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Secretary  
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General Counsel



TO: The Coastal Resources Commission

FROM: Christine A. Goebel, DEQ Assistant General Counsel

DATE: November 10, 2022 (for the November 17, 2022 CRC Meeting)

RE: Variance Request by New Jack Partners, LLC (CRC-VR-22-05)

Petitioner New Jack Partners, LLC own property on Masonboro Sound in Wilmington. Petitioner proposes to remove an existing two-slip pier with access to a nearshore channel and develop a new five-slip pier with access to Masonboro Sound/AIWW. In April of 2022, Petitioner applied for a CAMA Major Permit to develop a 6' x 650' pier/walkway, a 6' x 86' fixed T-head, two 6' x 24' finger piers, four 12' x 12' boat lifts, a 31' x 8' floating platform for loading and kayaks with a 4' x 8' ramp, and a 20' x 20' covered gazebo. On July 20, 2022, DCM denied Petitioner's application as the proposed community docking facility exceeded the quarter-width pier length rule of 15A NCAC 7H .0208(b)(6)(G)(iii) and 15A NCAC 7H .0208(a)(2)(G) which is the Commission's rule which protects against interference with public navigation. Petitioner now seeks a variance to allow the proposed community docking facility s to be authorized as proposed.

The following additional information is attached to this memorandum:

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

cc(w/enc.): I. Clark Wright Jr., Esq, Petitioner's counsel, electronically  
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically  
Christine Bouffard, New Hanover County LPO, electronically to  
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**RELEVANT STATUTES OR RULES****APPENDIX A****15A NCAC 07H .0201 ESTUARINE AND OCEAN SYSTEM CATEGORIES**

Included within the estuarine and ocean system are the following AEC categories: estuarine waters, coastal wetlands, public trust areas, and estuarine and public trust shorelines. Each of the AECs is either geographically within the estuary or, because of its location and nature, may significantly affect the estuarine and ocean system.

**15A NCAC 07H .0203 MANAGEMENT OBJECTIVE OF THE ESTUARINE AND OCEAN SYSTEM**

It is the objective of the Coastal Resources Commission to conserve and manage estuarine waters, coastal wetlands, public trust areas, and estuarine and public trust shorelines, as an interrelated group of AECs, so as to safeguard and perpetuate their biological, social, economic, and aesthetic values and to ensure that development occurring within these AECs is compatible with natural characteristics so as to minimize the likelihood of significant loss of private property and public resources. Furthermore, it is the objective of the Coastal Resources Commission to protect present common law and statutory public rights of access to the lands and waters of the coastal area.

**15A NCAC 07H .0206 ESTUARINE WATERS**

(a) Description. Estuarine waters are defined in G.S. 113A-113(b)(2) to include all the waters of the Atlantic Ocean within the boundary of North Carolina and all the waters of the bays, sounds, rivers and tributaries thereto seaward of the dividing line between coastal fishing waters and inland fishing waters. The boundaries between inland and coastal fishing waters are set forth in an agreement adopted by the Wildlife Resources Commission and the Department of Environment and Natural Resources and in the most current revision of the North Carolina Marine Fisheries Regulations for Coastal Waters, codified at 15A NCAC 3Q .0200.

(b) Significance. Estuarine waters are the dominant component and bonding element of the entire estuarine and ocean system, integrating aquatic influences from both the land and the sea. Estuaries are among the most productive natural environments of North Carolina. They support the valuable commercial and sports fisheries of the coastal area which are comprised of estuarine dependent species such as menhaden, flounder, shrimp, crabs, and oysters. These species must spend all or some part of their life cycle within the estuarine waters to mature and reproduce. Of the 10 leading species in the commercial catch, all but one are dependent on the estuary.

This high productivity associated with the estuary results from its unique circulation patterns caused by tidal energy, fresh water flow, and shallow depth; nutrient trapping mechanisms; and protection to the many organisms. The circulation of estuarine waters transports nutrients, propels plankton, spreads seed stages of fish and shellfish, flushes wastes from animal and plant life, cleanses the system of pollutants, controls salinity, shifts sediments, and mixes the water to create a multitude of habitats. Some important features of the estuary include mud and sand flats, eel grass beds, salt marshes, submerged vegetation flats, clam and oyster beds, and important nursery areas.

Secondary benefits include the stimulation of the coastal economy from the spin off operations required to service commercial and sports fisheries, waterfowl hunting, marinas, boatyards, repairs and supplies, processing operations, and tourist related industries. In addition, there is considerable nonmonetary value associated with aesthetics, recreation, and education.

(c) Management Objective. To conserve and manage the important features of estuarine waters so as to safeguard and perpetuate their biological, social, aesthetic, and economic values; to coordinate and establish a management system capable of conserving and utilizing estuarine waters so as to maximize their benefits to man and the estuarine and ocean system.

(d) Use Standards. Suitable land/water uses shall be those consistent with the management objectives in this Rule. Highest priority of use shall be allocated to the conservation of estuarine waters and their vital components. **Second priority of estuarine waters use shall be given to those types of development activities that require water access and use which cannot function elsewhere such as simple access channels; structures to prevent erosion; navigation channels; boat docks, marinas, piers, wharfs, and mooring pilings.**

In every instance, the particular location, use, and design characteristics shall be in accord with the general use standards for coastal wetlands, estuarine waters, and public trust areas described in Rule .0208 of this Section.

#### **15A NCAC 07H .0207 PUBLIC TRUST AREAS**

(a) Description. Public trust areas are all waters of the Atlantic Ocean and the lands thereunder from the mean high water mark to the seaward limit of state jurisdiction; all natural bodies of water subject to measurable lunar tides and lands thereunder to the normal high water or normal water level; all navigable natural bodies of water and lands thereunder to the normal high water or normal water level as the case may be, except privately-owned lakes to which the public has no right of access; all water in artificially created bodies of water containing public fishing resources or other public resources which are accessible to the public by navigation from bodies of water in which the public has rights of navigation; and all waters in artificially created bodies of water in which the public has acquired rights by prescription, custom, usage, dedication, or any other means. In determining whether the public has acquired rights in artificially created bodies of water, the following factors shall be considered:

- (1) the use of the body of water by the public;
- (2) the length of time the public has used the area;
- (3) the value of public resources in the body of water;
- (4) whether the public resources in the body of water are mobile to the extent that they can move into natural bodies of water;
- (5) whether the creation of the artificial body of water required permission from the state; and
- (6) the value of the body of water to the public for navigation from one public area to another public area.

(b) Significance. The public has rights in these areas, including navigation and recreation. In addition, these areas support commercial and sports fisheries, have aesthetic value, and are important resources for economic development.

**(c) Management Objective. To protect public rights for navigation and recreation and to conserve and manage the public trust areas so as to safeguard and perpetuate their biological, economic and aesthetic value.**

(d) Use Standards. Acceptable uses shall be those consistent with the management objectives in Paragraph (c) of this Rule. In the absence of overriding public benefit, any use which jeopardizes the capability of the waters to be used by the public for navigation or other public trust rights which the public may be found to have in these areas shall not be allowed. The development of navigational channels or drainage ditches, the use of bulkheads to prevent erosion, and the building of piers, wharfs, or marinas are examples of uses that may be acceptable within public trust areas, provided that such uses shall not be detrimental to the public trust rights and the biological and physical functions of the estuary. Projects which would directly or indirectly block or impair existing navigation channels, increase shoreline erosion, deposit spoils below normal high water, cause adverse water circulation patterns, violate water quality standards, or cause degradation of shellfish waters are considered incompatible with the management policies of public trust areas. In every instance, the particular location, use, and design characteristics shall be in accord with the general use standards for coastal wetlands, estuarine waters, and public trust areas.

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## **15A NCAC 07H .0208 USE STANDARDS**

(a) General Use Standards

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

**(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.**

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(b) Specific Use Standards

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(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 shaded impact for docks 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. In calculating the shaded impact, 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 for a larger boathouse and shall have sides extending no farther than one-half the height of the walls 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. 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 beyond the established pier or docking facility length along the same shoreline for similar use; (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);**

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

**(iii) 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. However, the proposed pier or docking facility shall not be longer than the pier head line established by the adjacent piers or docking facilities, nor longer than one-third the width of the water body.**

(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 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. Copies of the diagram may be obtained from the Division of Coastal Management. 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.

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

1. Petitioner is New Jack Partners, LLC, (“Petitioner”) a North Carolina Limited Liability Company organized in 2021. Nancy Grier is both the Registered Agent and a Member, according to the Articles of Organization, a copy of which is attached as a stipulated exhibit.
2. Petitioner acquired title to the relevant property by means of a General Warranty Deed, dated September 28, 2021, recorded in Book 6505, Page 533, New Hanover County Registry. The Property is further described as 4601 New Jack Road and 4607 New Jack Road, Wilmington, New Hanover County, NC (“The Property”). A copy of this deed is attached as a Stipulated Exhibit.
3. On April 22, 2022, Petitioner transferred title to New Tract 1, shown as 1.059 acres identified on a certain Plat Map entitled “Lot Recombination for New Jack Partners, LLC” by James A. Lewis, PLS, dated March 10, 2022 and recorded in Map Book 71, Page 227, New Hanover County Registry. The General Warranty Deed documenting the transfer of title to Property Company 3, LLC is dated April 22, 2022 and is recorded in Book 6565, Page 939, New Hanover County Registry. New Tract 1 was the northern-most area of the New Jack land. Copies of this recorded deed and the Lot Recombination Map are attached as Stipulated Exhibits.
4. For the remainder of these Stipulated Facts, the term “The Property” shall refer to the remaining portions of the New Jack Landing Subdivision, which Petitioner is planning to subdivide into four lots, served by a single community pier and docking facility. The Property is bounded by Masonboro Sound to the east, which in this location is also the Atlantic Intracoastal Waterway (“AIWW”). The Property is also bounded by New Lot 1 to the north, New Jack Road to the west, and three properties to the south, including 4613 New Jack Road (Malpass), 4615 Serenity Point Road (Olatidoeye), 4619 Serenity Point Road (Wilson), 4623 Serenity Point Road (Shamp Family Trust), and 4627 Serenity Point Road (owned by Olatidoeye).
5. The Property is currently developed with a 2,657 square foot residence built in 1980, which is currently rented. The Property is also developed with an approximately 200-foot-long pier and dock facility with two boat slips. The current pier was developed pursuant to CAMA General Permit #60725D issued on September 13, 2012 and authorizing a 10’ x 10’ platform, an L-Head floating dock and a 117-foot-long pier as measured from the waterward extent of the wetlands (and 163-foot as measured from normal high water (NHW)). On August 6, 2015, a second slip with a lift was added to make it a two-slip pier through CAMA General Permit #64785D. Copies of these two permits are attached as Stipulated Exhibits.
6. Petitioner intends to remove the existing residence, pier and docks. After removal, Petitioner is planning to redevelop The Property with four residential home sites not proposed in this permit application. The subject of this permit application and variance is the proposed shared community pier and docking facility designed to accommodate four boats, with lifts, with a Gazebo and fifth slip for a kayak/canoe launch-loading/unloading area as depicted in the application materials discussed below.

7. The proposed project involves proposed development within the Estuarine Waters, Coastal Wetlands, Estuarine Shoreline and Public Trust AECs. There are Coastal Wetlands AEC along the shoreline, as seen in aerial photos attached. Per G.S. 113A-118, a CAMA permit is required for development proposed in an AEC.

8. The Public Trust waters of Masonboro Sound in the area of the proposed project are classified as Outstanding Resource Waters (SA-ORW) by the Environmental Management Commission and are designated as Primary Nursery Area (PNA) by the Marine Fisheries Commission. These waters are closed to the harvest of shellfish. There are no known SAV or shellfish beds within the footprint of Petitioner's proposed community docking facility. The mean tidal amplitude as measured at the Wrightsville Beach tidal gauge is approximately 4 feet.

