



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

MARY PENNY KELLEY

Secretary

WILLIAM F. LANE

General Counsel

TO: The Coastal Resources Commission

FROM: Christine A. Goebel, DEQ Assistant General Counsel

DATE: November 4, 2024 (for the November 13-14, 2024 CRC Meeting)

RE: **Variance Request by Harriston & Amanda Eggleston (CRC-VR-24-08)**

Petitioners Harrison & Amanda Eggleston own property at 106 Salisbury Street fronting the dead-end corner of a man-made canal in Holden Beach, Brunswick County. They propose to develop the Site with a one-slip pier. On July 17, 2024, DCM denied Petitioners CAMA Major Permit application as the proposed design did not meet the 15' riparian setback rule at 7H.0208(b)(6)(I) and neither of their adjacent riparian owners waived part or all of their respective 15' riparian setbacks. Petitioners now seek a variance to waive the 15' riparian setback rule in order to develop their proposed pier shown in their application.

The following additional information is attached to this memorandum:

Attachment A: Relevant Rules
Attachment B: Stipulated Facts
Attachment C: Petitioner's Positions and Staff's Responses to Variance Criteria
Attachment D: Petitioner's Variance Request Materials
Attachment E: Stipulated Exhibits including powerpoint

cc(w/enc.): Glenn Dunn, Esq., Petitioners' Attorney, electronically
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically
Tim Evans, Holden Beach P&I Director and LPO, electronically



North Carolina Department of Environmental Quality | General Counsel

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ATTACHMENT A**RELEVANT RULES****15A NCAC 07H .0208 USE STANDARDS****(a) General Use Standards**

(1) Uses that are not water dependent shall not be permitted in coastal wetlands, estuarine waters, and public trust areas. Restaurants, residences, apartments, motels, hotels, trailer parks, private roads, factories, and parking lots are examples of uses that are not water dependent. Uses that are water dependent include: utility crossings, wind energy facilities, docks, wharves, boat ramps, dredging, bridges and bridge approaches, revetments, bulkheads, culverts, groins, navigational aids, mooring pilings, navigational channels, access channels and drainage ditches;

(2) Before being granted a permit, the CRC or local permitting authority shall find that the applicant has complied with the following standards:

(A) The location, design, and need for development, as well as the construction activities involved shall be consistent with the management objective of the Estuarine and Ocean System AEC in Rule .0203 of this Section and shall be sited and designed to avoid significant adverse impacts upon the productivity and biologic integrity of coastal wetlands, shellfish beds, submerged aquatic vegetation as defined by the Marine Fisheries Commission in 15A NCAC 03I .0101(4)(i), and spawning and nursery areas;

(B) Development shall comply with State and federal water and air quality rules, statutes, and regulations;

(C) Development shall not cause irreversible damage to documented archaeological or historic resources as identified by the N.C. Department of Natural and Cultural Resources;

(D) Development shall not increase siltation;

(E) Development shall not create stagnant water bodies;

(F) Development shall be timed to avoid significant adverse impacts on life cycles of estuarine and ocean resources; and

(G) Development shall not jeopardize the use of the waters for navigation or for other public trust rights in public trust areas including estuarine waters.

(3) When the proposed development is in conflict with the general or specific use standards set forth in this Rule, the CRC may approve the development if the applicant can demonstrate that the activity associated with the proposed project will have public benefits consistent with the findings and goals of the Coastal Area Management Act identified in G.S. 113A-102, that the public benefits outweigh the adverse effects of the project, that there is no alternate site available for the project, and that all means and measures to mitigate adverse impacts of the project have been incorporated into the project design and shall be implemented at the applicant's expense. Measures taken to mitigate or minimize adverse impacts shall include actions that:

- (A) minimize or avoid adverse impacts by limiting the magnitude or degree of the action;
 - (B) restore the affected environment; or
 - (C) compensate for the adverse impacts by replacing or providing substitute resources.
- (4) "Primary nursery areas" are defined as those areas in the estuarine and ocean system where initial post larval development of finfish and crustaceans takes place and populations are uniformly in their early juvenile stages. Primary nursery areas are designated and described by the N.C. Marine Fisheries Commission (MFC) at 15A NCAC 03R .0103 and by the N.C. Wildlife Resources Commission (WRC) at 15A NCAC 10C .0502;
- (5) "Outstanding Resource Waters" (ORW) are defined as those estuarine waters and public trust areas classified by the N.C. Environmental Management Commission (EMC) as defined in 15A NCAC 02B .0225; and
- (6) Beds of "submerged aquatic vegetation" are defined as those habitats in public trust and estuarine waters, that occur in both subtidal and intertidal zones and may occur in isolated patches or cover extensive areas, vegetated with one or more species of submergent vegetation as listed in 15A NCAC 03I .0101(4)(i). Any rules relating to beds of submerged aquatic vegetation shall not apply to non-development control activities authorized by the Aquatic Weed Control Act of 1991 (G.S. 113A-220 et seq.).
- (7) "Adverse impact", "adverse impacts", "adverse effects", or similar formulations, are defined as an effect or impact that is opposed to the goals of the Coastal Area Management Act as found in G.S. 113A-102(b) and with the provisions of G.S. 113-229(e).
- (8) "Significant" as used in this Section includes consideration of both context and intensity. Context means that the impact or effect shall be analyzed from several perspectives that include society as a whole (human, national), the affected subregion of the North Carolina coast, the local area and all directly and indirectly affected parties. Both short- and long-term effects are relevant. Intensity refers to the severity of impact or effect. The following shall be considered in evaluating intensity:
- (A) both adverse impacts as defined in Subparagraph (a)(7) of this Rule and impacts that promote or enhance the goals of the Coastal Area Management Act set out at G.S. 113A-102(b);
 - (B) the degree to which the proposed action affects public health or safety;
 - (C) unique characteristics of the geographic area;
 - (D) the degree to which the possible effects on the environment are uncertain or involve unique or unknown risks;
 - (E) the degree to which the CRC's permit decisions may establish a precedent for future CRC permit decisions;

(F) the degree to which the CRC's permit decisions are related to other CRC permit decisions with individually insignificant but cumulatively significant impacts. Significance cannot be avoided by terming an action temporary or by breaking it down into smaller component parts; and

(G) the degree to which the CRC's permit decision may cause the loss or destruction of scientific, cultural, historical, and environmental resources as those terms are commonly defined and understood.

(b) Specific Use Standards

(6) Piers and Docking Facilities.

(A) Piers shall not exceed six feet in width. Piers greater than six feet in width shall be permitted only if the greater width is necessary for safe use, to improve public access or to support a water dependent use that cannot otherwise occur;

(B) The total square footage of docks, platforms, and mooring facilities (excluding the pier) allowed shall be eight square feet per linear foot of shoreline with a maximum of 2,000 square feet to limit shading impacts to the substrate. In calculating the total square footage, uncovered open water slips shall not be counted in the total. Projects requiring dimensions greater than those stated in this Rule shall be permitted only if the greater dimensions are necessary for safe use, to improve public access, or to support a water dependent use that cannot otherwise occur. Size restrictions shall not apply to marinas;

(C) Piers and docking facilities over coastal wetlands shall be no wider than six feet and shall be elevated at least three feet above any coastal wetland substrate as measured from the bottom of the decking;

(D) A boathouse shall not exceed 400 square feet except to accommodate a documented need, provided to the Division of Coastal Management by the applicant for a larger boathouse and shall have sides extending no farther than one-half the height of the walls as measured from the Normal Water Level or Normal High Water to the bottom edge of the roofline, and covering only the top half of the walls. Measurements of square footage shall be taken of the greatest exterior dimensions. Boathouses shall not be allowed on lots with less than 75 linear feet of shoreline, except that structural boat covers utilizing a frame-supported fabric covering may be permitted on properties with less than 75 linear feet of shoreline when using screened fabric for side walls. Size restrictions do not apply to marinas;

(E) The total area enclosed by an individual boat lift shall not exceed 400 square feet except to accommodate a documented need for a larger boat lift;

(F) Piers and docking facilities shall be single story. They may be roofed but shall not be designed to allow second story use;

(G) Pier and docking facility length shall be limited by:

(i) not extending into the channel portion of the water body; and

(ii) not extending more than one-fourth the width of a natural water body, or human-made canal or basin. Measurements to determine widths of the water body, canals, or basins shall be made from the waterward edge of any coastal wetland vegetation that borders the water body. The one-fourth length limitation does not apply in areas where the U.S. Army Corps of Engineers, or a local government in consultation with the Corps of Engineers, has established an official pier head line. The one-fourth length limitation shall not apply when the proposed pier is located between longer piers or docking facilities within 200 feet of the applicant's property.

(iii) Notwithstanding Subparts (i) and (ii) of this Part, the proposed pier or docking facility shall not be longer than the pier head line established by the piers or docking facilities along the same contiguous shoreline having the same land use, nor longer than one-third the width of the water body. This restriction does not apply to piers 100 feet or less in length unless necessary to avoid unreasonable interference with navigation or other uses of the waters by the public.

(H) Piers or docking facilities longer than 400 feet shall be permitted only if the proposed length gives access to deeper water at a rate of at least 1 foot for each 100 foot increment of length longer than 400 feet, or, if the additional length is necessary to span some obstruction to navigation. Measurements to determine lengths shall be made from the waterward edge of any coastal wetland vegetation that borders the water body;

(I) Piers and docking facilities shall not interfere with the access to any riparian property and shall have a minimum setback of 15 feet between any part of the pier or docking facility and the adjacent property owner's areas of riparian access. The line of division of areas of riparian access shall be established by drawing a line along the channel or deep water in front of the properties, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge. The minimum setback provided in the rule may be waived by the written agreement of the adjacent riparian owner(s) or when two adjoining riparian owners are co applicants. If the adjacent property is sold before construction of the pier or docking facility commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the permitting agency prior to initiating any development of the pier. Application of this Rule may be aided by reference to the approved diagram in 15A NCAC 07H .1205(t) illustrating the rule as applied to various shoreline configurations. When shoreline configuration is such that a perpendicular alignment cannot be achieved, the pier shall be aligned to meet the intent of this Rule to the maximum extent practicable as determined by the Director of the Division of Coastal Management; and

(J) Applicants for authorization to construct a pier or docking facility shall provide notice of the permit application to the owner of any part of a shellfish franchise or lease over which the proposed dock or pier would extend. The applicant shall allow the lease holder the opportunity to mark a navigation route from the pier to the edge of the lease.

1. Petitioners are Amanda and Harrison Eggleston. They own property at 106 Salisbury Street in Holden Beach, Brunswick County (the "Site").
2. Petitioners purchased the Site through a deed recorded on May 20, 2019 and recorded at Book 4192, Page 1310 of the Brunswick County Registry. A copy of the deed is attached as a stipulated exhibit. The property is also known as Lot 109 of the Canal Layout of Holden Beach East, as shown on a 1962 plat recorded in Map Book 6, Page 132 of the Brunswick County Registry, a copy of which is attached as a stipulated exhibit.
3. The Site is adjacent to the dead-end corner of man-made Canal E. The Property can be seen on the attached powerpoint presentation of photographs of the Property and surrounding area.
4. The Site is bordered by Canal E on the east, to 108 Salisbury Street to the north (owned by The Blacks), and Salisbury Street to the west. To the south the Site is adjacent to three lots, including 422 Ocean Boulevard East (owned by The Terrys), 420 Ocean Boulevard East (owned by The Gardners) and 418 Ocean Boulevard East (a riparian lot owned by Ms. Williamson). The Blacks and Ms. Williamson are the two adjacent riparian owners.
5. The Site has approximately 46' of shoreline along the canal. The Site measures approximately 0.12 Acres in area.
6. The Site is currently a vacant lot, developed only with a bulkhead.
7. The waters of the man-made canal are classified as SA waters and are closed to the harvest of shellfish. The proposed pier would be located within the Public Trust Area and Estuarine Waters Areas of Environmental Concern (AECs). Any "development" within those AECs would require authorization through a CAMA permit per G.S. 113A-118. While there is some Coastal Wetlands AEC along the bulkhead, the proposed docking facility would be elevated over the vegetation.
8. Both adjacent riparian owners have developed existing private piers in the canal, which based on Google Earth historic aerial photography, were both built sometime before 1993.
9. In August of 2023, Petitioner, through their authorized agent Ben Brink of Coastal Permit Guy, LLC sought a CAMA General Permit for a proposed docking facility. DCM Staff explained that as the 15' riparian setbacks were not met (and setbacks were not being waived by the neighbors) and a denial would be required, it should be processed through a CAMA Major Permit Application.
10. On December 7, 2023, Petitioners, through their authorized agent Ben Brink of Coastal Permit Guy, LLC, applied for a CAMA major permit to construct a one-slip docking facility. The application was deemed complete on April 29, 2024. A copy of the CAMA major permit application report is attached.

11. Petitioners proposed to develop a one-slip docking facility comprised of a 9' x 6' fixed platform at the existing bulkhead, a 16' x 3' gangway, and a 7' x 12' floating dock secured to two pilings. A cross section and top view drawing are attached as part of the permit application. The water depth at the floating dock is approximately -1.5' NLW.
12. Based on the site plans, he proposed docking facility would encroach 1.5' into the northern (The Blacks) 15' riparian setback and 15' into Ms. Williamson's 15' riparian setback. Ms. Williamson's dock does not appear to meet a 15' riparian setback from both Petitioners' common riparian line or with her other neighbor's riparian line, but it is unknown whether setback waivers were obtained at the time her pier was permitted.
13. As part of the CAMA major permit review process, DCM Field Representative Patrick Amico wrote a Field Investigation Report dated April 30, 2024, a copy of which is attached.
14. During the major permit review process, no state or federal agencies objected to the proposed project. DWR authorized the proposed project through General Certification #4497. The US Army Corps of Engineers authorized the proposed project through Regional General Permti 56 on June 13, 2024.
15. As part of the CAMA major permit review process, notice was given to the public through on-site posting and notice in the local Wilmington Star News newspaper on May 7, 2024. No comments from the public were received in connection with the permit application.
16. Notice was also sent to the adjacent riparian property owners, The Blacks and Ms. Williamson, through certified mail on January 26, 2024, and again to the Blacks at a corrected on February 1, 2024. The Blacks signed the notice form on February 1, 2024 indicating that he did have objections to the proposed project and that they did not wish to waive the 15' riparian setback. Ms. Williamson signed the notice form on January 31, 2024 indicating that she too had objections to the proposed project, and she did not wish to waive the 15' riparian setback. Copies of the completed notice forms and delivery information are attached. Also attached are the notice forms completed by the Blacks and Ms. Williamson in August of 2023 when Petitioners initially sought to have the project approved through a CAMA General Permit.
17. On February 13, 2024, Mr. Amico emailed the Blacks and Ms. Williamson asking if they wished to provide any further comment on the proposed pier. Neither the Blacks nor Ms. Williamson responded.

