



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

WILLIAM F. LANE

General Counsel

TO: The Coastal Resources Commission

FROM: Christine A. Goebel, DEQ Assistant General Counsel

DATE: September 2, 2022 (for the September 15, 2022 CRC Meeting)

RE: Variance Request by Ronald P. Spogli Trust (CRC-VR-21-05)

Petitioner Ronald P. Spogli, Trustee of the Ronald P. Spogli Trust (“Petitioner”) own a lot at 706 Shoals Watch Way on Bald Head Island in Brunswick County. The property is located near the southern point of West Beach. In August of 2021, Petitioner applied for a CAMA Minor Permit to construct a 4,500 square foot home on the lot. The proposed house did not meet the 270’ setback measured landward from the vegetation line. On September 24, 2021, the CAMA LPO for the Village of Bald Head Island denied Petitioner’s application as the proposed house did not meet the applicable setback. Petitioner now seeks a variance to allow the proposed sandbags to be authorized as proposed.

The following additional information is attached to this memorandum:

Attachment A: Relevant Rules

Attachment B: Stipulated Facts

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

Attachment D: Petitioner’s Variance Request Materials (not included in the stipulated exhibits)

Attachment E: Stipulated Exhibits including powerpoint

cc(w/enc.): Charles S. Baldwin, IV, Esq., Petitioner’s counsel, electronically
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically
Stephen Boyette, VBHI 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 the 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 90; 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 180 feet landward from the first line of stable and 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 "North Carolina 2019 Oceanfront Setback Factors & Long-Term Average Annual Erosion Rate Update Study" and approved by the Coastal Resources Commission on February 28, 2019 (except as such rates may be varied in individual contested cases or in 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>.

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.

(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;

1. Ronald P. Spogli, Trustee of the of the Ronald P. Spogli Trust (“Petitioner”), owns property at 706 Shoals Watch Way, Bald Head Island, North Carolina 28461 (the “Lot”), also known as Lot 3226 Single Family 16, Cape Fear Station, Bald Head Island, Stage Two, in the Village of Bald Head Island, Brunswick County, North Carolina (the “Village”).
2. Petitioner is represented by Charles S. Baldwin, IV, Esq. of the Brooks Pierce Law Firm in Wilmington.
3. Petitioner purchased the Lot from Bald Head Island Limited, which is the original developer of the Island, pursuant to a deed dated August 8, 2003, and recorded on August 15, 2003, in the Brunswick County Registry at Book 1806, Page 1219, a copy of which is attached as a stipulated exhibit.
4. The Lot is shown on a 2003 map recorded in the Brunswick County Registry at Map Cabinet 27, Instrument 473, a copy of which is attached as a stipulated exhibit.
5. The Lot is bordered by the Atlantic Ocean to the south, Shoals Watch (a 30’ wide public right-of-way per the plat) to the north, 704 Shoals Watch to the west currently owned by James and Sherri Ruddy, and 710 Shoals Watch to the east currently owned by The David L. Peterson Living Trust.
6. The Lot is located within the Ocean Erodible and the State Ports Areas of Environmental Concern (“AEC”).
7. The Lot is approximately 540 feet in length and 116 feet in width, comprising 1.36 acres based on its platted dimensions.
8. The Lot elevation in the vicinity of the proposed construction is approximately 20-29 feet, based on the topographic survey of Walter B. Cavado Land Surveying, a copy of which is attached as a stipulated exhibit.
9. The proposed construction is located a distance of approximately 290 feet landward of the flood zone VE/zone X boundary and is located in lower risk flood zone X, as shown on the Site Plan Survey (dashed black lines).
10. The surveyed MHWL in November 2021 at the Lot was approximately 187 feet oceanward from the vegetation line and the oceanward point of the proposed building was approximately 408 from the MHWL.
11. At the Lot, the currently applicable long term average erosion rate is 9’ per year. The erosion rate for the Lot adopted in 1997 and applicable in 2003 (the year Petitioner purchased the Lot) was 11’ per year. The erosion rate for the Lot adopted in 2004 was 15’ per year. The erosion rate for the Lot adopted in 2013 was 10.5’ per year.

12. The erosion measured at the transects in the area of the Lot, which were included in the 2020 erosion rate study, is shown on an attached exhibit. It shows the measured erosion (vs. the rate used for the setback block) between 10.2' and 9.7' per year at the Lot.
13. The area of the Lot was not subject to a static vegetation line at the time of the permit decision, nor is it approved for a static line exception or a development line as those are/were defined in the Commission's rules. At the time of the permit decision for this Lot, oceanfront erosion setbacks were measured landward from the vegetation line as defined in 15A NCAC 7H .0305(a)(5). Since the time of the permit decision, a static line has been established in the area of the Lot and a copy of the new static line is shown on an attached stipulated exhibit. The static line represents the location of the vegetation line prior to the 2021 large-scale nourishment project in the area of the Lot.
14. Major recent storm events, including Hurricane Matthew in 2016, Hurricane Florence in 2018, and Hurricane Isaias in 2020 have caused South Beach, including the eastern portion of the South Beach shoreline in the front of the Lot, to recede as the beach has eroded.
15. A stipulated exhibit is attached showing the shorelines in the area of the Lot over time, based on the wet/dry line on historic aerial images determined and digitized by DCM.
16. Pursuant to the 2000 Sand Management Plan between and among the U.S. Army Corps of Engineers, Bald Head Island, Oak Island, Caswell Beach and the State of North Carolina, sand from maintenance dredging of the Wilmington Harbor Shipping Channel is to be placed on the beaches of Bald Head Island two (2) out of three (3) dredging cycles with the third cycle going to Oak Island and Caswell Beach.
17. In 2009/2010 and 2018-19, which were the third-phases in the dredging cycle, the Village of Bald Head Island self-funded a sand placement project with a private contractor to maintain its beaches and its engineered beach template.
18. Since the 2000 Sand Management Plan was agreed to, sand has been placed on Bald Head Island in the following years: 2021, 2015, 2013, 2007, 2004-05, and 2000-01. None of these placements on South Beach directly placed sand as far east as the Lot, except the 2021 placement. DCM just recently (and after the permit decision) established a static line for the Lot based on the pre-project line for the 2021 sand placement.
19. In the past, the sand placed from maintenance dredging at Bald Head Island was placed on West and South Beaches. An example of such placement is the Corps of Engineers project concluded in 2021 which placed material on Petitioner's Lot and caused Petitioner's riparian Lot to avulse or move oceanward, approximately 140 feet, based on the survey data and aerial imagery of Olsen Associates, Inc. attached as stipulated exhibits.
20. According to Mr. Boyett, as stated in his affidavit, the Village is committed to maintaining an engineered beach with periodic sand placements at Bald Head Island pursuant to the 2000 Sand Management Plan with the US Army Corps of Engineers (USACE) and supplemental Village funded sand placements. Mr. Boyett states that the next USACE sand placement may occur in 2023 or 2024, depending on shipping channel shoaling, and

the next Village funded sand placement may occur in 2027 or 2028, and the Village is budgeting for the project.

21. On August 31, 2021, Petitioner, through its authorized agent Cothran Harris of Conthran Harris Architecture, submitted an application for a CAMA Minor Permit (Permit Application # 2021-07) for construction of a 4,500 square foot, single-family residence on the Lot, a copy of which is attached as a stipulated exhibit. The CAMA Minor Permit was submitted to Stephen Boyett, Bald Head Island Development Services Director and CAMA Local Permit Officer.
22. As part of the CAMA Minor permitting process, the Petitioner sent notice of the project to the two adjacent riparian owners through letters each dated August 31, 2021, copies of which are attached. Certified mail receipts also attached and tracked on usps.gov indicate delivery of the notice letter to Mr. Peterson on September 10, 2021 (pursuant to Tracking No. 7021 0350 0000 6962 5132). Delivery of the notice letter to the Ruddys was “Unclaimed/Returned to Sender” as of September 30, 2021.
23. In preparing this variance to be heard last fall, the failure to notify the Ruddys was discovered. Re-notice of the permit application materials was attempted on the Ruddys several times by certified mail-return receipt requested, including September 7, 2021 and November 10, 2021, and delivery by Federal Express Tracking No. 287647648415 (tracked but no signature) on December 17, 2021. A copy of the tracking information is attached. The LPO and DCM have not received any comments on the permit application from either adjacent riparian owner or anyone else to date. In addition to the delivery on December 17, 2021 to the Ruddys of the initial CAMA application, numerous other attempts at delivery were made, including by email on October 22, 2021 by attorney Sandra Darby’s office, on December 15, 2021 by attorney Christy Goebel and on December 15, 2021 by attorney Charles S. Baldwin, IV.
24. The applicable setback from the vegetation line for the proposed 4,500 square foot house with a 9’ per year erosion rate is 270’ (30 x 9’= 270’). The attached site plan shows the location of the FLSNV as established on 9-1-20 and reconfirmed by Mr. Boyett on 7-22-21. The approximate setback line is also shown on the attached site plan, and is located in a similar location as the 30’ Village street-side setback (shown in red). This places all of the proposed development within the setback area, waterward of the setback line. The waterward side of the house would be approximately 173’9” landward of the vegetation line and the rear of the house would be approximately 270’ landward of the vegetation line.
25. On September 24, 2021, Mr. Boyett denied the CAMA Minor Permit as inconsistent with 15A NCAC 7H .0306 (a)(5) and .0309 (a).
26. Petitioner stipulates that the permit application was properly denied based on 15A NCAC 7H .0306(a)(5) and .0309(a).
27. The location of the house to be constructed on the Lot relative to the houses on either side of the Lot is shown on the site plans, attached as a stipulated exhibit. The site plan also

indicates that the proposed house meets the private “Bald Head Sightline Setback” as required in the declarations, recorded at Book 263, Page 621, Brunswick County Registry.

28. The home at 704 Shoals Watch received a Certificate of Occupancy on September 13, 2006, a copy of which is attached. The CAMA Minor Permit for that home could not be located, but based on the CO, would likely have been issued in 2006. The 5,342 square foot home would have been subject to an erosion rate of 15’ per year and a setback factor of 30x (the prior Commission rule only required a setback factor of 30x for residential structures, regardless of size) for a setback from the vegetation line of 450’. Without a copy of the CAMA permit and site plan, it is not clear what setback distance was applied.
29. The home at 710 Shoals Watch received a Certificate of Occupancy on May 28, 2008, a copy of which is attached. The CAMA Minor Permit for that home was issued on September 14, 2004, a copy of which is attached. The 5514 square foot home would have been subject to an erosion rate of 11’ (2004 rates were effective 1/28/04) per year and a setback factor of 30x (the prior Commission rule only required a setback factor for 30x for all residential structures, regardless of size) for a setback from the vegetation line of 330’. The CAMA Permit, however, only required that a setback of 250’ be met by the proposed structure.
30. The owner of the home located at 704 Shoals Watch, which is next to and west of the Lot, has planted vegetation, including in front of the Lot, to help reestablish oceanward the first line of stable vegetation. The vegetation in the vicinity of the Lot is seen in site photos, attached as a stipulated exhibit.
31. As part of the variance process, Petitioner sent notice of the variance request to the adjacent riparian owners as required by 15A NCAC 7J.0701. Tracking information, attached, for the two notice letters dated September 24, 2021 indicate that the letter to Mr. Peterson was delivered on October 5, 2021, and to the Ruddys on October 4, 2021.
32. Petitioner is seeking a variance from the Commission from both the requirement to first seek a procedural variance from the Commission’s rule at 15A NCAC 7J.0701 to seek a variance from local street-side or side-yard setbacks from the Village where Petitioner wished to located his home as proposed, and a variance from the Commission’s oceanfront setback rules at 15A NCAC 7H.0306(a)(5) (setting forth the setback) and 7H.0309(a) (where the proposed development does not meet any of the erosion setback exceptions).
33. Without a variance, a CAMA permit could be issued for development within the setback area on the Lot for those structures listed in 15A NCAC 7H.0309, including campsites, driveways, parking areas, elevated decks up to a 500 square foot footprint, unenclosed uninhabitable gazebos not to exceed a footprint of 200 square feet, single-story sheds, sand-fencing, swimming pools and temporary amusement stands.
34. An affidavit of Mr. Boyett is attached as a stipulated exhibit, describing his opinions about issues related to this Variance.

LIST OF STIPULATED EXHIBITS

1. Deed of Purchase (Brunswick County Registry Book 1806, Page 1219)
2. Plat (Brunswick County Registry Map Cabinet 27, Instrument 473)
3. Topographic survey of the Lot of Walter B. Cavado Land Surveying, including Flood Zones
4. Erosion Rate transect overlain on aerial
5. New 2021 Static Line Map
6. DCM historic shorelines overlain on aerial
7. Olsen diagram of 2021 before and after shorelines
8. MHWL Survey by McKim & Creed in May 2021 in vicinity of Station 206+00 (B-52)
9. Boyette Affidavit and exhibits
10. CAMA Minor Permit Application materials
11. Notice of permit application and tracking information
12. Re-notice information and tracking
13. September 24, 2021 CAMA Minor Permit denial letter
14. Sightline Setback drawing
15. 704's Certificate of Occupancy
16. 710's Certificate of Occupancy and CAMA permit
17. Notice of Variance Petition and tracking information
18. Olsen Associates, Inc. photo of Lot with MHWL overlay from November 2021 aerial and survey data
19. Cothran Harris Architecture Site Plan showing MHWL and vegetation line setback distances using November 2021 Aerial and Survey data
20. Photos of 706 Shoals Watch – July 16, 2021
21. Photo of Lot taken November 25, 2021
22. Powerpoint with ground and aerial photos of the Lot including historic shoreline imagery for 2010, 2012, 2016 and 2020 from DCM's maps

PETITIONERS' & 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.

Strict application of the ocean hazard setback rules and standards prescribed by the Coastal Resources Commission (the "Commission") at 15A N.C.A.C. 7H.0306 will cause Petitioner unnecessary hardship in that such application will effectively render Petitioner's lot, Lot 706 Shoals Watch, Bald Head Island (the "Lot"), unbuildable for residential purposes.

Petitioner purchased the Lot in 2003 from Bald Head Island Limited, the original developer of the Island. (*See* General Warranty Deed, Ex. 1 to Attach. G) At the time Petitioner purchased the Lot in 2003 it was a platted buildable lot.

Homes were constructed on the properties on each side of the Lot in 2006 and 2008. A CAMA Minor Permit was issued for each of those projects and no variance was necessary. The Lot was recently restored in Spring 2021 to approximately its original dimensions by a sand placement project. On August 31, 2021, Petitioner, via architect Cothran Harris, applied for a CAMA Minor Permit for construction of a 4,500 square foot single-family residence on the Lot. On September 24, 2021, Stephen Boyett, Bald Head Island Development Services Director and Local Permit Officer, denied the CAMA Minor Permit application as inconsistent with 15A N.C.A.C. 7H.0306. (*See* Permit Denial Letter, Attachment Ex. 6 to Attach. G) In doing so, Mr. Boyett noted that no such construction is permitted to take place within 270 feet from the first line of stable natural vegetation pursuant to 15A N.C.A.C. 7H.0306.

Applying a 270-foot setback to Petitioner's Lot effectively renders it unbuildable, despite it being a long-standing, platted buildable lot and despite comparable single-family residences having been constructed on *both* of the immediately adjacent lots, in approximately the same location.

The Lot is both elevated and sizable, sitting at 20' – 29' above sea level in the vicinity of the project (*see* Boyett Affidavit, Ex. 7 to Attach. G) and being 1.36 acres. Further, the first stable natural line of vegetation should naturally move oceanward within the 140 feet of new restored dry beach. Nonetheless, a 270-foot setback from the formerly eroded condition of the first line of stable natural vegetation leaves Petitioner with effectively no room within which to build a single-family residence. Thus, strict application of the ocean hazard setback rules and standards effectively renders a once buildable lot now unbuildable, despite the Lot having accreted 140 feet oceanward to restore its condition to the robust condition of prior years. This is a significant and unnecessary hardship for Petitioner, who purchased the Lot in 2003 in expectation of one day building a home thereupon.

Staff's Position: No.

Staff disagrees that a strict application of the applicable setback rules from which Petitioner seeks a variance causes Petitioner unnecessary hardships. Petitioner makes an argument that, because the Lot was “buildable” when purchased from the developer in 2003, it should be “buildable” now, nearly 20 years later. In 2003, the setback for a residential structure of any size at the Lot was 330’ (11’/year erosion rate x 30). It is not reasonable for Petitioner to have an expectation that a lot in an Ocean Hazard AEC, in an area with high erosion rates, would remain buildable over a 20-year period, where the Commission’s rules note in 7H .0301 that the Ocean Hazard AEC’s “special vulnerability to erosion or other adverse effects of sand, wind, and water, uncontrolled or incompatible development could unreasonably endanger life or property.” The Commission’s Rule at 7H .0302 further notes that

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.

In addition, Petitioner should not have assumed the Commission’s setback rules would remain unchanged for over 20 years, including updated erosion rates that are the basis for calculating construction setbacks. Since Petitioner’s purchase in 2003, the long-term erosion rate at the Site increased to 15’/year in 2004, decreased to 10.5’/year in 2013 and is now 9’/year with a corresponding development setback of 180’ for structures 5,000 square feet or less.

For these reasons, Staff contend that any hardship does not result from the strict application of the Commission’s setback rules; rather from the intervening 20 years of beach erosion in the highly dynamic Cape Fear system, including significant erosion in the past few years that has caused the vegetation line, and the resulting setback line, to move landward. Further, any hardship may be temporary given recent and repeated beach restoration (renourishment) projects by the U.S. Army Corps of Engineers and Village of Bald Head Island, and stabilization efforts by the Petitioner (planting of beach vegetation), which may result in future changes to the first line of stable and natural vegetation that could make the lot buildable in the future (as noted in Petitioner’s arguments under II, below, and mentioned in Stephen Boyette’s affidavit attached). Over time, if the Town and Petitioner are unable to stabilize and restore this shoreline through these efforts, then clearly it would be unwise to proceed with the proposed development on a site with such high oceanfront erosion rates, and where alternative types of development may still be allowed under the Commission’s exceptions in 15A NCAC 07H.0309.

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

Petitioner's Position: Yes.

The hardship endured by the Petitioner results from conditions that are peculiar to the petitioner's property, such as timing of the setback line determination, location, size, and topography.

Petitioner's Lot is peculiar in its location, topography, and that it is the recipient of periodic sand placement projects. It is peculiar that the condition of the Lot was in its historically most-eroded condition at the time the first natural stable vegetation line was established and the Lot had subsequently accreted approximately 140 feet oceanward at the time of Petitioner's CAMA Minor Permit Application. The Lot will, within the next few years, likely be in compliance with the 270-foot vegetation line setback requirement, given the Lot's newly restored approximately 540 feet dry length. The Lot was peculiarly impacted by a condition created by major storm events, beginning with Hurricane Matthew in 2016 through Hurricane Isaias in the Fall of 2020, prior to the Corps of Engineers 2021 sand placement project. The owner of the home located at 704 Shoals Watch, Bald Head Island, which is next to the Lot, has planted vegetation, including in front of the Lot, to help reestablish oceanward the first line of stable vegetation. The sand placement project conducted by the Corps of Engineers was recent enough that the first line of established vegetation on the Lot has not yet returned to where it generally has been naturally and in recent history. (See Historical Comparison of Imagery, Ex. 10 to Attach. G).

The ocean hazard setback rules and standards promulgated by the Commission set the erosion setback line at a distance of either 60 feet or 30 times the long-term annual erosion rate, whichever is greater, from the first line of stable natural vegetation. See 15A N.C.A.C. 7H.0306(a)(1), (5)(A). The specific location of the Lot on Bald Head Island renders the applicable ocean hazard setback particularly high, relative to many other lots on the Island. The long-term annual erosion rate, or setback factor, at the Lot is currently 9 feet/year; whereas, the factors assigned to the other lots on South Beach range from 2 feet/year to 7 feet/year. See N.C. Div. of Coastal Mgmt., Interactive Map Viewer, N.C. DIV. OF ENV'T RES., <https://www.ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=f5e463a929ed430095e0a17ff803e156>. The setback formula does not consider or make allowance for elevation of the structure. Here, the home would be located in a peculiarly protected and safe location on top of an ancient sand dune at 20-29 foot elevation. (See Boyett Affidavit, Attachment Ex. 7 to Attach. G) The peculiar topography of the Lot demonstrates that it is substantially better protected than most other oceanfront lots.

Staff's Position: No.

Staff disagrees that Petitioner's alleged hardship results from the Lot's location, elevation, and recent beach nourishment project. Petitioner argues that one peculiarity of the property is that the vegetation line used for permitting was determined by the LPO when the vegetation line was at its most landward location. However, this hardship is due to the Petitioner's timing in seeking a development permit, which requires a setback determination based on the structure size and

corresponding erosion rate in that location at the time of permit application. Oceanfront setback determinations for development permits are conditioned to be valid for 60 days, after which time, if development has not begun, a new setback determination is required per 7J .0403(d). This addresses possible changes in the vegetation line that can occur over short time periods due to the dynamic nature of the oceanfront shoreline. Petitioner also states that the 2021 nourishment project has caused the Lot to accrete “approximately 140 feet oceanward.” While the sand placement may have increased the oceanward end of the lot through the addition of sand, the Commission’s rules require establishing and using a pre-project or “Static Vegetation Line” for setback determinations unless the Commission has granted an exception to that process under 15A NCAC 07J .1200 (which is not the case at this location at the time of the permit application). In areas within the boundaries of a large-scale beach fill project, the vegetation line that existed within one year prior to the onset of project construction is established as the reference point for measuring oceanfront setbacks in all locations where it is landward of the post-project vegetation line, because the vegetation line may move (artificially) seaward after the beach nourishment project and therefore may not be a good indicator or reference feature for construction setbacks unless a community presents a plan to the Commission for maintaining the new beach profile over time. Regardless, at the time of the application, the proposed building would not meet the oceanfront construction setback from the vegetation line or the Static Line in this case.

Staff also acknowledges that the setback formula “does not consider or make allowance for elevation of the structure” or of the lot elevation. Staff acknowledge that this Lot is peculiar in having 20’-29’ of elevation where the house is proposed, providing it more protection from flooding than other lots in the area. However, the elevation of the relic dune where the Site is located will not fully protect the location from continued beach erosion.

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

Petitioners’ Position: No.

The hardships endured do not result from any actions taken by the Petitioner. Petitioner has not caused the historically eroded condition of the Lot at the time the vegetation setback line was established. Major storm events, beginning with Hurricane Matthew in 2016 through Hurricane Isaias in the fall of 2020 caused South Beach, including the eastern portion of the South Beach shoreline in the front of the Lot, to recede. One effect of this hurricane-induced erosion was to push the natural stable vegetation line in the area of Petitioner’s Lot landward.

The owners of the homes neighboring Petitioner, at 704 Shoals Watch and at 710 Shoals Watch, received their Certificates of Occupancy on September 13, 2006 and May 28, 2008, respectively. Variances were *not* required for these two owners to build their homes upon their lots, despite the fact that the rules and standards promulgated by the Commission then provided that the erosion setback line must be set at a distance of 30 times the long-term annual erosion rate from the first line of stable natural vegetation. *See* 15A N.C.A.C. 7H.0306(a)(1) (effective 11/01/2004). That the

long-term annual erosion rate applicable at the time that the two adjacent property owners built on their lots enabled them to build without first seeking a variance demonstrates that the hardship endured by Petitioner is a result of hurricane and storm impacts rather than actions taken by Petitioner.

Staff's Position: No.

Any hardships alleged by Petitioner are the result of the nearly 20-year delay in building on the Lot. While Petitioner did not cause the erosion on the Lot, Petitioner should not have reasonably expected that the oceanfront erosion setback on the Lot would remain unchanged over that period, especially in such a dynamic ocean hazard area as a cape shoal system with high erosion rates.

Petitioner also notes the homes on the adjacent lots which were built in 2006 and 2008 did not require variances. While that is the case, the stipulated facts, including certificates of occupancy and a CAMA permit for 710 Shoals Watch, appear to show that a lesser than required setback was utilized by the Village Local Permitting Officer in authorizing the house at 710 Shoals Watch. In addition, the home at 704 Shoals Watch was constructed around 2006 and should have been subject to a 450' setback. While a permit log notes that a CAMA minor permit was issued March 8, 2004 to the owners at that time, no CAMA permit could be located, and therefore it is unclear what setback was used at the time. Petitioner's assumption that the neighboring lots were built without the need for a variance and therefore must have met the correct setback in place at the time may be an incorrect assumption and not a basis for a Variance at the property in question.

Finally, Petitioners have not attempted to minimize the encroachment of their proposed site plan and house through reduction of square footage or redesign. For example, Petitioner does not appear to have designed and placed the home as far landward on the lot as possible. Petitioner also did not seek a local variance asking for some relief from the street-side setback.