9. The shoreline of Masonboro Island, located to the east across Masonboro Sound and the AIWW from The Property, consists of a series of spoil islands and barrier islands, and is part of the North Carolina Coastal Reserve's Masonboro Island Reserve. As it is part of the Reserve, development of this shoreline is limited. There are no piers or docks present along this shoreline.

10. The shoreline of The Property is concave or cove-like in shape. The cove shoreline is shared by six riparian property owners north of The Property up to Sound View Road. Immediately south of The Property is a residential property known as the Serenity Point condominiums. Serenity Point is served by a community pier and eight slip docking facility. South of Serenity Point's pier are two additional piers as well as a spit of land where Channel Haven Road dead-ends. Aerial photographs depicting the cove area, including The Property, the properties to the north, and the Serenity Point community pier and docking facilities to the south (as well as the two additional piers to the south) are attached as Stipulated Exhibits.

11. The current pier on The Property ends at a channel which follows the concave shoreline to the north and to the south of The Property. This channel is located landward of a sandbar shown on the project survey. DCM Field Representative Bryan Hall notes depths in the channel of 2'-3' in his field report, and states "Vessels associated with these docking facilities [to the north of The Property] use the back channel to access the AIWW to the northeast. The southern extent of the back channel south of the existing docking facility at 4601 New Jack Road appears to have begun shoaling in and no longer provides vessel access to the AIWW, however it appears to be navigable at high tide." Mr. Hall's Field Investigation Report concludes by stating that "DCM recommends a bridged section approximately 170 linear feet waterward of the edge of the waterbody to preserve historical navigation. The proposed structures would accommodate up to five (5) vessels at this location within water depths of approximately -3' to -4' relative to NLW. The nearest docking facility is approximately 70' to the south. There are potential navigation impacts for canoes/kayaks without a bridged section over the historic back channel."

12. The Serenity Point community pier and eight slip docking facility was permitted by DCM in 2014 pursuant to a Variance Order issued by the Commission to COBA Ventures, LLC on

March 24, 2014. Facts found by the Commission in that Variance Order state that the 8-slip 4-finger community pier and docking facility extends approximately 315 feet, or approximately 72 feet beyond the  $\frac{1}{4}$  width of Masonboro Sound. Fact 8 in the Variance Order notes that “Located within this cove is a natural channel, which restricts the location of the existing docking facilities along this cove to the edge of deep water.” A copy of the March 24, 2014 COBA Ventures, LLC Variance Order and the Coba Ventures Major Permit are attached as a Stipulated Exhibit, as is the subsequently issued CAMA permit. The proposed community pier and docking facilities are proposed to be located within approximately 70 feet of the Serenity Point docking facility.

13. On the six parcels north of The Property to Sound View Road, there are five existing piers and one short, visibly damaged dock. Copies of permits for these piers are attached as Stipulated Exhibits. The permitting details of these five properties and piers are:

- 175 Whipporwill Lane, owned by the McCormicks has a pier.
- 174 Sound View Drive, owned by the Edwardses, has a pier.
- 184 Sound View Drive, owned by the Browns, has a pier.
- 185 Sound View Drive, also owned by the Browns, has a pier and a visibly damaged dock shown on the GIS photos
- 185 Sound View Drive, owned by the Soundview Property Owners Association, has a pier and boat ramp at the end of Sound View Drive.

14. Just north of the cove area and Sound View Road is an existing community pier and docking facility, with the address of 195 Sound View Road. This structure is owned by Jean-Claude Corbi, of the Sound View Boat Owners Association, which manages this pier and docking facility on behalf of the owners of four lots in the Sound View subdivision. This community pier and docking facility extends eastward into the public trust waters of Masonboro Sound approximately 211’ measured from edge of wetlands to waterward end of the pier (and approximately 300 feet as measured from normal high water NHW). This existing pier and dock are visible in aerial photographs attached as Stipulated Exhibits. Mr. Corbi has written a letter dated July 28, 2022 describing this community pier and docking facility and stating that he does not oppose Petitioner’s proposed community pier and docking facility. A copy of his letter is attached as a Stipulated Exhibit. A copy of this permit is also attached.

15. In furtherance of its redevelopment plans, Petitioner recorded a recombination plat of The Property, resulting a creation of a single parcel of land capable of being further subdivided into four new residential lots, each containing a single home site set back more than 50 feet from the shoreline. This plat, dated March 10, 2022, is recorded in Map Book 71, Page 227, New Hanover County Registry. A copy is attached as a Stipulated Exhibit.

16. Attached as Stipulated Exhibits (to the powerpoint) are a series of six Google Earth aerial photographs depicting The Property and surrounding areas as they existed on different dates, ranging from February 2, 1993 to September 2, 2021. These aerial photographs are attached to the October 4, 2022 Letter by Nancy Grier on behalf of, and as agent for, Petitioner.

17. Before a complete CAMA Major Permit application was submitted, on October 25, 2021, a Scoping Meeting was conducted. The following people/agencies were present: DCM, Division of Marine Fisheries, Wildlife Resources Commission, Division of Water Resources, Division of Energy, Minerals and Land Resources-Stormwater from the state and the Corps, National Marine Fisheries Service. Immediately prior to this meeting, Petitioner's surveyor sent draft site plans but many resource agency personal participating in the zoom meeting were not able to view them. The plans show a proposed pier extending beyond the sand bar to reach deeper water and expanding the number of permitted slips from two to five to serve five subdivided lots. The discussion at the scoping meeting focused on Petitioner's plan for a longer pier over the channel and closer to the AIWW to create a community pier and docking facility to serve five subdivided lots. Representatives of DMF, WRC and DWR all raised concerns about what was the purpose and need for the longer pier as there was an existing pier on The Property. Mr. Hall recalls that Mr. Riggs suggested the idea of having the pier near the southern shoreline of The Property. DCM District Manager Tara MacPherson emailed Mr. Riggs on October 27, 2021 and stated "We have seen the water depths in the back channel and there appears to be sufficient water to support a docking facility. Any proposals to go out over it to the AIWW that exceed the ¼ width would have to be denied by rule and pursued by CRC Variance." A copy of Mr. Hall's scoping meeting notes is attached as a Stipulated Exhibit, as is Ms. MacPherson's email.

18. During the Scoping Meeting, Petitioner's surveyor Charles Riggs presented the results of a hydrographic survey confirming the existence of a sand bar and water depths ranging from less than -1 to -2.3' NLW in the area near the existing pier and docks located on The Property, though it was not viewable by the Corps, NMFS and other resource agencies at that meeting. A copy of Petitioner's hydrographic survey is included in the plans and drawings contained in the CAMA Permit Application, which is attached as a Stipulated Exhibit.

19. On or about February 9, 2022, Petitioner sent notice to adjacent riparian property owners of its intent to submit a CAMA permit application seeking approval for its proposed community pier and docking facilities, including Mr. McCormick (Property Company 3, LLC to the north), Ms. Malpass, and four Serenity Point owners for 4615, 4619, 4623 and 4627 Serenity Point. In its notice letter, Petitioner included copies of the proposed subdivision plat and an aerial view of the cove overlain with a detailed drawing of the proposed community pier and docking facilities. Copies of the certified mail receipts and tracking information documenting delivery of such notices are attached as a Stipulated Exhibit.

20. Adjacent Riparian Property Owner (north side) Property Company 3, LLC, owned and controlled by Mr. James McCormick, responded stating no objections to the proposed project and, in his amended riparian notice form dated February 26, 2022, waiving the 15-foot riparian setback between his property and The Property. A copy of this signed Adjacent Riparian Property Owner Notification/Waiver Form, dated February 26, 2022, is attached as a Stipulated Exhibit.

21. Adjacent Riparian Property Owner (south side) COBA Ventures, LLC 4616 Serenity Point Road (containing the Serenity Point Community Docking Facility), acting through its

representative Dr. Babatunde Olatidoye, submitted a form stating no objections and did not waive the 15-foot riparian setback. A copy of this signed Adjacent Riparian Property Owner Notification/Waiver Form, dated February 14, 2022, is attached as a Stipulated Exhibit.

22. Property Owner (south side) 4615 Serenity Point Road, acting through its owner Dr. Babatunde Olatidoye, submitted a form stating no objections and not waiving the 15-foot riparian setback. (Petitioner notified this Property Owner due to its rights to the Serenity Point Community Docking Facility.) A copy of this signed Adjacent Riparian Property Owner Notification/Waiver Form, dated February 14, 2022, is attached as a Stipulated Exhibit.

23. Property Owner (south side) 4619 Serenity Point Road (Wilson) was notified by Petitioner due to its rights to use and enjoy the Serenity Point Community Docking Facility. No riparian notice form was returned by this property owner.

24. One person Mr. Jason Shamp of 4623 Serenity Point Lane (commenting as part of the Shamp Family Trust) submitted an objection to DCM. Mr. Shamp asked that the proposed community pier and docking facilities be located where the existing pier is located, expressed privacy concerns regarding visibility into his home, and expressed concerns regarding the small size of the drawing attached to his notice letter. A copy of Mr. Shamp's objection letter is attached as a Stipulated Exhibit.

25. In response to Mr. Shamp's concerns regarding the size of the drawing, on March 19, 2022, Petitioner emailed Mr. Shamp multiple digital files of the project drawings, which could be enlarged.

26. Adjacent Riparian Property Owner (south side) 4627 Serenity Point Road, acting through its owner Dr. Babatunde Olatidoye, submitted a form stating no objections and not waiving the 15-foot riparian setback. A copy of this signed Adjacent Riparian Property Owner Notification/Waiver Form, dated February 14, 2022, is attached as a Stipulated Exhibit.

27. On April 20, 2022, DCM Field Representative Bryan Hall signed a letter to Petitioner's Registered Agent/Member acknowledging receipt of a complete CAMA permit application on April 11, 2022. A copy of this letter, including the required notice sign to post, is attached as a Stipulated Exhibit.

28. According to Petitioner, the CAMA Notice Sign was posted on The Property on April 26, 2022. A photograph documenting the posting of this notice is attached as a Stipulated Exhibit.

28. On April 25, 2022, notice of the proposed development was published in the Wilmington Star News.

29. Petitioner is proposing the removal of the existing two-slip dock and development of a new five-slip community dock, with one slip assigned to each of the four lots on The Property as well as a kayak launch slip. The proposal includes the development of:

- A 6' x 650' pier/walkway with 465' extending past normal high water
- A 6' x 86' fixed T-head
- Two 6' x 24' finger piers
- A 31' x 8' floating platform with a slip for loading and launching kayaks with a 4' x 8' ramp
- A 20' x 20' Covered Gazebo
- Four 12' x 12' boat lifts

30. Petitioner's proposed community pier and docking facilities do not extend into the AIWW channel or the AIWW 80' setback boundaries, as shown on an aerial photograph overlain with these lines, a copy of which is attached as a Stipulated Exhibit.

31. Petitioner is proposing to increase the number of existing boat slips serving The Property from two to five (four plus the kayak launch slip), and adding motorized boat lifts, a Gazebo and loading/unloading area. Each slip will be assigned to a single platted lot.

32. The water depths shown on the application materials are mostly -1.5' to -2' NLW in the areas crossed by the proposed community pier and docking facility, including portions of the channel. The waterward end of the proposed community pier and docking facilities would be at depths of -3' to -4' NLW.