18. On July 17, 2024, DCM denied Petitioners' CAMA Major Permit application as the proposed pier, gangway and floating dock were inconsistent with the Commission's rule at 15A NCAC 7H .0208(b)(6)(I) which states in pertinent part:

Piers and docking facilities shall not interfere with the access to any riparian property and shall have a minimum setback of 15 feet between any part of the pier or docking facility and the adjacent property owner's areas of riparian access...The minimum setback provided in the rule may be waived by the written agreement of the adjacent riparian owner(s) or when two adjoining riparian owners are co-applicants. If the adjacent property is sold before construction of the pier or docking facility commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the permitting agency prior to initiating any development of the pier.

A copy of the denial letter is attached.

19. Petitioners did not appeal their permit denial by bringing a contested case petition in the Office of Administrative Hearings.
20. The Coastal Area Management Act ("CAMA") provides that "[a]ny person may petition the Commission for a variance granting permission to use the person's land in a manner otherwise prohibited by rules or standards prescribed by the Commission, or orders issued by the Commission, pursuant to this Article." N.C. Gen Stat. § 120.1(a). Petitioners stipulate that their proposed docking facility does not conform with 7H.0208(b)(6)(I) where neither 15' riparian setback is met as described in the denial letter.
21. The Petitioners ask the Commission to vary its rule at 7H.0208(b)(6)(I) providing 15' riparian setbacks to the adjacent riparian owners (unless the adjacent owners elect to waive some/all of those setbacks) so that they do not need the setback waivers from The Blacks and Ms. Williamson so that they can develop their pier as proposed in their application.
22. Without a variance, and without either adjacent riparian owners' waiver of the setback, Petitioners could develop a small pier within the triangular area shown on drawings falling outside of the 15' riparian setbacks, which would have to be elevated over the existing coastal wetlands vegetation per 7H.0208(b)(6)(C) and most of that triangular area contains coastal wetlands as shown in site photos.
23. Notice of Petitioners' variance request was sent to both The Blacks and Ms. Williamson. The Blacks received delivery of a letter on August 18, 2024, then refused a fed ex delivery on August 20, 2024 as shown on the attached Fed Ex documentation. Petitioners' counsel sent another delivery on August 29, 2024 a copy of which is attached, and USPS tracking shows it was delivered on September 1, 2024. Ms. Williamson signed for a fed ex on August 17, 2024 and received a letter on August 24, 2024. DCM has not received any comments from either The Blacks or Ms. Williamson.

STIPULATED EXHIBITS

- 1. Petitioners' deed 4192/1310**
- 2. Plat Map 2/132**
- 3. Map of ownership**
- 4. CAMA Major Permit Materials**
- 5. DCM Field Investigation Report, April 30, 2024**
- 6. Notice to The Blacks and Ms. Williamson**
- 7. July 14, 2024 CAMA Major Permit Denial Letter**
- 8. Notice of Variance request to The Blacks and Ms. Williamson**
- 9. Powerpoint with ground and aerial photographs of the Site and surrounding area**

Petitioner and Staff Positions

- 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.**

Petitioner's Position: Yes.

The Petitioners seek relief from application of the CRC rule that requires that the proposed docking facility be set back 15' from the adjacent riparian lines on each side of their lot without a signed waiver. The petitioners' property is a corner lot along a manmade canal. Consequently the rule requires that the docking facility be set back 15' from the riparian line without a signed waiver which in this case is approximately the extended joint property line for the lot to the north of the subject lot (the "Black Lot"), and because the other adjacent lot (the "Williams Lot") is around the corner at the end of the canal, the riparian line is drawn in consultation with DCM staff at an angle, as shown on the development plan attached at Attachment E. The result for the Petitioners is that the two 15' setback lines converge to leave only the small triangle consisting of mainly marsh grasses adjacent to the shore for a docking facility as shown on Attachment E, which would not reach deep enough water for access by small shallow draft boats such as kayaks and jet skis, or even reach the water at all much of the time and would be entirely useless for reasonable water access. Consequently, the strict application of the rule deprives the Petitioners of their riparian property right to reasonable access to deep water, which constitutes an unnecessary hardship.

Staff's Position: Yes.

Riparian property ownership by law is subject to "reasonable regulation." In North Carolina, the Commission has the authority to regulate the development of docks and piers for riparian access through rulemaking. The Commission's rule which Petitioners seek a variance from is the 15' riparian setback, which requires docks and piers to be setback that distance on each side of a shared riparian line in order to set a minimum standard for navigation by the riparian owners and by the public around docks and piers in these public trust waters. Under the Commission's rules, the Commission saw fit to allow adjacent owners the agency to choose to (entirely or partially) waive the setback if they wish.

The location of the Petitioner's lot at the dead-end corner of a canal results in a small, pie-shaped riparian area that narrows as it extends from the shoreline combined with the Commission's minimum 15' riparian setbacks cause Petitioner a hardship. Although Petitioner has reasonable use of the property through the construction of a home, Petitioner does not have the ability to construct a pier absent setback waivers from one or both adjacent owners. DCM agrees that Petitioner has an unnecessary hardship in this case for the aforementioned reasons.

ATTACHMENT C

CRC-VR-24-08

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 to the Petitioners is due to the property's location at the corner of a manmade finger canal which, though not unique, is unusual and is not a location to which the rule in question is designed to apply. Although the riparian line rule and setback works well for most lots on the coast, in this particular location for the reasons stated above, it obviously does not allow the lot in question riparian access for water dependent structures like floating docks that allow safe water access.

Staff's Position: Yes.

Petitioner purchased a lot at the dead-end corner of a manmade finger canal. The hardship of not being able to construct a pier on this lot (other than within the triangle area outside the waivers) without waivers of the 15' riparian setback from one or both adjacent owners is caused in part by the triangle shape of the riparian corridor for a lot in such a location. At dead ends, as in coves and embayments, a radial method may be used which results in triangle-shaped riparian corridors which narrow like pie slices in the deep water. While this riparian area shape is common in dead end corner lots on finger canals in Holden Beach and elsewhere, Staff agrees that in part, any alleged hardship results from certain conditions peculiar to the property such as the location at the dead-end corner of a canal.

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

Petitioner's Position: No.

The hardships in question result entirely from the location and dimensions of the lot which have not been changed by the Petitioners since they purchased it.

Staff's Position: No.

While Staff believes that due diligence steps by Petitioners could have revealed the limited riparian area and regulatory limitations associated with this lot, Staff agrees that the hardships result largely from the dead-end man-made canal corner lot location of the Site and the unwillingness of both adjacent riparian owners to waive some/all of their 15' riparian setbacks.

ATTACHMENT C

CRC-VR-24-08

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

Petitioner's Position: Yes.

1) The purpose of the riparian line rule is expressly to ensure that a development does “not interfere with the access to any riparian property”. It should be emphasized that this purpose includes ensuring that the Petitioners’ property as well as the adjacent properties has reasonable access to the water. It is the purpose of a variance to allow a just and fair relaxation of the strict application of a rule in circumstances such as these where the rule simply does not apply fairly and where the variance will not create a public safety or wetlands threat and produces a just result. In this case the Petitioners have carefully limited the proposed docking facility to a location and dimensions that allow them minimal access to the water while minimizing any interference to the corner neighbor’s and allowing them safe access. As shown on Attachment E, the proposed docking facility will be approximately 36.5’ from the Black’s dock, so it has no effect on their water access, and it is 13’ from the Williams’ docket and aligned so that it does not interfere with their docking a boat at the waterward side of the existing floating dock, thus leaving them adequate access to the water.

2) The proposed alignment creates no safety or welfare threat

3) The proposed alignment preserves substantial justice by allowing the Petitioners their right to minimal riparian access by a docking facility that will accommodate very small boats and which does not interfere with the adjacent property owners’ riparian rights. In fact, denying a variance in these circumstances would be contrary to the purpose of the rule in that it would deny Petitioners the access that the rule intends to protect and would be a substantially unjust outcome.

Staff's Position: No.

The Commission’s rules at 7H.0208(a)(2)(G) states that “Development shall not jeopardize the use of the waters for navigation or for other public trust rights in public trust areas including estuarine waters.” In order to protect both the rights to navigation by the public and the right to use one’s riparian property by pier-ing out to “deep” water, the Commission has adopted reasonable regulations through its pier rules. One of the limitations is the 15’ setback requirement to keep navigable space between adjacent piers for use by the public and by the adjacent neighbors. At a dead-end canal, that separation between piers could also be used to turn around at the dead-end. While the Commission generally requires 30’ of separation, it allows adjacent riparian owners to waive some or all of this setback if they chose, presumably if they believe a smaller setback would be able to preserve their navigation. In this case, both adjacent riparian owners have declined to do so.

ATTACHMENT C**CRC-VR-24-08**

In this case, the location at the dead-end corner of this canal and the resulting pie-shaped riparian corridor causes the limitation on how Petitioners can utilize their riparian corridor when combined with neighbors unwilling to waive their 15' riparian setback. While it may be frustrating that neither adjacent riparian neighbor will waive the setback, that is a privilege and a determination given to them by the Commission about whether a smaller setback would still allow navigation.

The variance may not secure public safety and welfare due to the potential navigation issues discussed above. The public has the right to navigate among and between these piers just as the adjacent owners do, and the proximity between the existing structures and the proposed structure appear to be insufficient for navigation. Also, substantial justice may be implicated if the Commission now varies its own rule giving the privilege to waive the 15' setback to the adjacent riparian owners and waives the setback on its own.

ATTACHMENT D

Petitioner's Petition Materials
(without initial proposed facts or duplicative exhibits)

CAMA VARIANCE REQUEST FORM**DCM FORM 11****DCM FILE No.:** _____PETITIONER'S NAME HARRISON F. & AMANDA B. EGGLESTONCOUNTY WHERE THE DEVELOPMENT IS PROPOSED BRUNSWICK

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

VARIANCE HEARING PROCEDURES

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

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

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

<u>Glenn Dunn</u>	<u>August 5, 2024</u>
Signature of Petitioner or Attorney	Date
<u>GLENN DUNN</u>	<u>gdunn@poynerspruill.com</u>
Printed Name of Petitioner or Attorney	Email address of Petitioner or Attorney
<u>P.O. Box 1801</u>	<u>(919) 783-2842</u>
Mailing Address	Telephone Number of Petitioner or Attorney
<u>Raleigh NC 27602-1801</u>	<u>(919) 783-1075</u>
City State Zip	Fax Number of Petitioner or Attorney

DELIVERY OF THIS HEARING REQUEST

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

Contact Information for DCM:

By mail, express mail or hand delivery:

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

By Fax:

(252) 247-3330

By Email:

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

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

VARIANCE CRITERIA

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

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

Eggleston Private Docking Facility
106 Salisbury Street
Holden Beach, Brunswick County, NC

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

See Attachment A.

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

See Attachment B.

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

See Attachment C.

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

The applicant hereby stipulates that the development as proposed in the application is inconsistent with the rule at issue, 15A N.C.A.C. 07H .0208(b)(6)(I).

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

See Attachment D.

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

The Town of Holden Beach's zoning requirements do not apply to docking facilities so the subject docking facility does not require a variance from the Town.

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

(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: Yes. Strict application of the CRC's development standards would result in unnecessary hardship.

- 1) The Petitioners seek relief from application of the CRC rule that requires that the proposed docking facility be set back 15' from the adjacent riparian lines on each side of their lot without a signed waiver. The petitioners' property is a corner lot along a man-made canal. Consequently the rule requires that the docking facility be set back 15' from the riparian line without a signed waiver which in this case is approximately the extended joint property line for the lot to the north of the subject lot (the "Black Lot"), and because the other adjacent lot (the "Williams Lot") is around the corner at the end of the canal, the riparian line is drawn in consultation with DCM staff at an angle, as shown on the development plan attached at Attachment E. The result for the Petitioners is that the two 15' setback lines converge to leave only the small triangle consisting of mainly marsh grasses adjacent to the shore for a docking facility as shown on Attachment E, which would not reach deep enough water for access by small shallow draft boats such as kayaks and jet skis, or even reach the water at all much of the time and would be entirely useless for reasonable water access. Consequently, the strict application of the rule deprives the Petitioners of their riparian property right to reasonable access to deep water, which constitutes an unnecessary hardship.

(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: Yes. These hardships result from conditions peculiar to the property, such as location, size or topography.

- 1) The hardship to the Petitioners is due to the property's location at the corner of a manmade finger canal which, though not unique, is unusual and is not a location to which the rule in question is designed to apply. Although the riparian line rule and setback works well for most lots on the coast, in this particular location for the reasons stated above, it obviously does not allow the lot in question riparian access for water dependent structures like floating docks that allow safe water access.

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

RESPONSE: No. The hardships do not result from actions taken by the Petitioners.

- 1) The hardships in question result entirely from the location and dimensions of the lot which have not been changed by the Petitioners since they purchased it.

(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.

RESPONSE: Yes. The requested variance is consistent with the spirit, purpose and intent of the CRC's development standards; will secure public safety and welfare; and will preserve substantial justice.