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 Petitioner is consistent with the spirit, purpose, and intent of the ocean hazard setback rules and standards prescribed by the Commission at 15A N.C.A.C. 7H.0306, secures the public safety and welfare, and preserves substantial justice. The house Petitioner intends to construct is in keeping with the structures in the area, and will be built in line with (*i.e.*, not oceanward of) the immediately adjacent houses on each side of the Lot. No prior construction has taken place on the Lot since Petitioner purchased the Lot in 2003.

The proposed development is the new construction of a single-family residence (~4,500 sq. ft.). The residence will be constructed at 20'-29' elevation (*see* Boyett Affidavit, Ex. 7 to Attach. G),

landward of the local (Bald Head Island) “sightline” setback in relation to homes on immediately adjacent lots on each side (*see* Site Plan, Ex. 8 to Attach. G), more than 170 feet landward from current first line of stable natural vegetation, and 290 feet from the flood zone VE boundary. Such project is both safe and consistent with development in the area.

The applicable setback currently prohibits construction on Petitioner’s property within 270 feet from the first line of stable natural vegetation, effectively rendering the lot unbuildable despite it being a long-standing platted buildable lot. Beach nourishment in 2021 caused the lot to accrete oceanward by approximately 140 feet. Therefore, Petitioner seeks a variance allowing construction on Petitioner’s property to occur not less than 170 feet from the first line of stable, naturally occurring vegetation as identified by the local permit officer.

The Management Objective of Ocean Hazard Areas provides that the spirit, purpose, and intent of the rules and standards set forth in 15A N.C.A.C. 7H are to “minimize losses to life and property resulting from storms and long-term erosion, prevent encroachment of permanent structures on public beach areas, preserve the natural ecological conditions of the barrier dune and beach systems, and reduce the public costs of development within ocean hazard areas, and protect common-law and statutory public rights of access to and use of the lands and waters of the coastal area.” 15A N.C.A.C. 7H.0303(b).

The elevated lot, and the position of the structure on it is protected and safe. The Lot is approximately 540 feet in length. The structure will not encroach on the dry sand beach. Construction of a house would further use of the beach and public trust resources. The owners of the homes constructed on each of the two adjacent lots have never had to install sandbags to protect the sand dunes or their homes, despite the many powerful storms that have impacted Bald Head Island over the past two decades.

Further, the Lot will continue to benefit from sand placement projects. Pursuant to the 2000 Sand Management Plan between and among the U.S. Army Corps of Engineers, Bald Head Island, Oak Island, Caswell Beach and the State of North Carolina, sand from maintenance dredging of the Wilmington Harbor Shipping Channel is placed on two (2) out of three (3) cycles on the beaches of Bald Head Island, with the third cycle going to Oak Island and Caswell Beach. In the third dredging cycle where sand is placed on Oak Island and Caswell Beach, the Village of Bald Head Island has self-funded a sand placement project with a private contractor to maintain its beaches and its engineered beach profile.

Finally, the variance preserves substantial justice. The Lot was platted and sold by the original developers of Bald Head Island as a buildable lot. Petitioner does not seek to create a buildable lot where there was none, or to build a structure unlike those found on Petitioner’s neighbors’ lots. Alternatively, without the variance, Petitioner would have little to no use of the Lot, given that Petitioner would be rendered unable to build any sort of residence thereupon. There is clearly a large, 1.36 acres, elevated, buildable lot with the misfortune of the first natural stable vegetation line being set between sand placement projects and following several years of bad hurricanes.

Staff's Position: No.

Staff disagrees that the variance, as requested by Petitioner, is consistent with the spirit, purpose, and intent of the rules, standards, or orders issued by the Commission, specifically the Commission's setback rules in 7H.0306 where the proposed house would not meet the applicable 180' setback (30x 9'/year) measured landward of the vegetation line (and where the proposed development is not a use allowed in the setback area per 7H .0309). These are the rules from which Petitioners seek a variance from the Commission.

The Lot was platted after 1979, and so the developer would have been aware of the Commission's oceanfront setback requirements and designed the platted lots with those setbacks in mind. While it appears that the Lot and the location of the vegetation line would have supported a house meeting the setback in 2003 (30x 11' = 330'), Petitioner chose not to build at that time. Since then, the vegetation line has been eroding landward in response to hurricanes, storms, and the dynamic cape system. While Petitioner notes that the proposed house is designed similarly to other houses in the area, is in-line with them, and meets the private "sight line setback", Petitioner is largely silent about the applicable setback, which is dependent on the erosion rate and location of the vegetation line. While the setback may seem large, that is due to the correspondingly high long-term erosion rates in this area.

While the Lot has benefited from beach renourishment through the 2021 project, may have also benefited from past beach nourishment projects located to the west of the property, and may continue to benefit from beach nourishment and shoreline stabilization projects in the future, there is no guarantee that the dune system will remain or grow as storms and erosion may continue to impact the Lot. There is no certainty that future beach nourishment projects will be constructed by the Corps of Engineers or Village in this location, or that the projects will stabilize and afford long-term protection to this property.

Most importantly, the Petitioner has claimed that the proposed location of the house is likely to be permissible "within the next few years" due to continuing renourishment and stabilization efforts. Vegetation lines are generally good indicators of beach stability because plants cannot establish where sand is subject to occasional flooding, erosion, overwash, and disturbance. Until stable, natural vegetation is re-established in the area, Staff contend that it would be inconsistent with the spirit, purpose, and intent of the Commission's rules to allow construction where it does not meet the applicable setback from this reference feature. It would not secure public safety and welfare where the proposed development would be allowed in a highly erosive ocean hazard area and therefore create threats to life and property. It would also not preserve substantial justice because other property owners along the coast of North Carolina are subject to the same restrictions in similar circumstances.

Attachment D:

Petitioner's Variance Request Materials



115 NORTH 3RD STREET
SUITE 301
WILMINGTON, NC 28401

T 910.444.2000
WWW.BROOKSPIERCE.COM

September 29, 2021

VIA U.S. MAIL

Mr. Braxton C. Davis, Director
Division of Coastal Management
400 Commerce Avenue
Morehead City, North Carolina 28557

VIA EMAIL

Braxton.Davis@ncdenr.gov

Re: Variance Petition
Ronald P. Spogli, Trustee of The Ronald P. Spogli Trust
Brunswick County, North Carolina
Our File No. 112388.1

Dear Mr. Davis:

Enclosed is a CAMA Variance Request Form regarding the above-referenced project. Please schedule the variance for the November 9-10, 2021 meeting of the Coastal Resources Commission.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in blue ink that reads "Charles S. Baldwin, IV". The signature is stylized and cursive.

Charles S. Baldwin, IV

CSBIV/gw
Enclosures

pc: Christine A. Goebel, Esquire
(with enclosures, via United States Mail and email)

CAMA VARIANCE REQUEST FORM

DCM FORM 11

DCM FILE No.: _____

PETITIONER'S NAME Ronald P. Spogli, Trustee of The Ronald P. Spogli Trust
 COUNTY WHERE THE DEVELOPMENT IS PROPOSED Brunswick County

Pursuant to N.C.G.S. § 113A-120.1 and 15A N.C.A.C. 07J .0700 *et seq.*, the above named Petitioner hereby applies to the Coastal Resources Commission (CRC) for a variance.

VARIANCE HEARING PROCEDURES

A variance petition will be considered by the CRC at a regularly scheduled meeting, heard in chronological order based upon the date of receipt of a complete petition. 15A N.C.A.C. 07J .0701(e). A complete variance petition, as described below, must be *received* by the Division of Coastal Management (DCM) a minimum of six (6) weeks in advance of the first day of a regularly scheduled CRC meeting to be eligible for consideration by the CRC at that meeting. 15A N.C.A.C. 07J .0701(e). The final set of stipulated facts must be agreed to at least four (4) weeks prior to the first day of a regularly scheduled meeting. 15A N.C.A.C. 07J .0701(e). The dates of CRC meetings can be found at DCM's website: www.nccoastalmanagement.net

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

VARIANCE CRITERIA

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

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

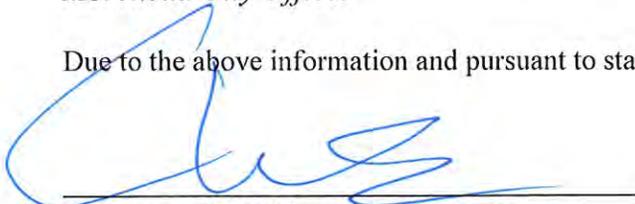
Please make your written arguments that Petitioner meets these criteria on a separate piece of paper. The Commission notes that there are some opinions of the State Bar which indicate that non-attorneys may not represent others at quasi-judicial proceedings such as a variance hearing before the Commission.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

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

- The name and location of the development as identified on the permit application;
- A copy of the permit decision for the development in question;
- 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);
- n/a 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

9-29-21

 Date

Charles S. Baldwin, IV, Attorney for Petitioner

 Printed Name of Petitioner or Attorney

cbaldwin@brookspierce.com

 Email address of Petitioner or Attorney

115 N. 3rd Street, Suite 301

 Mailing Address

(910) 444-2000

 Telephone Number of Petitioner or Attorney

Wilmington NC 28401

 City State Zip

(910) 444-2001

 Fax Number of Petitioner or Attorney

DELIVERY OF THIS HEARING REQUEST

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

Contact Information for DCM:**By mail, express mail or hand delivery:**

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

By Fax:

(252) 247-3330

By Email:

Check DCM website for the email
address of the current DCM Director
www.nccoastalmanagement.net

Contact Information for Attorney General's Office:**By mail:**

Environmental Division
9001 Mail Service Center
Raleigh, NC 27699-9001

By express mail:

Environmental Division
114 W. Edenton Street
Raleigh, NC 27603

By Fax:

(919) 716-6767

Revised: July 2014

**ATTACHMENTS TO
CAMA VARIANCE REQUEST FORM**

Petitioner: Ronald P. Spogli, Trustee of The Ronald P. Spogli Trust

- The name and location of the development as identified on the permit application:

706 Shoals Watch, Bald Head Island, North Carolina 28461.
- A copy of the permit decision for the development in question:

See Attachment A.
- A copy of the deed to the property on which the proposed development would be located:

See Attachment B.
- A complete description of the proposed development including site plan:

The proposed development is the new construction of a single-family residence (~4,500 sq. ft.). The residence will be constructed landward of the local (Bald Head Island) “sightline” setback in relation to homes on immediately adjacent lots on each side, and more than 170 feet landward from current first line of vegetation. The applicable CAMA setback currently prohibits construction Petitioner’s property within 270 feet from the first line of vegetation, which effectively renders the lot unbuildable; therefore Petitioner seeks a variance allowing construction on Petitioner’s property to occur not less than 170 feet from the first line of vegetation.

CAMA permit application dated August 31, 2021, and related materials (including a site plan) are enclosed as Attachment C.
- A stipulation that the proposed development is inconsistent with the rule at issue:

See Attachment D.
- Proof that notice was sent to adjacent owners and objectors:

See Attachment E.
- Petitioner’s written reasons and arguments about why the Petitioner meets the four variance criteria:

See Attachment F.
- A draft set of proposed stipulated facts and stipulated exhibits:

See Attachment G.

**ATTACHMENT A
TO
CAMA VARIANCE PETITION
RONALD P. SPOGLI, TRUSTEE OF THE RONALD P. SPOGLI TRUST
PERMIT DECISION FOR THE DEVELOPMENT IN QUESTION**



The Village of Bald Head Island

September 24, 2021

**CERTIFIED MAIL- 7020 1290 0000 6600 0847
RETURN RECEIPT REQUESTED**

Ronald Spogli
C/O Cothran Harris Architecture
5725 Oleander Drive Suite E-1
Wilmington NC 28403

RE: DENIAL OF CAMA MINOR DEVELOPMENT
PERMIT APPLICATION NUMBER 2021-07
PROJECT ADDRESS-706 Shoals Watch Way, Bald Head Island NC 28461

Dear Mr. Harris,

After reviewing the application submitted on behalf of Mr. Ronald Spogli in conjunction with the development standards required by the Coastal Area Management Act (CAMA) and out 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 NCGS113A-120(a)(8) which requires that all applications be denied which are inconsistent with CAMA guidelines. Specifically, the development for which you applied consisted of the construction of a new single-family residence that cannot meet the required development setback (30 times the shoreline erosion rate of 9 feet/year from the First Line of Stable Natural Vegetation (FLSNV)).

Your proposal is inconsistent with 15A NCAC 7H .0306 (a)(5) and .0309 (a), which state the following:

15A NCAC 07H.0306 (a)(5)- "With the exception of those types of development defined in 15A NCAC 07H.0309, no development, including and portion of a building or structure, shall extend oceanward of the ocean hazard setback. 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 setbacks shall be established based on the following criteria:..."

Should you wish to appeal my decision to the Coastal Resource Commission or request a variance from the Commission, please contact me so I can provide you with the proper forms and any other information you may require. The Division of Coastal Management in Morehead

**P.O. Box 3009 • BALD HEAD ISLAND, NC 28461
(910) 457-9700 • FAX (910) 457-6206 • WEBSITE: <http://www.villagebhi.org>**

7020 1290 0000 6600 0847

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

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

OFFICIAL USE

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ _____

Total Postage and Fees \$ _____

Postmark Here

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

Sent to: **COTHRAN HARRIS ARCHITECTURE**
Street and/or PO Box No.: **5725 OLEANDER DR SUITE E-1**
City, State, Zip+4: **WILMINGTON NC 28403**

Ronald Spogli
C/O Cothran Harris Architecture
2021-07
September 24, 2021
Page two

City must receive appeal notices within twenty (20) days of the date of this letter in order to be considered.

Respectfully yours,

A handwritten signature in blue ink that reads "S Boyett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Stephen Boyett
Bald Head Island Development Services Director and Local Permit Officer

CC: Ronald Spogli, 11100 Santa Monica Blvd, Los Angeles CA 90025
Tara McPherson, Wilmington Region District Manager

Attachments:
Photos of First Line of Natural Stable Vegetation taken on July 22, 2021
Aerial Image of 706 Shoals Watch from Village GIS

026



027



028



**ATTACHMENT B
TO
CAMA VARIANCE PETITION
RONALD P. SPOGLI, TRUSTEE OF THE RONALD P. SPOGLI TRUST**

**DEED TO THE PROPERTY ON WHICH THE
PROPOSED DEVELOPMENT WOULD BE LOCATED**

Brunswick County--Register of Deeds
Robert J. Robinson

Inst #172253 Book 1806Page 1219

08/15/2003 05:21:02pm Rec# 157748

08/18/2003
\$4,700.00 20



Real Estate
Excise Tax

RET S Darby
TOTAL 17 4700 50
REC# 4717 3851
CASH BY OK

TS	AUX	CON	GR	PCL	SPL
3	0	alele 0	0	011	0
MAP	MPSUF	BLK	PIN	SUF	INT

NORTH CAROLINA GENERAL WARRANTY DEED

Tax Lot No. _____ Parcel Identifier No. 2650006213

Mail after recording to Spogli Trust, P.O. Box 8920, Rancho Santa Fe, CA 92067

This instrument was prepared by Judith A. Ward, J.D., P. O. Box 3069, Bald Head Island, NC 28461

Brief description for the Index

Lot 3226 Single Family 16, Cape Fear Station, Bald Head Island, Stage II

THIS DEED made this 8th day of August, 2003, by and between

GRANTOR

GRANTEE

BALD HEAD ISLAND LIMITED,
a Texas Limited Partnership
P. O. Box 3069
Bald Head Island, North Carolina 28461

RONALD P. SPOGLI, TRUSTEE OF
THE RONALD P. SPOGLI TRUST
P.O. Box 8920
Rancho Santa Fe, CA 92067

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 Village of Bald Head Island, Smithville Township, Brunswick County, North Carolina, and more particularly described as follows:

BEING all of Lot 3226 Single Family 16, Cape Fear Station, Bald Head Island Stage Two, as the same is shown on a map thereof duly recorded in Map Cabinet 27, Instrument 473, of the Brunswick County Registry, and as described and included in Amendment and Annexation to Protective Covenants by Bald Head Island Limited filed in the aforesaid Registry in Book 1733 at Page 763, as amended. It is the intent of the Grantor to convey title to the high water mark of the Atlantic Ocean, such that the southern property line of the land herein conveyed shall be co-existent with said high water mark as of the date of this conveyance.

This conveyance is made SUBJECT to the reservations, conditions and restrictions contained in Protective Covenants, Bald Head Island Stage Two, filed in the Office of the Register of Deeds for Brunswick County, North Carolina, at Book 1045, Page 0676, et seq., and to the covenants, conditions and restrictions as set forth in the aforesaid Amendment and Annexation to Protective Covenants, and to any and all addenda and amendments thereto. The Grantee, by acceptance of this Deed, agrees to abide by the covenants, conditions and restrictions set forth in said Protective Covenants, including the payment of assessments as provided for therein.

The North Carolina Public Utilities Commission has authorized Bald Head Island Utilities, Inc. to collect from each consenting owner of an unimproved lot on Bald Head Island an availability fee, which fee is as approved by the Public Utilities Commission from time to time. Grantee herein, by acceptance of this deed, for himself, his heirs, successors and assigns, agrees to make payment of such fee as may be allowed by the Public Utilities Commission of the State of North Carolina from time to time, until such time as a residence has been constructed on the lot purchased herein. Grantee herein, for himself and his heirs, successors and assigns, further agrees and acknowledges that, upon construction of such a residence, Grantee shall connect to the water and sewer utilities provided by Bald Head Island Utilities, Inc., and shall pay the connection, tap-on and utilization fees as may be approved from time to time by the North Carolina Public Utilities omission.

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

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

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

1. Ad valorem real property taxes for 2003 and subsequent years.
2. Assessments by the Bald Head Island Stage Two Association, Inc. for 2003 and subsequent years.
3. Protective Covenants, Bald Head Island Stage Two, filed in the Office of the Register of Deeds for Brunswick County, North Carolina, at Book 1045, Page 0676, et seq., and Amendment and Annexation filed in said Registry in Book 1733, Page 763, and all addenda and amendments thereto.
4. Easements, restrictions or rights of way shown on plat of survey filed in the Brunswick County Registry in Map Cabinet 27, Instrument 473, and any revisions thereof.
5. Any and all easements, restrictions or rights of way of record affecting said property.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its name by its duly authorized agent and representative, the day and year first above written.

BALD HEAD ISLAND LIMITED (SEAL)
a Texas Limited Partnership

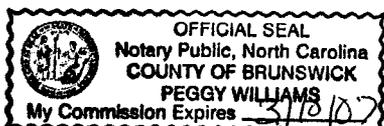
By: Stephen O. Robertson (SEAL)
Stephen O. Robertson
Attorney in Fact

STATE OF NORTH CAROLINA
BRUNSWICK COUNTY

I, Peggy Williams, a Notary Public for said County and State, do hereby certify that Stephen O. Robertson, attorney in fact for Bald Head Island Limited, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and on behalf of the said Bald Head Island Limited, and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of the Register of Deeds in the County of Brunswick, State of North Carolina, in Deed Book 1602 at Page 408, and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney. I do further certify that the said Stephen O. Robertson acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and on behalf of the said Bald Head Island Limited.

WITNESS my hand and official seal, this the 8th day of August, 2003.

{SEAL-STAMP}



Peggy Williams
Notary Public
My commission expires: 3/10/07

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

PEGGY WILLIAMS

The Foregoing (or annexed) Certificate(s) of _____

Notary(ies) Public is (are) Certified to be Correct. 15th August 2003
This Instrument was filed for Registration on this _____ Day of _____,
in the Book and page shown on the First Page hereof.

Robert J. Robinson
ROBERT J. ROBINSON, Register of Deeds

**ATTACHMENT C
TO
CAMA VARIANCE PETITION
RONALD P. SPOGLI, TRUSTEE OF THE RONALD P. SPOGLI TRUST**

**CAMA PERMIT APPLICATION DATED AUGUST 31, 2021
AND RELATED MATERIALS**

034
AEC HAZARD NOTICE

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

Property Owner: Ron and Georgia Spogli

Property Address: 706 Shoals Watch

Date Lot Was Platted: _____

This notice is intended to make you, the applicant, aware of the special risks and conditions associated with development in this area, which is subject to natural hazards such as storms, erosion and currents. The rules of the Coastal Resources Commission require that you receive an AEC Hazard Notice and acknowledge that notice in writing before a permit for development can be issued.

The Commission's rules on building standards, oceanfront setbacks and dune alterations are designed to minimize, but not eliminate, property loss from hazards. By granting permits, the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development. Permits issued in the Ocean Hazard Area of Environmental Concern include the condition that structures be relocated or dismantled if they become imminently threatened by changes in shoreline configuration. The structure(s) must be relocated or dismantled within two (2) years of becoming imminently threatened, and in any case upon its collapse or subsidence.

The best available information, as accepted by the Coastal Resources Commission, indicates that the annual long-term average ocean erosion rate for the area where your property is located is _____ feet per year.

The rate was established by careful analysis of aerial photographs of the coastline taken over the past 50 years.

Studies also indicate that the shoreline could move as much as _____ feet landward in a major storm.

The flood waters in a major storm are predicted to be about _____ feet deep in this area.

Preferred oceanfront protection measures are beach nourishment and relocation of threatened structures. Hard erosion control structures such as bulkheads, seawalls, revetments, groins, jetties and breakwaters are prohibited. Temporary sand bags may be authorized under certain conditions.

The applicant must acknowledge this information and requirements by signing this notice in the space below. Without the proper signature, the application will not be complete.

SPECIAL NOTE: This hazard notice is required for development in areas subject to sudden and massive storms and erosion. Permits issued for development in this area expire on December 31 of the third year following the year in which the permit was issued. Shortly before work begins on the project site, the Local Permit Officer must be contacted to determine the vegetation line and setback distance at your site. If the property has seen little change since the time of permit issuance, and the proposed development can still meet the setback requirement, the LPO will inform you that you may begin work. Substantial progress on the project must be made within 60 days of this setback determination, or the setback must be remeasured. Also, the occurrence of a major shoreline change as the result of a storm within the 60-day period will necessitate remeasurement of the setback. It is important that you check with the LPO before the permit expires for official approval to continue the work after the permit has expired. Generally, if foundation pilings have been placed and substantial progress is continuing, permit renewal can be authorized. It is unlawful to continue work after permit expiration.

For more information, contact:

Stephen Boyett

Local Permit Officer

PO Box 3009

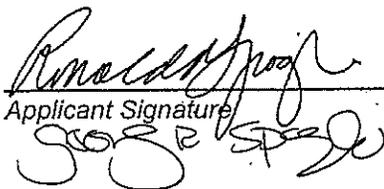
Address

Village of Bald Head Island

Locality

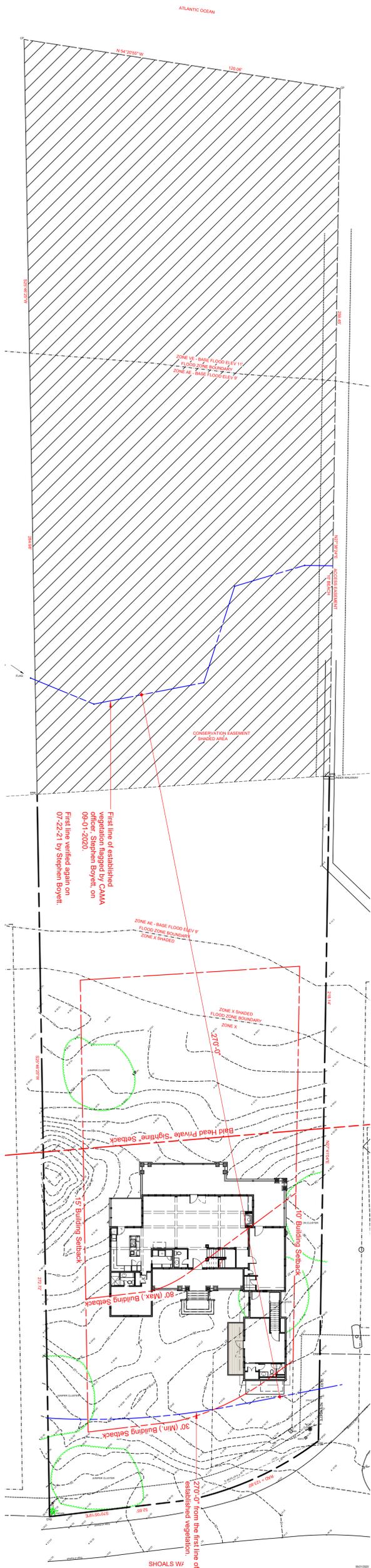
910-457-9700

Phone Number


Applicant Signature

09/15/2021

Date



AC1.18 CAMA SITE PLAN
1:20



Boundary and topographic information taken from
 Stephen Boyett, Coastal Carolina Land Surveying, dated
 September 20, 2020.
 First line of vegetation flagged by Stephen Boyett
 on 9/01/20 and verified again on 7/22/21

SPOGLI COTTAGE
NEW CONSTRUCTION

706 SHOALS WATCH
BALD HEAD ISLAND

**COTHRAN
HARRIS**
ARCHITECTURE

5725 OLEANDER DRIVE, STE E-1
WILMINGTON, NC 28403
910.793.3433



SITE PLAN

AC1.1

CAMA DRAWING
22-SEPT-2021

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

GENERAL INFORMATION

LAND OWNER

Name: Ronald Spogli

Address: 11100 Santa Monica Blvd

City: Los Angeles

State: CA

Zip: 90025

Phone: _____

Email: _____

AUTHORIZED AGENT

Name: Cothran Harris Architecture

Address: 5725 Oleander Drive Suite E-1

City: Wilmington

State: NC

Zip: 28403

Phone: 910.793.3433

Email: office @cothranharris.com

LOCATION OF PROJECT: (Address, street name and/or directions to site. If not oceanfront, what is the name of the adjacent waterbody.) 706 Shoals Watch

DESCRIPTION OF PROJECT: (List all proposed construction and land disturbance.) Construct a new home

SIZE OF LOT/PARCEL: 59,116 square feet _____ acres

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

COMPLETE EITHER (1) OR (2) BELOW (Contact your Local Permit Officer if you are not sure which AEC applies to your property):

(1) OCEAN HAZARD AECs: TOTAL FLOOR AREA OF PROPOSED STRUCTURE: 4500 square feet (includes air conditioned living space, parking elevated above ground level, non-conditioned space elevated above ground level but excluding non-load-bearing attic space)

(2) COASTAL SHORELINE AECs: SIZE OF BUILDING FOOTPRINT AND OTHER IMPERVIOUS OR BUILT UPON SURFACES: _____ **square feet** (includes the area of the roof/drip line of all buildings, driveways, covered decks, concrete or masonry patios, etc. that are within the applicable AEC. Attach your calculations with the project drawing.)