33. A copy of Mr. Hall's Field Investigation Report dated April 20, 2022, which describes the site of the proposed development as well as the proposed project, is attached as a Stipulated Exhibit. This Field Report was included with the permit application materials circulated to the commenting agencies. Regarding the channel, Mr. Hall recommends that the pier bridge over the existing navigable channel, though that was not proposed by Petitioner because Petitioner was not made aware of the recommendation at the time the application was submitted. On June 16, 2022, Petitioner committed to a bridge section of the pier to accommodate canoes and kayaks.

34. The proposed pier exceeds further than both the  $\frac{1}{4}$  width and  $\frac{1}{3}$  of the waterbody. Per 15A NCAC 7H .0208 (b)(6)(H) DCM Staff measured the width of the waterbody at the site of the proposed pier to be 1104' across and length of the proposed community pier and docking facility waterward of coastal wetlands to be 495.9,' or 0.45 (45%) of the width of the waterbody at this location.

35. On June 6, 2022, Ms. Holly Snider, acting on behalf of the Division of Water Resources, issued a concurrence letter stating that no further authorization or approval was necessary from DWR for the proposed community pier and docking facilities. A copy of this concurrence letter is attached as a Stipulated Exhibit.

36. Also on June 6, 2022, Ms. Kimberlee Harding, acting on behalf of the Division of Marine Fisheries, submitted comments on the proposed project. These comments raised concerns about blocking the existing channel for navigation and suggested adding a bridge component to any permitted pier to allow navigation through the channel. A copy of the WRC comments is attached as a Stipulated Exhibit.

37. On June 7, 2022 Ms. Christine Hall, acting on behalf of the Division of Energy, Minerals, Land Resources, issued Post Construction Stormwater Management Permit No. SW8 220506 to Petitioner authorizing construction, operation and maintenance of the built upon areas depicted on the plans and drawings submitted by Petitioner, which set a limit on Built Upon Area (BUA) for The Property to no more than 4,892 square feet. A copy of this permit is attached as a Stipulated Exhibit.

38. On June 16, 2022, Ms. Maria Dunn, acting on behalf of the Wildlife Resources Commission, submitted comments on the proposed project. These comments recommended conditions be placed on a permit to prohibit construction during the winter to protect PNA resources, adding a bridge component to any permitted pier to allow navigation through the channel, and a legal document preventing other piers from being developed on The Property. A copy of the WRC comments is attached as a Stipulated Exhibit.

39. All other reviewing agencies either had no comments or indicated no opposition to issuance of a CAMA permit for the community pier and docking facilities described in the CAMA Permit Application.

40. On June 24, 2022, Mr. James McCormick, owner of Property Company 3, LLC to the north of The Property prepared and signed a letter addressed to Nancy Grier, managing partner for Petitioner indicating his belief that: (1) “historically boaters to the north of your property do not head south in our channel to access the intracoastal;” (2) “there is a sandbar between our inside channel and the intracoastal which extends south which makes accessing the intracoastal to the south extremely challenging since it is very, very tidal;” and (3) “protecting the inside channel is extremely important to us because it is our primary route north, around the sandbar and into the intracoastal; and it is our understanding your proposed footprint to the extreme southern end of your property boundary line will have no significant impact to the water flow or navigation into our channel.” Mr. McCormick then closed his letter by stating “I am in full support of your proposed plan.” DCM Staff have not been able to verify these signed but un-sworn statements made by Mr. McCormick, or to cross-examine him, so the parties cannot stipulate to the truth of these statements.

41. Also on June 24, 2022, Petitioner’s Registered Agent and Member Ms. Nancy Grier addressed a letter to DCM attaching the McCormick letter. Ms. Grier stated that for two years Mr. McCormick has resided at 175 Whippoorwill Lane, immediately adjacent to the north of the NJP property, that she called Mr. McCormick and shared with him the contents of the comments provided to DCM by Kimberlee Harding (NCDMF) and Maria Dunn (NCWRC); that she then

asked Mr. McCormick for assistance in addressing the navigation concerns raised in those agency comments; that she was attaching the June 24, 2022 letter written by Mr. McCormick; that her personal observations confirmed Mr. McCormick's conclusions; asking that a copy of her letter and the McCormick letter be included in the Petitioner's CAMA permit file; and affirming the willingness of Petitioner to design its proposed community pier and docks "such that typical canoes/kayaks can pass under in normal water conditions." A copy of Ms. Grier's letter is attached as a Stipulated Exhibit.

42. On July 20, 2022, DCM Denied Petitioner's CAMA Major Permit Application. A copy of DCM's denial letter is attached as a Stipulated Exhibit. The denial was based on the proposed project's inconsistency with 15A NCAC 07H.0208(b)(6)(G)(iii) regarding pier lengths and 15A NCAC 07H.0208(a)(2)(G) regarding jeopardizing the use of public trust waters for navigation or other public trust rights.

43. On August 2, 2022, Mr. Matt Conner, renter of the existing home located at 4607 New Jack Road on The Property since early spring of 2022, and prior to that frequent user of the waters in the cove area prepared and signed a letter addressed to the CRC stating that he is familiar with and regularly boats in the waters in and around the cove, that he has received copies of the plans for the proposed community pier and docking facilities, and that he has been informed that Petitioner will need a variance to construct the proposed facilities. Mr. Conner then states that he supports the variance request, that he has specific knowledge and information indicating no significant navigation impacts, that the historic inner channel "is very tidal and becomes very shallow at low tides," that in his experience boats enter and exit the channel only from the north, and that the proposed facilities "will not impede access to the ICW or other deeper waterways, nor will it limit navigation on the ICW or the Historic Channel." Mr. Conner closes his letter by stating that "by extending the New Jack dock out further, it will allow users to reach water depths needed at low tides to safely take boats out further, it will allow users to reach water depths needed at low tides to safely take boats in and out, preventing boats from running aground, and preventing damage to the bottom and marine resources living there especially at low tides." A copy of this letter is attached as a stipulated Exhibit. DCM Staff have not been able to verify these signed but un-sworn statements made by Mr. Conner, or to cross-examine him, so the parties cannot stipulate to the truth of these statements.

44. On August 4, 2022, Mr. Coleman Robinson, Construction Coordinator for Mark Johnson Custom Homes, prepared and signed a letter addressed to the CRC supporting Petitioner's Variance Request. In his letter, Mr. Robinson states that he is renting a boat slip at 4607 New Jack Road and is very familiar with the Cove area surrounding the (existing) dock. He states in his letter he has seen the drawings, maps, and plans for the proposed "new Jack Dock" and supports the variance request, that he has specific knowledge and information indicating no significant navigation impacts, that the historic inner channel has a "sandbar in front of the existing dock, which in low tide is too shallow to come across. Boaters need to come from the north and hug the shoreline in order to get to the property without hitting bottom." A copy of this letter is attached as a Stipulated Exhibit. According to Petitioner (Ms. Grier) Mr. Robinson has rented portions of

the house at 4607 New Jack since early spring of 2022. Petitioner also indicates that Mr. Robinson information Petitioner that he has been using the waters in the area for at least the past five years. DCM Staff have not been able to verify these signed but un-sworn statements made by Mr. Robinson or to cross-examine him, so the parties cannot stipulate to the trust of these statements.

45. On August 12, 2022, Licensed Merchant Mariner John Theodorakis prepared and signed a letter addressed to the CRC stating that he had reviewed the plans for Petitioner's proposed community pier and docks, as well as information regarding water depths and aerial photographs, and that on that basis it is his opinion that these structures "should not obstruct navigation into or out of the historic channel at The Property or adversely affect navigation in the ICWW." A copy of this letter is attached as a Stipulated Exhibit. DCM Staff have not been able to verify these signed but un-sworn statements made by Mr. Theodorakis, or to cross-examine him, so the parties cannot stipulate to the truth of these statements.

46.

On November 4, 2022, Ms. Grier addressed a letter to the Commission and DCM Director Braxton Davis in which Ms. Grier, speaking on behalf of Petitioner states that Petitioner's members relied on the statements made by Mr. Riggs and others that the proposed community pier and docking facilities could be permitted under applicable CAMA rules. In this letter, Ms. Grier also states that Petitioner's members intend to record covenants governing the use of The Property in which all purchasers of lots within the New Jack Landing subdivision will be prohibited from constructing any individual piers or docks on such lots. The four Lots to be served by the community pier and docking facilities each will be assigned one slip and motorized lift, and all will have common use of the Gazebo, Kayak Launch and Day Dock. Petitioner contends that the proposed community pier and docking facilities are an integral part of Petitioner's efforts to assure the low impact character of The Property by, assuring that lot purchasers will honor low impact requirements by using a single community pier and docking facility, and not building any individual piers and docks. A copy of Ms. Grier's letter is attached as a Stipulated Exhibit. DCM Staff have not been able to verify these signed but un-sworn statements, or to cross-examine MS. Grier, so the parties cannot stipulate to the truth of these statements.

47. On November 3, 2022 Petitioner's surveyor Charles Riggs addressed a letter to the Commission and DCM Director Braxton Davis in which he describes his involvement in the New Jack Landing project, including his recommendation that the proposed community pier and docking facilities be located at the southern end of The Property, near the existing Serenity Point community pier and docks. In his letter, after describing his professional background, and the background history of The Property, Mr. Riggs states that he informed Petitioner that, in his opinion, the areas around the existing pier and dock were too shallow and the channel too narrow to accommodate the proposed new community pier and docking facilities. Mr. Riggs also states that the first time he was able to review Mr. Hall's Field Investigation Report was June 13, 2022. DCM Staff have not been able to verify these signed but un-sworn statements, or to cross-examine Mr. Riggs, so the parties cannot stipulate to the truth of these statements.

48. Petitioner solicited and received additional letters of support addressed to the Commission from: (i) Boat Captain Sam Cleary, Dockmaster at the Wrightsville Beach Marina; (ii) Mr. Charlie Smith, owner of Wilmington Marine Construction; and (iii) Captain Devin Anderson, owner of a boat docked nearby at Inlet Watch. All three stated that they were familiar with the cove area and that they support Petitioner's Variance Request. Because their letters are unsworn and appear to contain allegedly expert testimony, copies of their letters of support are not attached as Stipulated Exhibits; however, the fact that they support Petitioner's Variance Request is a Stipulated Fact.

49. A copy of an excerpt from the New Hanover County GIS map depicting the various properties located within the cove area is attached as a Stipulated Exhibit for illustrative purposes.

50. On November 2, 2022, Petitioner's agent Nancy Grier wrote an email addressed to the Commission attaching an illustrated drawing by Architect Michael Kersting depicting a proposed layout of the four homesites and community pier and docking facilities. A copy of this email and attached drawing are attached as a Stipulated Exhibit for illustrative purposes only.

51. Petitioner New Jack Partners, LLC stipulates that its proposed community pier and dock facilities as defined in its amended CAMA permit application are inconsistent with 15A NCAC 07H.0208(b)(6)(G)(iii) and 15A NCAC 07H.0208(a)(2)(G).

52. Notice of this Variance Request has been provided to the adjacent riparian property owners, copies of which are part of the Stipulated Exhibits attached. As of the time of mailout, no objections have been received by DCM/CRC in response to such notices. If any are received by the variance hearing, they will be provided to the Commission.

53. Some nearby property owners have communicated in writing that they support the proposed project (Property Company 3, LLC – James McCormick to the north; Dr. Olatidoye on behalf of Serenity Point's Association and individually to the south). In addition, the northern adjacent riparian property owner has waived the 15-foot riparian setback.

54. A PowerPoint presentative with vicinity map, aerial photographs and copies of existing, permitted developments is attached as a Stipulated Exhibit.

55. Petitioner is represented by Clark Wright of Davis Hartman Wright LLP, New Bern. The Division of Coastal Management is represented by DEQ Assistant General Counsel Christine Goebel.