- 1) The purpose of the riparian line rule is expressly to ensure that a development does "not interfere with the access to any riparian property". It should be emphasized that this purpose includes ensuring that the Petitioners' property as well as the adjacent properties has reasonable access to the water. It is the purpose of a variance to allow a just and fair relaxation of the strict application of a rule in circumstances such as these where the rule simply does not apply fairly and where the variance will not create a public safety or wetlands threat and produces a just result. In this case the Petitioners have carefully limited the proposed docking facility to a location and dimensions that allow them minimal access to the water while minimizing any interference to the corner neighbor's and allowing them safe access. As shown on Attachment E, the proposed docking facility will be approximately 36.5' from the Black's dock, so it has no effect on their water access, and it is 13' from the Williams' docket and aligned so that it does not interfere with their docking a boat at the waterward side of the existing floating dock, thus leaving them adequate access to the water.
- 2) The proposed alignment creates no safety or welfare threat
- 3) The proposed alignment preserves substantial justice by allowing the Petitioners their right to minimal riparian access by a docking facility that will accommodate very small boats and which does not interfere with the adjacent property owners' riparian rights. In fact, denying a variance in these circumstances would be contrary to the purpose of the rule in that it would deny Petitioners the access that the rule intends to protect and would be a substantially unjust outcome.

[REDACTED]

[REDACTED]

[REDACTED]

Walker, Melvin &
Return to Woodall, UP Type mail
Total 216 Rev 170 Int. LC
5 Ck \$ 196 Ck # 0885 Cash \$
Refund Cash \$ Finance

Portions of document are illegible due to condition of original.

Document contains seals verified by original instrument that cannot be reproduced or copied.



B4192 P1310 05-20-2019
Brenda M. Clemmons 12:46:37.000
of Deeds PROP page 1 of 5

**NORTH CAROLINA
GENERAL WARRANTY DEED**

Excise Tax: \$170.00

Recording Time, Book and Page

Tax Map No.

Parcel Identifier No. 231MH015

Mail after recording to: Seth M. Woodall, Attorney at Law

This instrument was prepared by: Mack Hewett, Hewett Law Firm, PLLC, a licensed North Carolina attorney. "Delinquent taxes, if any, to be paid by the closing attorney to the Brunswick County Tax Collector upon disbursement of closing proceeds."

(PREPARED WITHOUT OPINION ON TITLE)

THIS DEED made this 9th day of May, 2019 by and between

GRANTOR

Renewals, a NC General Partnership
P.O. Box 157
Pinehurst, NC 28370

GRANTEE

Harrison F. Eggleston and wife,
Amanda B. Eggleston
175 River Ridge Road
Eden, NC 27288

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 and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference.

All or a portion of the property herein above described was acquired by Grantor by instrument recorded in Book 2359, Page 1237, Brunswick County Registry.

A map showing the above described property is recorded in Plat Book 6, Page 132 and referenced within this instrument.

The above described property does not include the primary residence of the Grantor.

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) applicable utility easements and rights of way of record, 2) all applicable governmental, zoning, and land use restrictions.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer(s), the day and year first above written.

Renewals, a NC General Partnership

By: Robert William McVay _____ (SEAL)
Robert William McVay, General Partner

_____ (SEAL)

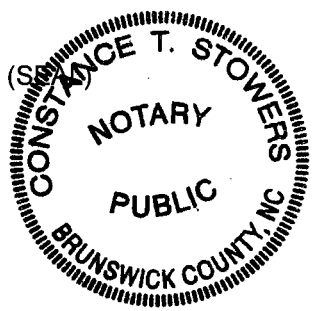
STATE OF North Carolina COUNTY OF Brunswick

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Robert William McVay, General Partner of Renewals, a NC General Partnership. Witness my hand and official stamp or seal, this the 9th day of May, 2019.

My Commission Expires: 7/14/2022

Constance T. Stowers
Notary Public

Print Notary Name: Constance T. Stowers





Renewals, a NC General Partnership

By: 

Ryan Johanson, General Partner

STATE OF _____ COUNTY OF _____

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Ryan Johanson, General Partner of Renewals, a NC General Partnership. Witness my hand and official stamp or seal, this the ____ day of May, 2019.

My Commission Expires: _____

Notary Public

Print Notary Name: _____

(SEAL)

4

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

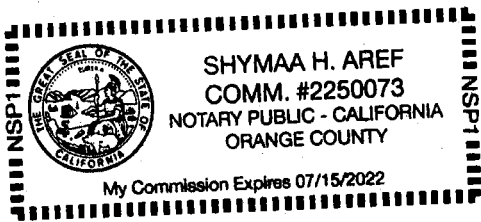
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Orange)
 On 5/9/2019 before me, Shymaa H. Aref
Date Here Insert Name and Title of the Officer
 personally appeared Ryan Johanson
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
 Title or Type of Document: General Warranty Deed Document Date: 5-9-2019
 Number of Pages: 1 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)
 Signer's Name: Ryan Johanson
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
 Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
 Signer Is Representing: _____



B4192 P1314 05-20-2019
12:46:37.000
Brenda M. Clemmons PROP
Brunswick County, NC Register of Deeds page 5 of 5

EXHIBIT "A"

BEING all of Lot 109 of the Canal Layout of Holden Beach East, according to a plat thereof by Greer McHenry, R.L.S., dated 3 March, 1962, and recorded in Map Book 6 at Page 132, Brunswick County, North Carolina Registry, to which plat reference is hereby made for greater certainty of description.

IT IS UNDERSTOOD AND AGREED that this Deed is made SUBJECT to the reservations and restrictions as set out in full in the deed recorded in Book 224 at Page 335, Brunswick County Registry.

NOTE ALL STREETS ARE 50' EXCEPT OCEAN VIEW HWY WHICH IS 60'



I GERRIT C. GREER OR ROBERT B. MCHENRY CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE BY THEM THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1/5000 THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED WITNESS MY HAND AND SEAL THIS 27th DAY OF MARCH 1962.

REG. LAND SURVEYOR

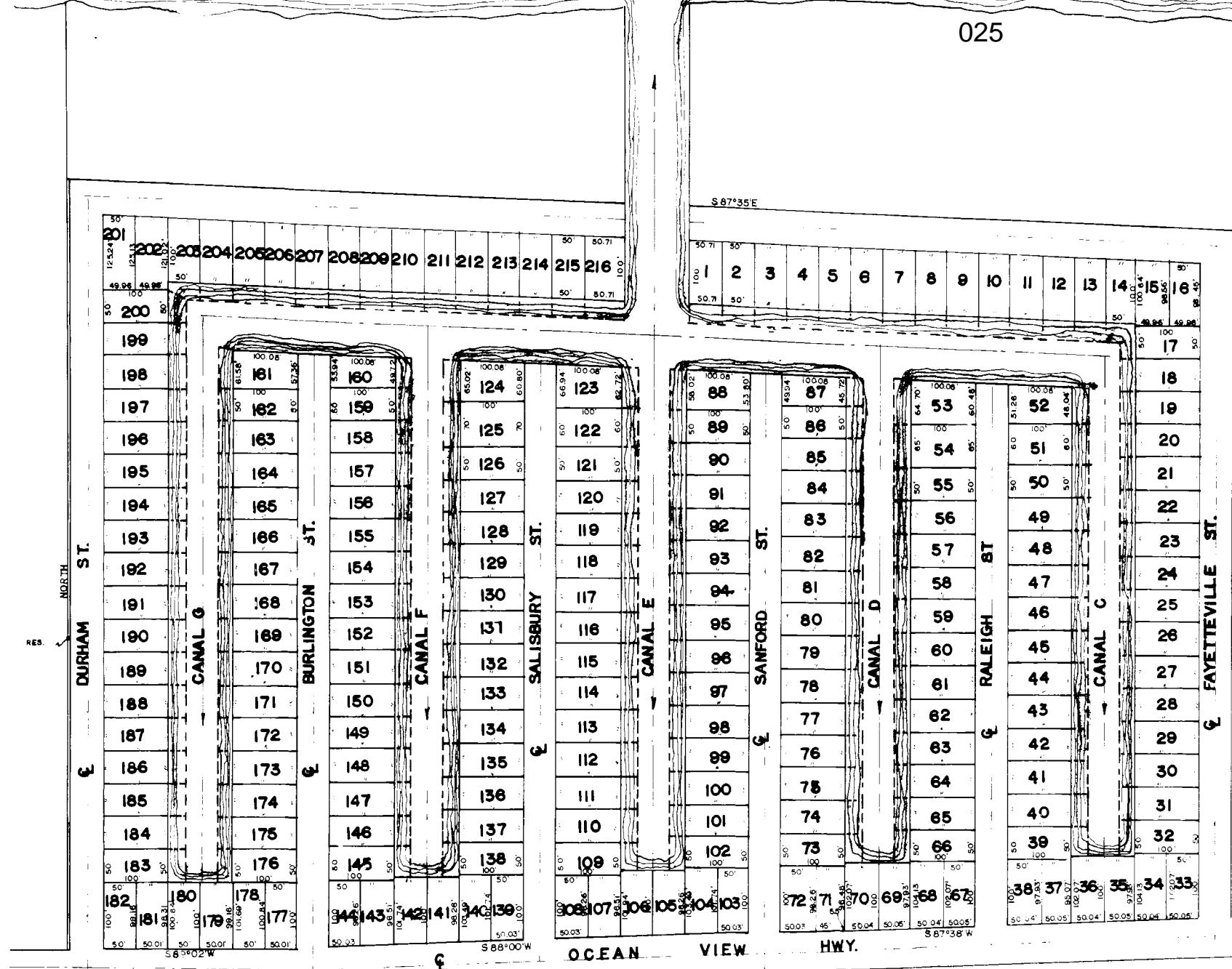
NORTH CAROLINA BRUNSWICK CO.
PERSONALLY APPEARED BEFORE ME GERRIT C. GREER OR ROBERT B. MCHENRY N.C. REG. LAND SURVEYOR BEING DULY SWORN SAYS THIS MAP IS TRUE AND CORRECT TO THE BEST OF THEIR KNOWLEDGE AND BELIEF.

CLERK SUPERIOR COURT

CANAL LAYOUT HOLDENS BEACH EAST SOUTHEASTERN DEV. CORP.

LOCKWOODS FOLLY TWN BRUNSWICK CO.
SCALE 1" = 100' MARCH 3, 1962

GREER-MCHENRY
REG. SURVEYORS
SOUTHPORT N.C.



ATLANTIC



OCEAN

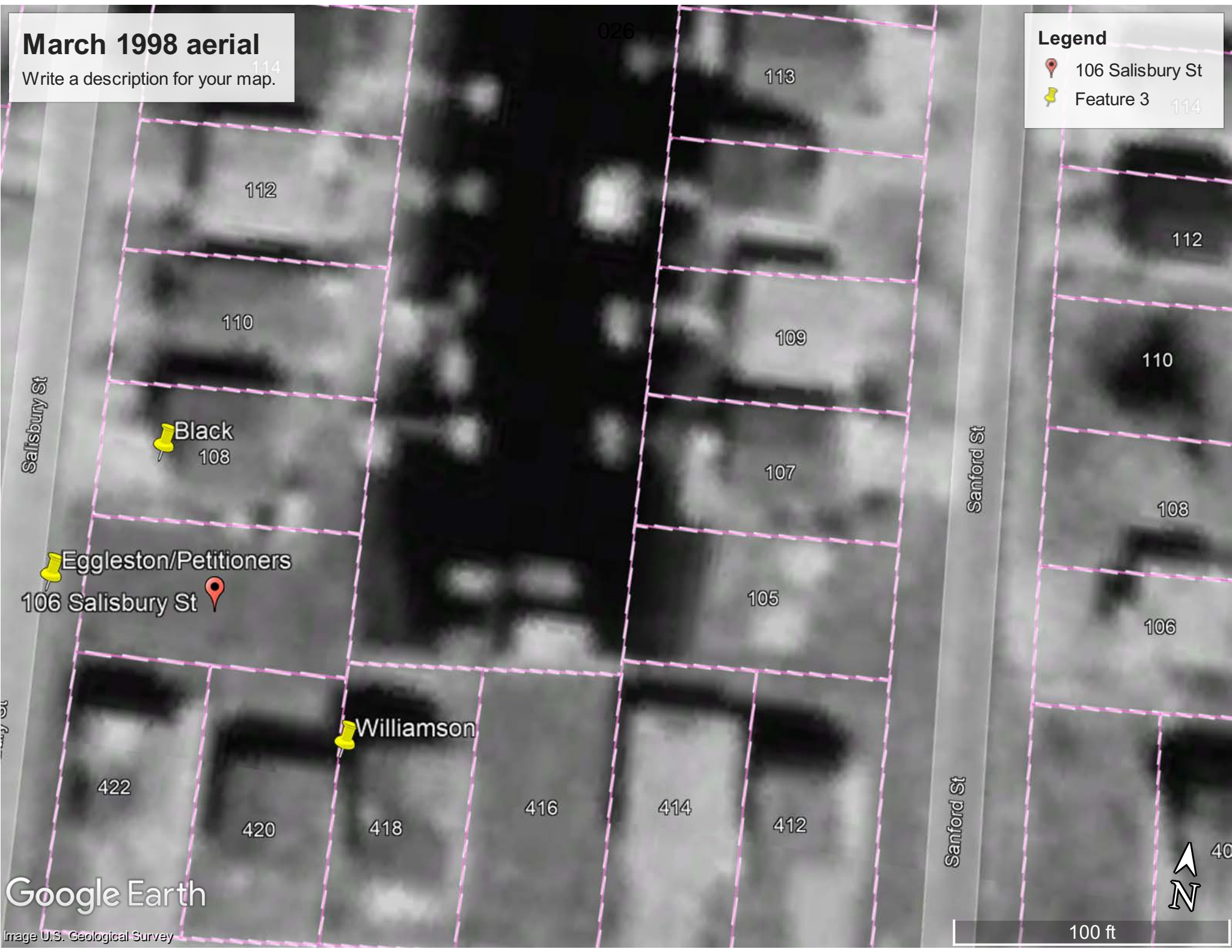
Page 3 of 3
Map Book 6 Page 132
106 Salisbury (Brunswick)
Applicant: Harrison Eggleston
Project: Eggleston Private Docking Facility
Scale: (NTS)

March 1998 aerial

Write a description for your map. ¹¹⁴

Legend

-  106 Salisbury St
-  Feature 3 ¹¹⁴



Google Earth

Image U.S. Geological Survey



100 ft



March 2023 aerial

Write a description for your map.

Legend

-  106 Salisbury St
-  Feature 3



Google Earth

Image © 2024 Airbus

100 ft



March 2023 aerial

Write a description for your map.