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

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

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)

an owner or record title, Title is vested in Ronald Spogli, see Deed Book 1806 page 1219 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) <u>James and Sherri Ruddy</u>	<u>2737 Founders Bridge Rd Midlothian, VA 23113</u>
(2) <u>David Peterson</u>	<u>2520 Terra Crossing Blvd Louisville, KY 40245</u>
(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 Division of Coastal Management staff, the local permit officer and their agents to enter on the aforementioned lands in connection with evaluating information related to this permit application.

This 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 31st day of August, 2021

Ammon Lease

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

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
- Label adjacent waterbody

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 (include spot elevations)
- Draw and label toe of dune
- Identify and locate first line of stable vegetation
- Draw and label erosion setback line
- Draw and label topographical features (optional)

If you will be working in a coastal shoreline area:

- Show the roof overhand as a dotted line around the structure
- Draw and label landward limit of AEC
- Draw and label all wetland lines
- Draw and label 30-foot buffer line

DEVELOPMENT PLANS

- Draw and label all proposed structures
- Draw and label areas that will be disturbed and/or landscaped
- Note size of piling and depth to be placed in ground
- Draw and label all areas to be paved or graveled
- Show all areas to be distrubed
- 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 Requesting Permit: Ron or Georgia Spogli

Mailing Address 11100 Santa Monica Blvd. Suite 1900
Los Angeles, California 90025

Phone Number: 910-793-3433

Email Address: charris@cothranharris.com

I certify that I have authorized Cothran Harris/ Cothran Harris Architecture
Agent / Contractor

to act on my behalf, for the purpose of applying for and obtaining all CAMA permits
necessary for the following proposed development: A new residence

at my property located at 706 Shoals Watch
Bald Head Island, NC

In Brunswick County.

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

Property Owner Information:



Signature

Ron or Georgia Spogli
Print or Type Name

Property Owner
Title

Jan./ 27 / 2021
Date

This certification is valid through **December 31, 2021**



August 31, 2021

James and Sherri Ruddy
2737 Founders Bridge Rd
Midlothian, VA 23113

Dear Mr. and Mrs. Ruddy:

This letter is to notify you that I have applied for a CAMA permit on behalf of our client, Mr. Ronald Spogli, to construct a single family residence on his Bald Head Island property at 706 Shoals Watch, in Brunswick County, North Carolina. I have enclosed a copy of the site plan and application for the proposed project.

If you have any questions or comments, please contact the Coastal Representative listed below. If you have any objections to the proposed project, you must respond within ten days of the receipt of this certified letter. A lack of response will be considered an endorsement and the equivalent of no objection to the project.

Stephen Boyett, Local CAMA Permit Officer
Village of Bald Head Island
Bald Head Island NC 28461
910-457-9700

Sincerely,

Cameron Pease
Cothran Harris Architecture

_____ I have no objections to the project as presently proposed.

_____ I have objections to the project as presently proposed and have enclosed comments.

signature

date



August 31, 2021

David Peterson
2520 Terra Crossing Blvd
Louisville, KY 40245

Dear Mr. Peterson:

This letter is to notify you that I have applied for a CAMA permit on behalf of our client, Mr. Ronald Spogli, to construct a single family residence on his Bald Head Island property at 706 Shoals Watch, in Brunswick County, North Carolina. I have enclosed a copy of the site plan and application for the proposed project.

If you have any questions or comments, please contact the Coastal Representative listed below. If you have any objections to the proposed project, you must respond within ten days of the receipt of this certified letter. A lack of response will be considered an endorsement and the equivalent of no objection to the project.

Stephen Boyett, Local CAMA Permit Officer
Village of Bald Head Island
Bald Head Island NC 28461
910-457-9700

Sincerely,

A handwritten signature in cursive script that reads 'Cameron Pease'.

Cameron Pease
Cothran Harris Architecture

_____ I have no objections to the project as presently proposed.

_____ I have objections to the project as presently proposed and have enclosed comments.

signature

date



SCALE
0 50 100 FT

May 2021 Photo

olsen associates, inc.

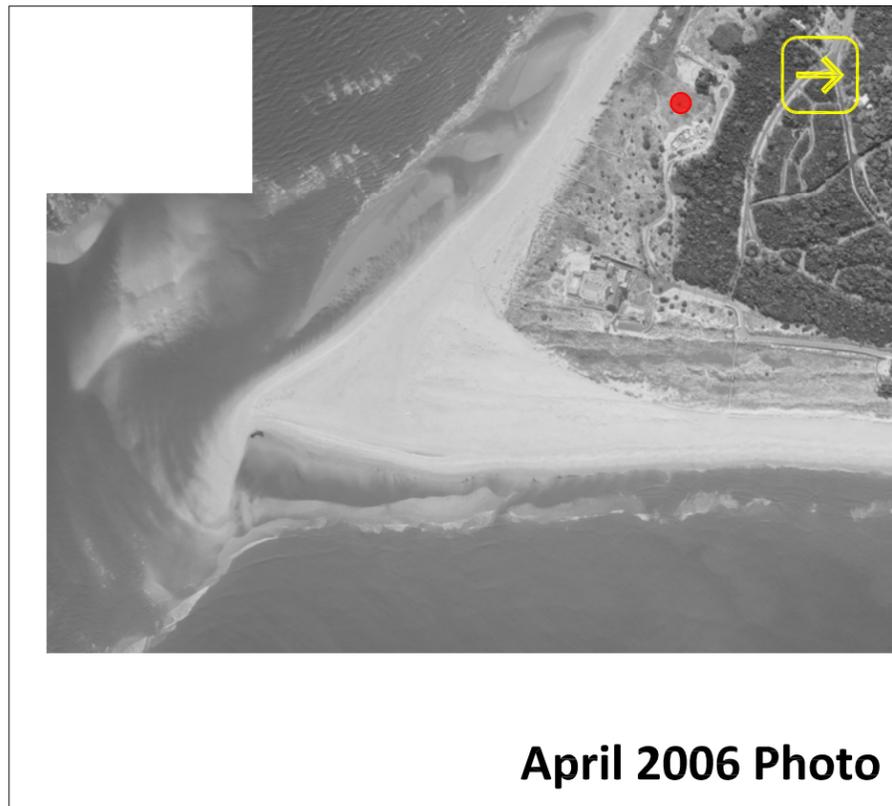
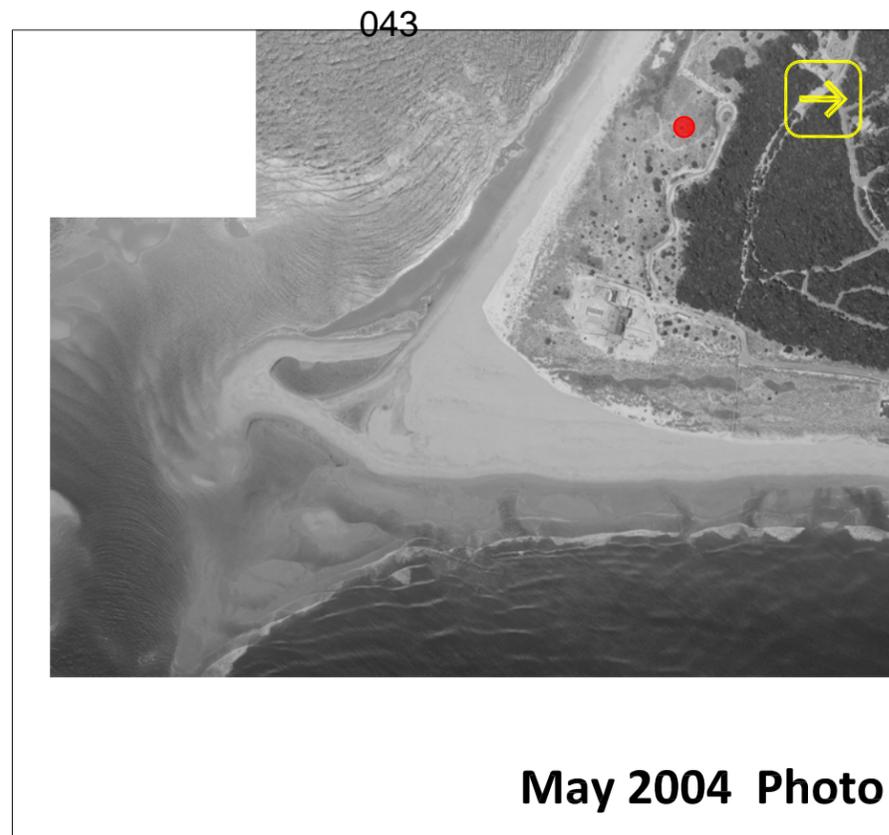
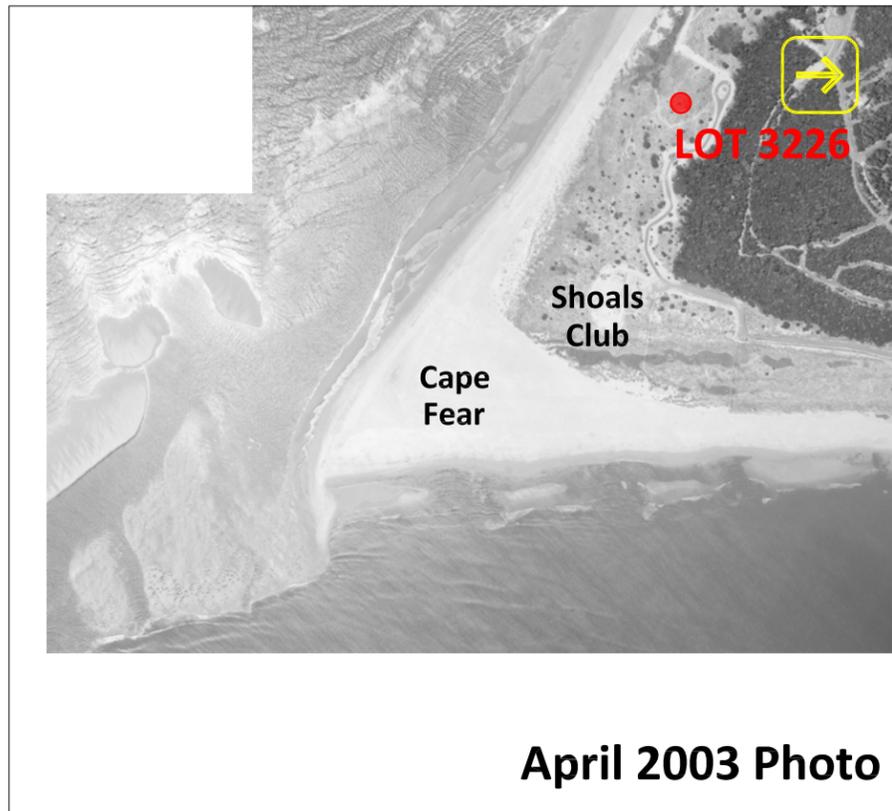


Figure 4:
Cape Fear shoreline conditions
(2003-2008)

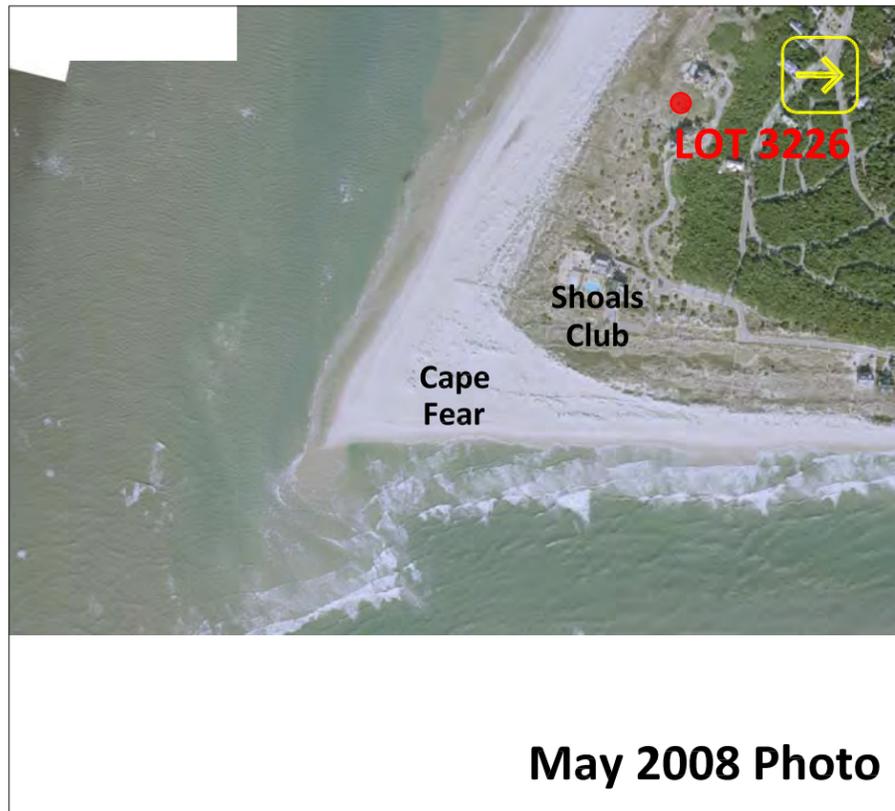


Figure 5:
Cape Fear shoreline conditions
(2008-2020)

**ATTACHMENT D
TO
CAMA VARIANCE PETITION
RONALD P. SPOGLI, TRUSTEE OF THE RONALD P. SPOGLI TRUST
STIPULATION**

Petitioner, Ronald P. Spogli, Trustee of The Ronald P. Spogli Trust, through his attorney, Charles S. Baldwin, IV, stipulates that the proposed development that is the subject of the variance petition is inconsistent with Coastal Resources Commission Rules 15A NCAC 7H.0208(b)(6)(G)(iii) and 15 NCAC 7H.0208(b)(6)(H).

ATTACHMENT E
TO
CAMA VARIANCE PETITION
RONALD P. SPOGLI, TRUSTEE OF THE RONALD P. SPOGLI TRUST
NOTICE TO ADJACENT OWNERS AND OBJECTORS

7018 3090 0001 6151 5810

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

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

OFFICIAL USE

Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.05
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.53
Total Postage and Fees	\$ 7.33

Postmark Here
SEP 29 2021

Mr. David Peterson
2520 Terra Crossing Blvd.
Louisville, Kentucky 40245

for Instructions

7018 3090 0001 6151 5827

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

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

OFFICIAL USE

Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.05
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.53
Total Postage and Fees	\$ 7.33

Postmark Here
SEP 29 2021

James and Sherri Ruddy
2737 Founders Bridge Rd
Midlothian, Virginia 23113

for Instructions

**ATTACHMENT F
TO
CAMA VARIANCE PETITION
RONALD P. SPOGLI, TRUSTEE OF THE RONALD P. SPOGLI TRUST

RESPONSE TO FOUR STATUTORY VARIANCE CRITERIA**

Applicant: Ronald P. Spogli, Trustee of The Ronald P. Spogli Trust (Brunswick County, NC)
706 Shoals Watch
Bald Head Island, North Carolina 28461

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.

RESPONSE: Strict application of the ocean hazard setback rules and standards prescribed by the Coastal Resources Commission (the “Commission”) at 15A N.C.A.C. 7H.0306 will cause Petitioner unnecessary hardship in that such application will effectively render Petitioner’s lot, Lot 706 Shoals Watch, Bald Head Island (the “Lot”), unbuildable for residential purposes.

Petitioner purchased the Lot in 2003 from Bald Head Island Limited, the original developer of the Island. (*See* General Warranty Deed, Ex. 1 to Attach. G) At the time Petitioner purchased the Lot in 2003 it was a platted buildable lot.

Homes were constructed on the properties on each side of the Lot in 2006 and 2008. A CAMA Minor Permit was issued for each of those projects and no variance was necessary. The Lot was recently restored in Spring 2021 to approximately its original dimensions by a sand placement project. On August 31, 2021, Petitioner, via architect Cothran Harris, applied for a CAMA Minor Permit for construction of a 4,500 square foot single-family residence on the Lot. On September 24, 2021, Stephen Boyett, Bald Head Island Development Services Director and Local Permit Officer, denied the CAMA Minor Permit application as inconsistent with 15A N.C.A.C. 7H.0306. (*See* Permit Denial Letter, Attachment Ex. 6 to Attach. G) In doing so, Mr. Boyett noted that no such construction is permitted to take place within 270 feet from the first line of stable natural vegetation pursuant to 15A N.C.A.C. 7H.0306.

Applying a 270-foot setback to Petitioner's Lot effectively renders it unbuildable, despite it being a long-standing, platted buildable lot and despite comparable single-family residences having been constructed on *both* of the immediately adjacent lots, in approximately the same location.

The Lot is both elevated and sizable, sitting at 20' – 29' above sea level in the vicinity of the project (*see* Boyett Affidavit, Ex. 7 to Attach. G) and being 1.36 acres. Further, the first stable natural line of vegetation should naturally move oceanward within the 140 feet of new restored dry beach. Nonetheless, a 270-foot setback from the formerly eroded condition of the first line of stable natural vegetation leaves Petitioner with effectively no room within which to build a single-family residence. Thus, strict application of the ocean hazard setback rules and standards effectively renders a once buildable lot now unbuildable, despite the Lot having accreted 140 feet oceanward to restore its condition to the robust condition of prior years. This is a significant and unnecessary hardship for Petitioner, who purchased the Lot in 2003 in expectation of one day building a home thereupon.

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

RESPONSE: The hardship endured by the Petitioner results from conditions that are peculiar to the petitioner's property, such as timing of the setback line determination, location, size, and topography.

Petitioner's Lot is peculiar in its location, topography, and that it is the recipient of periodic sand placement projects. It is peculiar that the condition of the Lot was in its historically most-eroded condition at the time the first natural stable vegetation line was established and the Lot had subsequently accreted approximately 140 feet oceanward at the time of Petitioner's CAMA Minor Permit Application. The Lot will, within the next few years, likely be in compliance with the 270 foot vegetation line setback requirement, given the Lot's newly restored approximately 540 feet dry length. The Lot was peculiarly impacted by a condition created by major storm events, beginning with Hurricane Matthew in 2016 through Hurricane Isaias in the Fall of 2020, prior to the Corps of Engineers 2021 sand placement project. The owner of the home located at 704 Shoals Watch, Bald Head Island, which is next to the Lot, has planted vegetation, including in front of the Lot, to help reestablish oceanward the first line of stable vegetation. The sand placement project conducted by the Corps of Engineers was recent enough that the first line of established vegetation on the Lot has not yet returned to where it generally has been naturally and in recent history. (*See* Historical Comparison of Imagery, Ex. 10 to Attach. G).

The ocean hazard setback rules and standards promulgated by the Commission set the erosion setback line at a distance of either 60 feet or 30 times the long-term annual erosion rate, whichever is greater, from the first line of stable natural vegetation. *See* 15A N.C.A.C.

7H.0306(a)(1), (5)(A). The specific location of the Lot on Bald Head Island renders the applicable ocean hazard setback particularly high, relative to many other lots on the Island. The long-term annual erosion rate, or setback factor, at the Lot is currently 9 feet/year; whereas, the factors assigned to the other lots on South Beach range from 2 feet/year to 7 feet/year. *See* N.C. Div. of Coastal Mgmt., Interactive Map Viewer, N.C. DIV. OF ENV'T RES.,

<https://www.ncdenr.maps.arcgis.com/apps/webappviewer/index.html?id=f5e463a929ed430095e0a17ff803e156>. The setback formula does not consider or make allowance for elevation of the structure. Here, the home would be located in a peculiarly protected and safe location on top of an ancient sand dune at 20-29 foot elevation. (*See* Boyett Affidavit, Attachment Ex. 7 to Attach. G) The peculiar topography of the Lot demonstrates that it is substantially better protected than most other oceanfront lots.

(c) Do the hardships result from actions taken by the Petitioner? Explain.

RESPONSE: The hardships endured do not result from any actions taken by the Petitioner. Petitioner has not caused the historically eroded condition of the Lot at the time the vegetation setback line was established. Major storm events, beginning with Hurricane Matthew in 2016 through Hurricane Isaias in the fall of 2020 caused South Beach, including the eastern portion of the South Beach shoreline in the front of the Lot, to recede. One effect of this hurricane-induced erosion was to push the natural stable vegetation line in the area of Petitioner's Lot landward.

The owners of the homes neighboring Petitioner, at 704 Shoals Watch and at 710 Shoals Watch, received their Certificates of Occupancy on September 13, 2006 and May 28, 2008, respectively. Variances were *not* required for these two owners to build their homes upon their lots, despite the fact that the rules and standards promulgated by the Commission then provided that the erosion setback line must be set at a distance of 30 times the long-term annual erosion rate from the first line of stable natural vegetation. *See* 15A N.C.A.C. 7H.0306(a)(1) (effective 11/01/2004). That the long-term annual erosion rate applicable at the time that the two adjacent property owners built on their lots enabled them to build without first seeking a variance demonstrates that the hardship endured by Petitioner is a result of hurricane and storm impacts rather than actions taken by Petitioner.

(d) Will the variance requested by the petition:

- (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
- (3) Preserve substantial justice

RESPONSE: The variance requested by Petitioner is consistent with the spirit, purpose, and intent of the ocean hazard setback rules and standards prescribed by the Commission at 15A N.C.A.C. 7H.0306, secures the public safety and welfare, and preserves substantial justice. The house Petitioner intends to construct is in keeping with the structures in the area, and will be built in line with (*i.e.*, not oceanward of) the immediately adjacent houses on each side of the Lot. No prior construction has taken place on the Lot since Petitioner purchased the Lot in 2003.

The proposed development is the new construction of a single-family residence (~4,500 sq. ft.). The residence will be constructed at 20'-29' elevation (*see* Boyett Affidavit, Ex. 7 to Attach. G), landward of the local (Bald Head Island) "sightline" setback in relation to homes on immediately adjacent lots on each side (*see* Site Plan, Ex. 8 to Attach. G), more than 170 feet landward from current first line of stable natural vegetation, and 290 feet from the flood zone VE boundary. Such project is both safe and consistent with development in the area.

The applicable setback currently prohibits construction on Petitioner's property within 270 feet from the first line of stable natural vegetation, effectively rendering the lot unbuildable despite it being a long-standing platted buildable lot. Beach nourishment in 2021 caused the lot to accrete oceanward by approximately 140 feet. Therefore, Petitioner seeks a variance allowing construction on Petitioner's property to occur not less than 170 feet from the first line of stable, naturally occurring vegetation as identified by the local permit officer.

The Management Objective of Ocean Hazard Areas provides that the spirit, purpose, and intent of the rules and standards set forth in 15A N.C.A.C. 7H are to "minimize losses to life and property resulting from storms and long-term erosion, prevent encroachment of permanent structures on public beach areas, preserve the natural ecological conditions of the barrier dune and beach systems, and reduce the public costs of development within ocean hazard areas, and protect common-law and statutory public rights of access to and use of the lands and waters of the coastal area." 15A N.C.A.C. 7H.0303(b).

The elevated lot, and the position of the structure on it is protected and safe. The Lot is approximately 540 feet in length. The structure will not encroach on the dry sand beach. Construction of a house would further use of the beach and public trust resources. The owners of the homes constructed on each of the two adjacent lots have never had to install sandbags to protect the sand dunes or their homes, despite the many powerful storms that have impacted Bald Head Island over the past two decades.