## Stipulated Exhibits

1. New Jack Partners, LLC Articles of Organization
2. Deed into New Jack Partners, LLC at 6505/533
3. Deed selling New Tract 1 to Property Company 3, LLC at 6565/939
4. New Jack recombination map at Map Book 71/227
5. Current Pier CAMA Permits #60725D (2012) and #64785D (2015)
6. 2014 COBA Ventures, LLC Variance Order and Major Permit with the 7-12-13 hydrographic survey
7. CAMA Permits for 175 Whipporwill Lane
8. CAMA Permit for 174 Sound View Drive
9. CAMA Permit for 184 Sound View Drive
10. CAMA Permit for 185 Sound View Drive
11. CAMA Permit for 185 Sound View Drive
12. Jean Claude Corbi Letter of 7-28-22
13. Preliminary plans dated 8-5-21 with piers at both existing location and new location
13. Mr. Hall's scoping meeting notes
14. Ms. MacPherson's email of 10-27-21
15. CAMA Major Permit application materials including Hydrographic Survey
16. Six Application Notice letters, mailing receipts and tracking information
17. McCormick signed ARO Notice/Waiver Form
18. COBA Ventures/Serenity Point Notice/Waiver Form from Dr. Olatidoye
19. Dr. Olatidoye Signed Notice/Waiver Forms for two properties (4627 and 4615)
20. Jason Shamp Objection Letter
21. Mr. Hall's Complete Application Letter
22. Photograph of Posted Notice
23. Aerial showing Corps channel/setback lines
24. Mr. Hall's Field Investigation Report
25. DWR's 401 General Certification letter from Ms. Snyder
26. DMF's Comment letter from Ms. Harding
27. DEMLR's Comment stormwater permit from Ms. Hall
28. WRC's Comment letter from Ms. Dunn
29. McCormick letter of support dated 6-24-22
30. Ms. Grier's letter dated 6-24-22
31. DCM Permit Denial Letter dated 7-20-22
32. Connor letter of support, August 2022
33. Robinson's letter of support dated 8-4-22
34. Theodorakis letter of support dated 8-12-22
35. Ms. Grier's letter dated November 4, 2022 plus invoice
36. Surveyor Riggs' letter dated November 1, 2022
37. Ms. Grier's letter dated November 2, 2022 attaching illustrative site plan drawing
38. Variance Notice letters with certified mailing information
38. Powerpoint containing aerial, ground and historic Google Earth photos. One labeled with owner's names on parcels.

**PETITIONER'S and STAFF'S POSITIONS****ATTACHMENT C****I. Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? If so, the petitioner must identify the hardships.****Petitioner's Position: Yes.**

The shoreline of the property ("The Property") owned by New Jack Partners, LLC ("NJP") is irregular and cove-shaped in configuration. The Property is located at the southern end of the area's cove-like shoreline configuration. [See aerial photographs attached as Stipulated Exhibits.] NJP purchased The Property on or about October 22, 2021. At the time of the NJP purchase, immediately south of The Property was (and is) the Serenity Point condominium development, owned by COBA Ventures, LLC. The original Serenity Point development consisted of four residential units, served by an eight (8) slip community docking facility. The existing Serenity Point community docking facility extends water ward approximately 315 feet into the navigable waters of Masonboro Sound. This distance exceeds the one quarter waterbody width limit contained in 15A NCAC 07J.0208(b)(6)(G). As a result, on December 2, 2013, COBA Ventures, LLC applied for a variance from the pier and dock length limiting provisions contained in 15A NCAC 07J.0208(b)(6)(G). A copy of the COBA Ventures, LLC Variance Request Package is attached as a Stipulated Exhibit. On February 26, 2014, the CRC granted COBA Ventures, LLC's Variance Request. A copy of the CRC's March 24, 2014 written FAD is attached as a Stipulated Exhibit. NJP relied on the fact that the Serenity Point eight (8) slip community docking facility had been permitted and built, as well as two other existing pier/dock structures extending a similar distance water ward into the waters of Masonboro Sound.

At the north end of the irregular cove-shaped shoreline northward of The Property, an existing pier and dock facility extends water ward approximately 150+ feet into the navigable waters of Masonboro Sound. Petitioner NJP and its surveyor reasonably assumed that it would be able to receive a CAMA permit for its proposed four boat lift community docking facility, which proposed facility did not extend any further water ward than a line drawn across the mouth of the cove from this structure southward to the Serenity Point (and other two piers) structure(s). At the time of its purchase of The Property, NJP also relied on guidance provided by its surveyor to the effect that its proposed community docking facility would be permissible due to what the surveyor assumed was an existing, established pier head line within 200 feet.

Additionally, at the time of its purchase of The Property, NJP relied on its surveyor's calculations of the waterbody width (see aerial photographs attached as Stipulated Exhibits), as well as measuring the length of its proposed community docking facility from the edge of open water, instead of measuring from a starting point located significantly further landward based on instructions provided months later by the DCM Field Representative.

Additionally, Petitioner NJP reasonably relied on the information and guidance provided to it before it purchased The Property to the effect that the existing, nearshore historical channel had not been used for any southward vessel traffic in front of The Property for many years, and could not be used to access deeper waters by vessels traveling in a southward direction due to the

siltation, sand bar formation in this area, as well as the physical blocking characteristics of the Serenity Point community docking facility. [Note in this regard that DCM's Field Investigation Report indicates that navigation southward from the proposed facilities is problematic.] Instead, Petitioner NJP and its agents observed, and specifically were informed (by tenants renting the house and using the dock, as well as others) that vessels – both owned and used by property owners located northward of The Property as well as others entering the cove area – always accessed this area by entering and exiting the cove area from/to the north. On this issue of nearshore navigation, Petitioner NJP was surprised when it received its CAMA permit denial letter citing, in addition to pier/dock lengths relative to water body width measurements, potential adverse impacts to navigation as a basis for permit denial.

Petitioner NJP's own personal observations both before and after its purchase of The Property confirmed that there would be no adverse impacts to near shore navigation in the waters in front of The Property. All vessel traffic observed within the cove area entered from and existed to the north. Petitioner NJP and its consultants further never observed any canoe, kayak or paddle board use within the waters of Masonboro Sound directly in front of The Property – unless such vessel traffic was transiting navigable waters *eastward* of the pier head line established by the existing piers and docks located on the northern and southern ends of the cove area. [And, of course, further to the east the federally maintained channel of the AIWW provides navigable waters for vessels of all types and sizes.]

Petitioner NJP further reasonably relied on the fact that the renters occupying the residence currently located on The Property (and using the existing pier and docks) always entered from, and exited to the north in order to access navigable waters of Masonboro Sound, and/or the AIWW.

Prior to and after its purchase of The Property, NJP and its consultants/surveyor interacted with a number of local and state agencies who consistently indicated support for the proposed NJP development, including the proposed community docking facility. NJP has received New Hanover County approval for its four-home site redevelopment plan; a plat depicting the four residential lots was recorded in Map Book 71 at Page 229, New Hanover County Registry, and is attached as a Stipulated Exhibit. As further examples, NJP has received LID stormwater authorizations from NHC, as well as from DWR. [See Stipulated Facts and Stipulated Exhibits.]

Without a variance from the Commission regarding the pier length use standard and the more generally worded navigation impacts use standard, NJP will suffer serious financial hardships that it did not anticipate when it purchased the property. NJP asks the Commission to recognize and find that its reliance on the existence of the immediately adjacent Serenity Point community pier and dock facility, as well as on the other facts and information discussed above and as contained in the attached Variance Request materials, constitute appropriate evidence of unnecessary hardship as defined by the first Variance Criteria.

**Staff's Position: No**

Staff disagrees that a strict application of the “protect public navigation” rule would result in unnecessary hardships for the Petitioner.

This is a large parcel of property that Petitioner has indicated it plans to sub-divide if this variance is granted as described in the Stipulated Facts but has not yet done so. Petitioner seeks a variance from the “protect public navigation” rule of the Commission at 15A NCAC 7H .0208(b)(6)(G) Along the approximately 700 feet of shoreline of The Property, an existing pier terminates at a nearshore channel, which has depths of approximately -2.0 to -2.3’ NLW per Petitioner’s survey. This nearshore channel within the cove is navigable by vessels using the existing dock, by the public, and by vessels associated with properties to the north within the same cove, where the channel eventually connects to the AIWW. Because the 2012 CAMA permit authorizing the current pier restricted the pier to the -2’ depth contour, and Petitioner’s current survey shows depths this deep or deeper around the existing docking facility, Staff are not persuaded by Petitioner’s claims that this area is shoaling in and would prevent the addition of two or three slips, which could also access the AIWW via the nearshore channel. Based on this information, Staff believes that there is no hardship to Petitioner where it has an existing pier to the nearshore channel, which is known to be routinely navigable.

Relocating the pier to the southern portion of their property would require the pier to extend approximately 45% of the width of the water body to reach the AIWW. In addition, it appears to Staff that the nearshore channel follows the cove shoreline and generally turns east (south of the sandbar) to meet up with the AIWW just north of the Serenity Point pier, in approximately the location of the proposed pier. Staff base this on a review of water depths in the surveys of this area, as well as recent aerial photos. While the riparian owners in the cove may opt to travel to the AIWW by following slightly deeper portions of the nearshore channel to the north, public trust waters with navigable depths exist in this area to the south as well, throughout much if not all of the tidal cycle. Staff are concerned that the location of the proposed pier would substantially interfere with navigation to, from, and through the cove in this area, and that elevating a portion of the proposed pier would allow navigation only in that limited area.

In sum, Staff do not believe that the strict application of the Commission’s rules causes Petitioner an alleged unnecessary hardship where their existing pier meets the quarter-width of the channel and does not substantially interfere with public navigation in the nearshore channel.

Staff also contend that it was unreasonable for Petitioner to rely on the Commission’s issuance of a variance to COBA Ventures/Serenity Point for the multi-slip pier to the south. Staff contend that the Serenity Point shoreline is different from the cove shoreline at The Property and those lots to the north of The Property to Sound View Road. For example, water depths become shallower at the COBA Ventures/Serenity Point pier and south to the peninsula. Variances are based on site-specific facts, and Staff contend that the differences between that site and The Property are significant.

Staff also contend that Petitioner and its consultant made several unreasonable assumptions about their proposed project, including assuming a pierhead line has been established significantly

waterward of their *existing* pier and three other piers to the north on the same channel. Additionally, it was unreasonable to measure the waterbody width from the high water lines when the Commission's rule at 15A NCAC 7H .0208(b)(6)(G)(iii) specifically directs the waterbody width to be measured from the waterward edge of coastal wetlands.

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

**Petitioner's Position: Yes.**

See discussion of Factor (a) above. Conditions peculiar to The Property include: (a) the unusual cove-shaped nature of the shoreline; (b) the fact that the submerged lands located immediately in front of The Property have significantly silted in during the past decade such that the existing pier and dock located on The Property is not safely useable at lower tides, and at all tides only allows for access to and from navigable waters by traveling to the north to enter/exit the cove; (c) the existence of the Serenity Point community docking facility, including the fact that same was ultimately permitted by DCM in accordance with a variance request similar to that sought by Petitioner NJP here; (d) the fact that the dredge spoil islands comprising the shoreline of Masonboro Island directly across from the location of the proposed NJP community docking facilities would allow for a much longer waterbody width calculation but for DCM's policy of "connecting the dots" between various spoil island; (e) the fact that the opposite shoreline of Masonboro Island will, to the best of NJP's knowledge, never be developed with onshore structures or piers and docks; (f) the fact that navigation for all members of the public is assured by the existence of the federally maintained AIWW; and (g) the fact that, whether due to various dredging activities associated with maintenance of the adjacent AIWW or other causes, the nearshore navigable waters in front of The Property continue to silt in.

