



JOSH STEIN
ATTORNEY GENERAL

STATE OF NORTH CAROLINA
DEPARTMENT OF JUSTICE

REPLY TO:
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December 3, 2024

Stephen D. Coggins, Esq.
Rountree Losee, LLP
P.O. Box 1409
Wilmington, NC 28402

Certified Mail/ Return Receipt Requested and Electronically:
scoggins@routtreelosee.com

**Re: Variance Request for Coastal Area Management Act (CAMA) Permit,
CRC-VR-24-10**

Dear Mr. Coggins:

At its November 2024 meeting, the Coastal Resources Commission granted Petitioner Branstrom Residence Trust's request for a variance. Attached is a copy of the final agency decision signed by the Chair of the Coastal Resources Commission. Prior to undertaking the development for which a variance was sought, Petitioner must first obtain a CAMA permit from the local permitting authority or the Division of Coastal Management.

If for some reason you do not agree to the variance as issued, you have the right to appeal the Coastal Resources Commission's decision by filing a petition for judicial review in the superior court as provided in N.C.G.S. § 150B-45 within thirty days after receiving the final agency decision. A copy of the judicial review petition must be served on the Coastal Resources Commission'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

If you choose to file a petition for judicial review, I request that you also serve a copy of the petition for judicial review on me at the email address listed in the letterhead. If you have any questions, please feel free to contact me.

Sincerely,

Mary L. Lucasse
Special Deputy Attorney General and
Counsel for the Coastal Resources Commission

Steve D. Coggins, Esq.

December 3, 2024

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cc: M. Renee Cahoon, Chair electronically
M. Shawn Maier, Esq. electronically
Christine A. Goebel, Esq. electronically
Braxton C. Davis, electronically
Angela Willis, electronically
Mike Lopazanski, electronically
Robb Mairs, electronically Kelsey Beachman, electronically

STATE OF NORTH CAROLINA)	BEFORE THE NORTH CAROLINA
)	COASTAL RESOURCES
COUNTY OF NEW HANOVER)	COMMISSION
)	CRC-VR-24-10
)	
)	
IN THE MATTER OF:)	
PETITION FOR VARIANCE)	FINAL AGENCY DECISION
BY BRANSTROM RESIDENCE)	
TRUST)	

On September 23, 2024, Petitioner Branstrom Residence Trust submitted a request for a variance from the North Carolina Coastal Resources Commission’s (“Commission”) rule set forth at 15A N.C. Admin. Code 07H .0209(f)(1) to construct an addition to the existing residence that would increase the built upon area by 622 square feet bringing the total bult upon area within the Area of Environmental Concern to 30.4 percent. This matter was heard pursuant to N.C. Gen. Stat. § 113A-120.1 and 15A N.C. Admin. Code 07J .0700, *et seq.*, at the regularly scheduled meeting of the Commission held on November 14, 2024 at the Ocean Isle Beach Town Hall in Ocean Isle Beach, North Carolina. Assistant General Counsel Christine A. Goebel, Esq. (with M. Shawn Maier on the written submission) appeared for Respondent Department of Environmental Quality, Division of Coastal Management (“DCM”). Stephen D. Coggins, Esq. appeared on behalf of Petitioner Branstrom Residence Trust.

When reviewing a petition for a variance, the Commission acts in a quasi-judicial capacity. *Riggings Homeowners, Inc. v. Coastal Resources Com’n*, 228 N.C. App. 630, 652, 747 S.E.2d 301, 314 (2013) (Commission has “judicial authority to rule

on variance requests . . . ‘reasonably necessary’ to accomplish the Commission’s statutory purpose.”); *see also Application of Rea Const. Co.*, 272 N.C. 715, 718, 158 S.E.2d 887, 890 (1968) (discussing the Board of Adjustment’s quasi-judicial role in allowing variances for permits not otherwise allowed by ordinance). In its role as judge, the Commission “balance[es] competing policy concerns under CAMA’s statutory framework.” *Riggings*, 228 N.C. App. at 649 n.6, 747 S.E.2d at 312.