Further, the Lot will continue to benefit from sand placement projects. Pursuant to the 2000 Sand Management Plan between and among the U.S. Army Corps of Engineers, Bald Head Island, Oak Island, Caswell Beach and the State of North Carolina, sand from maintenance dredging of the Wilmington Harbor Shipping Channel is placed on two (2)

out of three (3) cycles on the beaches of Bald Head Island, with the third cycle going to Oak Island and Caswell Beach. In the third dredging cycle where sand is placed on Oak Island and Caswell Beach, the Village of Bald Head Island has self-funded a sand placement project with a private contractor to maintain its beaches and its engineered beach profile.

Finally, the variance preserves substantial justice. The Lot was platted and sold by the original developers of Bald Head Island as a buildable lot. Petitioner does not seek to create a buildable lot where there was none, or to build a structure unlike those found on Petitioner's neighbors' lots. Alternatively, without the variance, Petitioner would have little to no use of the Lot, given that Petitioner would be rendered unable to build any sort of residence thereupon. There is clearly a large, 1.36 acres, elevated, buildable lot with the misfortune of the first natural stable vegetation line being set between sand placement projects and following several years of bad hurricanes.

STIPULATED EXHIBITS

1. Deed of Purchase (Brunswick County Registry Book 1806, Page 1219)
2. Plat (Brunswick County Registry Map Cabinet 27, Instrument 473)
3. Topographic survey of the Lot of Walter B. Cavedo Land Surveying, including Flood Zones
4. Erosion Rate transect overlain on aerial
5. New 2021 Static Line Map
6. DCM historic shorelines overlain on aerial
7. Olsen diagram of 2021 before and after shorelines
8. MHWL Survey by McKim & Creed in May 2021 in vicinity of Station 206+00 (B-52)
9. Boyette Affidavit and exhibits
10. CAMA Minor Permit Application materials
11. Notice of permit application and tracking information
12. Re-notice information and tracking
13. September 24, 2021 CAMA Minor Permit denial letter
14. Sightline Setback drawing
15. 704's Certificate of Occupancy
16. 710's Certificate of Occupancy and CAMA permit
17. Notice of Variance Petition and tracking information
18. Olsen Associates, Inc. photo of Lot with MHWL overlay from November 2021 aerial and survey data
19. Cothran Harris Architecture Site Plan showing MHWL and vegetation line setback distances using November 2021 Aerial and Survey data
20. Photos of 706 Shoals Watch – July 16, 2021
21. Photo of Lot taken November 25, 2021
22. Powerpoint with ground and aerial photos of the Lot including historic shoreline imagery for 2010, 2012, 2016 and 2020 from DCM's maps

Brunswick County Register of Deeds
Robert J. Robinson
Inst #172253 Book 1806 Page 1219
08/15/2003 05:21:02pm Rec#157748

08/18/2003
\$4,700.00 20



S Darby
RET 17
TOTAL 4700
REC'D 4717
DASH
BY *OW*

TS	AUX	CON	GR	PCL	SPL
3	0	alek 0	0	011	0
MAP	MPSUF	BLK	PIN	SUF	INT
					<i>OW</i>

NORTH CAROLINA GENERAL WARRANTY DEED

Tax Lot No. _____ Parcel Identifier No. 2650006213

Mail after recording to Spogli Trust, P.O. Box 8920, Rancho Santa Fe, CA 92067

This instrument was prepared by Judith A. Ward, I.D., P. O. Box 3069, Bald Head Island, NC 28461

Brief description for the Index

Lot 3226 Single Family 16, Cape Fear Station, Bald Head Island, Stage II

THIS DEED made this *8th* day of August, 2003, by and between

GRANTOR	GRANTEE
BALD HEAD ISLAND LIMITED, a Texas Limited Partnership P. O. Box 3069 Bald Head Island, North Carolina 28461	RONALD P. SPOGLI, TRUSTEE OF THE RONALD P. SPOGLI TRUST P.O. Box 8920 Rancho Santa Fe, CA 92067

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 Village of Bald Head Island, Smithville Township, Brunswick County, North Carolina, and more particularly described as follows:

BEING all of Lot 3226 Single Family 16, Cape Fear Station, Bald Head Island Stage Two, as the same is shown on a map thereof duly recorded in Map Cabinet 27, Instrument 473, of the Brunswick County Registry, and as described and included in Amendment and Annexation to Protective Covenants by Bald Head Island Limited filed in the aforesaid Registry in Book 1733 at Page 763, as amended. It is the intent of the Grantor to convey title to the high water mark of the Atlantic Ocean, such that the southern property line of the land herein conveyed shall be co-existent with said high water mark as of the date of this conveyance.

This conveyance is made SUBJECT to the reservations, conditions and restrictions contained in Protective Covenants, Bald Head Island Stage Two, filed in the Office of the Register of Deeds for Brunswick County, North Carolina, at Book 1045, Page 0676, et seq., and to the covenants, conditions and restrictions as set forth in the aforesaid Amendment and Annexation to Protective Covenants, and to any and all addenda and amendments thereto. The Grantee, by acceptance of this Deed, agrees to abide by the covenants, conditions and restrictions set forth in said Protective Covenants, including the payment of assessments as provided for therein.

The North Carolina Public Utilities Commission has authorized Bald Head Island Utilities, Inc. to collect from each consenting owner of an unimproved lot on Bald Head Island an availability fee, which fee is as approved by the Public Utilities Commission from time to time. Grantee herein, by acceptance of this deed, for himself, his heirs, successors and assigns, agrees to make payment of such fee as may be allowed by the Public Utilities Commission of the State of North Carolina from time to time, until such time as a residence has been constructed on the lot purchased herein. Grantee herein, for himself and his heirs, successors and assigns, further agrees and acknowledges that, upon construction of such a residence, Grantee shall connect to the water and sewer utilities provided by Bald Head Island Utilities, Inc., and shall pay the connection, tap-on and utilization fees as may be approved from time to time by the North Carolina Public Utilities omission.

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

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

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

1. Ad valorem real property taxes for 2003 and subsequent years.
2. Assessments by the Bald Head Island Stage Two Association, Inc. for 2003 and subsequent years.
3. Protective Covenants, Bald Head Island Stage Two, filed in the Office of the Register of Deeds for Brunswick County, North Carolina, at Book 1045, Page 0676, et seq., and Amendment and Annexation filed in said Registry in Book 1733, Page 763, and all addenda and amendments thereto.
4. Easements, restrictions or rights of way shown on plat of survey filed in the Brunswick County Registry in Map Cabinet 27, Instrument 473, and any revisions thereof.
5. Any and all easements, restrictions or rights of way of record affecting said property.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its name by its duly authorized agent and representative, the day and year first above written.

BALD HEAD ISLAND LIMITED (SEAL)
a Texas Limited Partnership

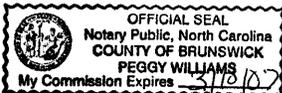
By: Stephen O. Robertson (SEAL)
Stephen O. Robertson
Attorney in Fact

STATE OF NORTH CAROLINA
BRUNSWICK COUNTY

I, Peggy Williams, a Notary Public for said County and State, do hereby certify that Stephen O. Robertson, attorney in fact for Bald Head Island Limited, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing and annexed instrument for and on behalf of the said Bald Head Island Limited, and that his authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of the Register of Deeds in the County of Brunswick, State of North Carolina, in Deed Book 1602 at Page 408, and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney. I do further certify that the said Stephen O. Robertson acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and on behalf of the said Bald Head Island Limited.

WITNESS my hand and official seal, this the 8th day of August, 2003.

(SEAL-STAMP)



Peggy Williams
Notary Public
My commission expires: 3/10/07

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

PEGGY WILLIAMS

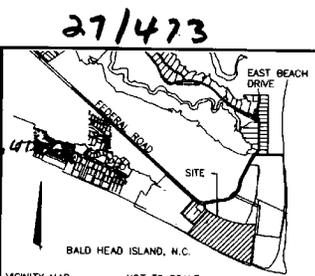
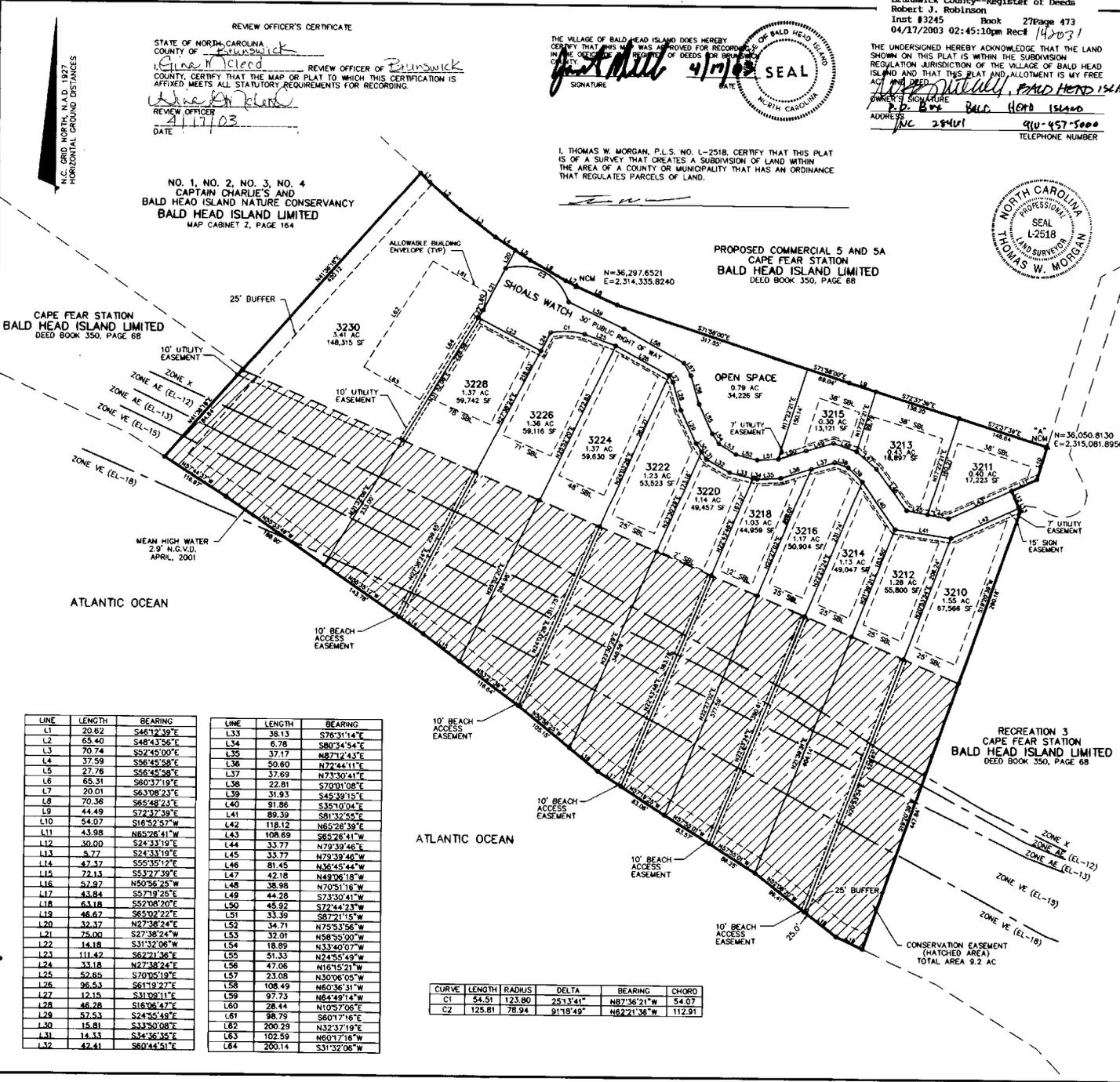
The Foregoing (or annexed) Certificate(s) of _____

Notary(ies) Public is (are) Certified to be Correct. 15th August 2003
This Instrument was filed for Registration on this _____ Day of _____
in the Book and page shown on the First Page hereof.

Robert J. Robinson
ROBERT J. ROBINSON, Register of Deeds

Map cabinet 27 page 473 4/17/2003 2:45:10pm

055



LEGEND:
 ERG & NCM & NBB.O. EXISTING REBAR
 NEW CONCRETE MONUMENT
 NEW REBAR
 ALLOWABLE BUILDING ENVELOPE
 CONSERVATION EASEMENT

THE LINE:
 COMMENCING AT "BALD HEAD LIGHTHOUSE" (N.C. GRID COORDINATES N=46,422,857.2 E=2,303,401.3581) THENCE S54°40'35"E 14,577.10 FEET TO N.C.G.S. MONUMENT BS1-20 N.C. GRID COORDINATES N=37,994,450.2 E=2,315,254.7856) THENCE S06°15'03"W 1955.26 FEET TO NCM "A" AND BEARINGS ARE ORIENTED TO N.C. GRID NORTH, N.A.D. 1927 ALL DISTANCES ARE HORIZONTAL GRID DISTANCES.

NOTES:
 • A PORTION OF THE PLATTED TRACT APPEARS TO BE IN A FLOOD HAZARD ZONE. SEE PLAT
 • ALL STREETS ARE PUBLIC UNLESS OTHERWISE SPECIFIED.
 • R.O.W. AND PAVEMENT WIDTHS WILL MEET REQUIRED VILLAGE OF BALD HEAD ISLAND SUBDIVISION ARTICLE VI, SECTION IV-F STANDARDS.
 • ALL LOTS ARE SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR CAPE FEAR STATION.
 • ALL LOTS ARE TO BE SERVED BY PUBLIC WATER AND PUBLIC SEWER SYSTEMS.
 • 30' RIGHT OF WAY ROADS WILL HAVE A BASE WIDTH OF 14 FEET AND 12 FEET OF PAVEMENT.
 • ALL LOTS ARE SUBJECT TO A 7' UTILITY EASEMENT ALONG THE LOT FRONTS.
 • ZONING: P.U.D. SINGLE FAMILY.
 • BUILDING SETBACKS:
 FRONT: 10 FT. EAST SIDE: 15 FT.
 WEST SIDE: 10 FT.
 • CALCULATIONS:
 TOTAL PLATTED AREA = 18.85 AC
 NUMBER OF LOTS = 14
 MINIMUM LOT SIZE = 13,121 SF.
 LINEAR FEET OF STREETS = 98,81 FEET +/-
 TOTAL AREA OF RIGHT OF WAY = 36,402 SF.
 OWNER: BALD HEAD ISLAND LIMITED

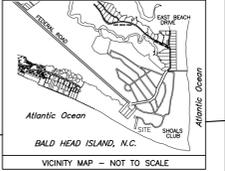
Plot of Survey For
SINGLE FAMILY 16
CAPE FEAR STATION
BALD HEAD ISLAND LIMITED
 MADE FROM DEED BOOK 350, PAGE 68 AND EXISTING PHYSICAL EVIDENCE.

BRUNSWICK SURVEYING, INC
 Thomas W. Morgan
 Professional Land Surveyor
 North Carolina and South Carolina
 1027 Sabbath Home Rd., SW
 Supply, North Carolina 28462 (910)842-9382

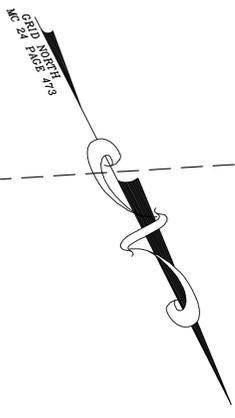
1"=100'
 SCALE
 0 100 200
 FEET

© 2002, BRUNSWICK SURVEYING, INC.

SCALE: 1" = 100' DATE: 6-11-02
 TOWNSHIP: SMITHVILLE FIELD BOOK: 511-072
 COUNTY: BRUNSWICK FILE: 980355F-16
 STATE: NORTH CAROLINA JOB NO.: 980355F-16



- Legend**
- ET Electrical Transformer
 - 3" PVC SO Stub Out
 - SV Sewer Valve in 5" PVC Stub Out
 - WM Water Meter
 - IVC Irrigation Valve Box
 - BFP Back-Flow Preventer
 - SV Sewer Valve
 - FD Fire Hydrant
 - Overhanging Eaves
 - WV Water Valve in Conc. Collar
 - BSFO Bell South Fiber Optic Pedestal



CONSERVATION EASEMENT
SHADED AREA

ZONE AE - BASE FLOOD ELEV 9'
FLOOD ZONE BOUNDARY
ZONE X SHADED

ZONE X SHADED
FLOOD ZONE BOUNDARY
ZONE X

DEED BOOK 1806 PAGE 1219
MAP CABINET 27 PAGE 473
LOT 3226 - SINGLE FAMILY 16
CAPE FEAR STATION - BALD HEAD ISLAND
MAP OF SURVEY FOR
Ronald P Spogli
VILLAGE OF BALD HEAD ISLAND
SMITHVILLE TOWNSHIP - BRUNSWICK COUNTY
NORTH CAROLINA

GRAPHIC SCALE
0 5 10

1. Area of Lot 3226 (MC 24 pg 473) is 59,116 square feet. Conservation Easement = 31,071.3 sq.ft.
2. Corners marked as noted. ERB is existing iron rebar found.
3. A portion of this lot lies within a 1% yearly flood chance hazard area. As shown. Ref: FEMA FIRM no. 37203013 00K dated 10/16/05.
4. Survey reference: Map Cabinet 27 page 473, and others as shown.
5. All distances shown hereon are horizontal ground distances.
6. CAMA jurisdiction lines marked by Stephen Boyette Sept 1st, 2020. CAMA setback factor from established vegetation at this lot is 9. 9x30= 270'.

STATE OF NORTH CAROLINA
Walter B. Cavado
Professional Land Surveyor
N.C. Registration No. L-4098

BRUNSWICK COUNTY
I, Walter B. Cavado, certify that this plot was drawn under my supervision from an actual survey made under my supervision from information found in the Brunswick Co. Registry, as noted hereon; that the error of closure as calculated by latitudes and departures is 1:10000+; that the boundaries not surveyed are shown as broken lines, that this map was prepared in accordance with G.S. 47-20 as amended. Witness my hand and seal this 21st day of September 2020.

09/21/20
L-4098
WALTER B. CAVADO

The Line:
Commencing at NCSM Monument "Old Balds" (MC Grid Coordinates: N=46,422.86, E=2,203,401.35); thence S55°40'35"E 14,577.10 feet to NCSM Monument "BS1-20" (MC Grid Coordinates: N=37,984.45, E=2,115,204.93); thence S07°04'58"W 2061.86 feet to ERB "A".

LOTS 3224 and 3222
David L. Peterson
Deed Book 3314 Page 652
Map Cabinet 24 Page 473

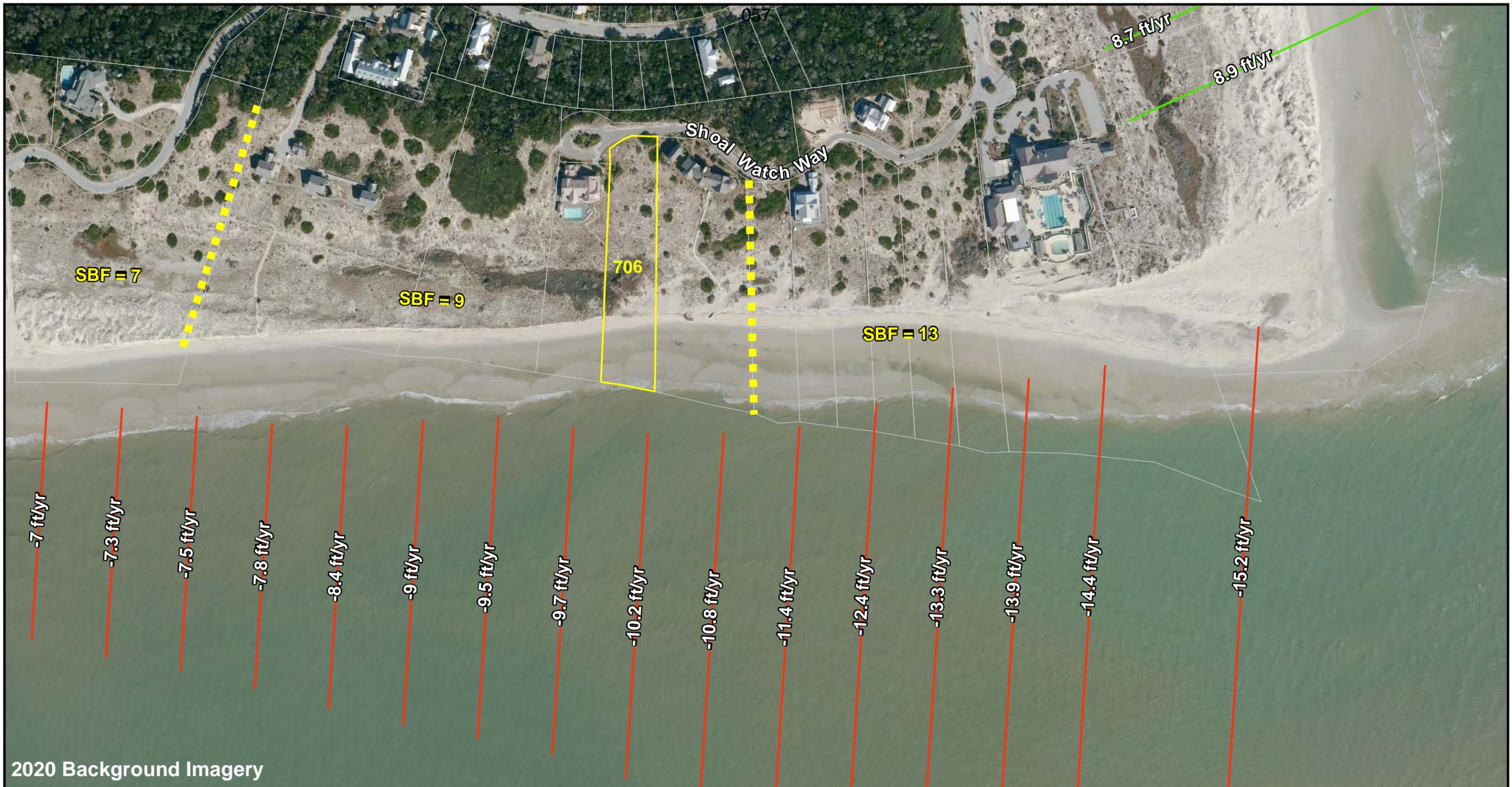
270' Offset From
CAMA First Line of
Established Vegetation

DECK
ONE AND ONE HALF STORY FRAME
RESIDENCE ON PILINGS
SCREENED PORCH
LOT 3228
Michael L. Brasher-Arjje
Deed Book 1752 Page 697
Map Cabinet 24 Page 473

SHOALS WATCH
PUBLIC RIGHT OF WAY
WIDTH VARIES

09/21/2020
ONE INCH = TEN FEET
Walter B. Cavado Land Surveying
101 North 23rd Street
Wilmington, North Carolina
28405-2912
Tel: 910-279-4153
email: waltercavado@gmail.com

BENCHMARK
MAG NAIL
ELEV 33.72'

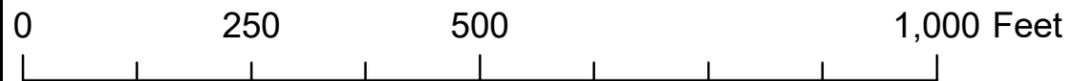
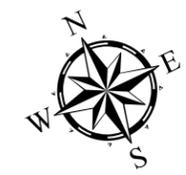