Additionally, Petitioner NJP is prohibiting the construction of any individual piers or boat docks along the shoreline of The Property; all home owners will be required to access navigable waters solely by means of the proposed community docking facility. An easement permanently memorializing this "peculiar condition" has been drafted and is attached as a Stipulated Exhibit. Petitioner NJP is willing to accept a condition imposed by the Commission requiring the recordation of same prior to construction of the proposed community docking facility.

**Staff's Position: No.**

Staff disagree that any hardship Petitioner might have is a result from conditions peculiar to the Petitioner's property. While Staff acknowledges that as to the quarter-width rule, the fact that Masonboro Reserve, which is unlikely to be developed, does present one condition peculiar to the property, Staff disagrees with the remaining peculiarities raised by Petitioner.

Staff note that a location on a cove shoreline with a navigable "backchannel" or nearshore channel is common along the AIWW in New Hanover County and elsewhere, and these conditions are also shared by the properties to the north of The Property. While Petitioner claims that the depths at the current pier are "unsafe," they are shown as at least -2.0' NLW, which would only be unsafe with

deeper draft vessels not appropriate for navigating the nearshore channel. In addition, many private vessels can safely navigate shallow coastal waters during much of the tidal cycle, especially where there is a 4'+ tidal amplitude. The permit for the existing pier issued in 2012 held the pier to the -2' contour, which is also the depth shown in Petitioner's recent survey. This seems to contradict any claims of shoaling in the channel at the existing pier. The methodology for extrapolating the far shoreline across creek mouths is consistent with DCM practices and measuring waterbody width from the waterward edge of the marsh is required by rule. Staff will address the proposed covenants in factor four, below.

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

#### **Petitioner's Position: No.**

See discussion of Factors (a) and (b) above. The hardships and unique circumstances described above are not of NJP's doing. NJP is not responsible for the natural siltation and sand bar formation. NJP is not responsible for the unique cove like shoreline configuration and its impact on application of the relevant CAMA use standards. NJP is not responsible for the size, length and configuration of the Serenity Point community pier and dock facility located immediately to the north and south. Nor did Petitioner and its surveyor realize that DCM would interpret pier length, waterbody width, the pier head line rule, and existing patterns of use in the old nearshore channel in ways that together resulted in permit denial. More simply, Petitioner and its consultants assumed that NJP would be able to obtain approvals for essentially the same lengths and types of structures already existing immediately to the south, and at the north end of the cove.

#### **Staff's Position: Yes.**

Staff believes any hardships alleged by Petitioner are caused by Petitioner's development plan and design choice. Petitioner is choosing to remove an existing pier from a navigable channel on the north end of The Property, with depths -2.0 NLW and deeper, in order to develop the southern end of The Property where the channel is somewhat shallower, and where they argue that they need to extend 45% across Masonboro Sound in order to reach the AIWW. Choosing to propose the new, longer pier instead of proposing to add two or three slips to the existing pier at the nearshore channel causes any of Petitioner's alleged hardships. Additionally, as noted in section A, comparisons to Serenity Point are not appropriate in this variance.

**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 justice? Explain.**

**Petitioner's Position: Yes.**

See responses to criteria (a), (b), and (c) above. The materials that Petitioner has worked hard to put together for consideration by the Commission include: (i) Petitioner's binding (will be in recorded covenants) commitment to prohibiting individual piers and docks throughout its property; (ii) Petitioner's binding commitment (will be in recorded covenants) to require that home sites be set well back of the shoreline; (iii) Petitioner's commitment to design the community pier such that kayaks, canoes and paddleboards (laying down to travel under) all can travel under in the area of the old, nearshore (and silting in) channel; (iv) the fact that the far shore never will be developed, thus honoring the intent of the ¼ waterbody rule that half the water body remain open to public trust uses; (v) the fact that free and open navigation in this area is assured by the existence and federal maintenance of the AIWW; (vi) the fact that Petitioner is not asking for anything more than what the Commission in prior actions has authorized immediately adjacent property owner Serenity Point to build; and (vii) the fact that Petitioner has complied with LID principles and limiting impervious surface development to less than 12.5%. Petitioner is willing to accept a condition from the Commission that its restrictive covenants mandating compliance with items (i), (ii) and (vii) be recorded prior to the sale of any lots.

Petitioner also would like to refer Members of the Commission to the multiple letters of support, no objections and no known navigation impacts as further evidence that its proposed low density NJP LID compliant subdivision, served by a single community pier and docking facility fully honors the spirit and intent of applicable CAMA rules, use standards and statutory requirements. The one letter of objection, seeking that the proposed community pier and docking facilities be moved to the center of the cove would not only greatly increase its length, but also significantly increase the potential for nearshore navigation impacts since moving to that location would result in significant portions of the old channel remaining open – at least at higher tides – to the south of that location. The privacy concerns raised by this objector not only are not within the purview of the CAMA rules, but seem somewhat disingenuous given that the Serenity Point community pier and docks would allow others to be even closer to the objector's property.

In summary, Petitioner is seeking no more (and no less) than what its immediately adjacent neighbors to the south have been allowed to build and use, and Petitioner is implementing building setbacks, low density impervious surface limits, and prohibiting individual piers and docks – all of which assure the lowest level of overall impacts to the marine environment and water quality, and which likewise assure maximum compliance with the spirit and intent of the CAMA rules.

**Staff's Position: No.**

Staff does not believe the requested variance is consistent with the spirit, purpose and intent of the “protect public navigation” rule where existing piers are utilizing the nearshore channel and DCM believes that other, traditional public navigation of the nearshore channel also likely occurs, including fishing and navigation by smaller boats, during much of the tidal cycle. Depths on Petitioner’s survey at MLW show depths of -1.5 to -2.0, and with the tidal amplitude of approximately -4’ or more, the channel in front of the Property can be navigated by the public. While limited navigation through the existing channel would be allowed by the proposed elevated section/bridging of a portion of the pier, most of the 650’ pier/walkway (with approximately 466’ over open water) out to the AIWW would substantially interfere with lateral navigation by shallow draft vessels.

Staff believe it would also not protect public safety and welfare, where a longer pier places more material in harm’s way during storms and replaces a shorter pier with access to navigable water. Staff acknowledge, however, that any shared pier is preferable to four separate piers.

Staff believe it would not preserve substantial justice where Staff see no evidence that the area at the existing pier is shoaling in at the channel. The original permit for the existing pier was issued in 2012 to land at the -2’ depth contour, and the Petitioner’s survey shows depths in the area of the existing pier at or deeper than -2’ MLW. If two or three slips could be added at the existing pier, it would not preserve substantial justice to allow Petitioner to remove the existing pier and build a much longer pier to the AIWW.

Finally, while Staff understand Petitioner proposed covenants to limit each of the four lots in New Jack to use of the proposed community docking facility and not have individual piers, Staff would ask that any such condition make clear that the holder of that covenant would be the state and not a future HOA. If the HOA holds that covenant, they could subsequently repeal that covenant.

**ATTACHMENT D:  
PETITIONER'S VARIANCE REQUEST MATERIALS**

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COPY

October 4, 2022

VIA HAND DELIVERY (DAVIS)  
VIA ELECTRONIC MAIL (COPIES TO GOEBEL/LUCASSE)

DCM Director Braxton Davis  
400 Commerce Avenue  
Morehead City, NC 28557

RECEIVED

OCT 04 2022

DCM-MHD CITY

RE: Variance Request Package  
New Jack Partners, LLC (c/o Nancy Grier)

Dear Braxton:

Attached is the Variance Request Package that we are submitting on behalf of our client, New Jack Partners, LLC. If possible, our client would like to have this matter heard at the Commission's November 16-17, 2022 meeting in Beaufort. I recently have spoken with Christy Goebel about this matter and understand that there is only one other variance request likely to be on the agenda.

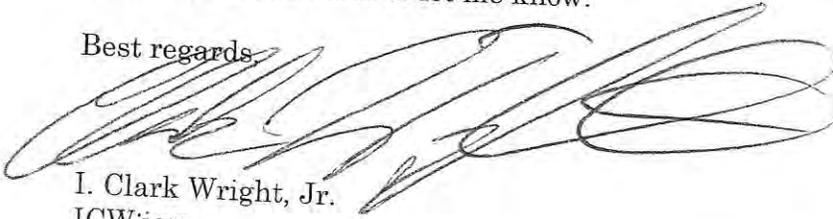
As you will see from reviewing the attached materials, New Jack Partners is seeking a variance from the pier length rules, as well as from a very generally worded concern over possible navigation impacts. As to the former, New Jack Partners essentially is requesting the same variance order decisions that the Commission previously granted to COBA Ventures, LLC (Serenity Point), as well as to the owners of the two properties immediately south of Serenity Point. As to the latter, while we have stipulated to non-compliance with the navigation rule cited in your prior denial letter, we ask that you and the Commission give full and fair attention to the multiple letters stating that there will be no impacts, or no significant impacts on any boat traffic attempting to utilize the old inner channel southward of the proposed community pier and docks. These letters are written by property owners adjacent to the north, as well as from experienced boaters, and also from a licensed vessel captain and a merchant mariner. I would hasten to add that these letters are

DCM Director Braxton Davis  
October 4, 2022  
Page 2

being submitted not to claim any factual dispute, but rather as evidence relevant to the hardship variance criteria, and especially as to the fourth variance criteria.

Many thanks in advance for your service to the State of North Carolina, and for your attention, and that of your staff and legal counsel, to our client's Variance Request. As always, if you, DCM staff or Christy have any questions, comments or concerns, please do not hesitate to let me know.

Best regards,

A large, stylized handwritten signature in black ink, appearing to read 'I. Clark Wright, Jr.', is written over the 'Best regards,' text.

I. Clark Wright, Jr.

ICW:icw

Enclosure (Complete Variance Request Package)

## CAMA VARIANCE REQUEST FORM

DCM FORM 11

DCM FILE No.: \_\_\_\_\_

COPY

PETITIONER'S NAME: NEW JACK PARTNERS, LLC

COUNTY WHERE THE DEVELOPMENT IS PROPOSED: NEW HANOVER

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.

RECEIVED

OCT 04 2022

DCM-MHD CITY

## VARIANCE HEARING PROCEDURES

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

## VARIANCE CRITERIA

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

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

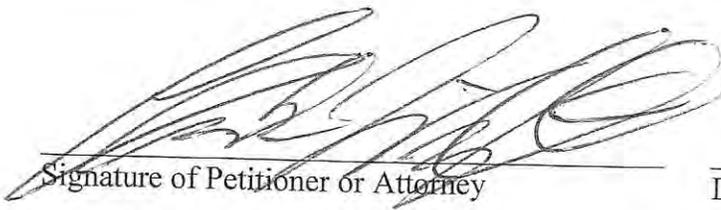
***Please make your written arguments that Petitioner meets these criteria on a separate piece of paper.***  
*The Commission notes that there are some opinions of the State Bar which indicate that non-attorneys may not represent others at quasi-judicial proceedings such as a variance hearing before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

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

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

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

Based on the above and attached information, and pursuant to statute, the undersigned requests a variance.

