75.00	S06°55'00"W
L3	1.10	N08°01'48"E
L4	5.57	N22°29'03"W
L5	36.34	N11°50'31"E
L6	13.47	N74°51'01"E
L7	33.62	S84°26'25"E
L8	31.54	S83°31'48"E
L9	49.49	S84°08'08"E
L10	14.06	N78°58'27"E
L11	1.40	N11°36'49"E
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— EXISTING BOUNDARY AND SURVEY INFORMATION OBTAINED IN ELECTRONIC FORMAT FROM SEABOARD SURVEYING AND PLANNING. FILE 9700110A ON 10-6-2014.

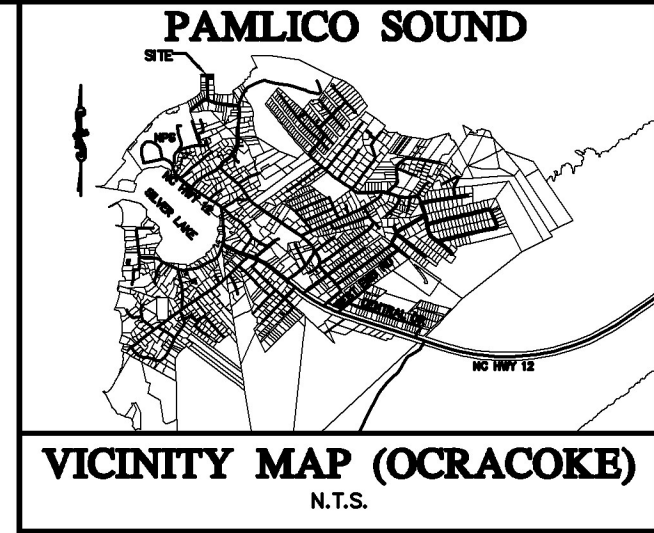
EXISTING COASTAL/404 WETLANDS

PERMITTED WORK PER DWR #2014-1148 VER. 2:

1. EXISTING HOME TO BE ELEVATED AND PILINGS REPLACED (SAME BUILDING FOOTPRINT)
2. CONSTRUCTION OF AN OPEN SLATTED DECK AND ACCESS STAIRWAY
 - A. TOTAL DECK AREA: 692.6 SQ.FT.
 - B. DECK AREA WITHIN ZONE 1: 539.1 SQ.FT.
 - C. DECK AREA WITHIN ZONE 2: 153.5 SQ.FT.
 - D.
3. INCREASE TOTAL OPEN DECK FROM 692.6 SQ. FT. TO 1,665 SQ. FT.
4. DECK AREA WITHIN ZONE 1: INCREASE FROM 539.1 SQ. FT. TO 900.22 SQ. FT.
5. DECK AREA WITHIN ZONE 2: INCREASE FROM 153.5 SQ. FT. TO 764.77SQ. FT.
5. MODIFY ACCESS TO INCLUDE HANDICAP RAMP AS SHOWN.

PROPOSED NEW WORK REQUIRING A MAJOR VARIANCE:

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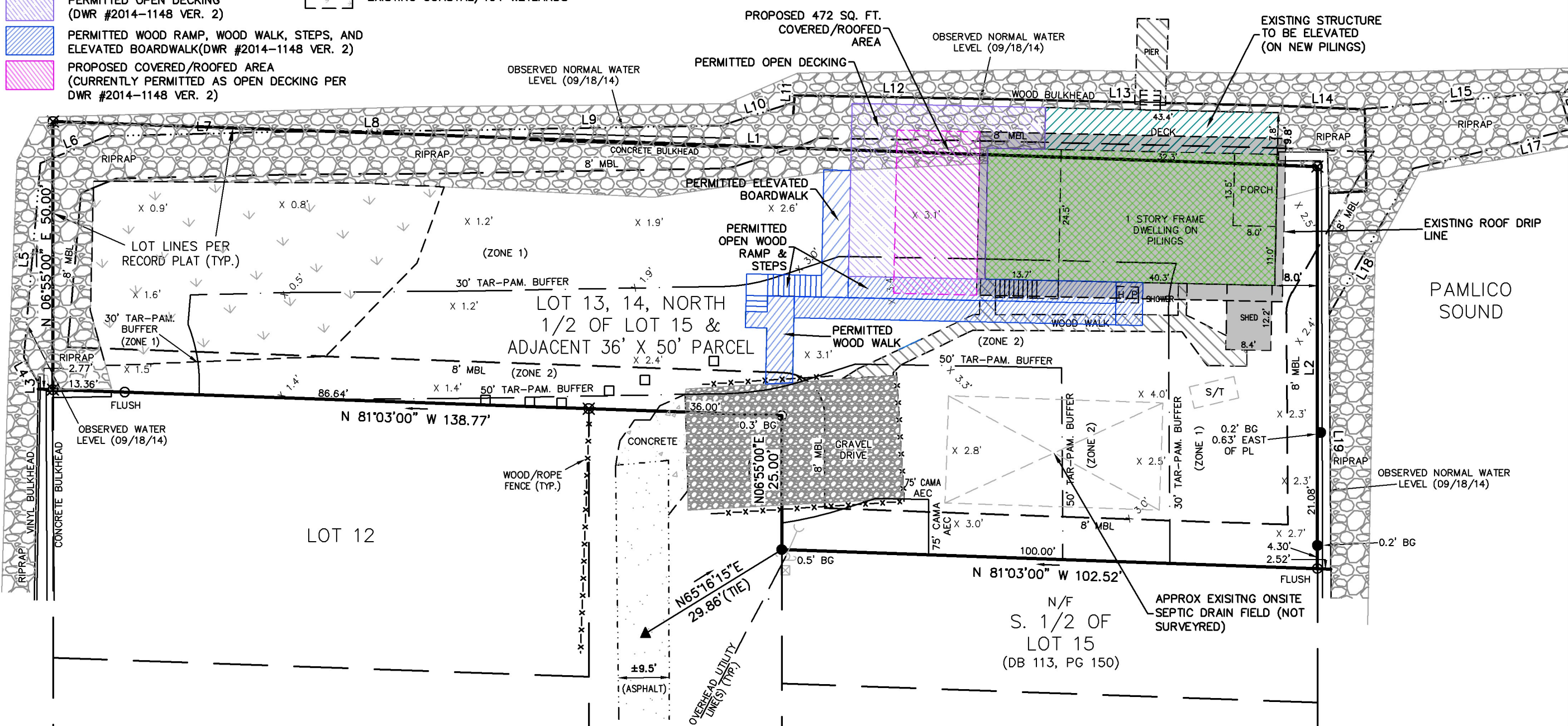
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& Associates, P.C.

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NC License#: C-0208
PO Drawer 870, Kitty Hawk, NC 27949
Phone: (252) 491-8147
Fax: (252) 491-8146
E-Mail: administrator@quible.com

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RECORDATION,
CONVEYANCES
OR SALES**



PAMLICO
SOUND

BUFFER ZONE VARIANCE EXHIBIT

R. PATTERSON WARLICK & MARGARET-ANNE B. WARLICK
LOTS 13, 14, & N 1/2 OF 15 & ADJACENT 36'x50' PARCEL

HYDE COUNTY
OCRACOKE TOWNSHIP
NORTH CAROLINA

GRAPHIC SCALE IN FEET 1"=20'

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PROJECT	P14058	DRAWN BY	TAS/JTM	CHECKED BY	BDR	DATE	2/2/17
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