Legend

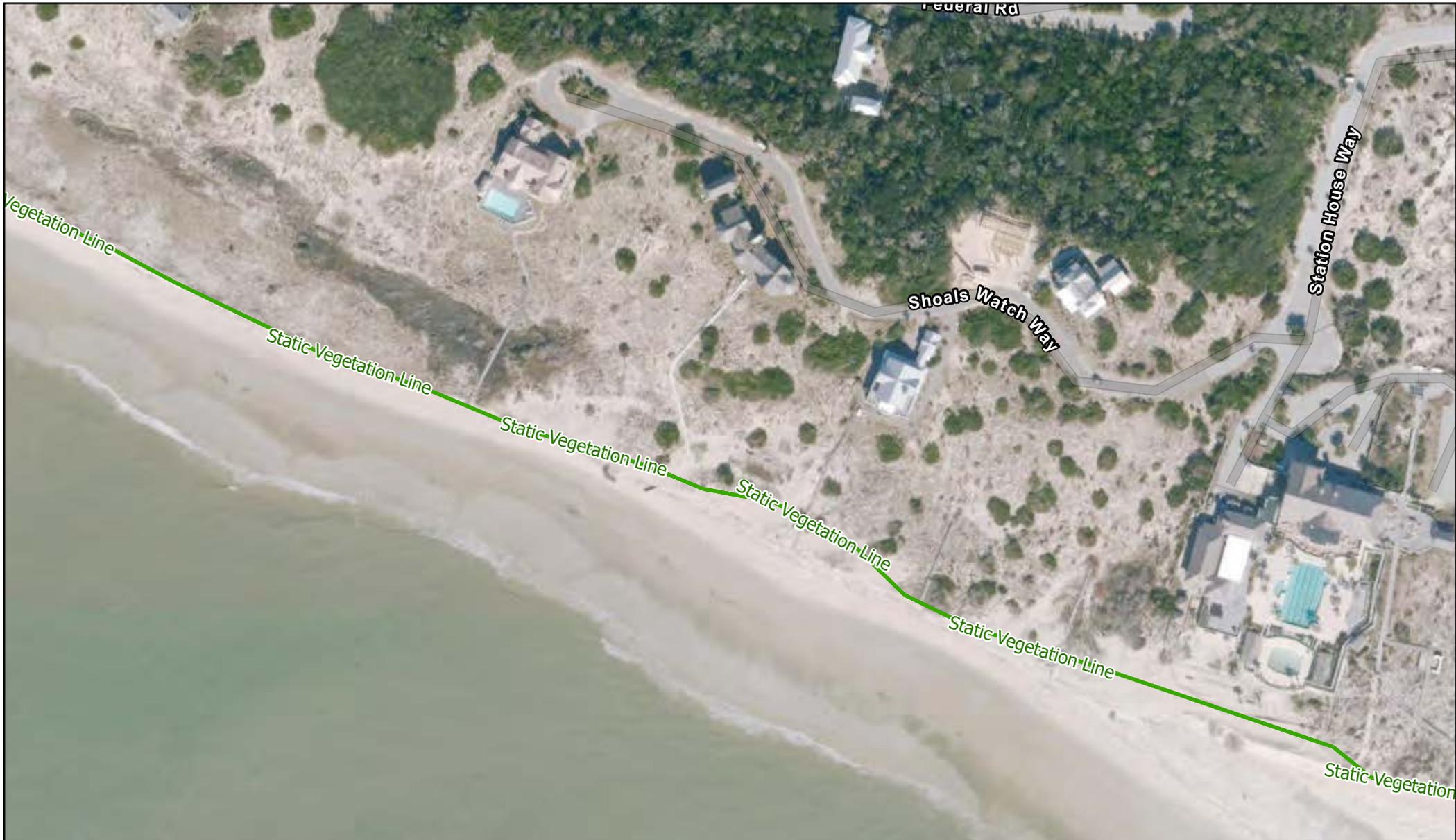
2020 Erosion Rate Study

- Measured Erosion (ft/yr)
- Measured Accretion (ft/yr)
- - - Setback Factors (change boundaries)

- Parcel (706 Shoal Watch Way)
- Brunswick County Parcels

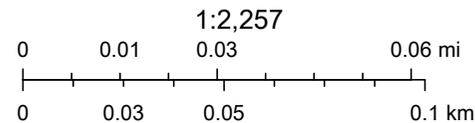


Division of Coastal Management

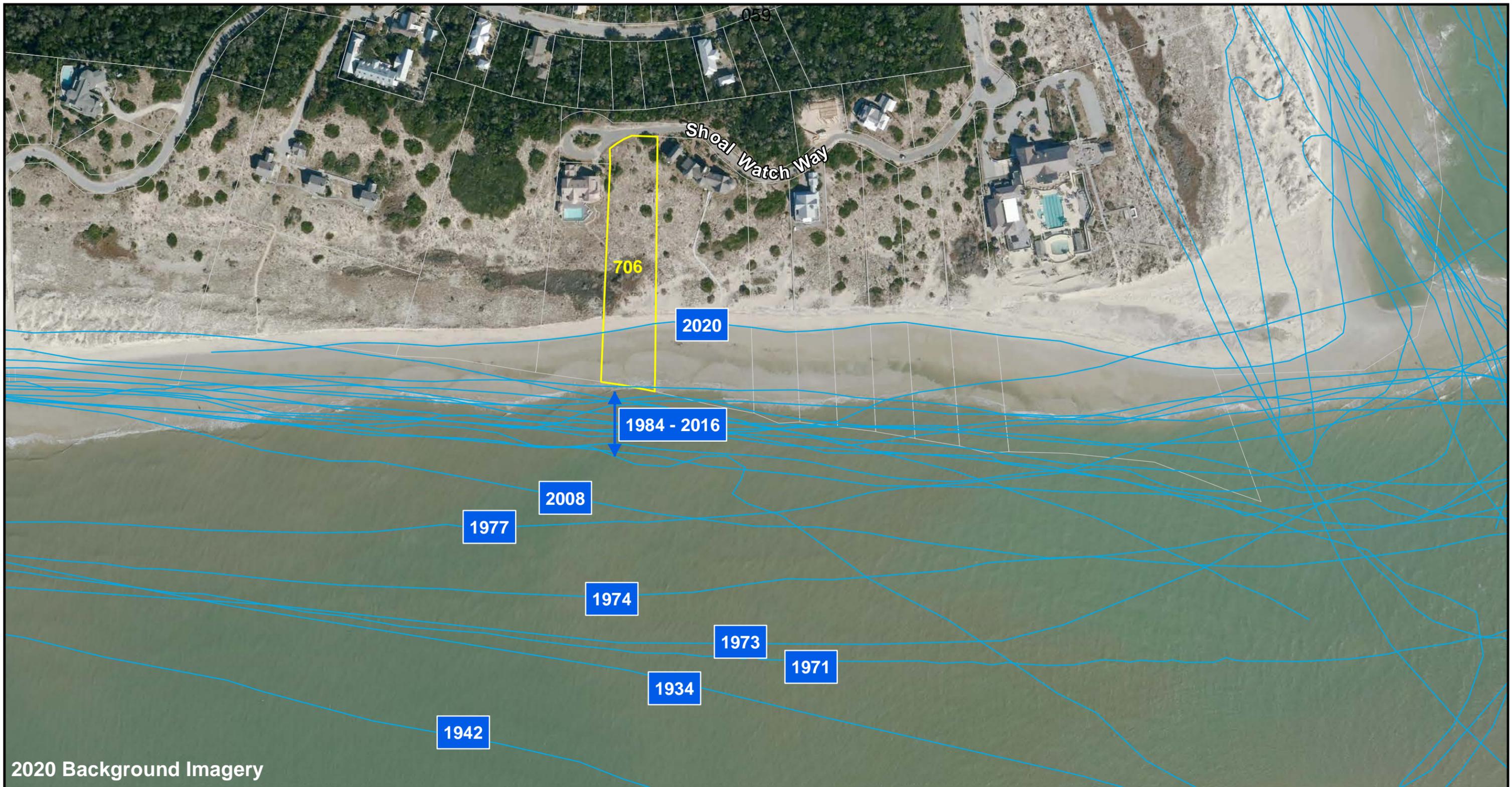


9/2/2022, 2:27:50 PM

— Static Vegetation Lines



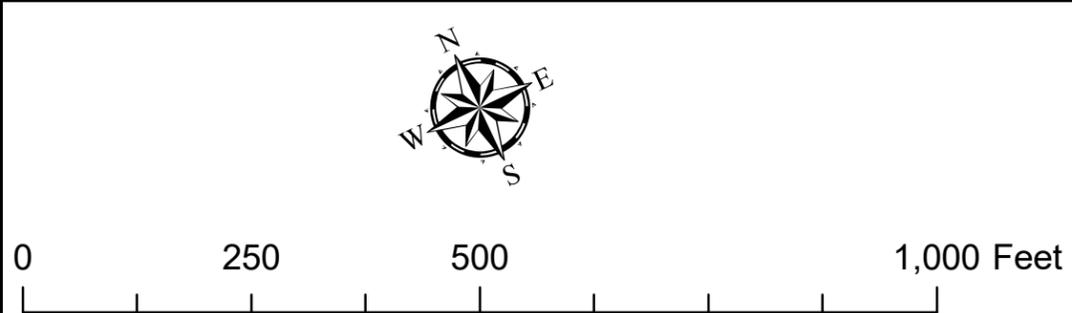
Esri Community Maps Contributors, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS,



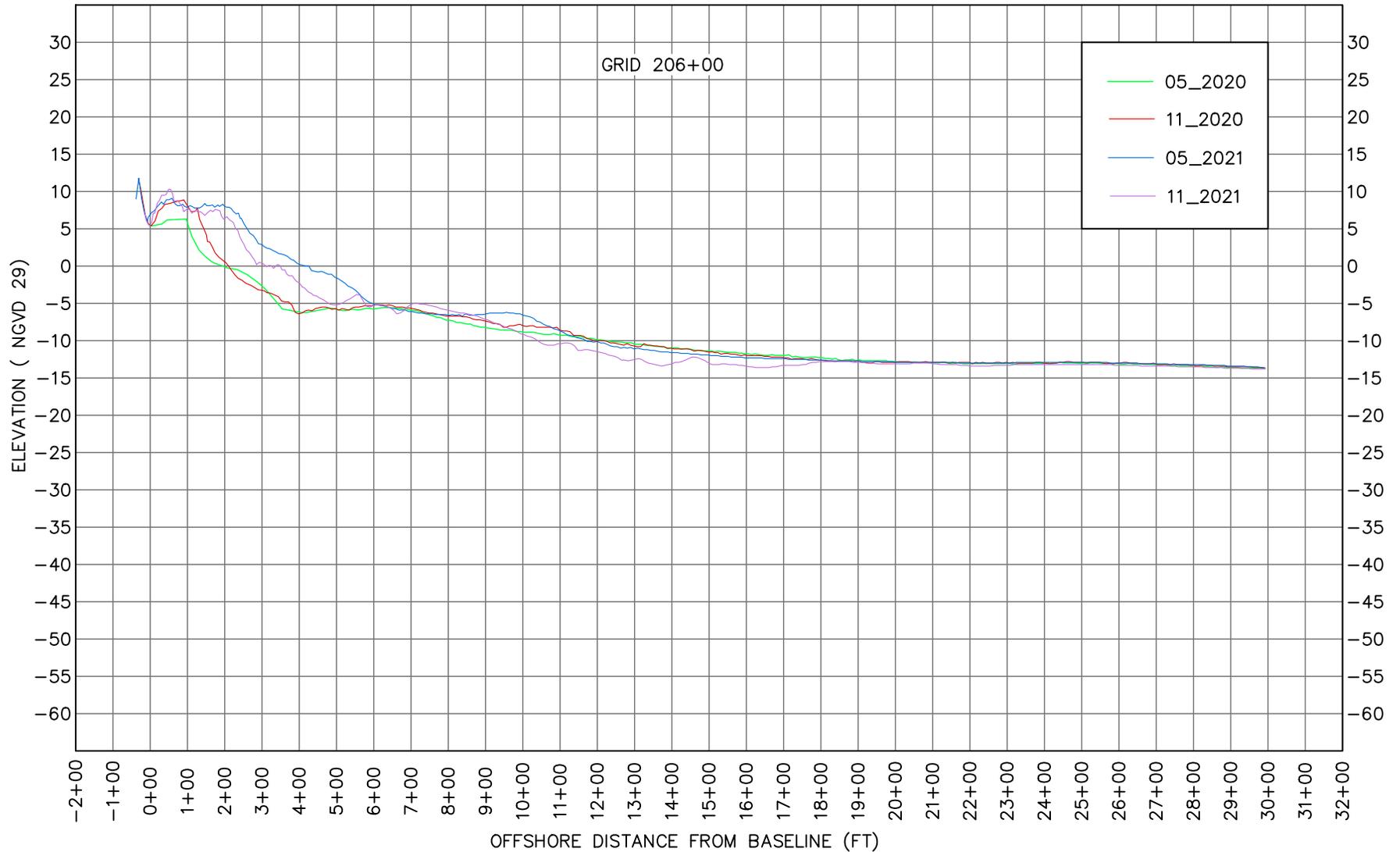
2020 Background Imagery

- Legend**
- Shorelines (1942 - 2020)
 - Parcel (706 Shoal Watch Way)
 - Brunswick County Parcels

Note: This map illustrates parcel boundaries at Bald Head Island and historic ocean shoreline positions between 1942 to 2020. During this period, shorelines have moved in a "landward" (NE) direction resulting in an erosional trend relative to existing structures.







NOTE:
 HISTORICAL DATA NOT SHOWN
 PRIOR TO DATES LISTED.
 PROFILE FOR VISUAL
 REFERENCE ONLY.

VERTICAL SCALE: 1"=20'
 HORIZONTAL SCALE: 1"=400'

V 20 0 20
 H 400 0 400

SCALE IN FEET



NOVEMBER 30, 2021

BALD HEAD ISLAND
 BEACH MONITORING PROGRAM
 PROFILES

STATE OF NORTH CAROLINA

AFFIDAVIT OF STEPHEN BOYETT

COUNTY OF BRUNSWICK

Comes now the Affiant, and being duly sworn, states as follows:

1. I am the Development Services Director of the Village of Bald Head Island ("Village"). I have been employed in this position since July 2005, and prior to that, as the assistant to the Building Inspector, since in or about July 2004.
2. I serve as the CAMA Local Permit Officer for Bald Head Island.
3. I am familiar with CAMA and building requirements on Bald Head Island.
4. I am personally familiar with and have visited Lot 706 Shoals Watch, Bald Head Island (the "Lot").
5. In my role as CAMA Local Permit Officer, on September 24, 2021, I denied the application for a single-family residence to be constructed on the Lot due to the current inability to meet the CAMA setback requirements of 15A NCAC 7H .0306.
6. I have reviewed the site plan submitted for a house to be constructed on the Lot, attached hereto as Exhibit A.
7. The location of the house to be constructed on the Lot is in line with and not oceanward of the neighboring houses on each side of the Lot shown on Exhibit A.
8. As a result of the sand placement project, the mean high water line at the Lot has accreted approximately 140 feet as shown on the schematic prepared by Olsen Associates, Inc. attached hereto as Exhibit B, which depicts the May 2021 condition of the beach.
9. The Village is committed to maintaining an engineered beach with periodic sand placements at Bald Head Island pursuant to the 2000 Sand Management Plan with the US Army Corps of Engineers (USACE) and supplemental Village funded sand placements. The next USACE sand placement may occur in 2023 or 2024, depending on shipping channel shoaling. The next Village funded sand placement may occur in 2027 or 2028 and the Village is budgeting for the project.
10. I am aware that the owner of the home located at 704 Shoals Watch, Bald Head Island, which is next to the Lot, has planted vegetation, including in front of the Lot, to help reestablish oceanward the first line of stable vegetation.
11. The Lot elevation in the vicinity of the proposed construction is approximately 20-29 feet as shown on the topographic survey of Walter B. Cavado Land Surveying, Exhibit C hereto.

12. The proposed construction is located a substantial distance from the flood zone boundary, as also depicted on Exhibit C hereto.

Further Affiant sayeth not.

This the 6th day of April, 2022.



Stephen Boyett

State of North Carolina
County of Brunswick

Sworn to and subscribed before me on
this 8 day of April 2022.



Notary Public

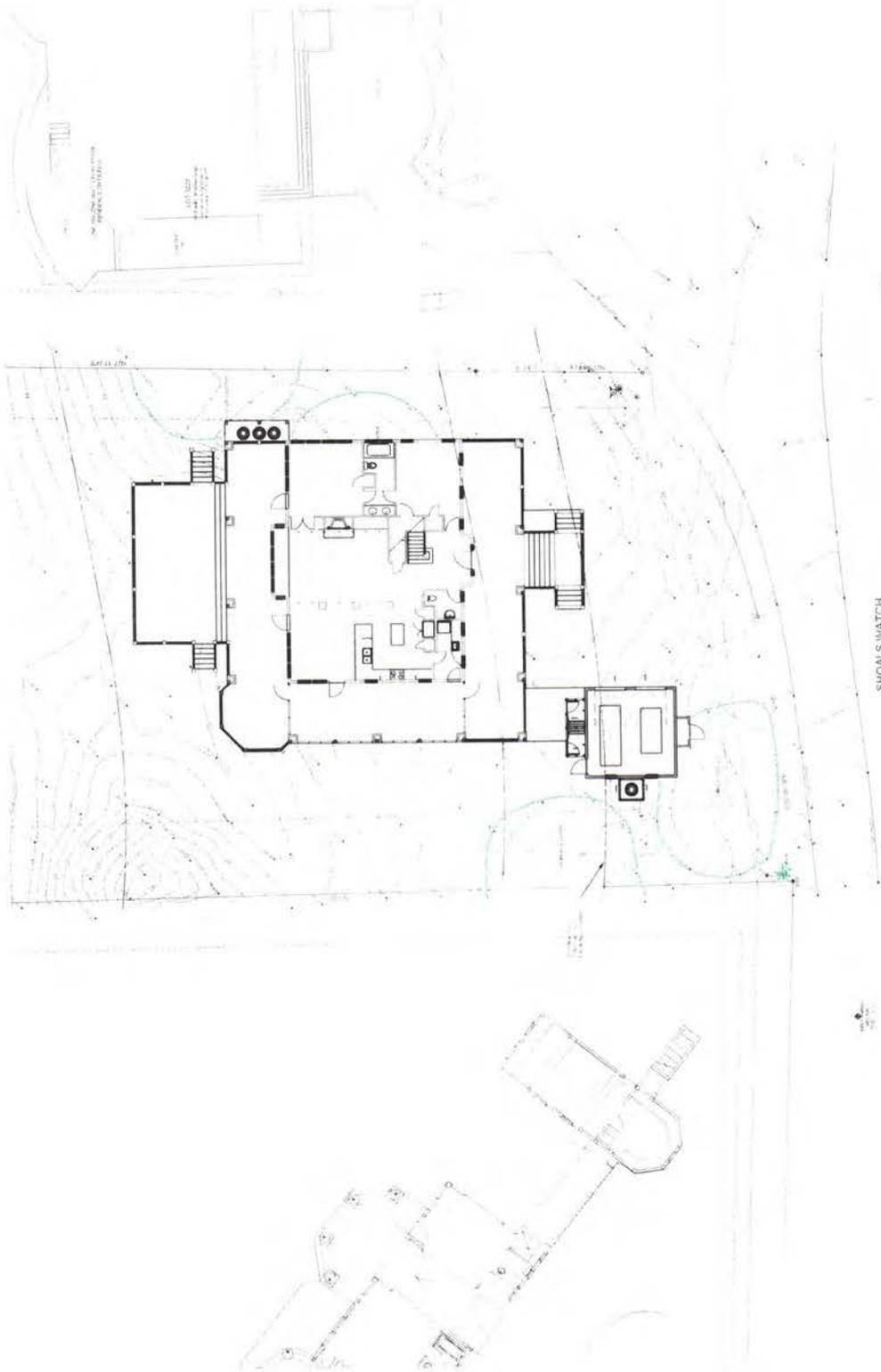


(Typed/Printed Name of Notary Public)

My Commission Expires: 10/22/2022

(NOTARIAL SEAL/STAMP)





SCALE: 1/8" = 1'-0"
DATE PLOTTED: 11/11/10

SHOALS WATCH

Exhibit B



olsen associates, inc.

SCALE
0 50 100 FT

May 2021 Photo

Locality BALD HEAD ISLAND Permit Number 2021-07
 Ocean Hazard Estuarine Shoreline _____ ORW Shoreline _____ Public Trust Shoreline _____ Other _____
 (For official use only)

GENERAL INFORMATION

LAND OWNER

Name: Ronald Spogli

Address: 11100 Santa Monica Blvd

City: Los Angeles

State: CA

Zip: 90025

Phone: _____

Email: _____

AUTHORIZED AGENT

Name: Cothran Harris Architecture

Address: 5725 Oleander Drive Suite E-1

City: Wilmington

State: NC

Zip: 28403

Phone: 910.793.3433

Email: office@cothranharris.com

LOCATION OF PROJECT: (Address, street name and/or directions to site. If not oceanfront, what is the name of the adjacent waterbody.) 706 Shoals Watch

DESCRIPTION OF PROJECT: (List all proposed construction and land disturbance.) Construct a new home

SIZE OF LOT/PARCEL: 59,116 square feet _____ acres

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

COMPLETE EITHER (1) OR (2) BELOW (Contact your Local Permit Officer if you are not sure which AEC applies to your property):

(1) OCEAN HAZARD AECs: TOTAL FLOOR AREA OF PROPOSED STRUCTURE: 4500 square feet (includes air conditioned living space, parking elevated above ground level, non-conditioned space elevated above ground level but excluding non-load-bearing attic space)

(2) COASTAL SHORELINE AECs: SIZE OF BUILDING FOOTPRINT AND OTHER IMPERVIOUS OR BUILT UPON SURFACES: _____ square feet (includes the area of the roof/drip line of all buildings, driveways, covered decks, concrete or masonry patios, etc. that are within the applicable AEC. Attach your calculations with the project drawing.)

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

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

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)

an owner or record title, Title is vested in Ronald Spogli, see Deed Book 1806 page 1219 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) <u>James and Sherri Ruddy</u>	<u>2737 Founders Bridge Rd Midlothian, VA 23113</u>
(2) <u>David Peterson</u>	<u>2520 Terra Crossing Blvd Louisville, KY 40245</u>
(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 Division of Coastal Management staff, the local permit officer and their agents to enter on the aforementioned lands in connection with evaluating information related to this permit application.

This 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 31st day of August, 2021

Camryn Lease

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

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
- Label adjacent waterbody

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 (include spot elevations)
- Draw and label toe of dune
- Identify and locate first line of stable vegetation
- Draw and label erosion setback line
- Draw and label topographical features (optional)

If you will be working in a coastal shoreline area:

- Show the roof overhand as a dotted line around the structure
- Draw and label landward limit of AEC
- Draw and label all wetland lines
- Draw and label 30-foot buffer line

DEVELOPMENT PLANS

- Draw and label all proposed structures
- Draw and label areas that will be disturbed and/or landscaped
- Note size of piling and depth to be placed in ground
- Draw and label all areas to be paved or graveled
- Show all areas to be distrubed
- 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 Requesting Permit: Ron or Georgia Spogli

Mailing Address 11100 Santa Monica Blvd. Suite 1900
Los Angeles, California 90025

Phone Number: 910-793-3433

Email Address: charris@cothranharris.com

I certify that I have authorized Cothran Harris/ Cothran Harris Architecture
Agent / Contractor

to act on my behalf, for the purpose of applying for and obtaining all CAMA permits

necessary for the following proposed development: A new residence

at my property located at 706 Shoals Watch
Bald Head Island, NC

In Brunswick County.

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

Property Owner Information:



Signature

Ron or Georgia Spogli
Print or Type Name

Property Owner
Title

Jan./ 27 / 2021
Date

This certification is valid through **December 31, 2021**

071
AEC HAZARD NOTICE

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

Property Owner: Ron and Georgia Spogli

Property Address: 706 Shoals Watch

Date Lot Was Platted: 4/17/2003

This notice is intended to make you, the applicant, aware of the special risks and conditions associated with development in this area, which is subject to natural hazards such as storms, erosion and currents. The rules of the Coastal Resources Commission require that you receive an AEC Hazard Notice and acknowledge that notice in writing before a permit for development can be issued.

The Commission's rules on building standards, oceanfront setbacks and dune alterations are designed to minimize, but not eliminate, property loss from hazards. By granting permits, the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development. Permits issued in the Ocean Hazard Area of Environmental Concern include the condition that structures be relocated or dismantled if they become imminently threatened by changes in shoreline configuration. The structure(s) must be relocated or dismantled within two (2) years of becoming imminently threatened, and in any case upon its collapse or subsidence.

The best available information, as accepted by the Coastal Resources Commission, indicates that the annual long-term average ocean erosion rate for the area where your property is located is 9 feet per year.

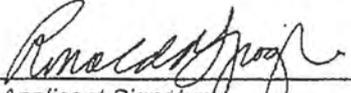
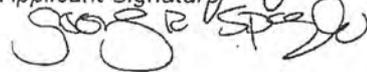
The rate was established by careful analysis of aerial photographs of the coastline taken over the past 50 years.

Studies also indicate that the shoreline could move as much as 860 feet landward in a major storm.

The flood waters in a major storm are predicted to be about 9' feet deep in this area.

Preferred oceanfront protection measures are beach nourishment and relocation of threatened structures. Hard erosion control structures such as bulkheads, seawalls, revetments, groins, jetties and breakwaters are prohibited. Temporary sand bags may be authorized under certain conditions.

The applicant must acknowledge this information and requirements by signing this notice in the space below. Without the proper signature, the application will not be complete.