Petitioner and Respondent DCM are the parties appearing before the Commission. The parties stipulated to facts and presented stipulated documents to the Commission for its consideration. *See*, N.C. Admin. Code 15A 07J .0702(a). If the parties had been unable to reach agreement on the facts considered necessary to address the variance request, the matter would have been forwarded to the North Carolina Office of Administrative Hearings (“OAH”) for a full evidentiary hearing to determine the relevant facts before coming to the Commission. *Id.* 07J .0702(d). As in any court, the parties before the decision-maker are responsible for developing and presenting evidence on which a decision is made. If DCM and Petitioner had entered into other stipulated facts, it is possible that the Commission would have reached a different decision. In this case, the record on which the Commission’s final agency decision was made includes the parties’ stipulations of facts, the stipulated documents provided to the Commission, and the arguments of the parties.

FACTS STIPULATED TO BY PETITIONER AND DCM

1. Petitioner Branstrom Residence Trust is represented by Stephen D. Coggins of Rountree Losee LLP.

2. Petitioner is the owner of 236 Beach Road North, Wilmington, New Hanover County, North Carolina (the "Property"). The Property is oceanfront and access to the Property is gained by way of Beach Road North, which the Property abuts along its western frontage. Beach Road North runs north-south along the northern half of Figure 8 Island.

3. The Property is shown on ground level and aerial photographs contained in a PowerPoint presentation which is a stipulated exhibit.

4. Petitioner owns fee simple absolute title to the Property through a North Carolina General Warranty Deed, recorded June 10, 2003, in the New Hanover County Register of Deeds at Book 3832, Page 566, a copy of which is a stipulated exhibit. Also reflecting Petitioner's ownership and included as a stipulated exhibit is the New Hanover County Tax Parcel Card

5. The Property is described in the above-referenced deed as being all of Lot 236, Section 15, of the property of The Figure Eight Island Company (also referred to as "Lot 236"), as shown by map thereof recorded in Map Book 13, Page 48, of the New Hanover County Registry, recorded October 11, 1972, in the New Hanover County Registry, a copy of which is a stipulated exhibit.

6. The Property is subject to the Covenants of Record, including the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Figure 8 Island, recorded at Deed Book 6322, Page 1846 of the New Hanover County Registry. Pertinent pages of the lengthy covenants are a stipulated exhibit.

7. The Property is located on Figure 8 Island, which is a roughly 4 miles long barrier island in New Hanover County located between Wrightsville Beach to the south and Lea-Hutaff Island to the north. At the location of the Property, Figure 8 Island is approximately 665 feet wide. The landward border of the Property is approximately 410 feet to 550 feet from the waters of Middle Sound, depending on the particular location of the shore, as the shoreline curves in and out at that general location. The landward border is approximately 230 feet to 245 feet from the first line of stable vegetation on the Atlantic Ocean side.

8. Figure 8 Island's eastern boundary is the Atlantic Ocean. To the west, abutting the western shores of Figure 8 Island, are the coastline estuarine waters and marshlands of Banks Channel, part of the Middle Sound Outstanding Resource Water area, and to the west of them is the Atlantic Intracoastal Waterway.

9. The Property is located within two Areas of Environmental Concern ("AECs") as defined by the Commission's rules. A portion of the Property is located in the Ocean Erodible Area ("OEA") AEC as defined by the Commission's rules at 15A N.C. Admin. Code 07H.0304(1).

10. Portions of the Property are also located in the Outstanding Resource Water Coastal Shorelines AEC, as a portion of the Property is located within 575 feet of the waters of Middle Sound, which at this location is classified as Outstanding Resource Waters by the Environmental Management Commission, as shown on the Site Plan, included as a stipulated exhibit.

11. Located on the Property is an existing 3,405 square foot single-family residence. The house has four bedrooms and four and a half bathrooms and was constructed in 1981. The Site Plan lists the existing square footage as 3,301 while the Tax Card has a square footage of 3,405.

12. The current home was constructed prior to the effective date of that Commission's Rule now codified as 15A N.C. Admin. Code 07H .0209(f)(1) (the "Rule") limiting built-upon area within 575 feet of Outstanding Resource Waters ("ORW").

13. As the entire Property is located within at least one AEC, any proposed development on the Property requires a permit pursuant to the Coastal Area Management Act of 1974 ("CAMA"). N.C. Gen. Stat. § 113A-118.

14. On August 22, 2024, Petitioner applied for a CAMA Minor Development Permit ("Permit") to construct an additional bedroom that would be part of the principal structure on the Property, adding 622 square feet of impervious built upon area to the Property. A copy of the Permit Application is a stipulated exhibit.