  
 \_\_\_\_\_  
 Signature of Petitioner or Attorney

9-29-22  
 \_\_\_\_\_  
 Date

I Clark Wright, Jr. – Davis Hartman Wright LLP  
 \_\_\_\_\_  
 Printed Name of Attorney

icw@dhwlegal.com  
 \_\_\_\_\_  
 Email address of Attorney

209 Pollock Street  
 \_\_\_\_\_  
 Mailing Address

(252) 229-5900  
 \_\_\_\_\_  
 Telephone Number of Attorney

New Bern, NC 28560  
 \_\_\_\_\_  
 City State Zip

(252) 514 7898  
 \_\_\_\_\_  
 Fax Number of Attorney

**DELIVERY OF THIS HEARING REQUEST**

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

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

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

**By Fax:**

(252) 247-3330

**By Email:**

Check DCM website for the email  
address of the current DCM Director  
**[www.nccoastalmanagement.net](http://www.nccoastalmanagement.net)**

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

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

**By express mail:**

Environmental Division  
114 W. Edenton Street  
Raleigh, NC 27603

**By Fax:**

(919) 716-6767

**ATTACHMENT E:  
STIPULATED EXHIBITS INCLUDING POWERPOINT**



The mailing address, if different from the street address, of the principal office of the company is:

Number and Street: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ County: \_\_\_\_\_

b.  The limited liability company does not have a principal office.

7. Any other provisions which the limited liability company elects to include (e.g., the purpose of the entity) are attached.

8. (Optional): Listing of Company Officials (See instructions on the importance of listing the company officials in the creation document.)

Name	Title	Business Address
See Attached Exhibit "A"		

9. (Optional): Please provide a business e-mail address: \_\_\_\_\_  
The Secretary of State's Office will e-mail the business automatically at the address provided above at no cost when a document is filed. The e-mail provided will not be viewable on the website. For more information on why this service is offered, please see the instructions for this document.

10. These articles will be effective upon filing, unless a future date is specified:

\_\_\_\_\_

This is the 17th day of August, 2021.

\_\_\_\_\_

Signature

Stephen R. Outten, Organizer

Type or Print Name and Title

The below space to be used if more than one organizer or member is listed in Item #2 above.

\_\_\_\_\_

Signature

Type and Print Name and Title

*Stephen R. Outten*

Signature

Stephen R. Outten, Organizer

Type and Print Name and Title

NOTE:

1. Filing fee is \$125. This document must be filed with the Secretary of State.

Exhibit "A"

Company Officials

Nancy K. Grier, Managing Member, 2013 Seawind Lane, Wilmington, NC 28405

Terry B. Grier, Member

Michael R. Kersting, Member

Pamela T. Kersting, Member

Scott B. Himelstein, Member

Lynne H. Himelstein, Member

035

**BK: RB 6505**  
**PG: 533 - 536**

RECORDED:

10/22/2021

04:43:14 PM

BY: ANDREA CRESWELL

ASSISTANT

2021051173

**NEW HANOVER COUNTY,**

TAMMY THEUSCH PIVER

REGISTER OF DEEDS

NC FEE \$26.00

REAL ESTATE

EXTX \$5700.00

ELECTRONICALLY RECORDED

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

REVENUE STAMPS: \$5,700.00

GENERAL WARRANTY DEED

Tax Parcel ID # R07213-007-033-000 AND R07213-007-034-000

Mail After Recording To: New Jack Partners, LLC  
 (Grantee's Address) 2013 Seawind Lane  
 Wilmington, NC 28405

**DRAWN BY: CALDER LAW, PLLC**

1410 Commonwealth Drive, #205, Wilmington, NC 28403

No title examination was requested or performed in connection with the preparation of this instrument unless expressly in an Opinion signed by the drafting Attorney.

RETURNED TO: Hodges, Coxe & Potter, LLP  
 3907-100 Wrightsville Avenue  
 Wilmington, NC 28403

X  If checked, the property includes the primary residence of at least one of the Grantors, otherwise, note as N/A. (per NC GS § 105-317.2)

Grantor's Address: 1250 Falls Road  
 Rock Hill, SC 29730

Brief Description: Metes and Bounds

This Deed, made and entered into this the \_\_\_\_\_ day of September, 2021, by and between Joyce Hall Lewis, unmarried, the GRANTOR herein; and, New Jack Partners, LLC, the GRANTEE herein.

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

That the Grantor(s), for and in the consideration of the sum of One Dollar and other valuable consideration, the receipt of which is hereby acknowledged, has and by these presents, does

submitted electronically by "Hodges Coxe Potter & Phillips, LLP"  
 in compliance with North Carolina statutes governing recordable documents  
 and the terms of the submitter agreement with the New Hanover County Register of Deeds.

grant, bargain, sell and convey unto the Grantee(s) in fee simple, that real estate located in the County of New Hanover, State of North Carolina, more particularly described as follows:

Being those tracts located at 4601 and 4607 New Jack Road in Wilmington, New Hanover County, NC, having Tax Parcel ID Number R07213-007-033-000 AND R07213-007-034-000; described in instruments recorded in Book 439, Page 375 and in Book 439 at Page 376 in the said New Hanover County Registry, as the same is more particularly described in that Exhibit A attached hereto and incorporated herein by reference.

To have and to hold the aforesaid lot or parcel, together with all privileges and appurtenances thereto, heretofore belonging to the Grantee(s) in fee simple.

The Grantor(s) covenants with the Grantee(s) that Grantor(s) is seized of the premises in fee simple, has the right to convey the same in fee simple, that the title is marketable and free and clear of all encumbrances, and that Grantor(s) 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: The provisions of all applicable zoning and land use ordinances, statutes and regulations; ad valorem taxes; all applicable restrictive covenants and rights reserved or granted therein; and all applicable utility, drainage and other easements of record.

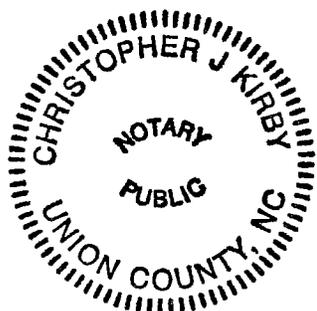
In witness whereof, the Grantor(s) have hereunto set their hands and seals this the day and year first above written.

Joyce Hall Lewis (SEAL)  
Joyce Hall Lewis

STATE OF ~~SOUTH CAROLINA~~ North Carolina ~~CJK~~ COUNTY OF Union

I, a Notary Public of the County and State aforesaid, certify that **Joyce Hall Lewis** personally appeared before me, known to me or proven to me by photographic identification, this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this the 28<sup>th</sup> day of September, 2021.



Christopher J. Kirby  
Notary Public  
Printed Name: Christopher J. Kirby  
My Commission Expires: 7/1/2023

**EXHIBIT A**

BEING in the County of New Hanover and State of North Carolina, and being described as follows:

Being those tracts located at 4601 and 4607 New Jack Road in Wilmington, New Hanover County, NC having Tax Parcel ID Numbers R07213-007-033-000 AND R07213-007-034-000; described in instruments recorded in Book 439, Page 375 and in Book 439 at Page 376 in the said New Hanover County Registry, as the same being more particularly described as follows:

Tract One: BEGINNING at an iron pipe located at high water mark of the western shore of Masonboro Sound, said pipe being the southeastern corner of a tract of land heretofore conveyed by the said George W. Trask and wife, to R.W. Montgomery and wife, by deed duly recorded in Book 418 at Page 327, in the office of the Register of Deeds of New Hanover County, and running thence North 70 degrees 32 minutes West with the said R. W. Montgomery's line 575.5 feet to an old post, Montgomery's southwestern corner; thence South 19 degrees 55 minutes West along the easterly line of a new road 210 feet to an iron pipe; thence South 70 degrees 34 minutes East 586.79 feet to an iron pipe at the high water mark on the western shore of Masonboro Sound; thence North 16 degrees 50 minutes East with the general highwater mark and shore line of Masonboro Sound a straight line distance of 209.85 feet to the beginning. Containing 3 acres more or less.

TRACT TWO: BEGINNING at an iron pipe at the high water mark on the western shore of Masonboro Sound, said iron pipe being located South 16 degrees 50 minutes West 209.85 feet from another iron pipe located at the southeastern corner of a tract of land conveyed by George W. Trask and wife, Emma Trask to R.W. Montgomery and wife, by deed recorded in Book 418, Page 327 in the office of the Register of Deeds New Hanover County; and running thence North 70 degrees 34 minutes West 586.79 feet to an iron pipe located in the eastern edge of a new road, said iron pipe also being located South 19 degrees 55 minutes West 210 feet from the aforesaid R.W. Montgomery's southwestern corner;

running thence South 19 degrees 55 minutes West 210 feet to an iron pipe in the eastern edge of the new road; thence South 68 degrees 59 minutes East 424.07 feet to a point in the center of the turn of a ditch (Cameron's northwest corner); thence with the center of said ditch South 74 degrees 32 minutes East 218.6 feet to an iron pipe at the high water mark of the western shore of Masonboro Sound; thence northwardly with the general high water mark of the western shore of Masonboro Sound (a straight line distance of North 4 degrees 56 minutes East 213.4 feet) to the beginning. Containing 3 acres more or less.

BK: RB 6565  
PG: 939 - 941

RECORDED:

05/16/2022

10:23:23 AM

BY: ANDREA CRESWELL  
ASSISTANT

2022018703

NEW HANOVER COUNTY,

TAMMY THEUSCH PIVER

REGISTER OF DEEDS

NC FEE \$26.00

REAL ESTATE

EXTX \$2800.00

ELECTRONICALLY RECORDED

The Attorney Preparing this Instrument Made No Record Search or Title Examination as to the Property Herein Described, Unless the Same is Shown by Their Written and Signed Certificate.

Tax Lot No. Parent Parcel # R07213-007-033-000

Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Excise Stamps \$ 2,800-

Mail after recording to: 175 Whipporwill Lane, Wilmington NC 28409

This instrument was prepared by: Davis, Hartman, Wright, LLP  
330 Military Cutoff Rd., Ste. A2, Wilmington, NC 28405

Brief description for the Index: New Tract One, 1.059 ac, New Jack Partners  
Plat 71/227

**NORTH CAROLINA SPECIAL WARRANTY DEED**

THIS DEED, made this 22 day of April, 2022 by and between

GRANTOR	GRANTEE
<p><b>New Jack Partners, LLC</b> a North Carolina limited liability company</p> <p>2013 Seawind Lane Wilmington NC 28405</p>	<p><b>Property Company 3, LLC</b> a North Carolina limited liability company</p> <p>175 Whipporwill Lane Wilmington NC 28409</p>

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

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

**SEE ATTACHED EXHIBIT A, WHICH IS ATTACHED TO THIS DEED AND MADE A PART OF THIS DEED AS IF FULLY SET FORTH HEREIN.**

The property hereinabove described was acquired by Grantor by instrument recorded in Book 6505 Page 533 of the New Hanover County Registry.

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 Grantor hereby warrants that Grantor has done nothing to impair the title as received by Grantor and that Grantor will forever warrant and defend the title against the lawful claims of all persons claiming by, through or under Grantor.

This conveyance is made subject to the following Exceptions and Reservations:

1. Easements and restrictions that appear of record.
2. Taxes due but not yet payable.
3. The terms of all applicable zoning, land use and planning ordinances, statutes and regulations.

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 officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

New Jack Partners, LLC

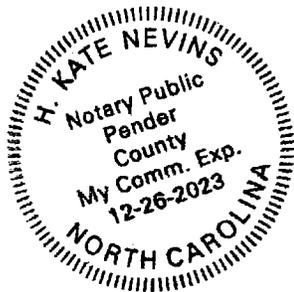
Nancy K. Gries (SEAL)  
Nancy K. Gries, Manager

SEAL-STAMP NORTH CAROLINA  
New Hanover COUNTY

I, a Notary Public of the County and State aforesaid, certify that Nancy K. Gries Manager of Grantor, personally appeared before me this day and acknowledged that he is duly authorized by the Grantor to act on Grantor's behalf, and executed the foregoing instrument. Witness my hand and official stamp or seal, this 22 day of April, 2022.