 09/15/2021
Applicant Signature Date


SPECIAL NOTE: This hazard notice is required for development in areas subject to sudden and massive storms and erosion. Permits issued for development in this area expire on December 31 of the third year following the year in which the permit was issued. Shortly before work begins on the project site, the Local Permit Officer must be contacted to determine the vegetation line and setback distance at your site. If the property has seen little change since the time of permit issuance, and the proposed development can still meet the setback requirement, the LPO will inform you that you may begin work. Substantial progress on the project must be made within 60 days of this setback determination, or the setback must be remeasured. Also, the occurrence of a major shoreline change as the result of a storm within the 60-day period will necessitate remeasurement of the setback. It is important that you check with the LPO before the permit expires for official approval to continue the work after the permit has expired. Generally, if foundation pilings have been placed and substantial progress is continuing, permit renewal can be authorized. It is unlawful to continue work after permit expiration.

For more information, contact:

Stephen Boyett
Local Permit Officer
PO Box 3009
Address
Village of Bald Head Island
Locality
910-457-9700
Phone Number



August 31, 2021

David Peterson
2520 Terra Crossing Blvd
Louisville, KY 40245

Dear Mr. Peterson:

This letter is to notify you that I have applied for a CAMA permit on behalf of our client, Mr. Ronald Spogli, to construct a single family residence on his Bald Head Island property at 706 Shoals Watch, in Brunswick County, North Carolina. I have enclosed a copy of the site plan and application for the proposed project.

If you have any questions or comments, please contact the Coastal Representative listed below. If you have any objections to the proposed project, you must respond within ten days of the receipt of this certified letter. A lack of response will be considered an endorsement and the equivalent of no objection to the project.

Stephen Boyett, Local CAMA Permit Officer
Village of Bald Head Island
Bald Head Island NC 28461
910-457-9700

Sincerely,

Cameron Pease
Cothran Harris Architecture

_____ I have no objections to the project as presently proposed.

_____ I have objections to the project as presently proposed and have enclosed comments.

signature

date



August 31, 2021

James and Sherri Ruddy
2737 Founders Bridge Rd
Midlothian, VA 23113

Dear Mr. and Mrs. Ruddy:

This letter is to notify you that I have applied for a CAMA permit on behalf of our client, Mr. Ronald Spogli, to construct a single family residence on his Bald Head Island property at 706 Shoals Watch, in Brunswick County, North Carolina. I have enclosed a copy of the site plan and application for the proposed project.

If you have any questions or comments, please contact the Coastal Representative listed below. If you have any objections to the proposed project, you must respond within ten days of the receipt of this certified letter. A lack of response will be considered an endorsement and the equivalent of no objection to the project.

Stephen Boyett, Local CAMA Permit Officer
Village of Bald Head Island
Bald Head Island NC 28461
910-457-9700

Sincerely,

Cameron Pease
Cothran Harris Architecture

_____ I have no objections to the project as presently proposed.

_____ I have objections to the project as presently proposed and have enclosed comments.

_____ signature

_____ date

CERTIFIED MAIL® RECEIPT

Domestic Mail Only

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

Louisville, KY 40245

OFFICIAL USE

Certified Mail Fee	\$3.75
\$	
Extra Services & Fees (check box, add fees as appropriate)	\$3.05
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$1.36
\$	
Total Postage and Fees	\$8.16
\$	

\$	
----	--

Sent To David Peterson
 Street and Apt. No., or PO Box No. 2500 Terra Crossing Blvd
 City, State, ZIP+4® Louisville, KY 40245

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

0479
04

Postmark
Here

09/07/2021

7019 2280 0001 3946 8233

CERTIFIED MAIL® RECEIPT

Domestic Mail Only

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

Midlothian, VA 23113

OFFICIAL USE

Certified Mail Fee	\$3.75
\$	
Extra Services & Fees (check box, add fees as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$1.36
\$	
Total Postage and Fees	\$5.11
\$	

\$	
----	--

Sent To James & Sherri Puddy
 Street and Apt. No., or PO Box No. 2737 Founders Bridge Rd
 City, State, ZIP+4® Midlothian, VA 23113

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

0479
04

Postmark
Here

09/07/2021



TRACK ANOTHER SHIPMENT

287647648415



[ADD NICKNAME](#)

Delivered
Friday, 12/17/2021 at 11:06 am



DELIVERED

Signature not required

[GET STATUS UPDATES](#)

[OBTAIN PROOF OF DELIVERY](#)

FROM

Wilmington, NC US

TO

Midlothian, VA US

[MANAGE DELIVERY](#)

Travel History

TIME ZONE

Local Scan Time



Friday, December 17, 2021

11:06 AM	Midlothian, VA	Delivered Package delivered to recipient address - release authorized
9:39 AM	MECHANICSVILLE, VA	On FedEx vehicle for delivery
8:43 AM	MECHANICSVILLE, VA	At local FedEx facility

Thursday, December 16, 2021

8:37 PM	RICHMOND, VA	At destination sort facility
6:06 PM	MEMPHIS, TN	Departed FedEx hub
9:45 AM	MEMPHIS, TN	Arrived at FedEx hub

Wednesday, December 15, 2021

1/4/22, 9:04 AM

Detailed Tracking

Exhibit 12

076

8:08 PM	WILMINGTON, NC	At FedEx origin facility
5:51 PM	WILMINGTON, NC	Picked up
3:53 PM		Shipment information sent to FedEx
4:53 PM	WILMINGTON, NC	Picked up Tendered at FedEx Office

Collapse History ^

Shipment Facts

TRACKING NUMBER

287647648415

SERVICE

FedEx Express Saver

WEIGHT

0.5 lbs / 0.23 kgs

DELIVERED TO

Residence

TOTAL PIECES

1

TOTAL SHIPMENT WEIGHT

0.5 lbs / 0.23 kgs

TERMS

Shipper

PACKAGING

FedEx Envelope

SPECIAL HANDLING SECTION

Deliver Weekday, Residential Delivery

SHIP DATE

12/15/21 ?

STANDARD TRANSIT

12/20/21 before 8:00 pm ?

ACTUAL DELIVERY

12/17/21 at 11:06 am

077

7020 1290 0000 6600 0847



The Village of Bald Head Island

September 24, 2021

**CERTIFIED MAIL- 7020 1290 0000 6600 0847
RETURN RECEIPT REQUESTED**

Ronald Spogli
C/O Cothran Harris Architecture
5725 Oleander Drive Suite E-1
Wilmington NC 28403

RE: DENIAL OF CAMA MINOR DEVELOPMENT
PERMIT APPLICATION NUMBER 2021-07
PROJECT ADDRESS-706 Shoals Watch Way, Bald Head Island NC 28461

Dear Mr. Harris,

After reviewing the application submitted on behalf of Mr. Ronald Spogli in conjunction with the development standards required by the Coastal Area Management Act (CAMA) and out 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 NCGS113A-120(a)(8) which requires that all applications be denied which are inconsistent with CAMA guidelines. Specifically, the development for which you applied consisted of the construction of a new single-family residence that cannot meet the required development setback (30 times the shoreline erosion rate of 9 feet/year from the First Line of Stable Natural Vegetation (FLSNV)).

Your proposal is inconsistent with 15A NCAC 7H .0306 (a)(5) and .0309 (a), which state the following:

15A NCAC 07H.0306 (a)(5)- "With the exception of those types of development defined in 15A NCAC 07H.0309, no development, including and portion of a building or structure, shall extend oceanward of the ocean hazard setback. 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 setbacks shall be established based on the following criteria:..."

Should you wish to appeal my decision to the Coastal Resource Commission or request a variance from the Commission, please contact me so I can provide you with the proper forms and any other information you may require. The Division of Coastal Management in Morehead

**P.O. Box 3009 • BALD HEAD ISLAND, NC 28461
(910) 457-9700 • FAX (910) 457-6206 • WEBSITE: <http://www.villagebhi.org>**

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee \$ _____	Postmark Here
<input type="checkbox"/> Extra Services & Fees (check box, add fee as appropriate) \$ _____	
<input type="checkbox"/> Return Receipt (hardcopy) \$ _____	
<input type="checkbox"/> Return Receipt (electronic) \$ _____	
<input type="checkbox"/> Certified Mail Restricted Delivery \$ _____	
<input type="checkbox"/> Adult Signature Required \$ _____	
<input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
Total Postage and Fees \$ _____	
Sent to COTHRAN HARRIS ARCHITECTURE Street and/or PO Box No. 5725 OLEANDER DR SUITE E-1 City, State, Zip+4 WILMINGTON NC 28403 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Ronald Spogli
C/O Cothran Harris Architecture
2021-07
September 24, 2021
Page two

City must receive appeal notices within twenty (20) days of the date of this letter in order to be considered.

Respectfully yours,

A handwritten signature in blue ink that reads "S Boyett". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Stephen Boyett
Bald Head Island Development Services Director and Local Permit Officer

CC: Ronald Spogli, 11100 Santa Monica Blvd, Los Angeles CA 90025
Tara McPherson, Wilmington Region District Manager

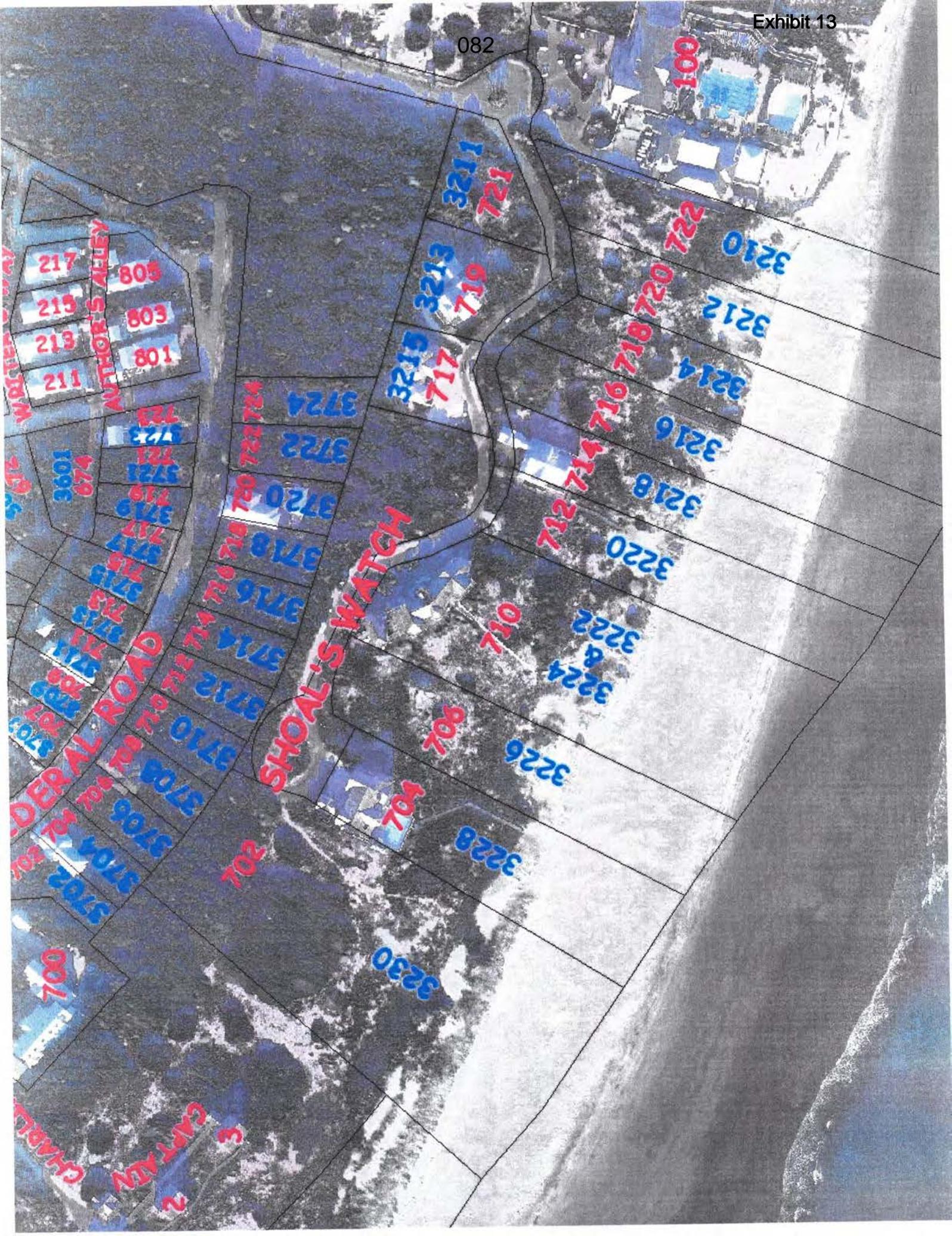
Attachments:

Photos of First Line of Natural Stable Vegetation taken on July 22, 2021
Aerial Image of 706 Shoals Watch from Village GIS









WRITER'S WAY
AUTHOR'S ALLEY

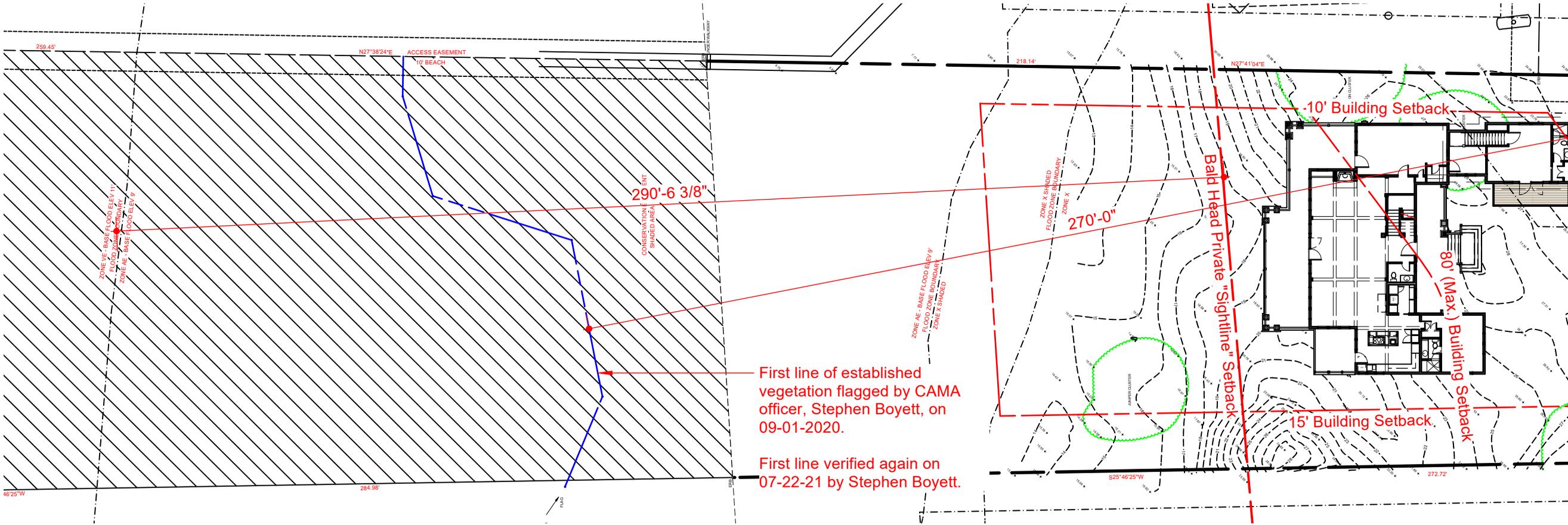
3601
674
3702
3704
3706
3708
3710
3712
3714
3716
3718
3720
3722
3724
3726
3728
3730
3732
3734
3736
3738
3740
3742
3744
3746
3748
3750
3752
3754
3756
3758
3760
3762
3764
3766
3768
3770
3772
3774
3776
3778
3780
3782
3784
3786
3788
3790
3792
3794
3796
3798
3800
3802
3804
3806
3808
3810
3812
3814
3816
3818
3820
3822
3824
3826
3828
3830
3832
3834
3836
3838
3840
3842
3844
3846
3848
3850
3852
3854
3856
3858
3860
3862
3864
3866
3868
3870
3872
3874
3876
3878
3880
3882
3884
3886
3888
3890
3892
3894
3896
3898
3900
3902
3904
3906
3908
3910
3912
3914
3916
3918
3920
3922
3924
3926
3928
3930
3932
3934
3936
3938
3940
3942
3944
3946
3948
3950
3952
3954
3956
3958
3960
3962
3964
3966
3968
3970
3972
3974
3976
3978
3980
3982
3984
3986
3988
3990
3992
3994
3996
3998
4000

SHOALS WATCH

700
702
704
706
708
710
712
714
716
718
720
722
724
726
728
730
732
734
736
738
740
742
744
746
748
750
752
754
756
758
760
762
764
766
768
770
772
774
776
778
780
782
784
786
788
790
792
794
796
798
800
802
804
806
808
810
812
814
816
818
820
822
824
826
828
830
832
834
836
838
840
842
844
846
848
850
852
854
856
858
860
862
864
866
868
870
872
874
876
878
880
882
884
886
888
890
892
894
896
898
900
902
904
906
908
910
912
914
916
918
920
922
924
926
928
930
932
934
936
938
940
942
944
946
948
950
952
954
956
958
960
962
964
966
968
970
972
974
976
978
980
982
984
986
988
990
992
994
996
998
1000

100
102
104
106
108
110
112
114
116
118
120
122
124
126
128
130
132
134
136
138
140
142
144
146
148
150
152
154
156
158
160
162
164
166
168
170
172
174
176
178
180
182
184
186
188
190
192
194
196
198
200
202
204
206
208
210
212
214
216
218
220
222
224
226
228
230
232
234
236
238
240
242
244
246
248
250
252
254
256
258
260
262
264
266
268
270
272
274
276
278
280
282
284
286
288
290
292
294
296
298
300
302
304
306
308
310
312
314
316
318
320
322
324
326
328
330
332
334
336
338
340
342
344
346
348
350
352
354
356
358
360
362
364
366
368
370
372
374
376
378
380
382
384
386
388
390
392
394
396
398
400

CAPTAIN 2
CHARLES 3



First line of established vegetation flagged by CAMA officer, Stephen Boyett, on 09-01-2020.

First line verified again on 07-22-21 by Stephen Boyett.



The Village of Bald Head Island Building Inspections Department

INSPECTION SERVICES *CERTIFICATE OF OCCUPANCY*

BUILDING PERMIT NO.: 040045 **Date:** 09-13-2006

ADDRESS: 704 Shoals Watch
Parcel # 2650006214
Lot# 3228

OWNER: Michael and Laura Brader-Araje

CONTRACTOR: Dudley Builders

THIS IS TO CERTIFY THAT THE WORK AUTHORIZED BY BUILDING PERMIT # 040045 HAS BEEN COMPLETED IN SUBSTANTIAL COMPLIANCE WITH THE STATE BUILDING CODE AND IN THE OPINION OF THE INSPECTION DEPARTMENT COMPLIES WITH APPLICABLE STATE AND LOCAL LAWS, AND LOCAL ORDINANCES AND REGULATIONS. THIS CERTIFICATION RESULTS FROM HAVING MADE AT LEAST THE MINIMUM INSPECTIONS MANDATED BY SECTION 306 OF VOLUME 1A OF THE BUILDING CODE. IT SHALL BE RECOGNIZED THAT THE INSPECTION DEPARTMENT DID NOT HAVE A CONSTANT PRESENCE ON THE SITE AND THE INSPECTION PROCESS CAN NOT BE A SUBSTITUTE FOR CONTRACTOR RESPONSIBILITY.

PERMISSION TO OCCUPY THE STRUCTURE IS GRANTED.

STEPHEN BOYETT
BUILDING INSPECTOR



The Village of Bald Head Island

085
INSPECTIONS DEPARTMENT

BUILDING PERMIT

Type: (X) New Construction () Repairs
() Alterations () Other

Permit Number 040045

Owner / Contractor Michael & Julia Brader-Araje / Dubky
Address 204 Shoals Watch

LOCATION
Lot # 2228
Parcel # 2450000214

Attached to and forming a part of this application are the following:

- (X) Topographic Survey of lot or building area showing elevation contours and one set of plans.
- (X) Approved CAMA Minor Development Permit (if applicable).
- (X) Site Plan showing set backs and location of the structure, driveways, dunes, shrubs, water source, sewage disposal plan and etc.

6 Bedrooms
7 Bathrooms

Description of Work: 2 story single family home with attached 2 story car garage/crocker

	Residential	Commercial
Structural information	Heated area <u>5242</u> sq. ft. @ \$155/sq. ft.	sq. ft. @ \$175 sq. ft. <u>828,010.00</u>
to determine permit	Covered area <u>1708</u> sq. ft. @ \$75/sq. ft.	sq. ft. @ \$90/sq. ft. <u>128,100.00</u>
fees:	Uncovered area <u>2,080</u> sq. ft. @ \$55/sq. ft.	sq. ft. @ \$55/sq. ft. <u>114,400.00</u>
		<u>T = 1,070,510.00</u>

FEE STRUCTURE

(1) **Building Permit Fees** - Based on valuation:

\$0 - 5,000 = \$60	
\$5,000 - 15,000 = \$100	
\$15,000 - 25,000 = \$150	
\$25,000 - 30,000 = \$225	Valuation in excess of \$30,000 <u>1,040,510.00</u>
over - 30,000	plus \$7.00 per 1,000 of fraction there of <u>1,041.00</u>

\$ 225
\$ 7,287.00

- (2) A non-interest bearing clean-up deposit of \$500.00 per living unit shall be required to insure that the construction area is kept clean. Upon completion of the project, if the area is sufficiently free of debris, the remaining uninsured deposit will be returned to the owner or contractor who made the deposit. \$ 500
- (3) A fee of \$35.00 will be charged for a Certificate of Occupancy and Compliance which will be issued when the work has been satisfactorily completed and inspected by the Building Inspector and applicable utility tap fees have been paid. List of subcontractors with license numbers required. \$ 35
- (4) Homeowner's Recovery Fund (see attached) \$ 10
- (5) Total permit fee payable to The Village of Bald Head Island #7488 6-8-04 90 \$ 8,057

Flood Zone Information: Structure located in X Flood Zone. (see FEMA regulations)

Elevation Certificate IS IS NOT Required

CERTIFICATION

RAS

I (we) agree to conform to the building restrictions of The Village of Bald Head Island Planning Board and the North Carolina Building Code including the wind resistance requirements therein.

I (we) agree that the ground floor of area under the base flood elevation is to be used for storage purposes only and that no habitable areas will be allowed. No bathrooms, electrical outlets, washing machines, dryers, water heaters, refrigerators, freezers, recreation rooms or similar use will be permitted. Enclosure will be approved with breakaway walls only.

I (we) agree to take full responsibility for all sub-contractors on this job. Unnecessary noise from radios, violations of conduct rules such as speeding, reckless driving or littering will result in a "stop-work" order until the condition is corrected by the contractor.

I (we) have read and agree to the stated conditions that are outlined in the granting of this building permit by The Village of Bald Head Island.

DATE _____ SIGNED BY _____ (Owner)
 DATE 6/8/04 SIGNED BY [Signature] (Contractor)
 N.C. LICENSE # _____ ADDRESS / PHONE _____

IMPORTANT NOTICE: Compliance with The Village Building Permit does not necessarily assure compliance with the private restrictive covenants applicable to each lot. The owner should take extra precaution to make sure that he has complied with all private restrictive covenants applicable to the property prior to undertaking construction.

Building Inspector Bill B... [Signature] Date 6-8-04

* SEE SPECIAL CONDITIONAL PERMIT APPLICATION FOR EARLY OCCUPANCY *

FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM

O.M.B. No. 3067-0077
Expires December 31, 2005

ELEVATION CERTIFICATE

Important: Read the instructions on pages 1 - 7.

SECTION A - PROPERTY OWNER INFORMATION			For Insurance Company Use:
BUILDING OWNER'S NAME Michael A. Brader-Araje and Laura A. Brader Araje			Policy Number
BUILDING STREET ADDRESS (Including Apt., Unit, Suite, and/or Bldg. No.) OR P.O. ROUTE AND BOX NO. 704 Shoals Watch			Company NAIC Number
CITY Bald Head Island	STATE NC	ZIP CODE 28461	
PROPERTY DESCRIPTION (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Lot 3228 - Single Family 16 - Cape Fear Station; Map Cabinet 27 page 473; Deed Book 1752 page 657			
BUILDING USE (e.g., Residential, Non-residential, Addition, Accessory, etc. Use a Comments area, if necessary.) Residential			
LATITUDE/LONGITUDE (OPTIONAL) (##° - ##' - ##.###" or ##.#####°)		HORIZONTAL DATUM: <input checked="" type="checkbox"/> NAD 1927 <input type="checkbox"/> NAD 1983	SOURCE: <input type="checkbox"/> GPS (Type): _____ <input type="checkbox"/> USGS Quad Map <input type="checkbox"/> Other: _____

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP COMMUNITY NAME & COMMUNITY NUMBER Village of Bald Head Island 370442		B2. COUNTY NAME Brunswick	B3. STATE NC		
B4. MAP AND PANEL NUMBER 370442 0005	B5. SUFFIX F	B6. FIRM INDEX DATE 08/18/92	B7. FIRM PANEL EFFECTIVE/REVISED DATE 05/03/93	B8. FLOOD ZONE(S) X	B9. BASE FLOOD ELEVATION(S) (Zone AO, use depth of flooding) na

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in B9.