15. With the Permit Application, Petitioner submitted a Site Plan for the proposed development (the "Proposed Project") dated August 22, 2024, a copy of which

is a stipulated exhibit. The proposed addition is located on the ocean side of the existing residence, in the area currently developed with a deck.

16. According to the Site Plan completed by John Douglas Murray, dated August 22, 2024, the Property lot area is 23,910 square feet measured to the ocean mean high water and the lot area within the 575-foot Outstanding Resource Waters Coastal Shoreline AEC is 16,505 square feet. The Commission's rule at 15A N.C. Admin. Code 07H.0209(f) limits the BUA to 25 percent of the portion of the Property within the Outstanding Resource Water Coastal Shorelines AEC. Thus, the maximum built upon area lot coverage allowed within the Outstanding Resource Water Coastal Shorelines AEC is 4,126 square feet, which is 25 percent of area within this AEC.

17. As shown on the Site Plan, the current impervious area, including the existing roof covered decks, driveway/walkways, and existing residence, totals 4,400 square feet.

18. The existing total built upon impervious area of 4,400 square feet exceeds the 25 percent limit. However, when the residence was constructed in 1981, the Commission's Coastal Shorelines AEC rules were not yet in effect. These rules were adopted in 1999.

19. Petitioner's CAMA Application sought to add 622 square feet of built upon impervious area to the Property, increasing the total built upon impervious area

to 5,022 square feet, or 30.4% of the area of the lot within the Outstanding Resource Waters Coastal Shoreline AEC.

20. As part of the CAMA Minor Permit Process, Petitioner provided notice of the permit application to its adjacent riparian owners – Lisa Godwin at 238 Beach Road North and Walter and Mary Blackwell at 234 Beach Road North. Copies of the notice letters and delivery confirmation/tracking information are stipulated exhibits. The LPO and DCM did not receive any objections to Petitioner’s CAMA Minor Development Permit Application.

21. On September 11, 2024, the CAMA Local Permit Officer (“LPO”) for New Hanover County denied Petitioner’s CAMA Minor Permit Application based on N.C. Gen. Stat. §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. As stated in the denial letter, the Proposed Development is inconsistent with 15A N.C. Admin. Code 07H .0209(f)(1), Specific Use Standards for the Outstanding Resource Waters Coastal Shorelines. A copy of the denial letter is a stipulated exhibit.

22. The Commission’s rule related to Outstanding Resource Waters Coastal Shorelines in pertinent part states:

(f) Specific Use Standards for ORW Coastal Shorelines.

- (1) Within the AEC for estuarine and public trust shorelines contiguous to waters classified as ORW by the EMC, all development projects, proposals, and designs shall limit the built upon area in the AEC to no more than 25 percent or any lower site specific percentage as adopted by the EMC as

necessary to protect the exceptional water quality and outstanding resource values of the ORW, and shall:

(A) provide a buffer zone of at least 30 feet from the normal high water line or normal water line; and

(B) otherwise be consistent with the use standards set out in Paragraph (d) of this Rule.

(2) Single-family residential lots that would not be buildable under the low-density standards defined in Subparagraph (f)(1) of this Rule may be developed for single-family residential purposes so long as the development complies with those standards to the maximum extent possible.

15A N.C. Admin. Code 07H .0209(f)(1).

23. Subsection (d) of CAMA Rule 15A N.C. Admin. Code 07H .0209 (Use Standards) is expressly referenced in Subsection (f) and lists the standards with which all shoreline development shall comply.

24. The Proposed Project complies with the standards of the CRC, as it is consistent with the use standards set out in Subsection (d) of 15A N.C. Admin. Code 07H .0209.

25. The Proposed Project does not increase the Total Floor Area to 5,000 square feet or more.

26. Petitioner has provided notice of its request for a variance to the adjacent riparian property owners. Copies of Petitioner's delivered notices are stipulated exhibits. Petitioner is not aware any objections by the adjacent property owners to the variance request.

27. As indicated on the Division of Water Resources, Outstanding Resource Waters and High Quality Waters Management Areas map found on North Carolina Department of Environmental Quality Online GIS at <https://data-ncdenr.opendata.arcgis.com/datasets/c861cd03ebe245f38c88304a1ebe4ed1/explore?location=35.160937%2C-76.189009%2C10.61>, most properties within an Outstanding Resource Waters Coastal Shoreline AEC are located entirely within that AEC. Few of those properties have portions that are located on the oceanfront outside of the Outstanding Resource Waters Coastal Shoreline AEC. Those properties located entirely within this AEC are on coastal estuarine and river waters where stormwater surface drainage is typically expected to flow directly to those waters. A copy of the GIS map with the ORW layer is a stipulated exhibit.