Legend



Google Earth

Image Landsat / Copernicus

900 ft

Permit Application Report

Application ID	Application Type	Submitted	App Complete	Deadline	Decision	Expiration
PA-1263	DCM Major Permit	04-29-2024	04-29-2024	07-14-2024		

Primary Applicant Information							
Applicant Type	Title	Business Name	Name	Email	Business Phone	Mobile Phone	
Individual	Mr.		Harrison Eggleston	egglestonhomes1@yahoo.com	336-613-7982	336-613-7982	
Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip
106 Salisbury St.	Holden Beach	NC	28462	175 River Ridge Rd.	Eden	NC	27288

Additional Applicant Information							
Applicant Type	Title	Business Name	Name	Email	Business Phone	Mobile Phone	
Individual	Mrs.		Amanda Eggleston	egglestonhomes1@yahoo.com	336-613-7982	336-613-7982	
Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip
106 Salisbury St.	Holden Beach	NC	28462	175 River Ridge Rd.	Eden	nc	27288

Additional Applicant Information							
Applicant Type	Title	Business Name	Name	Email	Business Phone	Mobile Phone	
Business/Company		CPG, LLC	CPG, LLC	ben@coastalpermitguy.com	910-302-5725		
Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip
PO Box 1661	Carolina Beach	NC	28428	PO Box 1661	Carolina Beach	NC	28428

Registered Agent Information							
Agent Type	Title	Business Name	Name	Email	Business Phone	Mobile Phone	
Business/Company		CPG, LLC	CPG, LLC	ben@coastalpermitguy.com	910-302-5725		
Physical Address				Mailing Address			
Street 1	City	State	Zip	Street 1	City	State	Zip
PO Box 1661	Carolina Beach	NC	28428	PO Box 1661	Carolina Beach	NC	28428

Project Information							
Project Name	Project Type	Disturbed Land Area (Sq Ft/Acres)					
Eggleston Private Docking Facility	Private/Community	0 Sq. Ft. / 0 Acres					
Is proposed project located in national registered historic district or national register listed/eligible: False							
List of previous state or federal permits for work on project tract: N/A							
Project Location Information							
Address	County	River Basin	Subdivision	County Parcel ID	Latitude	Longitude	
106 Salisbury St Supply, NC 28462	Brunswick	Lumber		231MH015	33.91197	-78.29506	
Project Discharges to State Waters							
Discharge Type	Surface Runoff	Sanitary Wastewater	Industry/Commercial Effluent	Vessel Wash Down	Residential	Other	
Wastewater/Stormwater Discharged Into Wetland?		Discharge Same Salinity as Receiving Waters			Is There Any Mitigation Proposed		
False		False			False		

Detailed Description of the Existing Development Located on the Property

Existing Man-Made Features:

Bulkhead

Existing Land Uses:

Vacant Lot with an existing bulkhead

Existing Wastewater Treatment/Disposal:

Town of Holden Beach

Solid Waste/Fish Offal/Trash Disposal:

Town of Holden Beach

Use and Daily Operations of the Project When Complete**Proposed Development Purpose:**

The proposed docking facility would be used for recreational purposes including fishing, kayaking, and boating.

Buildings/Facilities/Units/Structures:

9' x 6' Fixed Platform, Gangway, and 7' x 12' Floating Dock

Use & Daily Operations:

Fishing, kayaking, boating, etc. (recreational use)

Construction Methodology & Equipment:

Standard marine construction techniques for piling installation. Light foot traffic in the marsh and work from barge for water dependent structures.

Development Activities Narrative Specifics:

The lot has an existing bulkhead and the proposed docking facility would include a fixed platform (9'x6') and a gangway leading to a floating dock (7'x12').

Application Narrative:

The applicant is proposing a docking facility at 106 Salisbury in Holden Beach (Brunswick). There is an existing bulkhead on site and the proposed docking facility would include a fixed platform (9'x6') and a gangway leading to a floating dock (7'x12').

Boat Ramp Development Activity Included: False

Shoreline Stabilization Development Activity Included: False

Living Shoreline Development Activity Included: False

Piers & Docking Facilities Development Activity Included: True

Docking Facilities Details			
Facility Use	# of Tie Pilings	Existing Slips	New Slips
Private/Community	0	0	1

Piers & Docking Facility Structures			
Structure Type	Length	Width	Quantity
Fixed Platforms	9	6	1
Floating docks	12	7	1

Freestanding Moorings & Buoys Associated With This Docking Facility		
Structures Consistent With Water Use Plan	Existing Freestanding Moorings & Buoys Slips	New Freestanding Moorings & Buoys Slips
False	0	0
Buoy Details: N/A		

Moorings & Buoys Details			
Mooring or Buoy	Distance From Shoreline	Arc of Swing	Water Depth

Excavation Development Activity Included: False

Bridges & Culverts Development Activity Included: False

Oceanfront Erosion Control Development Activity Included: False

Temporary Structures Development Activity Included: False

Utility Crossings Development Activity Included: False

Freestanding Moorings, Buoys & Bird Nesting Poles Development Activity Included: False

Log Removal/Marine Debris Development Activity Included: Yes/No

Navigational Aids Development Activity Included: False

Other Fill Below Water Level Development Activity Included: False

Stormwater Structures Development Activity Included: False

“Upland Development” Development Activity Included: False

Energy Facilities Development Activity Included: False

Aquaculture Development Activity Included: False

Submerged Lands Mining Development Activity Included: False

General Development Activity Details Required

General Development Activity Questions				
These questions are applicable if 1 of the following development activities are included in the project (Boat Ramps, Freestanding Moorings, Buoys & Bird Nesting Poles, Piers & Docking Facilities, Temporary Structures, Living Shorelines, Shoreline Stabilization Submerged Lands Mining)				
Boat Type(s)		Typical Boat Length	Other Boat Type (Describe)	
Open runabout; Non-motorized		17		
Adj Riparian Property Line #1 (Proximity of Structure Nearest to Property Line)		Adj Riparian Property Line #2 (Proximity of Structure Nearest to Property Line)	Adj Riparian Property Line #3 (Proximity of Structure Nearest to Property Line)	
20.5		12		
Width of Water Body	Water Depth @ Waterward End of Structure (NLW or NWL)		Water Depth @ Most Landward Boat Slip (NLW or NWL)	Water Depth @ Most Waterward Boat Slip (NLW or NWL)
105	-1.5		-1.5	-1.5
Navigational Aids Required	Number of Buoys	Number of Day Markers	Min Distance of Each Aid Placed Beyond Shoreline	Max Distance of Each Aid Placed Beyond Shoreline
False				

Marina Development Activity Details Required

AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION

Name of Property Owner Requesting Permit: Harrison and Amanda Eggleston

Mailing Address: 175 River Ridge Rd.

Eden, NC 27288

Phone Number: 336-613-7982

Email Address: egglestonhomes1@yahoo.com


I certify that I have authorized CPG, LLC & Glenn T. Dunn,
Agent / Contractor

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

at my property located at 106 Salisbury St. Parcel 231MH015,
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:


Harrison Eggleston (Dec 7, 2023 17:55 EST)

Signature

Harrison Eggleston

Print or Type Name

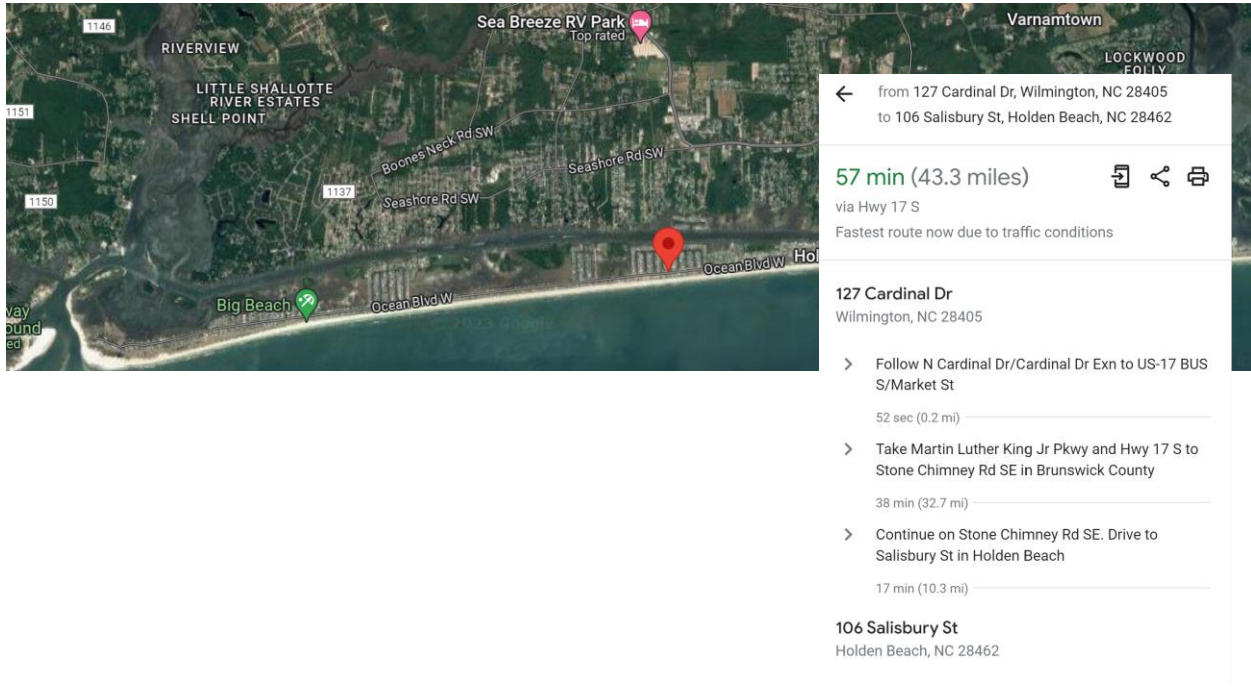
Property Owner

Title

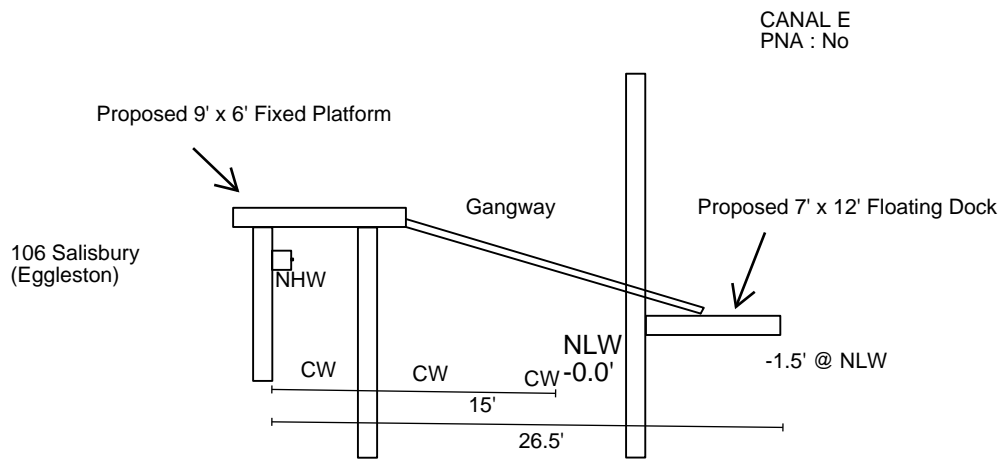
12 / 7 / 2023
Date

This certification is valid through 12 / 7 / 2024

106 Salisbury St. (Brunswick)
Eggleston Private Docking Facility
Location Map



*Not a Survey



Page 2 of 3
Cross Sectional Proposed Structures
106 Salisbury (Brunswick)
Applicant: Harrison Eggleston
Project: Eggleston Private Docking Facility
Scale: (NTS)

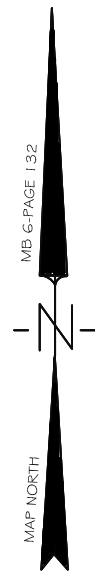
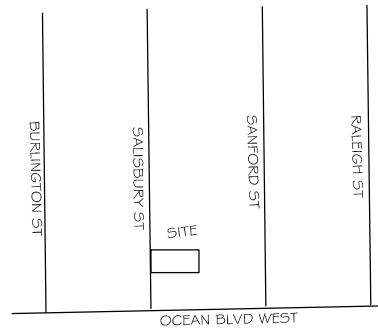
Page 1 of 3
Existing and Proposed Structures
106 Salisbury (Brunswick)
Applicant: Harrison Eggleston
Eggleston Docking Facility
11 April 2024

RIPARIAN SURVEY FOR
Harrison Eggleston
OF
LOT 109
HOLDEN BEACH EAST
MB 6-PAGE 132

CPG, LLC
Notes in Red 11 April 2024
Depths Taken @ 1:31pm 1/10/2024



1368 RIVER BEND DRIVE
SHALLOTTE, NORTH CAROLINA 28470
(910)579-9505



LOCKWOOD FOLLY TWP BRUNSWICK COUNTY, N.C.