- FIS Profile FIRM Community Determined Other (Describe): _____

B11. Indicate the elevation datum used for the BFE in B9: NGVD 1929

- NAVD 1988 Other (Describe): _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? Yes No Designation Date _____

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Building Diagram Number 6 (Select the building diagram most similar to the building for which this certificate is being completed - see pages 6 and 7. If no diagram accurately represents the building, provide a sketch or photograph.)

C3. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, ARIA, ARIA/AE, ARIA/A1-A30, ARIA/AH, ARIA/AO

Complete items C3.-a-i below according to the building diagram specified in item C2. State the datum used. If the datum is different from the datum used for the BFE in Section B, convert the datum to that used for the BFE. Show field measurements and datum conversion calculation. Use the space provided or the Comments area of Section D or Section G, as appropriate, to document the datum conversion.

Datum _____ Conversion/Comments _____

Elevation reference mark used BH-3 Does the elevation reference mark used appear on the FIRM? Yes No

- o a) Top of bottom floor (including basement or enclosure) 23.12 ft.(m)
- o b) Top of next higher floor 28.79 ft.(m)
- o c) Bottom of lowest horizontal structural member (V zones only) na ft.(m)
- o d) Attached garage (top of slab) na ft.(m)
- o e) Lowest elevation of machinery and/or equipment servicing the building (Describe in a Comments area) 27.65 ft.(m)
- o f) Lowest adjacent (finished) grade (LAG) 16.8 ft.(m)
- o g) Highest adjacent (finished) grade (HAG) 29.4 ft.(m)
- o h) No. of permanent openings (flood vents) within 1 ft. above adjacent grade na
- o i) Total area of all permanent openings (flood vents) in C3.h na sq. in. (sq. cm)

License Number, Embossed Seal, Signature, and Date

05/11/06
Walter B. Cavado
7-4098

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.

I certify that the information in Sections A, B, and C on this certificate represents my best efforts to interpret the data available.

I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

CERTIFIER'S NAME Walter B. Cavado

LICENSE NUMBER L-4098

TITLE Professional Land Surveyor

COMPANY NAME Walter B. Cavado Land Surveying

ADDRESS
101 N. 23rd Street

CITY
Wilmington

STATE
NC

ZIP CODE
28405

SIGNATURE

Walter B. Cavado

DATE
05/11/06

TELEPHONE
910-763-1015

IMPORTANT: In these spaces, copy the corresponding information from Section A.			For Insurance Company Use:
BUILDING STREET ADDRESS (Including Apt., Unit, Suite, and/or Bldg. No.) OR P.O. ROUTE AND BOX NO. 704 Shoals Watch			Policy Number
CITY Bald Head Island	STATE NC	ZIP CODE 28461	Company NAIC Number

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

COMMENTS
 Building is newly constructed two story frame residence on pilings with ground level partially enclosed. Elevation in sec. C3a is to slab in that small enclosure. The elevation in C3b is to small lower split level first floor. Most of first floor is at 31.00'. The equipment in sec. C3e is to bottom of air handling unit hanging above slab in the small enclosure. There is an unattached crofter building next to house. Check here if attachments

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zone AO and Zone A (without BFE), complete items E1 through E4. If the Elevation Certificate is intended for use as supporting information for a LOMA or LOMR-F, Section C must be completed.

- E1. Building Diagram Number __ (Select the building diagram most similar to the building for which this certificate is being completed – see pages 6 and 7. If no diagram accurately represents the building, provide a sketch or photograph.)
- E2. The top of the bottom floor (including basement or enclosure) of the building is __ ft.(m) __ in.(cm) above or below (check one) the highest adjacent grade. (Use natural grade, if available).
- E3. For Building Diagrams 6-8 with openings (see page 7), the next higher floor or elevated floor (elevation b) of the building is __ ft.(m) __ in.(cm) above the highest adjacent grade. Complete items C3.h and C3.i on front of form.
- E4. The top of the platform of machinery and/or equipment servicing the building is __ ft.(m) __ in.(cm) above or below (check one) the highest adjacent grade. (Use natural grade, if available).
- E5. For Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance?
 Yes No Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, C (Items C3.h and C3.i only), and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. *The statements in Sections A, B, C, and E are correct to the best of my knowledge.*

PROPERTY OWNER'S OR OWNER'S AUTHORIZED REPRESENTATIVE'S NAME _____

ADDRESS _____	CITY _____	STATE _____	ZIP CODE _____
SIGNATURE _____	DATE _____	TELEPHONE _____	
COMMENTS _____			

Check here if attachments

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below.

- G1. The information in Section C was taken from other documentation that has been signed and embossed by a licensed surveyor, engineer, or architect who is authorized by state or local law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. The following information (Items G4-G9) is provided for community floodplain management purposes.

G4. PERMIT NUMBER _____	G5. DATE PERMIT ISSUED _____	G6. DATE CERTIFICATE OF COMPLIANCE/OCCUPANCY ISSUED _____
-------------------------	------------------------------	---

- G7. This permit has been issued for: New Construction Substantial Improvement
- G8. Elevation of as-built lowest floor (including basement) of the building is: _____ ft.(m) Datum: _____
- G9. BFE or (in Zone AO) depth of flooding at the building site is: _____ ft.(m) Datum: _____

LOCAL OFFICIAL'S NAME _____	TITLE _____
COMMUNITY NAME _____	TELEPHONE _____
SIGNATURE _____	DATE _____
COMMENTS _____	

Check here if attachments

ELEVATION CERTIFICATE

Important: Read the instructions on pages 1 - 7.

SECTION A - PROPERTY OWNER INFORMATION			For Insurance Company Use:
BUILDING OWNER'S NAME Michael A. Brader-Araje and Laura A. Brader Araje			Policy Number
BUILDING STREET ADDRESS (Including Apt., Unit, Suite, and/or Bldg. No.) OR P.O. ROUTE AND BOX NO. 704 Shoals Watch - Unattached Building Near Main Residence			Company NAIC Number
CITY Bald Head Island	STATE NC	ZIP CODE 28461	
PROPERTY DESCRIPTION (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Lot 3228 - Single Family 16 - Cape Fear Station; Map Cabinet 27 page 473; Deed Book 1752 page 657			
BUILDING USE (e.g., Residential, Non-residential, Addition, Accessory, etc. Use a Comments area, if necessary.) Accessory			
LATITUDE/LONGITUDE (OPTIONAL) (##° - ##' - ###" or ##.####")	HORIZONTAL DATUM: <input checked="" type="checkbox"/> NAD 1927 <input type="checkbox"/> NAD 1983	SOURCE: <input type="checkbox"/> GPS (Type): _____ <input type="checkbox"/> USGS Quad Map <input type="checkbox"/> Other: _____	

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP COMMUNITY NAME & COMMUNITY NUMBER Village of Bald Head Island 370442		B2. COUNTY NAME Brunswick		B3. STATE NC	
B4. MAP AND PANEL NUMBER 370442 0005	B5. SUFFIX F	B6. FIRM INDEX DATE 08/18/92	B7. FIRM PANEL EFFECTIVE/REVISED DATE 05/03/93	B8. FLOOD ZONE(S) X	B9. BASE FLOOD ELEVATION(S) (Zone AO, use depth of flooding) na

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in B9.
 FIS Profile FIRM Community Determined Other (Describe): _____

B11. Indicate the elevation datum used for the BFE in B9: NGVD 1929 NAVD 1988 Other (Describe): _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? Yes No Designation Date _____

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
 *A new Elevation Certificate will be required when construction of the building is complete.

C2. Building Diagram Number 6 (Select the building diagram most similar to the building for which this certificate is being completed - see pages 6 and 7. If no diagram accurately represents the building, provide a sketch or photograph.)

C3. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, ARIA, ARIA/E, ARIA1-A30, ARIA/H, ARIA/O
 Complete items C3.-a-i below according to the building diagram specified in item C2. State the datum used. If the datum is different from the datum used for the BFE in Section B, convert the datum to that used for the BFE. Show field measurements and datum conversion calculation. Use the space provided or the Comments area of Section D or Section G, as appropriate, to document the datum conversion.
 Datum _____ Conversion/Comments _____

Elevation reference mark used BH-3 Does the elevation reference mark used appear on the FIRM? Yes No

- o a) Top of bottom floor (including basement or enclosure) 29. 21 ft.(m)
- o b) Top of next higher floor 39. 55 ft.(m)
- o c) Bottom of lowest horizontal structural member (V zones only) na. ft.(m)
- o d) Attached garage (top of slab) na. ft.(m)
- o e) Lowest elevation of machinery and/or equipment servicing the building (Describe in a Comments area) 29. 43 ft.(m)
- o f) Lowest adjacent (finished) grade (LAG) 27. 8 ft.(m)
- o g) Highest adjacent (finished) grade (HAG) 29. 4 ft.(m)
- o h) No. of permanent openings (flood vents) within 1 ft. above adjacent grade na
- o i) Total area of all permanent openings (flood vents) in C3.h na sq. in. (sq. cm)

License Number, Embossed Seal, Signature, and Date

05/11/06

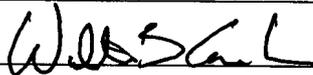
W.B. Cavado

L-4098

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.
 I certify that the information in Sections A, B, and C on this certificate represents my best efforts to interpret the data available.
 I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

CERTIFIER'S NAME Walter B. Cavado LICENSE NUMBER L-4098

TITLE <u>Professional Land Surveyor</u>	COMPANY NAME <u>Walter B. Cavado Land Surveying</u>		
ADDRESS <u>101 N. 23rd Street</u>	CITY <u>Wilmington</u>	STATE <u>NC</u>	ZIP CODE <u>28405</u>
SIGNATURE 	DATE <u>05/11/06</u>	TELEPHONE <u>910-763-1015</u>	

IMPORTANT: In these spaces, copy the corresponding information from Section C.			For Insurance Company Use:
BUILDING STREET ADDRESS (Including Apt., Unit, Suite, and/or Bldg. No.) OR P.O. ROUTE AND BOX NO. 704 Shoals Watch - Unattached Accessory Building Near Main Residence			Policy Number
CITY Bald Head Island	STATE NC	ZIP CODE 28461	Company NAIC Number

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

COMMENTS

Building is newly constructed two story frame crofter (golf cart garage with living area above on second floor.
Equipment in section C3e is a wooden AC platform. There is a concrete slab at this same elevation (29.43) for large emergency electric generator. There is concrete slab for garage floor. Buildings is on pilings. See separate certificate for main residence.

Check here if attachments

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zone AO and Zone A (without BFE), complete items E1 through E4. If the Elevation Certificate is intended for use as supporting information for a LOMA or LOMR-F, Section C must be completed.

- E1. Building Diagram Number __ (Select the building diagram most similar to the building for which this certificate is being completed – see pages 6 and 7. If no diagram accurately represents the building, provide a sketch or photograph.)
- E2. The top of the bottom floor (including basement or enclosure) of the building is __ ft.(m) __ in.(cm) above or below (check one) the highest adjacent grade. (Use natural grade, if available).
- E3. For Building Diagrams 6-8 with openings (see page 7), the next higher floor or elevated floor (elevation b) of the building is __ ft.(m) __ in.(cm) above the highest adjacent grade. Complete items C3.h and C3.i on front of form.
- E4. The top of the platform of machinery and/or equipment servicing the building is __ ft.(m) __ in.(cm) above or below (check one) the highest adjacent grade. (Use natural grade, if available).
- E5. For Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance?
 Yes No Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, C (Items C3.h and C3.i only), and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. *The statements in Sections A, B, C, and E are correct to the best of my knowledge.*

PROPERTY OWNER'S OR OWNER'S AUTHORIZED REPRESENTATIVE'S NAME

ADDRESS CITY STATE ZIP CODE

SIGNATURE DATE TELEPHONE

COMMENTS

Check here if attachments

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below.

- G1. The information in Section C was taken from other documentation that has been signed and embossed by a licensed surveyor, engineer, or architect who is authorized by state or local law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. The following information (Items G4-G9) is provided for community floodplain management purposes.

G4. PERMIT NUMBER	G5. DATE PERMIT ISSUED	G6. DATE CERTIFICATE OF COMPLIANCE/OCCUPANCY ISSUED
-------------------	------------------------	---

G7. This permit has been issued for: New Construction Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building is: _____ ft.(m) Datum: _____
 G9. BFE or (in Zone AO) depth of flooding at the building site is: _____ ft.(m) Datum: _____

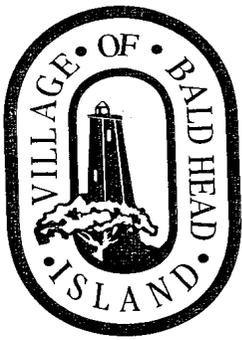
LOCAL OFFICIAL'S NAME TITLE

COMMUNITY NAME TELEPHONE

SIGNATURE DATE

COMMENTS

Check here if attachments



090

The Village of Bald Head Island Building Inspections Department

INSPECTION SERVICES CERTIFICATE OF OCCUPANCY

BUILDING PERMIT NO.: 040086 Date: 5/28/08

ADDRESS: 710 Shoals Watch
Parcel # 2650006211

OWNER: Dudley Coy

CONTRACTOR: Lokey Builders
Holly Dillenworth

THIS IS TO CERTIFY THAT THE WORK AUTHORIZED BY BUILDING PERMIT # 040086 HAS BEEN COMPLETED IN SUBSTANTIAL COMPLIANCE WITH THE STATE BUILDING CODE AND IN THE OPINION OF THE INSPECTION DEPARTMENT COMPLIES WITH APPLICABLE STATE AND LOCAL LAWS, AND LOCAL ORDINANCES AND REGULATIONS. THIS CERTIFICATION RESULTS FROM HAVING MADE AT LEAST THE MINIMUM INSPECTIONS MANDATED BY SECTION 306 OF VOLUME 1A OF THE BUILDING CODE. IT SHALL BE RECOGNIZED THAT THE INSPECTION DEPARTMENT DID NOT HAVE A CONSTANT PRESENCE ON THE SITE AND THE INSPECTION PROCESS CAN NOT BE A SUBSTITUTE FOR CONTRACTOR RESPONSIBILITY.

PERMISSION TO OCCUPY THE STRUCTURE IS GRANTED.


STEPHEN BOYETT
BUILDING INSPECTOR



091

The Village of Bald Head Island

INSPECTIONS DEPARTMENT

BUILDING PERMIT

Type: (X) New Construction () Repairs
() Alterations () Other

Permit Number 040086

Owner / Contractor Dudley Coy / Loxey Building
Address 710 Shoats Watch

Lot # 3222
Parcel # 2150006211

Attached to and forming a part of this application are the following:

- (✓) Topographic Survey of lot or building area showing elevation contours and one set of plans. 4 Bedrooms
- (✓) Approved CAMA Minor Development Permit (if applicable). 5 1/2 Bathrooms
- (✓) Site Plan showing set backs and location of the structure, driveways, dunes, shrubs, water source, sewage disposal plan and etc.

Description of Work: 2 story single family home w/ detached 2 golf cart garage/crocker

		Residential		Commercial	
Structural information to determine permit fees:	Heated area	<u>5514</u>	sq. ft. @ \$155/sq. ft.	<u>854670</u>	sq. ft. @ \$175 sq. ft.
	Covered area	<u>2668</u>	sq. ft. @ \$75/sq. ft.	<u>200100</u>	sq. ft. @ \$90/sq. ft.
	Uncovered area	<u>200</u>	sq. ft. @ \$55/sq. ft.	<u>11000</u>	sq. ft. @ \$55/sq. ft.
					<u>T = 1,065,770</u>

FEE STRUCTURE

(1) **Building Permit Fees** - Based on valuation:

\$0 - 5,000 = \$60	
\$5,000 - 15,000 = \$100	
\$15,000 - 25,000 = \$150	
\$25,000 - 30,000 = \$225	Valuation in excess of \$30,000 <u>1035,770</u>
over - 30,000 plus \$7.00 per 1,000 of fraction there of	<u>1036</u>

\$ 225
\$ 7252

(2) A non-interest bearing clean-up deposit of \$500.00 per living unit shall be required to insure that the construction area is kept clean. Upon completion of the project, if the area is sufficiently free of debris, the remaining uninsured deposit will be returned to the owner or contractor who made the deposit.

\$ 500

(3) A fee of \$35.00 will be charged for a Certificate of Occupancy and Compliance which will be issued when the work has been satisfactorily completed and inspected by the Building Inspector and applicable utility tap fees have been paid. List of subcontractors with license numbers required.

\$ 35

(4) Homeowner's Recovery Fund (see attached)

\$ 4329.00
11.29.04

\$ 10

(5) Total permit fee payable to The Village of Bald Head Island

\$ 8022

Flood Zone Information: Structure located in X Flood Zone. (see FEMA regulations)
Elevation Certificate IS IS NOT Required

CERTIFICATION

I (we) agree to conform to the building restrictions of The Village of Bald Head Island Planning Board and the North Carolina Building Code including the wind resistance requirements therein.

I (we) agree that the ground floor of area under the base flood elevation is to be used for storage purposes only and that no habitable areas will be allowed. No bathrooms, electrical outlets, washing machines, dryers, water heaters, refrigerators, freezers, recreation rooms or similar use will be permitted. Enclosure will be approved with breakaway walls only.

I (we) agree to take full responsibility for all sub-contractors on this job. Unnecessary noise from radios, violations of conduct rules such as speeding, reckless driving or littering will result in a "stop-work" order until the condition is corrected by the contractor.

I (we) have read and agree to the stated conditions that are outlined in the granting of this building permit by The Village of Bald Head Island.

DATE _____ SIGNED BY _____ (Owner)
DATE _____ SIGNED BY Christopher A. Jones (Contractor)
N.C. LICENSE # _____ ADDRESS / PHONE _____

IMPORTANT NOTICE: Compliance with The Village Building Permit does not necessarily assure compliance with the private restrictive covenants applicable to each lot. The owner should take extra precaution to make sure that he has complied with all private restrictive covenants applicable to the property prior to undertaking construction.

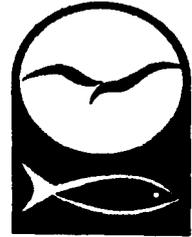
Building Inspector Bill Bruce Date 11-29-04

* SEE SPECIAL CONDITIONAL PERMIT APPLICATION FOR EARLY OCCUPANCY *

Village of Bald Head Island
Local Government

BHI 2004-09
Permit Number

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 Dudley and Adelaide Coy, authorizing development in Ocean Hazard AEC at 710 Frying Pan Shoals Way as requested in the permittee's application, dated August 11, 2004. This permit, issued on September 14, 2004 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 the construction of a single-family residence in the Ocean Hazard AEC in accordance with the conditions following on this page.

- (1) All proposed development and associated construction must be done in accordance with the permitted work plat drawings(s) dated received August 11, 2004.
- (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.

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.

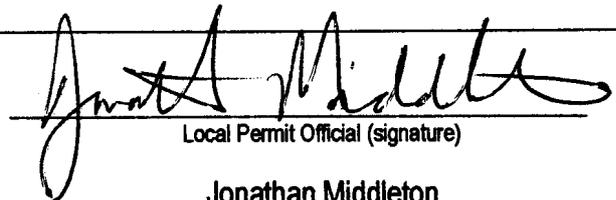
This permit must be on the project site and accessible to the permit officer when the project is inspected for compliance.

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, 2007.

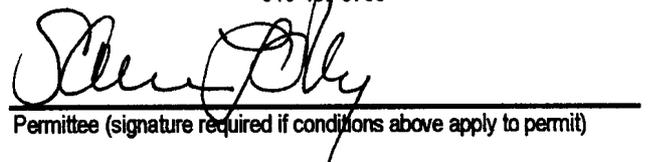
In issuing this permit it is agreed that this project is consistent with the local Land Use Plan and all applicable ordinances.

This permit may not be transferred to another party without the written approval of the Division of Coastal Management.


Local Permit Official (signature)

Jonathan Middleton
CAMA Local Permit Official

P.O. BOX 3009
BALD HEAD ISLAND, NC 28461
910-457-9700


Permittee (signature required if conditions above apply to permit)

Dudley and Adelaide Coy

Minor Permit # BHI 2004-09

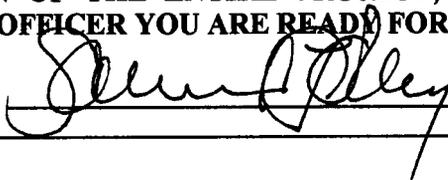
September 14, 2004

Page Two

- (4) The structure shall comply with the North Carolina Building Code, including the Coastal and Flood Plain Construction Standards, Chapter 37, Volume 1 or Chapter 41, Volume 7, and the Local Flood Damage Prevention Ordinance as required by the National Flood Insurance Program. If any provisions of the building code or a flood damage prevention ordinance is inconsistent with any of the following AEC standards the more restrictive shall control.
- (5) **The structure must set back a minimum of Two Hundred and Fifty (250') feet from the first line of stable vegetation as marked by the CAMA officer.**
- (6) The structure must be located entirely off of the frontal dune, and if a primary dune is present, behind the crest of the primary dune.
- (7) Dune disturbance will be allowed only to the extent necessary for development and if the dunes protective value is not weakened or reduced. Disturbed areas will be immediately stabilized.
- (8) Sand held in storage in any dune, other than frontal or primary dunes, may be moved laterally in order to strengthen existing primary or frontal dunes if the work would enhance the protection to the proposed development activity and the sand is stabilized.
- (9) All disturbed areas shall be vegetatively planted and mulched within 30 days of construction completion.
- (10) 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 (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 (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 affect the permit holder's right to seek authorization of temporary protective measures under CRC Rules.
- (11) **The permittee is required to contact the Local Permit Officer (457-9700) shortly before he plans to begin construction to arrange a setback measurement which will be effective for sixty (60) days, barring a major shoreline change. Construction must begin within sixty (60) days of the determination or the measure is void and must be redone.**

UPON COMPLETION OF THE ENTIRE PROJECT, YOU MUST CALL 457-9700 TO NOTIFY THE CAMA OFFICER YOU ARE READY FOR A FINAL INSPECTION.

APPLICANT'S SIGNATURE: _____



ATTACHMENT E
TO
CAMA VARIANCE PETITION
RONALD P. SPOGLI, TRUSTEE OF THE RONALD P. SPOGLI TRUST

NOTICE TO ADJACENT OWNERS AND OBJECTORS

7018 3090 0001 6151 5810

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

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

OFFICIAL USE

Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.05
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.53
Total Postage and Fees	\$ 7.33

Mr. David Peterson
2520 Terra Crossing Blvd.
Louisville, Kentucky 40245

Postmark Here
SEP 29 2021

for Instructions

7018 3090 0001 6151 5827

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

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

OFFICIAL USE

Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.05
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.53
Total Postage and Fees	\$ 7.33

James and Sherri Ruddy
2737 Founders Bridge Rd
Midlothian, Virginia 23113

Postmark Here
SEP 29 2021

for Instructions



115 NORTH 3RD STREET
SUITE 301
WILMINGTON, NC 28401

T 910.444.2000
WWW.BROOKSPIERCE.COM

September 29, 2021

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. David Peterson
2520 Terra Crossing Blvd.
Louisville, Kentucky 40245

Re: Variance Petition
Ronald P. Spogli, Trustee of The Ronald P. Spogli Trust
Brunswick County, North Carolina
Our File No. 112388.1

Dear Mr. Peterson:

This is to notify you that Ronald P. Spogli, Trustee of The Ronald P. Spogli Trust, is applying for a variance from the North Carolina Coastal Resources Commission to construct a single family residence on his Bald Head Island property at 706 Shoals Watch, Brunswick County, North Carolina. Copies of the site plan and CAMA permit application (narrative, application forms and figures) for the project were previously transmitted to you by correspondence from Cothran Harris Architecture dated August 31, 2021. The variance is projected to be heard at the November 9-10, 2021 meeting of the Coastal Resources Commission.

If you wish to receive further information regarding the variance, you may contact me. If you wish to make comments on the variance, you may direct your comments to the North Carolina Division of Coastal Management, 127 Cardinal Drive Extension, Wilmington, North Carolina 28405. You may also contact CAMA Field Representative Robb Mairs directly at (910) 796-4215.

Sincerely yours,

A handwritten signature in blue ink that reads "Charles S. Baldwin, IV".

Charles S. Baldwin, IV

CSBIV/gw



115 NORTH 3RD STREET
SUITE 301
WILMINGTON, NC 28401

T 910.444.2000
WWW.BROOKSPIERCE.COM

September 29, 2021

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. David Peterson
2520 Terra Crossing Blvd.
Louisville, Kentucky 40245

Re: Variance Petition
Ronald P. Spogli, Trustee of The Ronald P. Spogli Trust
Brunswick County, North Carolina
Our File No. 112388.1

Dear Mr. Peterson:

This is to notify you that Ronald P. Spogli, Trustee of The Ronald P. Spogli Trust, is applying for a variance from the North Carolina Coastal Resources Commission to construct a single family residence on his Bald Head Island property at 706 Shoals Watch, Brunswick County, North Carolina. Copies of the site plan and CAMA permit application (narrative, application forms and figures) for the project were previously transmitted to you by correspondence from Cothran Harris Architecture dated August 31, 2021. The variance is projected to be heard at the November 9-10, 2021 meeting of the Coastal Resources Commission.