28. Nicholas P. Howell, a licensed Soil Scientist, completed a Soil and Site Evaluation for the Property (“Site Evaluation”) on September 18, 2024. The Site Evaluation is included as a stipulated exhibit.

29. According to the Site Evaluation, the Property is located next to a maritime forest vegetative area that is approximately 45,000 square feet, approximately 80 feet wide, and 700 feet long (the “Commons Area”).

30. The Commons Area is subject to various restrictions through the Homeowners’ Association’s Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Figure 8 Island (the “Covenants”), a selection of which are a stipulated exhibit. The restrictions prohibit the “removal, alteration,

damage or change to any of the lands where stormwater management facilities or drainage easements exist.” All lots within the Homeowners’ Association are “burdened with easements for natural drainage of stormwater runoff from other portions of the Property[.]”

31. According to the Site Evaluation, due to the topography at the area surrounding and including the Property, any surface stormwater that would flow from the built upon area of the Property across Beach Road North to the low point of the Commons Area across the street where it is readily absorbed into the soils at that location.

32. According to the Site Evaluation, and as shown on the Site Plan for the Proposed Project, the topographical low point in the vicinity of the Property where any surface stormwater in the area of the Property would drain is that 4 feet elevation low point located in the Commons Area just west of the Property across Beach Road North. The Commons Area consists of thick maritime forest vegetation. The low elevation point is located at the roughly northeastern edge of this vegetated area.

33. As shown on the Site Plan, the elevation of the forested area behind that area to the west quickly rises to 22 feet to 26 feet high. According to the Site Evaluation, any surface stormwater that does not immediately drain down through the sandy soils of the commons area cannot cross the 22 feet to 26 feet high elevation point between it and the ORW waters to the west. Any stormwaters that initially pond at the low point of the commons area eventually drain into the sandy soils below.

34. Petitioner has submitted an Affidavit from Steve Coggins, included as a stipulated exhibit, regarding photos taken in the vicinity of the Property at approximately 5:30 p.m. during the height of severe Subtropical Storm Eight on September 16, 2024. Attached to the Affidavit is a weather report from the National Weather Service in Wilmington, which states that approximately 4.06 inches of rain fell in the Wilmington area on September 16, 2024.

35. For purposes of the pending Variance Petition, the Petitioner has stipulated that the 5,022 square feet total built upon area will be more than 25% of the portion of the Property within the Outstanding Resource Waters Coastal Shoreline AEC and would be inconsistent with the Commission's Rule at 15A N.C. Admin. Code 07H .0209(f)(1).

36. Petitioner now seeks a variance from the Commission's rules at 07H.0209(f) to construct a 622 square foot addition to the existing residence, thereby causing the total built upon area of the structure to be 5,022 square feet, which further exceeds 25 percent of the portion of Property that is within the Outstanding Resource Waters Coastal Shoreline AEC (4,126 square feet).

37. Without a variance, Petitioner cannot increase the built upon area on the Property because the existing residence already exceeds the 25 percent limits for built upon area within the AEC. Petitioner could add an addition increasing the Total Floor Area as long as it did not increase the built upon area, such as by adding a second story over existing built upon area.

EXHIBITS PROVIDED TO THE COMMISSION BY PETITIONER AND DCM

1. Petitioner's August 22, 2024, CAMA Minor Development Permit Application.
2. August 22, 2024, Site Plan prepared by Bowman, Murray, Hemingway Architects, PC.
3. North Carolina General Warranty Deed, Book 3832, Page 566.
4. Map Book 13, Page 48, of the New Hanover County Registry, recorded October 11, 1972.
5. Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Figure 8 Island, recorded at Deed Book 6322, Page 1846 of the New Hanover County Registry.
6. Soil and Site Evaluation by Nicholas Howell, Soil Engineer, for 236 Beach Road North dated September 18, 2024.
7. DWR ORW HQW Management Areas map found on North Carolina Department of Environmental Quality Online GIS at [https://data-ncdenr.opendata.arcgis.com/datasets/c861cd03ebe245f38c88304a1ebe4ed1/explore?location=35.160937%2C-76.189009%2C10.61](https://data.ncdenr.opendata.arcgis.com/datasets/c861cd03ebe245f38c88304a1ebe4ed1/explore?location=35.160937%2C-76.189009%2C10.61)
8. Affidavit of Steve Coggins, October 31, 2024.
9. September 11, 2024, Denial of August 22, 2024, CAMA Minor Development Permit Application.
10. CAMA Rule 15A N.C. Admin. Code 07H .0209.
11. Notices of Petitioner's Variance Application to adjacent owners.
12. Tax Card for 236 Beach Road North
13. Tax Card for the "Commons Area."