SCALE 1" = 20'

MARCH 21, 2024
REVISED APRIL 5, 2024



NOT FOR RECORDING
SALES OR CONVEYANCE

LOCATION MAP (No Scale)

LEGEND

- NIR NEW REBAR SET
- EIR EXISTING IRON FOUND
- CONCRETE MONUMENT
- ◻ CCM CONCRETE CONTROL MONUMENT SET
- △ TRAVERSE POINT
- ☒ TELEPHONE PAD
- ☒ ELECTRICAL PAD
- UTILITY POLE
- FENCE (type noted)
- WW WATER METER/VALVE
- PP POWER POLE

CONCRETE

RIPARIAN LINE

1.5' SETBACK

1/4 WIDTH OF WATER BODY

WIDTH OF WATER BODY

NHW FOLLOWS FACE OF BULKHEAD

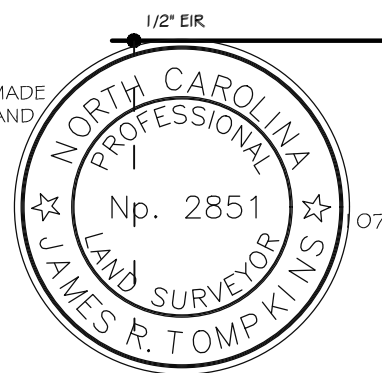
NOTES

- 1 AREA BY COORDINATES .
- 2 PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIVE COVENANTS EASEMENTS AND MINERAL RIGHTS IF APPLICABLE AND RECORDED IN THE BRUNSWICK COUNTY REGISTRY.
- 3 PROPERTY IS LOCATED IN A NA FLOOD ZONE.
- 4 IRON RODS PLACED AT ALL CORNERS UNLESS OTHERWISE NOTED.
- 5 PROPERTY SUBJECT TO ALL ZONING REQUIREMENTS OF HOLDEN BEACH N.C.
- 6 ELEVATION DATUM NA
- 7 THIS SURVEY REFLECTS AN ASBUILT OF THIS PROPERTY AS OF THE DATE OF SIGNATURE.
- 8 THIS SURVEY DOES NOT CERTIFY LEGAL TITLE TO THE LAND ITSELF, OR TO THE BOUNDARIES SHOWN. USERS OF THIS PLAT SHOULD OBTAIN AN ACCURATE LEGAL OPINION AS TO OWNERSHIP TO THE BOUNDARIES SHOWN ON THIS PLAT.
- 9 "BEST FIT MODEL" UTILIZED BASED UPON THE PREPONDERANCE OF EVIDENCE FOUND.

PROPOSED STRUCTURES
A FIXED PLATFORM 9'X6'
B GANGWAY 3'X16'
C FLOATING DOCK 7'X12'

I CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE BY ME AND TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
WITNESS MY HAND AND SEAL THIS 5 DAY OF APRIL, 2024.

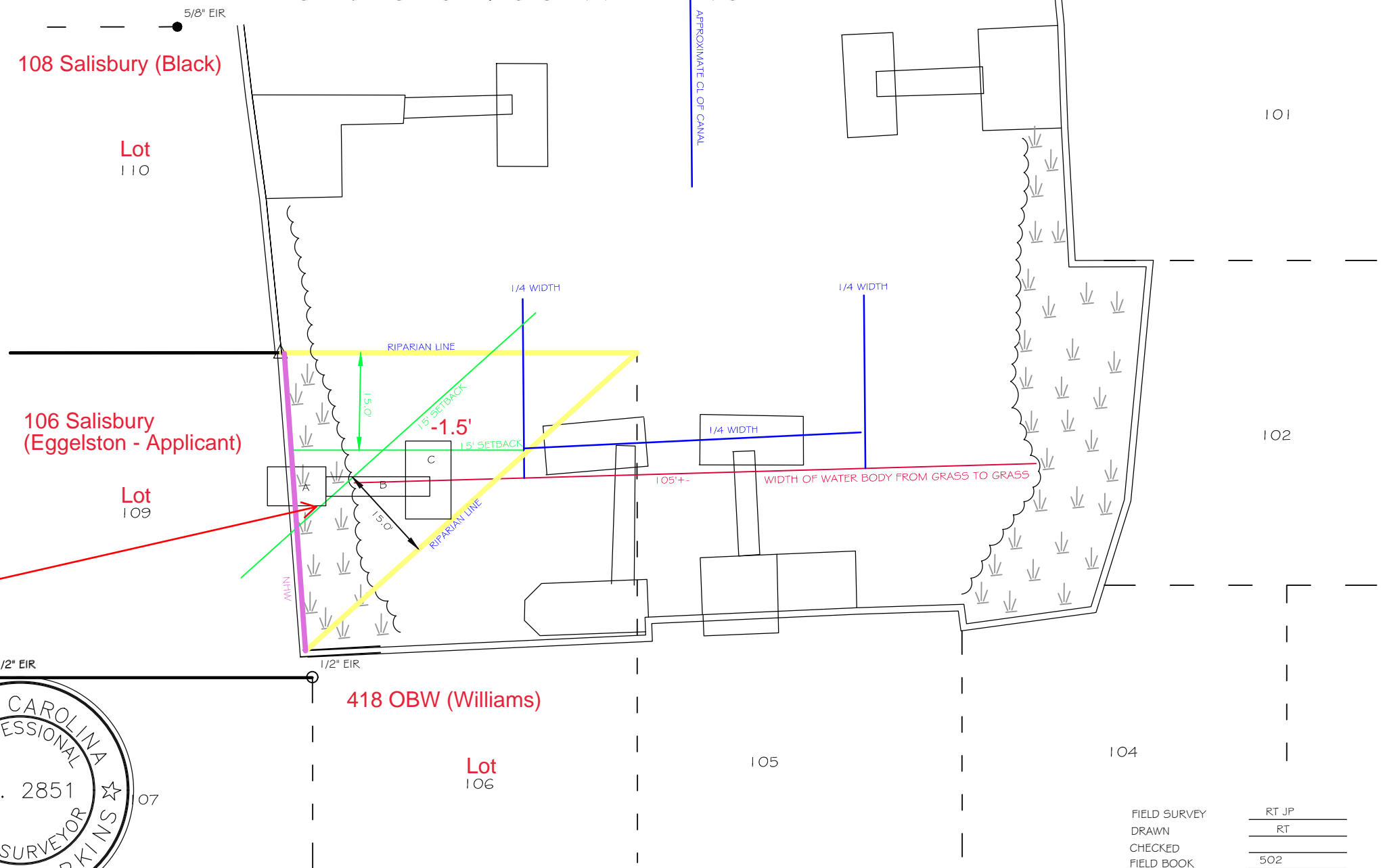
James R. Tompkins
JAMES R. TOMPKINS PLS - 2851



108 Salisbury (Black)
Lot 110

106 Salisbury (Eggleston - Applicant)
Lot 109

418 OBW (Williams)
Lot 106



FIELD SURVEY	RT JP
DRAWN	RT
CHECKED	
FIELD BOOK	502
COMPUTER FILE	EGGLESTONDOCK.CRD
MAP FILE	
EGGLESTON DOCK.DWG	

9. PROJECT DESCRIPTION:

The project site is located at 106 Salisbury Street, on a canal adjacent to the AIWW, in Holden Beach, Brunswick County. The site is approximately 0.12 acres, and is vegetated primarily with ornamental grass. The lot is vacant, with no upland development currently on the parcel. The property has approximately 46ft. of shoreline along the eastern side, which is currently stabilized with an existing bulkhead. No permit history has been located for the existing bulkhead. Landward of the existing bulkhead, there is a strip of Coastal Wetlands, primarily Smooth Cordgrass (*Spartina Alterniflora*) that extends 10-15' to the east in a waterward direction.

Currently, the site does not have a docking facility, and a review of aerial photography does not indicate that a docking facility has been located on this property in the past. Prior to this CAMA Major Permit application, the applicant had previously submitted a similar CAMA General Permit application for a docking facility, which is included in the application materials. DCM staff were unable to issue a general permit for the development as the applicant had not obtained the necessary waivers to encroach into the 15' adjacent riparian corridor setbacks.

The Brunswick County Land Use Plan classifies the adjacent waters as Conservation. The waters of the AIWW are classified **SA** by the Division of Water Resources. This area **IS NOT** designated as a **Primary Nursery Area (PNA)** by the N.C. Division of Marine Fisheries and it is **CLOSED** to the harvest of shellfish.

PROPOSED PROJECT:

9. The applicant proposes to construct a new docking facility with the construction of an access pier, gangway and floating dock for a total of one (1) formalized boat slip. According to the application materials, the applicant is proposing to construct a new fixed access pier (9'x6'), extending to the east in a waterward direction, from the center of the property. At the terminus of the proposed fixed pier, the applicant is proposing construct a gangway (16'x 3') which would extend in the same direction as the pier and provide access to a proposed floating dock (12' x 7') which would be oriented in a north/south direction, parallel to the shoreline, serving as slip #1 (See Page 1 of 3). According to the agent, the proposed floating dock would be located in water depths of -1.5' @ NLW within the canal.

According to the work plan drawings, the applicant's proposal is located within their riparian corridor, and landward of the ¼ of the width of the waterbody, which measures approximately 105' across. The proposed floating dock would encroach into **BOTH** adjacent riparian corridor setbacks, and the setback waiver **HAS NOT** been obtained from either adjacent riparian property owner (both neighbors have formally objected and refused to waive the 15' adjacent riparian corridor setback). According to the applicant, the proposed docking facility would encroach approximately 1.5' into the northern adjacent riparian corridor setback and approximately 15' into the southern adjacent riparian corridor setback.

10. ANTICIPATED IMPACTS

The proposed docking facility would incorporate 84 SF of Estuarine Waters and Public Trust Area. The proposed fixed access pier would disturb approximately 24 SF of High Ground within the Estuarine Shoreline AEC and shade approximately 30 SF of Coastal Wetlands. The proposed docking facility would be consistent with the pierhead line and landward of the ¼ width, but waivers **have not** been obtained for the proposed encroachment into both 15 ft. adjacent riparian corridor setbacks. This area is not designated as Primary Nursery Area, and the proposed floating dock would be located in water depths of -1.5' at NLW according to the applicant.

Submitted by: Patrick Amico **Date:** 4/30/24 **Office:** Wilmington

Certified Mail Sent associated with
106 Salisbury Eggleston Docking Facility
CAMA Major Application

2024

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
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For delivery information, visit our website at www.usps.com™.

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OFFICIAL USE

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Postmark Here 0428 02

Postage \$0.68

Total Postage and Fees \$8.73

01/26/2024

Sent To **Julius and Phyllis Black**
Street and Apt. No., or PO Box No. **2639 Torcross Dr.**
City, State, ZIP+4® **Fayetteville, NC 28304**

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

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02/01/2024

Sent To **Julius Black**
Street and Apt. No., or PO Box No. **2639 Torcross Dr.**
City, State, ZIP+4® **Fayetteville, NC 28304**

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

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OFFICIAL USE

Certified Mail Fee \$4.40

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Postage \$0.63

Total Postage and Fees \$8.73

01/26/2024

Sent To **Elizabeth Grace Williamson**
Street and Apt. No., or PO Box No. **466 Laurel Ridge Dr.**
City, State, ZIP+4® **Waverly, NC 28786**

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

Objections from Adjacent Riparian
Property Owners associated with 106 Salisbury
Eggleston Docking Facility
CAMA Major Application

2024

N.C. DIVISION OF COASTAL MANAGEMENT
ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION/WAIVER FORM
CERTIFIED MAIL - RETURN RECEIPT REQUESTED or HAND DELIVERY

(Top portion to be completed by owner or their agent)

Name of Property Owner: Harrison and Amanda Eggleston
Address of Property: 106 Salisbury St. Holden Beach, NC 28462
Mailing Address of Owner: 175 River Ridge Rd. Eden, NC 27288
Owner's email: egglestonhomes1@yahoo.com Owner's Phone#: 336-613-7982
Agent's Name: CPG, LLC & Glenn T. Dunn Agent Phone#: 910-302-5725
Agent's Email: ben@coastalpermitguy.com

ADJACENT RIPARIAN PROPERTY OWNER'S CERTIFICATION
(Bottom portion to be completed by the Adjacent Property Owner)

I hereby certify that I own property adjacent to the above referenced property. The individual applying for this permit has described to me, as shown on the attached drawing, the development they are proposing. A description or drawing, with dimensions, must be provided with this letter.

 I DO NOT have objections to this proposal. I DO have objections to this proposal.

If you have objections to what is being proposed, you must notify the N.C. Division of Coastal Management (DCM) in writing within 10 days of receipt of this notice. Correspondence should be mailed to 127 Cardinal Drive Ext., Wilmington, NC 28405-3845. DCM representatives can also be contacted at (910) 796-7215. No response is considered the same as no objection if you have been notified by Certified Mail.

WAIVER SECTION

I understand that any proposed pier, dock, mooring pilings, boat ramp, breakwater, boathouse, lift, or groin must be set back a minimum distance of 15' from my area of riparian access unless waived by me (this does not apply to bulkheads or riprap revetments). (If you wish to waive the setback, you **must sign** the appropriate blank below.)

I DO wish to waive some/all of the 15' setback

Signature of Adjacent Riparian Property Owner

-OR-

I do not wish to waive the 15' setback requirement (initial the blank) JB

Signature of Adjacent Riparian Property Owner: Julius Black

Typed/Printed name of ARPO: Julius Black

Mailing Address of ARPO: 2639 Torcross Dr. Fayetteville, NC 28304

ARPO's email: buddy@ceofayetteville.com ARPO's Phone#: 910-237-2345

Date: 2-1-2024 *waiver is valid for up to one year from ARPO's Signature*



Ben Brink <ben@coastalpermitguy.com>

106 Salisbury Neighbor Notification 30 Jan 2024

Buddy Black <buddy@cedfayetteville.com>
To: Ben Brink <ben@coastalpermitguy.com>
Cc: "Amico, Patrick J" <Patrick.Amico@deq.nc.gov>


Thu, Feb 1, 2024 at 2:54 PM

To all

From: Ben Brink <ben@coastalpermitguy.com>
Sent: Thursday, February 1, 2024 1:13 PM
To: Buddy Black <buddy@cedfayetteville.com>
Cc: Amico, Patrick J <Patrick.Amico@deq.nc.gov>
Subject: Fwd: 106 Salisbury Neighbor Notification 30 Jan 2024

EXTERNAL EMAIL

[Quoted text hidden]

 **NeighborNotificationPacket_106Salisbury_30Jan2024.pdf - Adobe Acrobat.pdf - Adobe Acrobat.pdf**
2558K

*UPDATED REQ44ST 30Jan2024

**N.C. DIVISION OF COASTAL MANAGEMENT
ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION/WAIVER FORM
CERTIFIED MAIL · RETURN RECEIPT REQUESTED or HAND DELIVERY**

(Top portion to be completed by owner or their agent)

Name of Property Owner: Harrison and Amanda Eggleston
Address of Property: 106 Salisbury St. Holden Beach, NC 28462
Mailing Address of Owner: 175 River Ridge Rd. Eden, NC 27288
Owner's email: egglestonhomes1@yahoo.com Owner's Phone#: 336-613-7982
Agent's Name: CPG, LLC & Glenn T. Dunn Agent Phone#: 910-302-5725
Agent's Email: ben@coastalpermitguy.com

**ADJACENT RIPARIAN PROPERTY OWNER'S CERTIFICATION
(Bottom portion to be completed by the Adjacent Property Owner)**

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I DO wish to waive some/all of the 15' setback

Signature of Adjacent Riparian Property Owner

-OR-

X I do not wish to waive the 15' setback requirement (initial the blank) EGW

Signature of Adjacent Riparian Property Owner: Elizabeth Grace Williamson

Typed/Printed name of ARPO: Elizabeth Grace Williamson

Mailing Address of ARPO: 466 Laurel Ridge Dr. Waynesville, NC 28786

ARPO's email: egracewilliamson@gmail.com ARPO's Phone#: 828-734-6958

Date: 1/31/2024 *waiver is valid for up to one year from ARPO's Signature*



Ben Brink <ben@coastalpermitguy.com>

106 Salisbury Neighbor Notification 30 Jan 2024

3 messages

Ben Brink <ben@coastalpermitguy.com> Tue, Jan 30, 2024 at 12:18 PM
To: "egracewilliamson@gmail.com" <egracewilliamson@gmail.com>
Cc: "Amico, Patrick J" <Patrick.Amico@deq.nc.gov>

Hi Ms. Williamson,

Harrison Eggleston of 106 Salisbury in Holden Beach is applying for a docking facility (drawings attached). Would you please complete the neighbor form (Last Page) and return to myself and Patrick Amico of NCDEQ--DCM (also on this email). Thanks ma'am!