If you wish to receive further information regarding the variance, you may contact me. If you wish to make comments on the variance, you may direct your comments to the North Carolina Division of Coastal Management, 127 Cardinal Drive Extension, Wilmington, North Carolina 28405. You may also contact CAMA Field Representative Robb Mairs directly at (910) 796-4215.

Sincerely yours,

A handwritten signature in blue ink that reads "Charles S. Baldwin, IV".

Charles S. Baldwin, IV

CSBIV/gw

7018 3090 0001 6151 5810

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

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

OFFICIAL USE

Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.05
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.53
Total Postage and Fees	\$ 7.33

Postmark Here

Mr. David Peterson
 2520 Terra Crossing Blvd.
 Louisville, Kentucky 40245

for Instructions

7018 3090 0001 6151 5827

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

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

OFFICIAL USE

Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.05
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.53
Total Postage and Fees	\$ 7.33

Postmark Here

James and Sherri Ruddy
 2737 Founders Bridge Rd
 Midlothian, Virginia 23113

for Instructions



FAQs >

Track Another Package +

Tracking Number: 70183090000161515827

Remove X

Your item was delivered to the front desk, reception area, or mail room at 4:37 pm on October 5, 2021 in LOUISVILLE, KY 40245.

Delivered, Front Desk/Reception/Mail Room

October 5, 2021 at 4:37 pm
LOUISVILLE, KY 40245

Feedback

Get Updates v

Text & Email Updates



Tracking History



October 5, 2021, 4:37 pm

Delivered, Front Desk/Reception/Mail Room
LOUISVILLE, KY 40245

Your item was delivered to the front desk, reception area, or mail room at 4:37 pm on October 5, 2021 in LOUISVILLE, KY 40245.

October 4, 2021

In Transit to Next Facility

October 2, 2021, 4:16 am

Departed USPS Regional Facility

LOUISVILLE KY DISTRIBUTION CENTER

October 1, 2021, 12:58 pm
Arrived at USPS Regional Facility
LOUISVILLE KY DISTRIBUTION CENTER

September 30, 2021, 12:01 am
Departed USPS Regional Facility
CHARLOTTE NC DISTRIBUTION CENTER

September 29, 2021, 10:58 pm
Arrived at USPS Regional Facility
CHARLOTTE NC DISTRIBUTION CENTER

Product Information



See Less ^

Feedback

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs



115 NORTH 3RD STREET
SUITE 301
WILMINGTON, NC 28401

T 910.444.2000
WWW.BROOKSPIERCE.COM

September 29, 2021

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

James and Sherri Ruddy
2737 Founders Bridge Rd
Midlothian, Virginia 23113

Re: Variance Petition
Ronald P. Spogli, Trustee of The Ronald P. Spogli Trust
Brunswick County, North Carolina
Our File No. 112388.1

Dear Mr. and Mrs. Ruddy:

This is to notify you that Ronald P. Spogli, Trustee of The Ronald P. Spogli Trust, is applying for a variance from the North Carolina Coastal Resources Commission to construct a single family residence on his Bald Head Island property at 706 Shoals Watch, Brunswick County, North Carolina. Copies of the site plan and CAMA permit application (narrative, application forms and figures) for the project were previously transmitted to you by correspondence from Cothran Harris Architecture dated August 31, 2021. The variance is projected to be heard at the November 9-10, 2021 meeting of the Coastal Resources Commission.

If you wish to receive further information regarding the variance, you may contact me. If you wish to make comments on the variance, you may direct your comments to the North Carolina Division of Coastal Management, 127 Cardinal Drive Extension, Wilmington, North Carolina 28405. You may also contact CAMA Field Representative Robb Mairs directly at (910) 796-4215.

Sincerely yours,

A handwritten signature in blue ink that reads "Charles".

Charles S. Baldwin, IV

CSBIV/gw

7018 3090 0001 6151 5810

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

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

OFFICIAL USE

Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.05
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.53
Total Postage and Fees	\$ 7.33

Postmark Here

Mr. David Peterson
 2520 Terra Crossing Blvd.
 Louisville, Kentucky 40245

for Instructions

7018 3090 0001 6151 5827

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

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

OFFICIAL USE

Certified Mail Fee	\$ 3.75
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 3.05
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.53
Total Postage and Fees	\$ 7.33

Postmark Here

James and Sherri Ruddy
 2737 Founders Bridge Rd
 Midlothian, Virginia 23113

for Instructions



[FAQs >](#)

[Track Another Package +](#)

Tracking Number: 70183090000161515810

[Remove X](#)

Your item was delivered to an individual at the address at 3:30 pm on October 4, 2021 in MIDLOTHIAN, VA 23113.

Delivered, Left with Individual

October 4, 2021 at 3:30 pm
MIDLOTHIAN, VA 23113

Feedback

Get Updates 

Text & Email Updates 

Tracking History 

Product Information 

[See Less](#) 

Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.



115 NORTH 3RD STREET
SUITE 301
WILMINGTON, NC 28401

T 910.444.2000
WWW.BROOKSPIERCE.COM

September 29, 2021

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

James and Sherri Ruddy
2737 Founders Bridge Rd
Midlothian, Virginia 23113

Re: Variance Petition
Ronald P. Spogli, Trustee of The Ronald P. Spogli Trust
Brunswick County, North Carolina
Our File No. 112388.1

Dear Mr. and Mrs. Ruddy:

This is to notify you that Ronald P. Spogli, Trustee of The Ronald P. Spogli Trust, is applying for a variance from the North Carolina Coastal Resources Commission to construct a single family residence on his Bald Head Island property at 706 Shoals Watch, Brunswick County, North Carolina. Copies of the site plan and CAMA permit application (narrative, application forms and figures) for the project were previously transmitted to you by correspondence from Cothran Harris Architecture dated August 31, 2021. The variance is projected to be heard at the November 9-10, 2021 meeting of the Coastal Resources Commission.

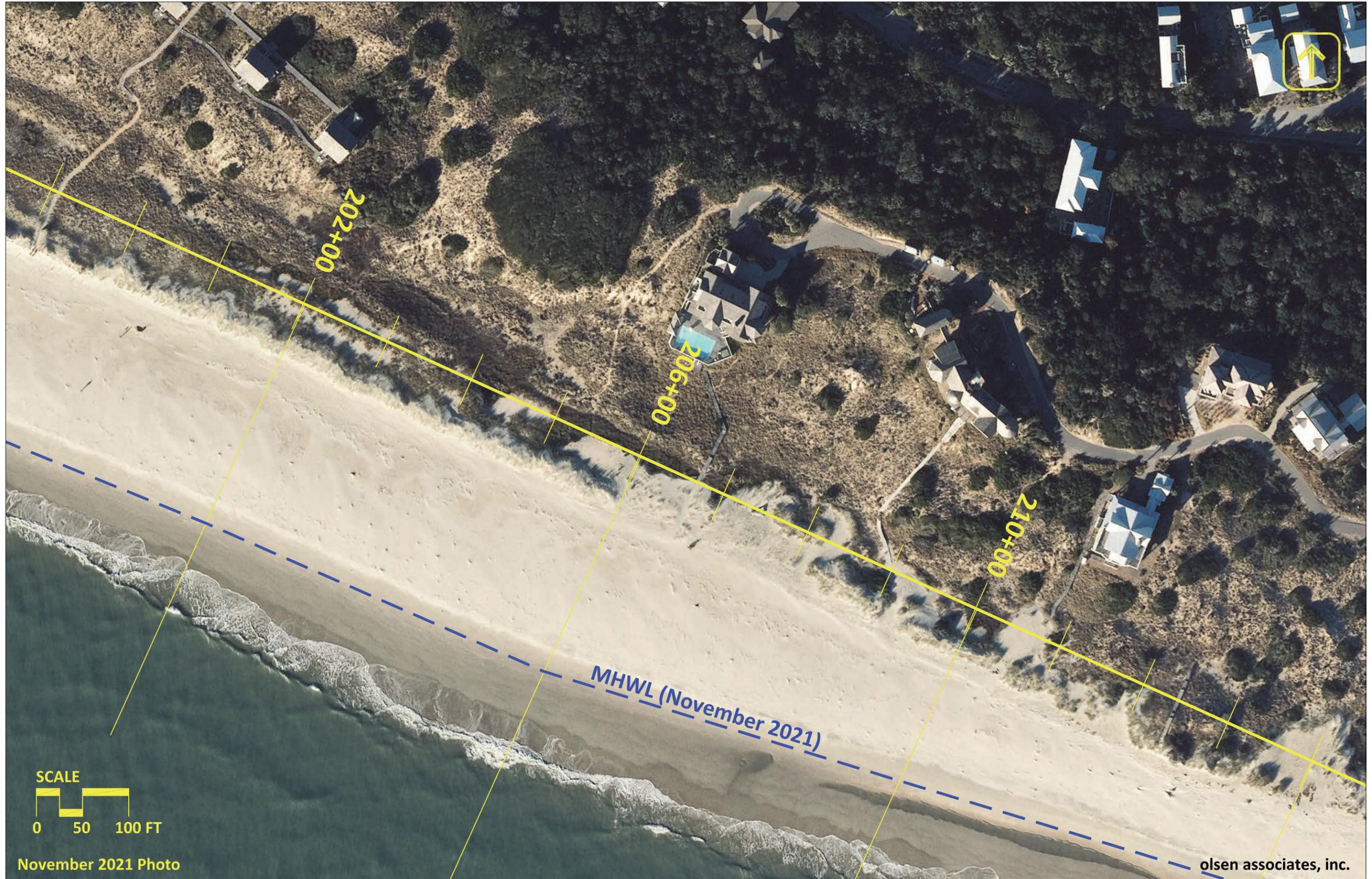
If you wish to receive further information regarding the variance, you may contact me. If you wish to make comments on the variance, you may direct your comments to the North Carolina Division of Coastal Management, 127 Cardinal Drive Extension, Wilmington, North Carolina 28405. You may also contact CAMA Field Representative Robb Mairs directly at (910) 796-4215.

Sincerely yours,

A handwritten signature in blue ink that reads "Charles".

Charles S. Baldwin, IV

CSBIV/gw



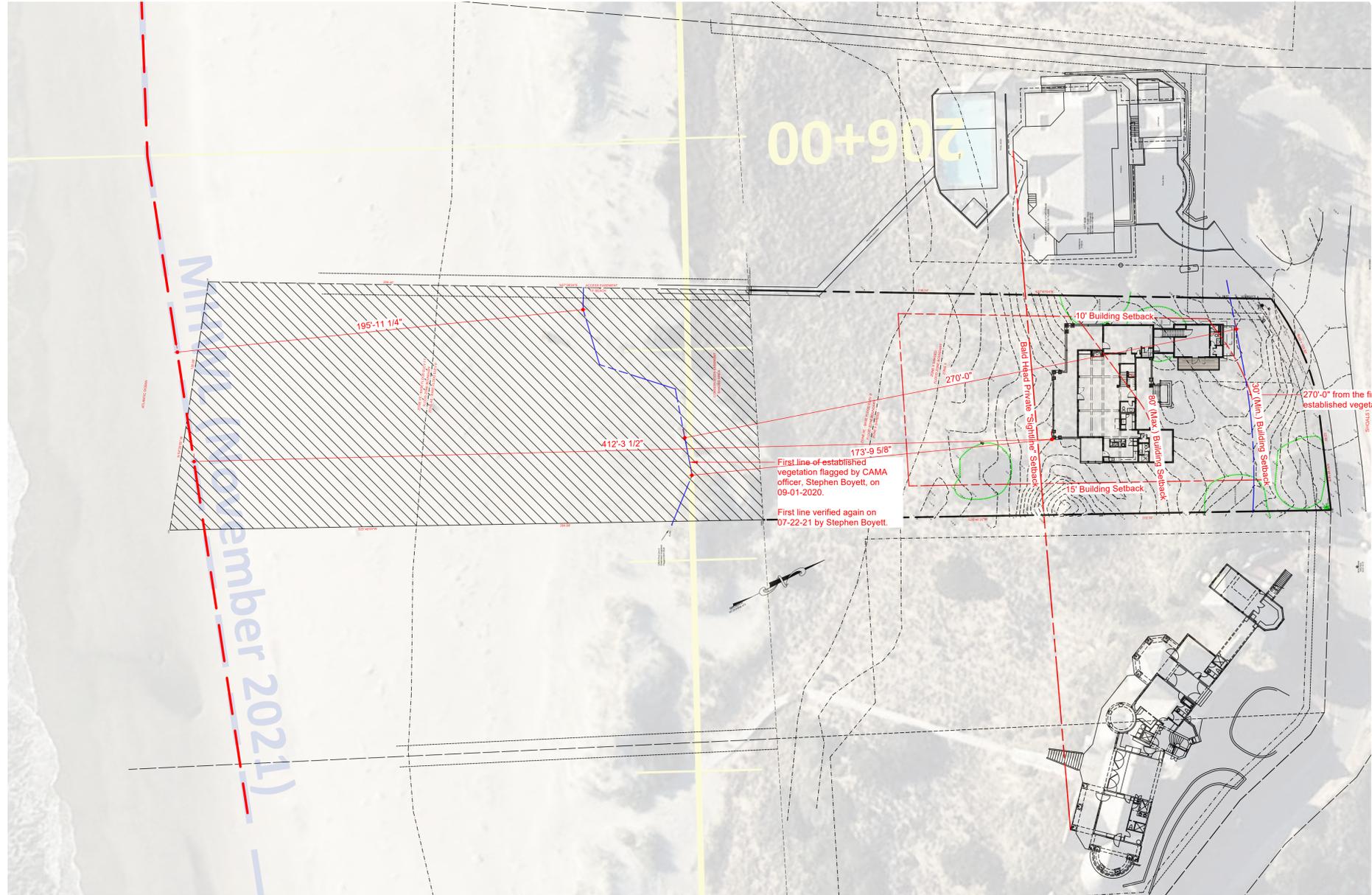
SCALE
0 50 100 FT

November 2021 Photo

olsen associates, inc.

Boundary and topographic information taken from a survey by Walter Cavado Land Surveying, dated September 20, 2020.

First line of vegetation flagged by Stephen Boyett on 9/01/20 and verified again on 7/22/21



MITTAL (November 2021)

206+00

173'-9 5/8"
First line of established vegetation flagged by CAMA officer, Stephen Boyett, on 09-01-2020.
First line verified again on 07-22-21 by Stephen Boyett.

10' Building Setback
15' Building Setback
30' Max. Building Setback
60' Building Setback
Bald Head Private Signline Setback

270'-0" from the first line of established vegetation.

CAMA SITE PLAN
AC1.18 1:30

SPOGLI COTTAGE
NEW CONSTRUCTION

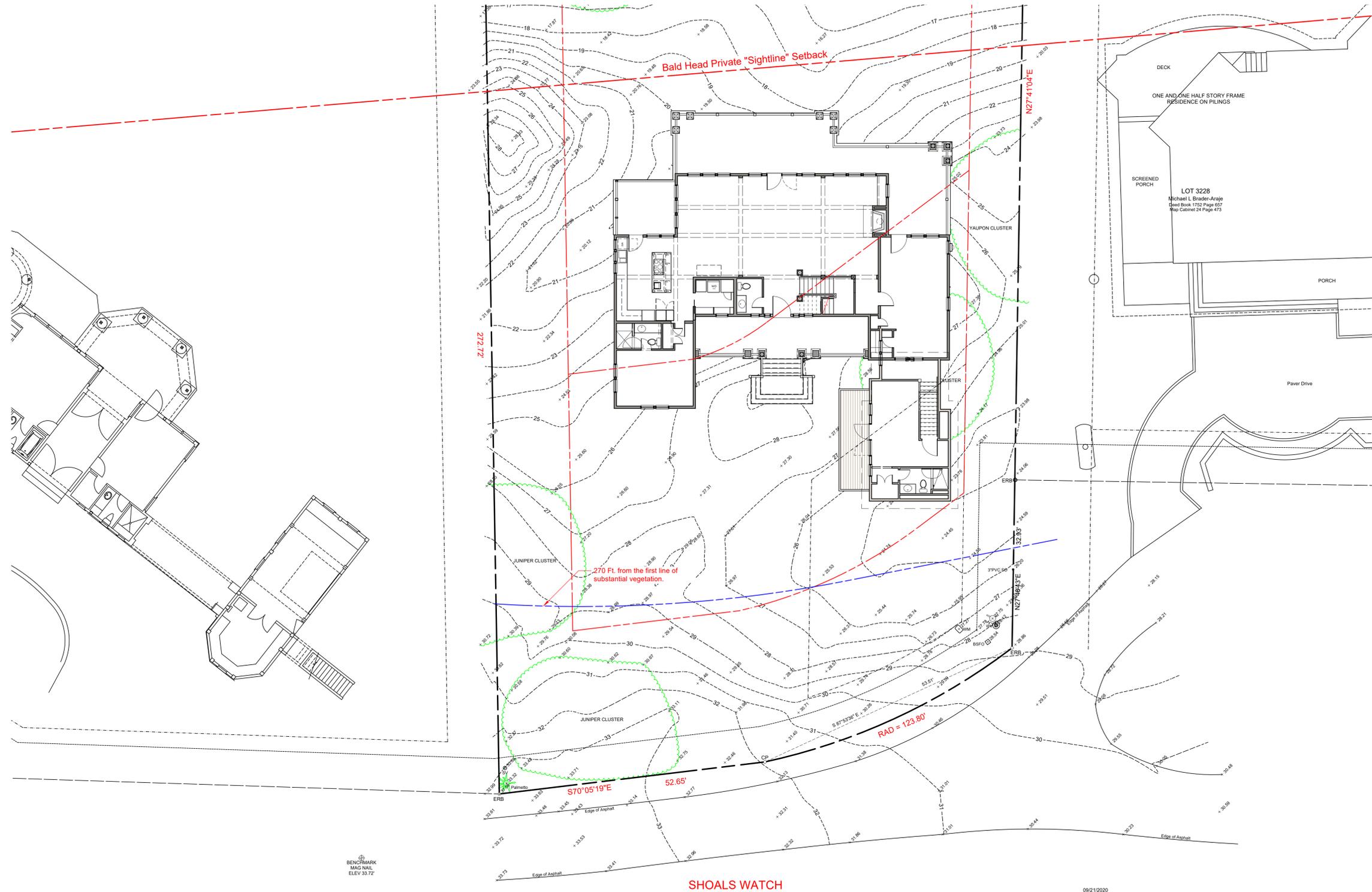
706 SHOALS WATCH
BALD HEAD ISLAND

SITE PLAN

CAMA DRAWING
07-APR-22

AC1.1

© 2022 CHA ALL RIGHTS RESERVED



BENCHMARK
MAG NAIL
ELEV 33.72

SHOALS WATCH

09/21/2020

AC1.08 **SITE PLAN** 1"=10'-0" 









**NC COASTAL RESOURCES
COMMISSION MEETING
September 15, 2022**

RONALD P. SPOGLI TRUST
(CRC-VR-21-05)

BALD HEAD ISLAND, OCEANFRONT SETBACK





Image © 2021 TerraMetrics
Data SIO, NOAA, U.S. Navy, NGA, GEBCO
Image © 2021 Maxar Technologies

Google Earth

General Vicinity Map of 706 Shoals Watch Way, Bald Head Island– Ronald Spogli
Image courtesy of Google Earth



**Ronald Spogli Property – 706
Shoals Watch Way
BHI, NC**

**Over head image of property
courtesy of Google Earth – 2020**



**Ronald Spogli Property –
706 Shoals Watch Way
Bald Head Island, NC**

**Over head view of property showing
approximate property lines (highlighted in Pink).
Image courtesy of Google Earth – 2021**



View of 706 Shoals Watch Way, Bald Head Island, NC, looking north from southern (oceanward) side of property. Photo taken by LPO on July 23, 2021



View of 706 Shoals Watch Way, Bald Head Island, NC, looking south. Photo taken by LPO on October 15, 2021



Views of 706 Shoals Watch Way, Bald Head Island, NC, looking east. Photos taken by LPO on October 15, 2021





Views of 706 Shoals Watch Way, Bald Head Island, NC, looking west. Photos taken by LPO on October 15, 2021

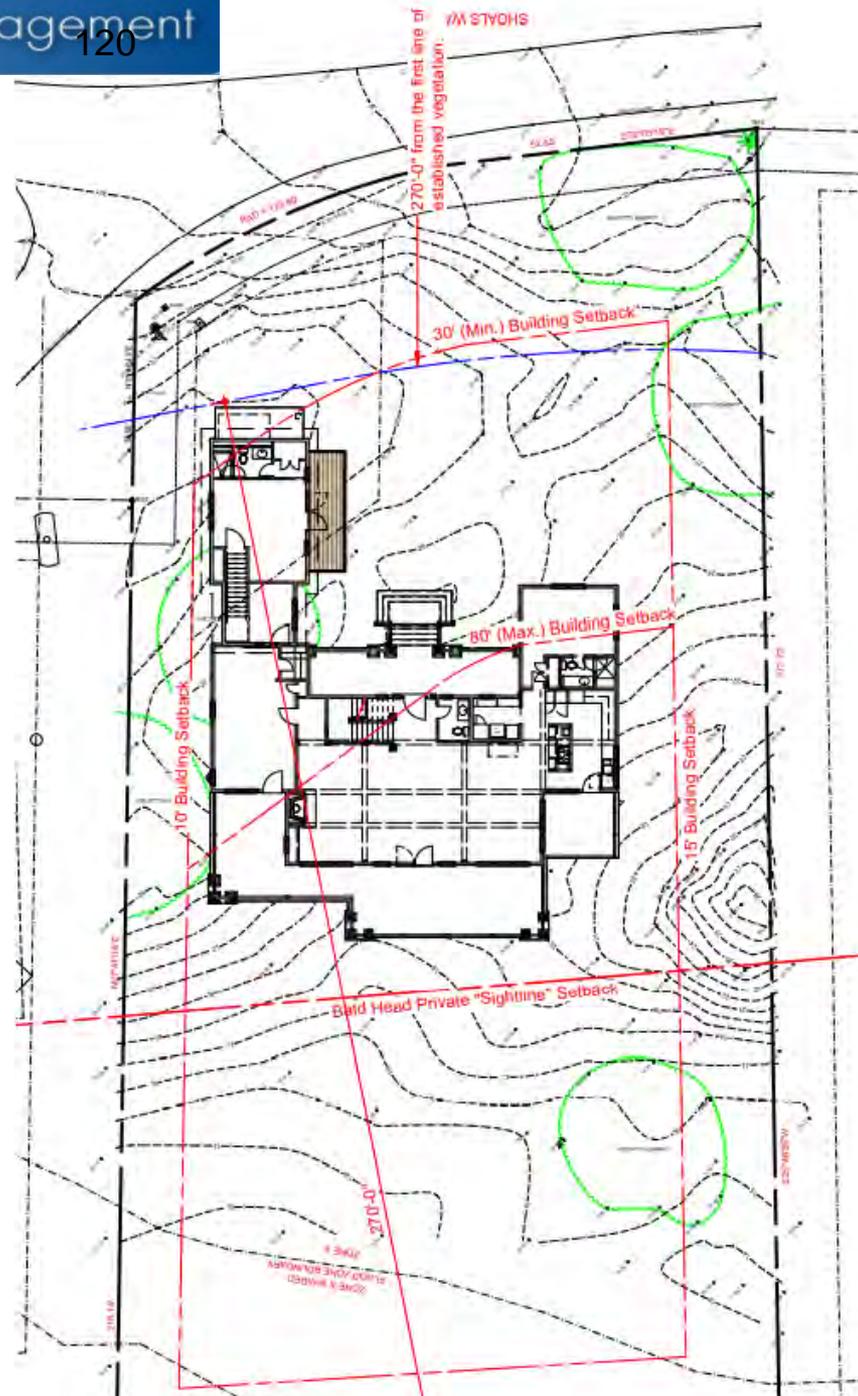




**Ronald Spogli property – 706 Shoals Watch Way, Bald Head Island, NC.
Image of Erosion Rates and Setback Factors
Source: DCM Map Viewer**

Site plan for Ronald Spogli property – 706 Shoals Watch Way, Bald Head Island, NC.

The site plan was submitted with CAMA minor permit application BH 2021-07.



121

15A NCAC 07J .0703 PROCEDURES FOR DECIDING VARIANCE PETITIONS

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

(1) that unnecessary hardships would result from strict application of the development rules, standards, or orders issued by the Commission;

(2) that such hardships result from conditions peculiar to the petitioner's property such as location, size, or topography;

(3) that such hardships did not result from actions taken by the petitioner; and

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