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter.
2. All notices for the proceeding were adequate and proper.
3. As set forth in detail below, Petitioner has met the requirements in N.C. Gen. Stat. § 113A-120.1(a) and 15 N.C. Admin. Code 07J .0703(f) which must be found before a variance can be granted.

a. Strict application of the rule will cause unnecessary hardships.

The Commission affirmatively finds that strict application of the Commission's rule at 15A N.C. Admin. Code 07H .0209(f)(1) would cause unnecessary hardships. The purpose of this rule is to prevent stormwater runoff draining from impervious built upon areas into Outstanding Resource Waters. However, the harm the Rule is designed to prevent does not exist at the Property because of some unique conditions which are detailed in the September 23, 2024 report of soil scientist Nicholas Howell and the Site Plan. Specifically, the stormwater draining from the Property will be captured in a low spot in the vegetated Commons Area and prevented by high ground from reaching the Outstanding Resource Waters of Middle Sound.

The house was built in 1981, which was before the Commission's rule became effective in 1999. The current built upon area, as depicted in the Site Plan, is 4,400 sq ft, which is 26.7 percent of the area within the Outstanding Resource Water AEC. This exceeds the rule's 25% limitation imposed by the Commission's rule. Strict application of the Commission's rules prohibits any additional built upon area within the Outstanding Resource Waters Coastal Shoreline AEC. The permit application was denied because the proposed development would further increase this exceedance.

The Commission agrees with the parties that the Commission's rule limiting built upon areas to 25 percent within this AEC would cause Petitioner an unnecessary hardship because the existing topography of the Property and the

Common Areas will not allow or cause stormwater to drain into Middle Sound. Furthermore, there is no indication that additional runoff from the small, proposed addition will reach or impact the Outstanding Resource Waters of Middle Sound. For these reasons, the Commission affirmatively finds that Petitioner has met the first factor without which a variance cannot be granted.

b. The hardship results from conditions peculiar to Petitioner's property.

The Commission affirmatively finds that Petitioner has demonstrated that the hardship results from conditions peculiar to the property. Specifically, the “peculiarity” of the oceanfront Property is that the Property is both (a) within 575 feet of an ORW of the Coastal Shorelines area of AEC and (b) within the Ocean Erodible Area (“OEA”). The combination of the Property’s location, size, and topography along with the Property being subject to the Commission’s rules for both the ORW Coastal Shoreline AEC and the OEA AEC results in a peculiarity causing the hardship. Moreover, the topography of the Property is unique in that the stormwater runoff from the Property is captured by the commons area across the street and thus is unlikely to reach Banks Channel, which is the ORW protected by the built upon area limitation.

The most significant feature impacting the maximum built upon area, however, is the fact that only approximately seventy percent of the Property lies within the ORW AEC. If the entire property were within the ORW AEC, the proposed 622 SF addition would only increase the built upon area to 21%, and thus could be

permitted without a variance. The OEA AEC prevents any development on the oceanward part of the Property oceanward of the setback. This relatively unique circumstance limits the maximum possible built upon area on the Property to 4,126 square feet, which the existing built upon area already exceeds. To the extent that the limited built upon area available on the Property is considered a hardship, it results from only a portion of the Property lying within the ORW Coastal Shoreline AEC and the remainder of the lot lying within the OEA AEC.

Accordingly, the Commission affirmatively finds that Petitioner has demonstrated that this hardship results from conditions peculiar to the property and has met the second factor required for the grant of its request for a variance.

c. Petitioner has demonstrated that the hardship does not result from actions taken by Petitioner.