Ben
--
Coastal Permit Guy, LLC
(910) 302-5725
Helping you get your work done!



NeighborNotificationPacket_106Salisbury_30Jan2024.pdf
1886K

Grace Williamson <egracewilliamson@gmail.com> Wed, Jan 31, 2024 at 12:45 PM
To: Ben Brink <ben@coastalpermitguy.com>
Cc: "Amico, Patrick J" <Patrick.Amico@deq.nc.gov>

Hello Ben,

Please see the attached. I have objections to the proposal.

Thank you,
Elizabeth Grace Williamson
[Quoted text hidden]

--
Grace Williamson
Marketing Communications Consultant
(828) 734-6958

418OBW.pdf
2679K

Ben Brink <ben@coastalpermitguy.com> Wed, Jan 31, 2024 at 1:08 PM
To: Grace Williamson <egracewilliamson@gmail.com>
Cc: "Amico, Patrick J" <Patrick.Amico@deq.nc.gov>

Thank you for your response Ms. Williamson.

Ben
[Quoted text hidden]

Objections from Adjacent Riparian Property Owners
associated with Original CAMA General Permit Application
106 Salisbury Eggleston Docking Facility

2023

**N.C. DIVISION OF COASTAL MANAGEMENT
ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION/WAIVER FORM
CERTIFIED MAIL · RETURN RECEIPT REQUESTED or HAND DELIVERY**

(Top portion to be completed by owner or their agent)

Name of Property Owner: Harrison Eggleston
 Address of Property: 106 Salisbury
 Mailing Address of Owner: 175 River Ridge Road Eden, NC 27288
 Owner's email: egglestonhomes1@yahoo.com Owner's Phone#: 336-613-7982
 Agent's Name: Chambers Engineering, PA Agent Phone#: 704-984-6427
 Agent's Email: heather@ce-pa.com

**ADJACENT RIPARIAN PROPERTY OWNER'S CERTIFICATION
(Bottom portion to be completed by the Adjacent Property Owner)**

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I DO wish to waive some/all of the 15' setback

-OR-

Signature of Adjacent Riparian Property Owner (ARPO)

I do not wish to waive the 15' setback requirement (initial the blank) _____

Signature of Adjacent Riparian Property Owner: 

Typed/Printed name of ARPO: Julius Black

Mailing Address of ARPO: 2639 Torcross Dr Fayetteville, NC 28304

ARPO's email: buddy@CEofayetteville.com ARPO's Phone#: 910-237-2345

Date: 8-19-2023 *waiver is valid for up to one year from ARPO's Signature*

Revised May 2021
RECEIVED

AUG 21 2023

DCM WILMINGTON, NC

**N.C. DIVISION OF COASTAL MANAGEMENT
ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION/WAIVER FORM
CERTIFIED MAIL · RETURN RECEIPT REQUESTED or HAND DELIVERY**

(Top portion to be completed by owner or their agent)

Name of Property Owner: Harrison Eggleston
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 Owner's email: egglestonhomes1@yahoo.com Owner's Phone#: 336-613-7982
 Agent's Name: Chambers Engineering, PA Agent Phone#: 704-984-6427
 Agent's Email: heather@ce-pa.com

**ADJACENT RIPARIAN PROPERTY OWNER'S CERTIFICATION
(Bottom portion to be completed by the Adjacent Property Owner)**

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I DO wish to waive some/all of the 15' setback

Signature of Adjacent Riparian Property Owner (ARPO)

I do not wish to waive the 15' setback requirement (initial the blank) EGW

X Signature of Adjacent Riparian Property Owner: Elizabeth Grace Williamson
 X Typed/Printed name of ARPO: Elizabeth Grace Williamson
 X Mailing Address of ARPO: 466 Laurel Ridge Dr Waynesville NC 28786
 X ARPO's email: egracewilliamson@gmail.com ARPO's Phone#: (828) 734-6958
 X Date: 8/22/23 *waiver is valid for up to one year from ARPO's Signature*

Revised May 2021 RECEIVED

AUG 28 2023

DCM WILMINGTON, NC

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

TANCRED MILLER
Director



NORTH CAROLINA
Environmental Quality

July 17, 2024

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

DEN24-02

Electronic Delivery to: egglestonhomes1@yahoo.com

Amanda and Harrison Eggleston
175 River Ridge Rd.
Eden, NC 27288

RE: DENIAL OF CAMA MAJOR DEVELOPMENT PERMIT
DEN24-02
106 Salisbury St.
Holden Beach, NC 28462

Dear Mr. and Mrs. Eggleston

This letter is in response to your application for a Major Permit under the Coastal Area Management Act (CAMA), in which authorization was requested to construct a new docking facility with the proposed installation of a 9' x 6' access pier, 16' x 3' gangway, and a 12' x 7' floating dock with (1) formalized boat slip. The subject property is located adjacent to Canal E off of the AIWW, at 106 Salisbury St. in Holden Beach, Brunswick County. Processing of the electronic application (PA-1263), which was received by the Division of Coastal Management's Wilmington Office on April 29, 2024, is now complete. Based on the state's review, the Division of Coastal Management has made the following findings:

- 1) The proposed project would involve development within the Coastal Wetlands, Estuarine Waters and Public Trust Areas of Environmental Concern as designated by the N.C. Coastal Resources Commission.
- 2) The project site is located on a corner lot along a manmade canal system adjacent to the AIWW.
- 3) Private, residential docking facilities currently exist at both riparian properties adjacent to the project site.
- 4) The proposed docking facility would encroach approximately 1.5' into the northern adjacent riparian corridor setback and approximately 15' into the southern adjacent riparian corridor setback. Setback waivers were not granted by either of the adjacent riparian property owners.



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.515.5400

- 5) The N.C. Division of Water Resources issued a General Certification #4497 for the proposed work on May 23, 2024.
- 6) The U.S Army Corps of Engineers has authorized the proposed work by way of Regional General Permit 56 on June 13, 2024.
- 7) Based upon the above referenced findings, the Division has determined that the proposed project is inconsistent with the following rules of the N.C. Coastal Resources Commission, in accordance with the N.C. Coastal Area Management Act:
 - a) 15A NCAC 07H.0208(b)(6)(I), which states, "Piers and docking facilities shall not interfere with the access to any riparian property and shall have a minimum setback of 15 feet between any part of the pier or docking facility and the adjacent property owner's areas of riparian access. The line of division of areas of riparian access shall be established by drawing a line along the channel or deep water in front of the properties, then drawing a line perpendicular to the line of the channel so that it intersects with the shore at the point the upland property line meets the water's edge. The minimum setback provided in the rule may be waived by the written agreement of the adjacent riparian owner(s) or when two adjoining riparian owners are co-applicants. If the adjacent property is sold before construction of the pier or docking facility commences, the applicant shall obtain a written agreement with the new owner waiving the minimum setback and submit it to the permitting agency prior to initiating any development of the pier. Application of this Rule may be aided by reference to the approved diagram in 15A NCAC 07H .1205(t) illustrating the rule as applied to various shoreline configurations. When shoreline configuration is such that a perpendicular alignment cannot be achieved, the pier shall be aligned to meet the intent of this Rule to the maximum extent practicable as determined by the Director of the Division of Coastal Management"

Given the preceding findings, it is necessary that your request for issuance of a CAMA Major Permit under the Coastal Area Management Act be denied. This denial is made pursuant to N.C.G.S. § 113A-120(a)(8) which requires denial for projects inconsistent with the state guidelines for Areas of Environmental Concern or a local land use plan, specifically 15A NCAC 07H .0208(b)(6)(I).

If you wish to appeal this denial, you are entitled to a contested case hearing. The hearing will involve appearing before an Administrative Law Judge who listens to the evidence and arguments of both parties before making a final decision on the appeal. Your request for a hearing must be in the form of a written petition, complying with the requirements of §150B of the General Statutes of North Carolina, and must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714, within twenty (20) days from the date of this denial letter. The requirements for filing a contested case can be found at <http://www.oah.state.nc.us/hearings>. Although OAH cannot give legal advice, any questions regarding this process should be directed to OAH at 6714 Mail Service Center, Raleigh, NC 27699-6714 or via telephone at 919-431-3000, including questions regarding the filing fee (if a filing fee is required) and/or the details of the filing process.



A copy of your petition filed at OAH must be served on DEQ's agent for service of process at the following address:

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

Please also send a copy of the petition to the attention of Tancred Miller, Director, N.C. Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557, so that your petition may be forwarded to the attorney who will be representing the Respondent in the contested case proceeding.

In the alternative, you may petition the N.C. Coastal Resources Commission for a variance to undertake development that is prohibited by the Commission's rules (Note- a Commission variance cannot be granted if your project was denied due to an inconsistency with a CAMA Land Use Plan or other statutory provisions of the CAMA or NC D&F Law). Applying for a variance requires that you first stipulate that the Division of Coastal Management applied the Rules properly in issuing this denial. Applying for a variance means that you agree that the legal restrictions are valid but request an exception to the restrictions because of hardships resulting from unusual conditions of the property. In seeking a variance, you are requesting that the Commission vary the rules at issue, and you must state how you believe your request meets the four criteria found at N.C.G.S. § 113A-120.1. To apply for a variance, you must file a petition for a variance with the Director of the Division of Coastal Management and the State Attorney General's Office on a standard form, which must be accompanied by additional information on the nature of the project and the reasons for requesting a variance. The variance request may be filed at any time but must be filed a minimum of six weeks before a scheduled Commission meeting to be eligible to be heard at that meeting.

You may either appeal the permit decision or seek a variance. These are two separate paths and cannot be pursued simultaneously. If the appeal of the permit decision is denied, you may still seek a variance. However, you may not first seek a variance and if that is denied attempt to challenge the decision to deny the permit. Information about both a permit appeal in the Office of Administrative Hearings and the Variance process may be obtained at <https://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/variances-appeals>.

Members of my staff are available should you desire assistance in the future. If you have any questions concerning this matter, please contact Mr. Cameron Luck at (252) 515-5419 or Cameron.Luck@deq.nc.gov.

Sincerely,


Tancred Miller
Director, NC Division of Coastal Management



cc: Greg Currey, Project Manager, U.S. Army Corps of Engineers, Wilmington, NC
Christy Goebel, Asst. General Counsel, NC DEQ
Michael Meilinger, 401 & Buffer Permitting Branch, NC Division of Water Resources,
Wilmington, NC



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.515.5400

053

Mail Piece Details



Print this page

Recipient Address

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Return Address

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Mail Piece Information

Tracking Number: 92148901066154000199156348

Date Created: 08/29/2024 03:55:30 PM

Mail Class: USPS First Class Mail

Special Services: Certified Mail
Return Receipt Electronic

Memo: --

Created By: --

Tracking Information

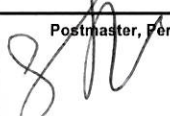
Pre-Shipment, Usps Awaiting Item, August 29, 2024, 12:00:00 AM

Pre-Shipment Info Sent Usps Awaits Item, August 29, 2024, 03:15:00 PM, RALEIGH,NC 27601

Usps In Possession Of Item, August 29, 2024, 04:01:00 PM, RALEIGH,NC 27602

Notice Left (No Authorized Recipient Available), August 31, 2024, 01:57:00 PM, FAYETTEVILLE,NC 28304

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Name and Address of Sender H. GLENN DUNN POYNER SPRUILL LLP 301 FAYETTEVILLE ST STE 1900 RALEIGH, NC 27601-2173		Check type of mail or service <input type="checkbox"/> Adult Signature required <input type="checkbox"/> Priority Mail Express <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Collect on Delivery (COD) <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Priority Mail		054 Affix Stamp Here <i>(If issued as an international certificate of mailing or for additional copies of this receipt)</i> Postmark with Date of Receipt													
USPS Tracking/Article Number 1. 92148901066154000199156348		Addressee (Name, Street, City, State & Zip Code™) JULIUS AND PHYLLIS BLACK 2639 TORCROSS DRIVE FAYETTEVILLE, NC 28304 RC#: 306569-00002000		Postage -69	(Extra Service) Fee 4.85	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee 2.62	SC Fee	SCRD Fee	SH Fee	
Total Number of Pieces Listed by Sender 1	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee) 															

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

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055

KIM SIMON
POYNER & SPRULL LLP
301 FAYETTEVILLE STREET

ACTWGT: 0.50 LB
CAD: 2218754INET4535

RALEIGH, NC 27601
UNITED STATES US

BILL SENDER

TO **JULIUS AND PHYLLIS BLACK**

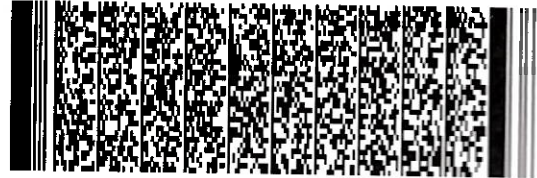
2639 TORCROSS DRIVE

FAYETTEVILLE NC 28304

(910) 237-2345
INV:
PO:

REF: 308669.00002000

DEPT:



FedEx
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FedEx
Express

EXCEPTION/SEND AGAIN

Customer's package/shipment was delayed because:

- Address is correct/recipient no longer at this address.
 - Incomplete/incomplete recipient address.
 - No apartment or suite number.
 - Recipient moved and left no forwarding address or phone number.
 - Not in business closed/not authorized to leave shipment without signature. 1st Attempt 2nd Attempt 3rd Attempt
 - Signature required; please contact sender for disposition.
 - Holiday - closed.
 - Delivery not attempted (reason):
 - Delivery refused (reason): REFUSED
 - Return delivery; reattempt on (date):
 - Recipient requested hold for pickup.
 - Collection delivery; payment not available. Reattempt to be made on (date):
 - Bill recipient shipment; payment not available. Reattempt to be made on (date):
 - Other:
- Date: 8/20 Employee #: 4014598

IN-STATION USE ONLY

Package researched Date: _____ Initial: _____

Comments: _____

UPDATE ALL INFORMATION AND POD AT DELIVERY. REMOVE LABEL BEFORE DELIVERY.