My commission expires: 12-26-2023

[Signature]  
Notary Public



041

**EXHIBIT A**

**Legal Description**

BEING ALL OF THAT "NEW TRACT I" (aka New Tract One), shown as that 1.059 acres identified on that map or plat entitled "LOT RECOMBINATION FOR NEW JACK PARTNERS, LLC" by James A. Lewis, PLS, dated March 10, 2022 and recorded in Map Book 71, Page 227, New Hanover County Registry; reference to which map is hereby made for a more particular description.

SOMETIMES KNOWN AS: 4601 New Jack Road, Wilmington, NC 28409

Certificate Disclaiming Water/Sewer Suitability

Notwithstanding New Hanover County approval of this plat, lots shown on said plat may not receive Health Department approval for on site sewage disposal systems, nor for individual water supply systems, nor does such approval guarantee the availability of water or sewer services from The Cape Fear Public Utility Authority.

Certificate of Registration/Disclosure for Homeowner's Association Covenants, Conditions and Restrictions by Register of Deeds

North Carolina New Hanover County Homeowner's Association Covenants, Conditions and Restrictions filed for registration on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ (a.m. / p.m.) and duly recorded in Deed Book \_\_\_\_\_ at Page \_\_\_\_\_

NOTES:

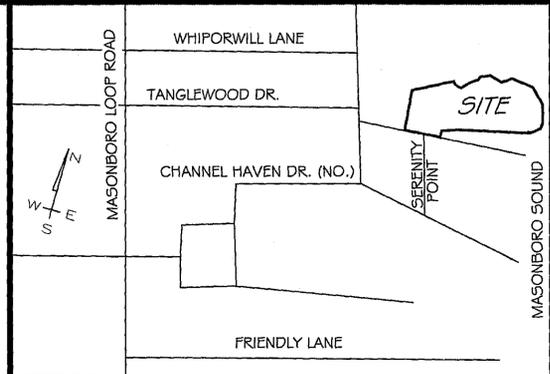
- 1. THIS LOT IS LOCATED IN ZONE "VE" (ELEV. 15, 16, & 17) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP, MAP NUMBER 37203Z700K, DATED: 2-18-07.
2. AREA= 2.08 AC.±
3. 404 WETLAND VERIFICATION USAGE ACTION ID SAW-2013-00030, DATED: 1/4/2013, EXPIRES: 1/4/2018.
4. CAPE FEAR PUBLIC UTILITY AUTHORITY WATER AND SEWER.
5. SPECIAL NOTES REGARDING STORM WATER:
- OBSTRUCTIONS INCLUDING TREES, SHRUBS AND FENCES ARE PROHIBITED WITHIN THE RECORDED DRAINAGE EASEMENTS.
- THE DEVELOPER OR HOA IS RESPONSIBLE FOR THE MAINTENANCE OF ALL DRAINAGE EASEMENTS AND STORMWATER INFRASTRUCTURE.
- ALL IMPERVIOUS MUST DRAIN TO THE ENGINEERED STORMWATER INFILTRATION SYSTEM.
6. THE PURPOSE OF THE REVISION IS TO ESTABLISH THE "ACTIVE RECREATIONAL AREA" AS SHOWN HEREON, THIS PLAT SUPERSEDES MAP BOOK 59, PAGE 215 OF THE NEW HANOVER COUNTY REGISTRY.

LEGEND

- ECM EXISTING CONCRETE MONUMENT
EXISTING IRON
NHWL PIN FLAG BY CAMA OFFICIAL
SET "PK" NAIL IN BULKHEAD
SET IRON REBAR
SET "X" MARK IN DROP INLET GRATE
BOUNDARY LINE
SETBACK LINE
RIGHT OF WAY LINE
CENTER LINE
ADJACENT PROPERTY LINE
N.H.W.L. NORMAL HIGH WATER LINE APPROXIMATE MEAN HIGH WATER LINE

WET LAND LINE TABLE

Table with columns: LINE, BEARING, LENGTH. Lists lines L1 through L18 with their respective bearings and lengths.



NEW HANOVER COUNTY I, ARNOLD W. CARSON, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 5717, PAGE 0274); THAT BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND AS SHOWN HEREON; THAT THE PRECISION AS CALCULATED BY COMPUTER IS BETTER THAN 1:10,000; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY HAND AND SEAL THIS 10th DAY OF OCTOBER, 2014.

I, FURTHER CERTIFY THAT IN ACCORDANCE WITH G.S. 47-30(1)(1); THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND; NO NEW STREETS ARE BEING DEDICATED OR ESTABLISHED AS THE RESULT OF THIS SURVEY.

Professional seal and signature of ARNOLD W. CARSON, N.C. PROFESSIONAL LAND SURVEYOR No. L-3267.

CERTIFICATE OF APPROVAL NEW HANOVER COUNTY PLANNING & INSPECTIONS DEPT. 10-16-14 C. O. WATKINS, PLANNING & INSPECTIONS DEPT. DIRECTOR

County Engineer Certificate With this recordation, New Hanover County accepts the dedication for stormwater and easements. See M.B. 59, Pg. 251. County Engineer Date

Certificate of approval by the Cape Fear Public Utility Authority: Review Officer for the Cape Fear Public Utility Authority, New Hanover County, North Carolina, certify that the map or plat to which this certification is affixed meets all Authority standards and requirements for the public utilities as set forth by ordinances. With the recordation of this plat, the Cape Fear Public Utility Authority accepts the owner's offer of dedication for the public water and/or sewer purposes, easements, common areas, and/or rights of way shown on the plat as dedicated for public utility purposes. Approval of this plat does not guarantee the availability of water and sewer services from the Cape Fear Public Utility Authority.

CAPE FEAR PUBLIC UTILITY AUTHORITY By: See M.B. 59, Pg. 251 Review Officer Title Date

NEW HANOVER COUNTY NORTH CAROLINA I, SAM BURGESS, REVIEW OFFICER OF NEW HANOVER COUNTY, CERTIFY THE THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING. S. Burgess 10-16-14 REVIEW OFFICER DATE

CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS: STATE OF NORTH CAROLINA COUNTY OF NEW HANOVER FILED FOR REGISTRATION ON THE 16th DAY OF OCTOBER 2014 AT 3:19 PM AND DULY RECORDED IN MAP BOOK 59 AT PAGE 345

Tammy Truitt Bausley REGISTER OF DEEDS BY: [Signature] Deputy Instrument# 201402774

REVISION of the DIVISION of that tract known as 4616 SERENITY POINT ADJACENT TO CHANNEL HAVEN SUBDIVISION AS RECORDED IN MAP BOOK 59, PAGE 251 AND BOOK 5717, PAGE 0274 OF THE NEW HANOVER COUNTY REGISTRY NORTH CAROLINA MASONBORO TOWNSHIP NEW HANOVER COUNTY APRIL 18, 2012 - OCTOBER 8, 2014

EXCLUSIVELY FOR: COBA Ventures LLC P. O. Box 3743 Wilmington, NC 28406 ARNOLD W. CARSON, PLS PC (C-2138) 406 NORTH THIRD STREET P.O. BOX 11401 WILMINGTON, NC 28404 (910) 772-9113 acarson@awcplc.com

DEED BOOK 1267 PAGE 1547 JOHN J. MALPASS, JR. & JO ANN MALPASS PARID: R07213-007-035-000 MALPASS JO ANN 4613 NEW JACK RD BOOK 1404, PAGE 1064

PARID: R07213-007-034-000 LEWIS JOYCE HALL 4607 NEW JACK RD WR91 E294 BOOK 0567, PAGE 0049

Register of Deeds

NORMAL HIGH WATER LINE (N.H.W.L) FLAGGED BY NEW HANOVER COUNTY CAMA OFFICIAL APRIL 2012

PARID: R07217-007-002-000 BROWN GREGORY C PAMELA J 4612 SERENITY POINT BOOK 2312, PAGE 0441

LOT 1 22,603 S.F. 0.52 AC.±

LOT 2 21,565 S.F. 0.50 AC.±

LOT 3 23,970 S.F. 0.55 AC.±

LOT 4 18,298 S.F. 0.42 AC.±

RESIDUAL PORTION OF 50' ROADWAY NOT CLAIMED BY DEEDS - SEE MAP BOOK 7, PAGE 29

Certificate of Disclosure - North Carolina Coastal Area Management Act

I (we) hereby certify that prior to entering any agreement or any conveyance with a prospective buyer, I (we) shall prepare and sign, and the buyer of the subject real estate shall receive and sign, a statement which fully and accurately discloses that the buyer may have responsibility to obtain a development permit (minor or major) and the agency to which an application must be filed in order to obtain and permit prior to any undertaking or activity subject to the requirements of the North Carolina Coastal Area Management Act. Signature of Owner(s) 10/9/14 Date COBA Ventures LLC 10/9/14 Developer's Name Date

Certificate of Disclosure for New Hanover County Sewer Costs

I (we) hereby certify that prior to entering any agreement or any conveyance with a prospective buyer, I (we) shall prepare and sign, and the buyer of the subject real estate shall receive and sign, a statement which fully and accurately discloses that the buyer will be assessed by The Cape Fear Public Utility Authority for the full cost of providing sewer service to the subdivision at the time that District sewer becomes available, in accordance with New Hanover County Code. Signature of Owner 10/9/14 Date

Certificate of Disclosure for Private Developments

I (we) acknowledge that neither the State nor the County shall be responsible for maintenance of any streets, parks, drainage, open space or other areas which are designated for private use. I (we) acknowledge that prior to contracting with a prospective buyer, I shall give the buyer a written statement which discloses the existence and location of such private areas and specifies the maintenance responsibilities for same. When applicable, the statement shall disclose that the street(s) will not be constructed to minimum standards sufficient to allow their inclusion on the State highway system for maintenance. Signature of Owner(s) 10/9/14 Date

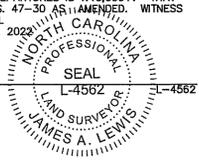
Certificate of Disclosure - New Hanover County Flood Plain Management

I (we) hereby certify that prior to entering any agreement or any conveyance with a prospective buyer, I (we) shall prepare and sign, and the buyer of the subject real estate shall receive and sign, a statement which fully and accurately discloses that the subject real estate, or a portion of the subject real estate, is located within a flood hazard area and that the buyer must satisfy the requirements of the New Hanover County Flood Plain Management Regulations prior to the issuance of construction permits. Signature of Owner(s) 10/9/14 Date

CERTIFICATE OF OWNERSHIP, DEDICATION AND JURISDICTION:

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of a subdivision with my (our) own free consent and dedicate all streets, alleys, walks, parks, conservation space and other areas to public or private use as noted. All roads and drainage easements are dedicated for public utility purposes. Further, I (we) certify the land as shown hereon is within the platting subdivision jurisdiction of New Hanover County, North Carolina. 10/9/14 DATE Signature of Owners Subordination Consent of Mortgage DATE

I, JAMES A. LEWIS, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK SEE TITLE SOURCES LISTED); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND DRAWN FROM INFORMATION FOUND IN DEED BOOK... PAGE... THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 5TH DAY OF MAY A.D. 2022