The Commission affirmatively holds that Petitioner has demonstrated that the hardship does not result from its actions. Specifically, the Commission agrees with the parties that Petitioner had no role in placing any portion of the Property in the ORW AEC. The house was built in 1981 before the ORW Coastal Shorelines AEC was adopted by the Commission. While the existing house exceeds the 25 percent built upon area limit by 1.6 percent, that non-conformity was not caused by the actions of the Petitioner or their predecessors. For this reason, the Commission affirmatively finds that Petitioner has demonstrated that it has met the third factor required for a variance.

- d. Petitioner has demonstrated that the requested variance is consistent with the spirit, purpose and intent of the Commission's rules, will secure public safety and welfare, and will preserve substantial justice.**

The Petitioner has demonstrated (a) that the requested variance is consistent with the spirit, purpose and intent of the Commission's rules, (b) that it will secure public safety and welfare, and (c) that it will preserve substantial justice.

First, 15A N.C. Admin. Code 07H .0209(f) requires development projects, proposals, and designs be consistent with the use standards set out in Paragraph (d) of the Rule. Here, the Proposed Project complies with all applicable Paragraph (d) standards. For instance, the Proposed Project will not affect coastal shorelines or natural barriers, impair water quality, increase shoreline erosion, alter wetlands or SAV, deposit spoils waterward, degrade shellfish beds, or interfere with public access rights or known valuable resources. The proposed addition will add 622 square feet of built upon area within the ORW Coastal Shoreline AEC. The Commission agrees that the project is consistent with the spirit, purpose, and intent of the Commission's rule limiting the built upon area limit for the ORW AEC as any additional runoff from the development is not expected to reach the ORW waters of Middle Sound due to the topography of the immediate vicinity and capacity of the commons area to capture anticipated stormwater.

To the limited extent any surface stormwater does cross Beach Road North toward the ORW (which is generally those surface stormwaters during heavy rains that drain from the Property driveway to and across Beach Road North), that water

is captured by a substantial, natural stormwater barrier located on a 45,251 square feet perpetual commons area (approximately 690 feet long and 80 feet deep) consisting of thick maritime forest vegetation. The commons area has highly effective stormwater control qualities. As shown on the Site Plan, any surface stormwater is captured at a 4 feet elevation low point on the Beach Road North side of the commons area and cannot cross the 22 feet to 26 feet high elevation point between it and the ORW waters to the west.

The effectiveness of the stormwater control qualities of the commons area is illustrated by a series of photos taken of the Branstrom residence, the Commons Area, and the portion of Salters Road that is located between the Commons Area to the east and the ORW waters of Banks Channel to the west. See Stipulated Exhibit 10. The photos were taken by Petitioner's attorney during the height of severe Subtropical Cyclone Eight at approximately 5:30 p.m. on September 16, 2024, during which four inches of rain fell in Wilmington in a short time period. See NWS data at Stipulated Exhibit 11. The photos show that all surface stormwater draining from the Property toward the commons area was readily captured and prevented from flowing further westward toward Salters Road and the ORW waters of Banks Channel. As indicated on the Figure 8 Island Restrictive Covenants, the commons area cannot be developed, and the stormwater treatment facility qualities of the area will not be removed.

In addition, the features of the property will protect the public and safety and welfare by ensuring stormwater does not flow into the ORW waters of Banks

Channel.

Finally, the variance would preserve substantial justice in several respects. Specifically, once the Proposed Project is built, the percentage of the total built upon area in relation to the entirety of the Property (including the portions in the ORW and those outside of the ORW in the OEA) is only 21 percent. The percentage of the built upon area to only the portion of the Property is 30 percent. Allowing the variance will allow the owner to make minor additions to the Property in a responsible manner.

* * * * *

For these reasons, the Commission affirmatively finds that Petitioner has met the fourth factor required by N.C. Gen. Stat. § 113A-120.1(a) as conditioned by the variance.

ORDER

THEREFORE, the requested variance from 15A N.C. Admin. Code 07H .0209(f)(1) is GRANTED.

The granting of this variance does not relieve Petitioner of the responsibility for obtaining any other required permits from the proper permitting authority. This variance is based upon the Stipulated Facts set forth above.

This the 4th day of December 2024.



M. Renee Cahoon Chair
Coastal Resources Commission

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing FINAL AGENCY DECISION upon the parties by the methods indicated below:

Method of Service

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Christine R Bouffard, CAMA LPO Electronically:
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This the 4th day of December, 2024.



Mary L. Lucasse
Special Deputy Attorney General & Commission Counsel
N.C. Department of Justice
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Raleigh, N. C. 27602