117465 REV 3/21

Peel here
↓

FRI - 16 AUG 12:0

PRIORITY OVERNIG

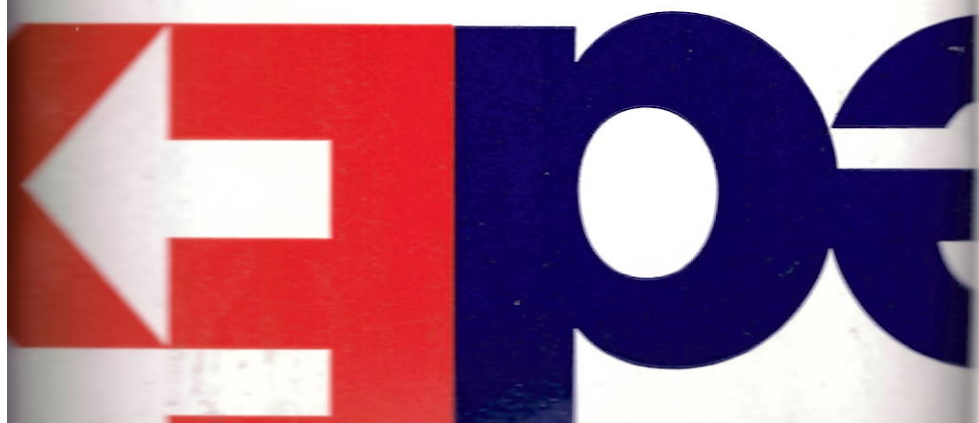
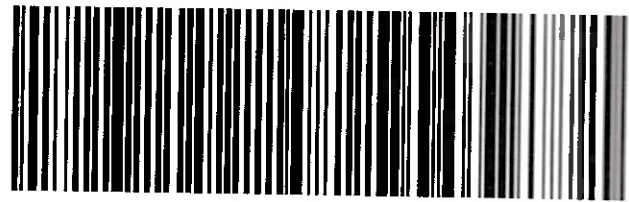
ASR R

2831

NC-US RDU

TRK#
0201 **7779 9694 5711**

22 FAYA



August 29, 2024

H. Glenn Dunn
Of Counsel
D: 919.783.2842
F: 919.783.1075
GDunn@poynerspruill.com

VIA USPS

Julius and Phyllis Black
2639 Torcross Drive
Fayetteville, NC 28304

RE: Notification of Eggleston Variance Petition

Dear Mr. and Mrs. Black:

As attorney for Harrison and Amanda Eggleston, I am notifying you that the Egglestons have filed with the Division of Coastal Management a petition for a variance for a proposed dock at their property at 106 Salisbury (Lot 109), Holden Beach, Brunswick County, North Carolina.

Sincerely,



Glenn Dunn

057

USPS TRACKING # **9114 9999 4423 8019 2760 18**
& CUSTOMER For Tracking or Inquiries go to USPS.com
RECEIPT or call 1-800-222-1811.

Prepaid Mail 1 \$0.00
Fayetteville, NC 28304
Weight: 0 lb 1.80 oz
Acceptance Date:
Fri 08/30/2024
Tracking #:
9114999944238019276018

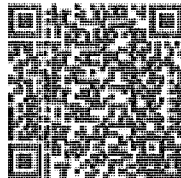
Grand Total: \$0.00

Text your tracking number to 28777 (2USPS)
to get the latest status. Standard Message
and Data rates may apply. You may also
visit www.usps.com USPS Tracking or call
1-800-222-1811.

Preview your Mail
Track your Packages
Sign up for FREE @
<https://informedelivery.usps.com>

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: <https://postalexperience.com/Pos>
or scan this code with your mobile device,



or call 1-800-410-7420.

UFN: 366338-0112
Receipt #: 840-52700203-2-5780378-1
Clerk: 36

Tracking Number:

Remove X

9114999944238019276018

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered in or at the mailbox at 1:19 pm on September 1, 2024 in FAYETTEVILLE, NC 28304.

Get More Out of USPS Tracking:

USPS Tracking Plus[®]

Feedback

Delivered

Delivered, In/At Mailbox

FAYETTEVILLE, NC 28304
September 1, 2024, 1:19 pm

Out for Delivery

FAYETTEVILLE, NC 28304
September 1, 2024, 7:01 am

Arrived at Hub

FAYETTEVILLE, NC 28314
September 1, 2024, 6:50 am

Departed USPS Regional Facility

FAYETTEVILLE NC DISTRIBUTION CENTER
August 31, 2024, 4:47 pm

Arrived at USPS Regional Facility

FAYETTEVILLE NC DISTRIBUTION CENTER
August 31, 2024, 2:51 pm

Departed USPS Regional Facility

059

FAYETTEVILLE NC PACKAGE SORTING CENTER
August 31, 2024, 2:15 pm

Arrived at USPS Regional Destination Facility

FAYETTEVILLE NC DISTRIBUTION CENTER
August 31, 2024, 1:24 pm

Arrived at USPS Regional Facility

FAYETTEVILLE NC PACKAGE SORTING CENTER
August 31, 2024, 12:58 am

Departed USPS Regional Facility

RALEIGH NC DISTRIBUTION CENTER
August 30, 2024, 11:23 pm

Arrived at USPS Regional Origin Facility

RALEIGH NC DISTRIBUTION CENTER
August 30, 2024, 8:27 pm

Departed Post Office

RALEIGH, NC 27601
August 30, 2024, 4:16 pm

USPS in possession of item

RALEIGH, NC 27601
August 30, 2024, 3:58 pm

Hide Tracking History

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less

Track Another Package



Tracking Number:

9589071052700861341783

Remove X

[Copy](#) [Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your item was delivered to an individual at the address at 3:40 pm on August 18, 2023 in FAYETTEVILLE, NC 28304.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

FAYETTEVILLE, NC 28304
August 18, 2023, 3:40 pm

Notice Left (No Authorized Recipient Available)

FAYETTEVILLE, NC 28304
August 18, 2023, 1:14 pm

Departed USPS Regional Facility

FAYETTEVILLE NC DISTRIBUTION CENTER ANNEX
August 17, 2023, 3:38 am

Arrived at USPS Regional Facility

FAYETTEVILLE NC DISTRIBUTION CENTER ANNEX
August 17, 2023, 3:30 am

Arrived at USPS Regional Facility

CHARLOTTE NC DISTRIBUTION CENTER
August 16, 2023, 7:59 pm

Departed Post Office

ALBEMARLE, NC 28001
August 16, 2023, 5:21 pm

USPS in possession of item

ALBEMARLE, NC 28001
August 16, 2023, 11:32 am

Hide Tracking History

Feedback

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

061

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs



062

August 19, 2024

Dear Customer,

The following is the proof-of-delivery for tracking number: 777996880401

Delivery Information:

Status:	Delivered	Delivered To:	
Signed for by:	CWILLIAMSON	Delivery Location:	
Service type:	FedEx Home Delivery		
Special Handling:	Adult Signature Required		Waynesville, NC,
		Delivery date:	Aug 17, 2024 14:18

Shipping Information:

Tracking number:	777996880401	Ship Date:	Aug 16, 2024
		Weight:	0.5 LB/0.23 KG
Recipient:		Shipper:	
WAYNESVILLE, NC, US,		Raleigh, NC, US,	

Reference 306669.00002000

FedEx Express proof-of-delivery details appear below; however, no signature is currently available for this shipment. Please check again later for a signature.

Thank you for choosing FedEx

Tracking Number:

Remove X

9589071052700861341776

Copy Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 10:27 am on August 24, 2023 in WAYNESVILLE, NC 28786.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

WAYNESVILLE, NC 28786

August 24, 2023, 10:27 am

Prepared for Redelivery

WAYNESVILLE, NC 28786

August 24, 2023, 8:21 am

Redelivery Scheduled

WAYNESVILLE, NC 28786

August 23, 2023

Notice Left (No Authorized Recipient Available)

WAYNESVILLE, NC 28786

August 18, 2023, 10:57 am

Arrived at USPS Regional Destination Facility

GREENVILLE SC DISTRIBUTION CENTER

August 17, 2023, 8:08 am

Arrived at USPS Regional Facility

CHARLOTTE NC DISTRIBUTION CENTER

August 16, 2023, 8:01 pm

Departed Post Office

ALBEMARLE, NC 28001

August 16, 2023, 5:21 pm

USPS in possession of item

ALBEMARLE, NC 28001

August 16, 2023, 11:33 am

Feedback

064

● [Hide Tracking History](#)

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs



NC COASTAL RESOURCES COMMISSION MEETING

November 14, 2024

**Harrison and Amanda Eggleston
(CRC-VR-24-07)**

**106 Salisbury Street
Holden Beach, Docking Facility**





Holden Beach

Oak Island

Project Site



Image Source: Google Earth Imagery Date: 2023

Division of Coastal Management

068



AIWW



Image Source: Google Earth Imagery Date: 2023



Project Area

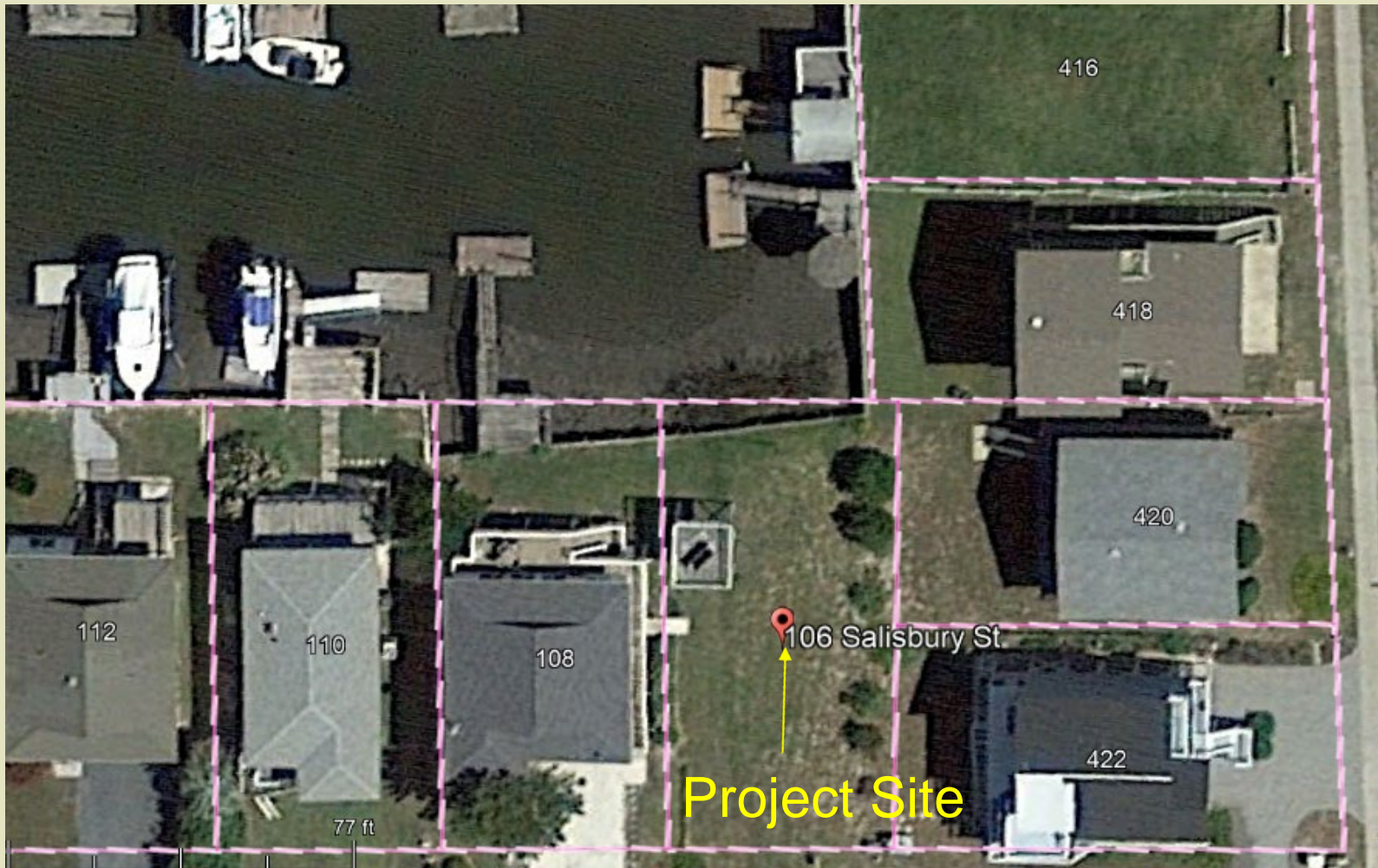


Image Source: Google Earth

Image Date 3/23/2023



Project Site





Project Site Imagery



Image taken from Salisbury Street, looking East Across 106 Lot Source: DCM Staff
9/25/24



Project Site Imagery



Image taken from 106 Salisbury Street, looking East (Waterward) toward project area
Source: DCM Staff 9/25/24



Additional Project Site Imagery



Image taken from subject property, looking North
Source: DCM Staff 9/25/24

Image taken from subject property, looking South
Source: DCM Staff 9/25/24



Top View Site Plan from Major Permit Application Dated 4/11/24

Page 1 of 3
Existing and Proposed Structures
106 Salisbury (Brunswick)
Applicant: Harrison Eggleston
Eggleston Docking Facility
11 April 2024

RIPARIAN SURVEY FOR
Harrison Eggleston

CPG, LLC
Notes in Red 11 April 2024
Depths Taken @ 1:31pm 1/10/2024



1360 RIVER BEND DRIVE
SHALLOTTE, NORTH CAROLINA 28470
(810)579-9505

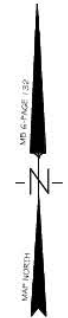
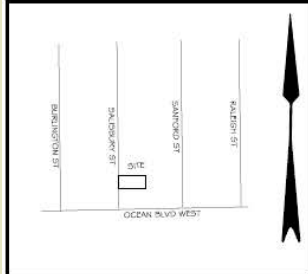
OF
LOT 109
HOLDEN BEACH EAST
MB 6-PAGE 132

LOCKWOOD FOLLY TWP BRUNSWICK COUNTY, N.C.

SCALE 1" = 20'

MARCH 21, 2024
REVISED APRIL 5, 2024

NOT FOR RECORDING
SALES OR CONVEYANCE



LOCATION MAP (No Scale)

LEGEND

- NIR NEW REBAR SET FOUND
- EIR EXISTING IRON FOUND
- CONCRETE MONUMENT
- CONCRETE CONTROL MONUMENT SET
- △ TRAVERSE POINT
- TELEPHONE PAD
- ⊠ ELECTRICAL PAD
- UTILITY POLE
- FENCE (type noted)
- WV WATER METER VALVE
- CP PP POWER POLE
- CONCRETE
- RIPARIAN LINE
- 1/2 DISTANCE
- 1/4 WIDTH OF WATER BODY
- WIDTH OF WATER BODY
- NW FOLLOWING FACE OF BULLHEAD

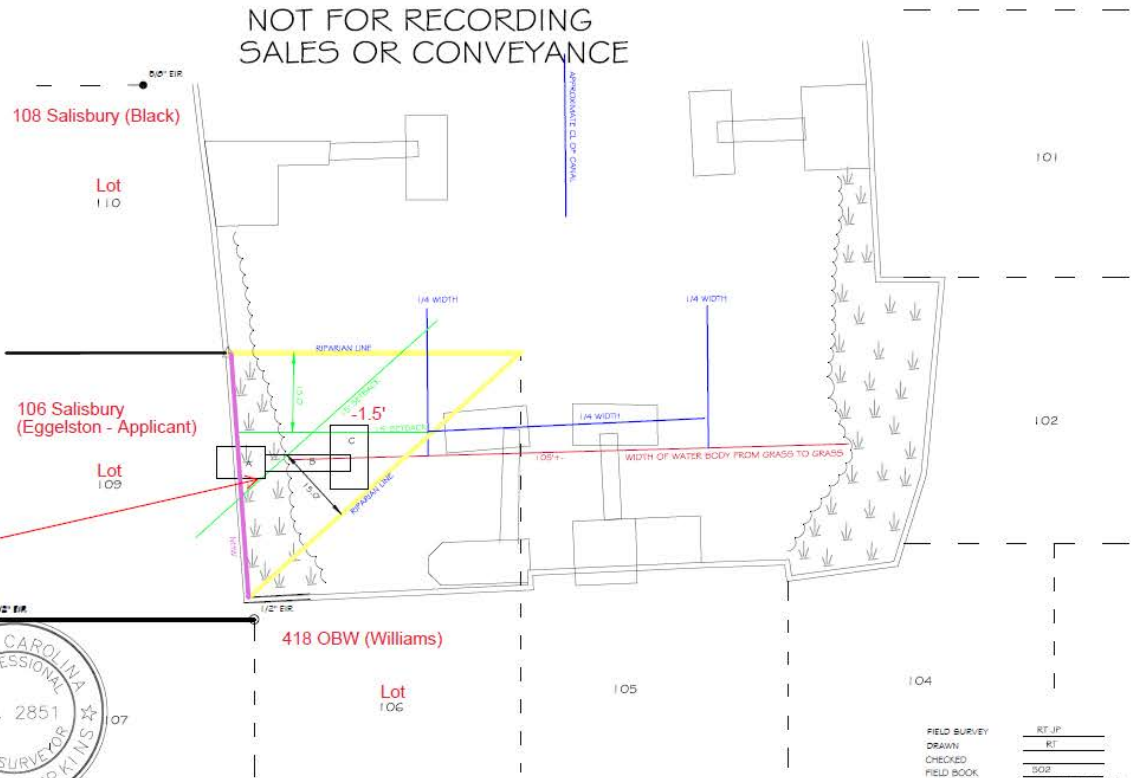
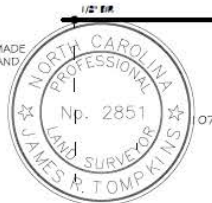
NOTES

- 1 AREA BY COORDINATES.
- 2 PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIVE COVENANTS AND EASEMENTS AND MINERAL RIGHTS IF APPLICABLE AND RECORDED IN THE BRUNSWICK COUNTY REGISTRY.
- 3 PROPERTY IS LOCATED IN A NA FLOOD ZONE.
- 4 IRON RODS PLACED AT ALL CORNERS UNLESS OTHERWISE NOTED.
- 5 PROPERTY SUBJECT TO ALL ZONING REQUIREMENTS OF HOLDEN BEACH, N.C.
- 6 ELEVATION DATUM NA
- 7 THIS SURVEY REFLECTS AN ASBUILT OF THIS PROPERTY AS OF THE DATE OF SIGNATURE.
- 8 THIS SURVEY DOES NOT CERTIFY LEGAL TITLE TO THE LAND ITSELF, OR TO THE BOUNDARIES SHOWN. USERS OF THIS PLAT SHOULD OBTAIN AN ACCURATE LEGAL OPINION AS TO OWNERSHIP TO THE BOUNDARIES SHOWN ON THIS PLAT.
- 9 "BEST FIT" MODEL UTILIZED BASED UPON THE PREPONDERANCE OF EVIDENCE FOUND.

PROPOSED STRUCTURES
A FIXED PLATFORM 9'x6'
B GANGWAY 3'x16'
C FLOATING DOCK 7'x12'

I CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY MADE BY ME AND TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
WITNESS MY HAND AND SEAL THIS 15 DAY OF APRIL, 2024.

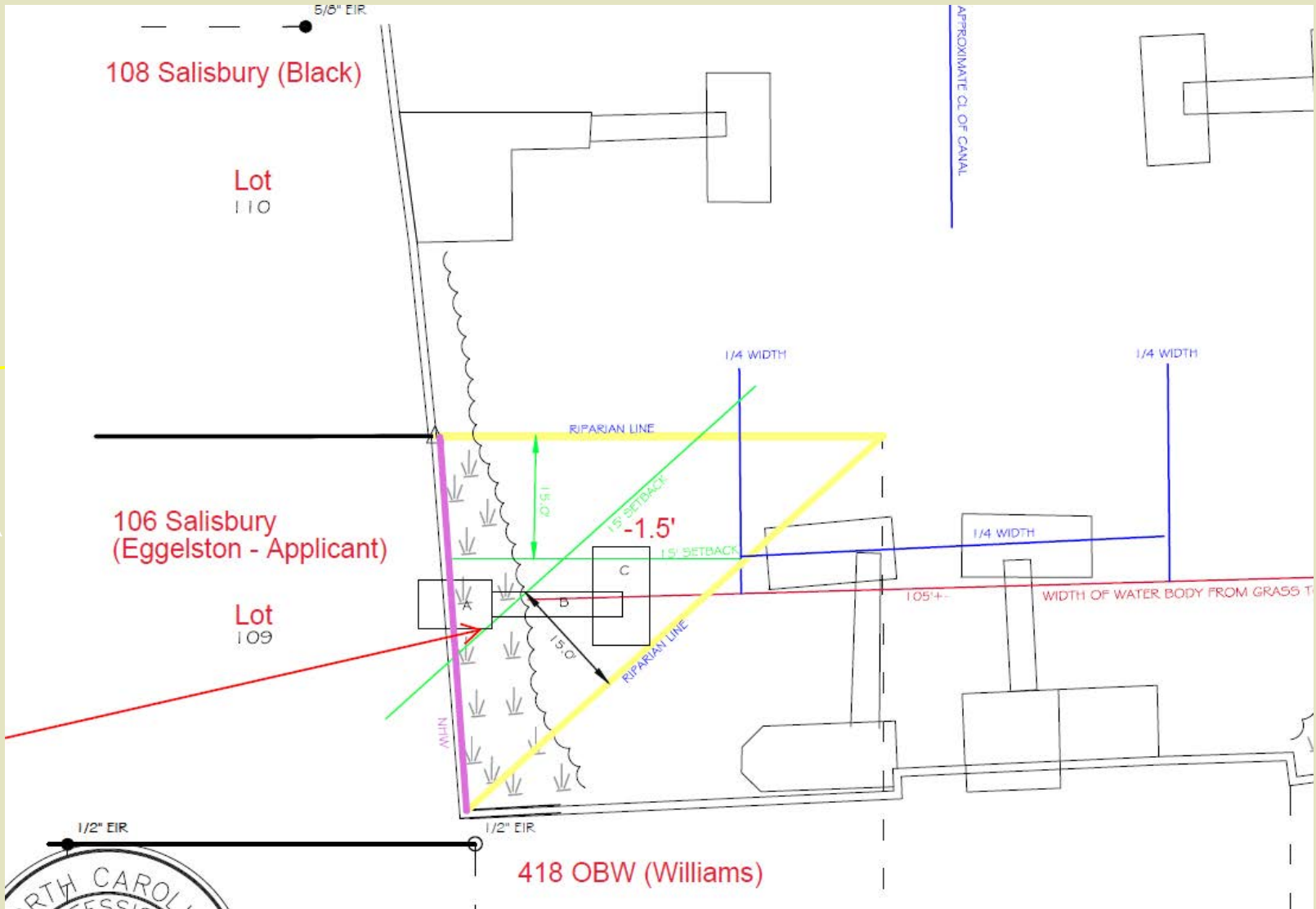
JAMES R. TOMPKINS PLS - 2851



FIELD SURVEY	RT JP
DRAWN	RT
CHECKED	
FIELD BOOK	3602
COMPUTER FILE	EGGLESTONDOCK.CRD
MAP FILE	
EGGLESTON DOCK.DWG	

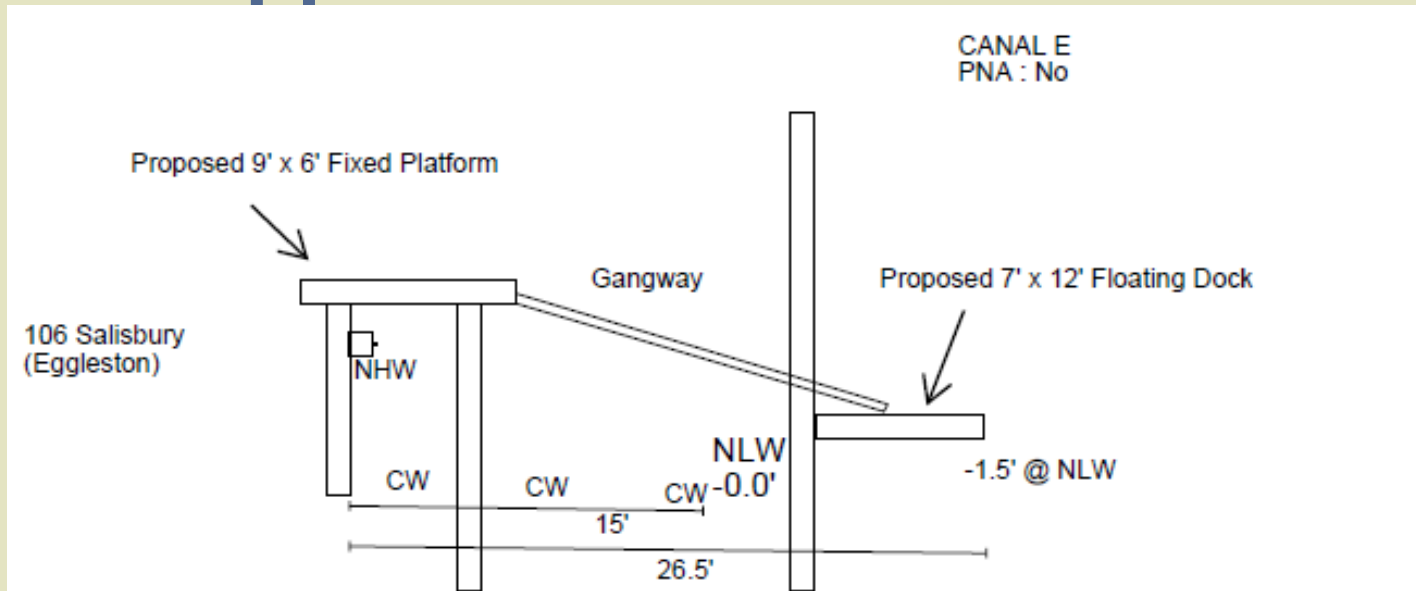


Enlarged View of Site Plan from Major Permit Application Dated 4/11/24





Cross Section Drawing from Major Permit Application dated 4/11/24



Page 2 of 3
Cross Sectional Proposed Structures
106 Salisbury (Brunswick)
Applicant: Harrison Eggleston
Project: Eggleston Private Docking Facility



VARIANCE CRITERIA G.S. 113A-120.1

(a) Any person may petition the Commission for a variance granting permission to use the person's land in a matter otherwise prohibited by rules or standards prescribed by the Commission, or orders issued by the Commission, pursuant to this Article. To qualify for a variance, the petitioner must show all of the following:

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

(b) The Commission may impose reasonable and appropriate conditions and safeguards upon any variance it grants.