I, JAMES A. LEWIS, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

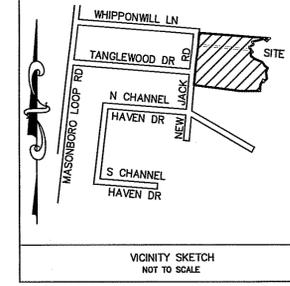
(1) CLASS OF SURVEY: CLASS A  
(2) POSITIONAL ACCURACY: 1:10000 (95% CONFIDENCE)  
(3) TYPE OF GPS FIELD PROCEDURE: REAL TIME KINEMATIC NETWORKS  
(4) DATES OF SURVEY: 4/22/22  
(5) DATUM/EPOCH: NAD 83(CORS) / 2010.00  
(6) PUBLISHED/FIXED-CONTROL USE: JACKSONVILLE CORRS ARP (CORS ID-NCJV)  
(7) GEIOD MODEL: GEIOD18  
(8) COMBINED GRID FACTOR(S): 0.99991534  
(9) UNITS: U.S. SURVEY FEET  
THIS 5TH DAY OF MAY A.D. 2022



REVIEW OFFICER'S CERTIFICATE STATE OF NORTH CAROLINA COUNTY OF NEW HANOVER I, Julian Brittle REVIEW OFFICER OF NEW HANOVER COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING. DATE 5/9/2022 REVIEW OFFICER [Signature]

CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS NORTH CAROLINA NEW HANOVER COUNTY FILED FOR REGISTRATION ON THE 10 DAY OF MAY 2022 AT 10:08 (a.m.) / (p.m.) AND DULY RECORDED IN MAP BOOK 71 AT PAGE 227 Inst # 2022017924

ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED  
NOTE: NOT ALL PHYSICAL IMPROVEMENTS LOCATED  
NOTE: EXISTING DWELLING ON NEW TRACT II IS ONE STORY ON PILINGS OVER CONCRETE SLAB FULLY ENCLOSED BELOW FOR ENTRY, STORAGE & PARKING  
EXISTING DWELLING ON NEW TRACT I IS ONE STORY ON CRAWL SPACE AND HAS BEEN RELOCATED AWAY FROM THE NEW PROPERTY LINE.  
NOTE: ENTIRE PROPERTY IS LOCATED WITHIN 575' SETBACK OF THE NORMAL MEAN HIGH WATER LINE CONTIGUOUS WITH MASONBORO SOUND WHICH IS CLASSIFIED BY THE STATE OF NC AS OUTSTANDING RESOURCE WATERS (ORW)



THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE 'X' WHICH IS NOT A SPECIAL FLOOD HAZARD AREA 'SHADED X' WHICH IS A SPECIAL FLOOD HAZARD AREA 'AE' WHICH IS A SPECIAL FLOOD HAZARD AREA AND FLOOD ZONE 'VE' WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370169 3720314400K AUGUST 28, 2018

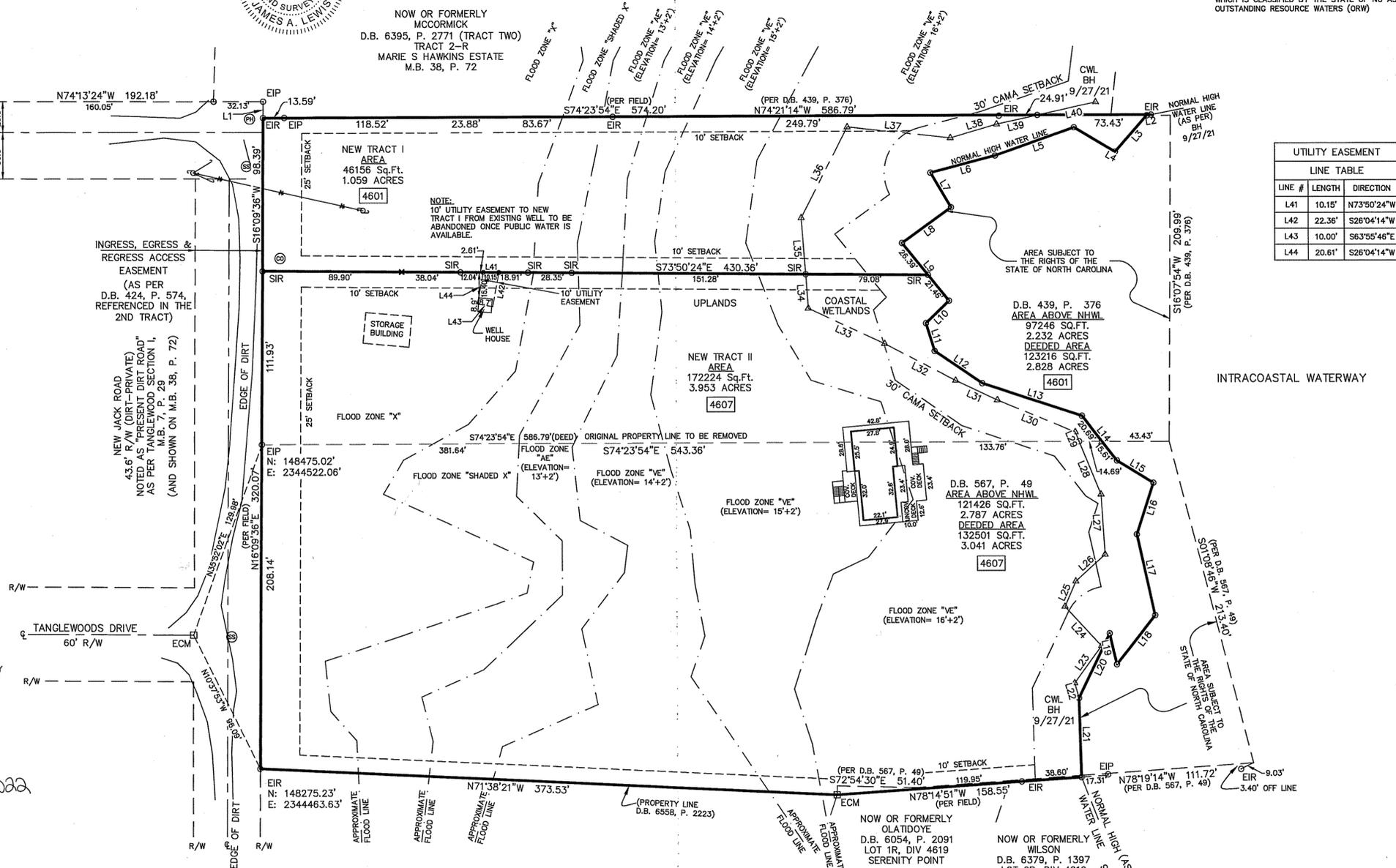
I, JAMES A. LEWIS, PROFESSIONAL LAND SURVEYOR NO. L-4562, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THUS:  
D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

I (WE) HEREBY CERTIFY THAT I AND (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) OWN FREE CONSENT AN DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, CONSERVATION SPACE AND OTHER AREAS TO PUBLIC OR PRIVATE USE AS NOTED. ALL ROADS AND DRAINAGE EASEMENTS ARE DEDICATED FOR PUBLIC UTILITY PURPOSES. FURTHER, I (WE) CERTIFY THE LAND AS SHOWN HEREON IS LOCATED WITHIN THE SUBDIVISION JURISDICTION OF NEW HANOVER COUNTY.

IN ORDER FOR THIS LOT RECOMBINATION TO BE COMPLETED A DEED REFERENCING THIS RECORDED PLAT MUST BE RECORDED WITH THE NEW HANOVER COUNTY REGISTER OF DEEDS.  
DATE 5/5/2022 SIGNATURE OF OWNER(S) Pamela T. Keating

COUNTY ENGINEER CERTIFICATE WITH THIS RECORDATION, NEW HANOVER COUNTY ACCEPTS THE DEDICATION FOR STORMWATER AND EASEMENTS.  
DATE 5/9/2022 COUNTY ENGINEER [Signature]

REVIEW OFFICER FOR THE CAPE FEAR PUBLIC UTILITY AUTHORITY, NEW HANOVER COUNTY, NORTH CAROLINA, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL AUTHORITY STANDARDS AND REQUIREMENTS FOR THE PUBLIC UTILITIES AS SET FORTH BY ORDINANCES. WITH THE RECORDATION OF THIS PLAT, THE CAPE FEAR PUBLIC UTILITY AUTHORITY ACCEPTS THE OWNER'S OFFER OF DEDICATION FOR THE PUBLIC WATER AND/OR SEWER PURPOSES ALL EASEMENTS, COMMON AREAS, AND/OR RIGHTS OF WAY SHOWN ON THE PLAT AS DEDICATED FOR PUBLIC UTILITY PURPOSES. APPROVAL OF THIS PLAT DOES NOT GUARANTEE THE AVAILABILITY OF WATER AND SEWER SERVICES FROM THE CAPE FEAR PUBLIC UTILITY AUTHORITY.  
CAPE FEAR PUBLIC UTILITY AUTHORITY  
BY: REVIEW OFFICER [Signature] TITLE Senior Project DATE 5/6/2022



UTILITY EASEMENT LINE TABLE

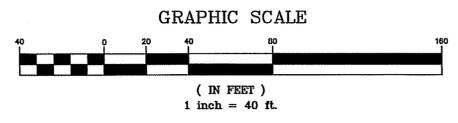
LINE #	LENGTH	DIRECTION
L41	10.15'	N73°50'24"W
L42	22.36'	S26°04'14"W
L43	10.00'	S63°55'46"E
L44	20.61'	S26°04'14"W

LINE TABLE

LINE #	LENGTH	DIRECTION
L1	10.75'	S16°09'36"W
L2	2.77'	S83°43'00"E
L3	31.18'	S56°53'26"W
L4	30.93'	N43°42'34"W
L5	54.13'	S86°04'48"W
L6	43.21'	N88°56'16"W
L7	25.91'	S14°55'36"E
L8	39.12'	S70°05'58"W
L9	47.85'	S23°23'55"E
L10	20.77'	S61°22'10"W
L11	18.82'	S01°13'05"E
L12	37.16'	S39°55'35"E
L13	67.89'	S56°10'54"E
L14	36.30'	S22°25'58"E
L15	27.50'	S42°59'46"E
L16	35.01'	S33°38'34"W
L17	53.11'	S03°04'03"W
L18	39.99'	S54°16'23"W
L19	20.32'	N02°48'04"E
L20	46.13'	S41°25'56"W
L21	50.78'	S14°15'16"W
L22	10.12'	N00°00'41"W
L23	29.62'	N51°48'52"E
L24	34.28'	N27°38'25"W
L25	17.55'	N39°30'43"E
L26	25.69'	N63°44'12"E
L27	38.97'	N12°02'01"E
L28	36.76'	N06°45'13"W
L29	6.48'	N06°45'13"W
L30	54.38'	N51°59'32"W
L31	29.85'	N49°10'25"W
L32	51.62'	N46°43'49"W
L33	54.43'	N49°13'36"W
L34	21.99'	N11°28'28"E
L35	36.21'	N11°28'28"E
L36	65.65'	N42°48'21"E
L37	67.11'	S68°12'13"E
L38	31.08'	N89°19'23"E
L39	27.14'	S88°48'34"E
L40	38.55'	S86°48'34"E

ZONED R-15 ZONING SETBACKS FRONT = 25' REAR = 20' SIDE = 10'  
OWNERS NEW JACK PARTNERS  
TITLE SOURCE D.B. 6505, P. 533 (4601) D.B. 6505, P. 533 (4607) R.B. 6558, P. 2223  
TAX MAP # R07213-007-033-000 (4601) R07213-007-034-000 (4607)

- LEGEND  
CC = CONTROL CORNER  
ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)  
EIP = EXISTING IRON PIPE (FOUND)  
EIR = EXISTING IRON ROD (FOUND)  
EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)  
EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)  
ERRS = EXISTING RAILROAD SPIKE (FOUND)  
MBL = MINIMUM BUILDING LINE  
NMP = NON MONUMENTED POINT  
R/W = RIGHT OF WAY  
SCM = SET CONCRETE MONUMENT (CONTROL CORNER)  
SIP = SET IRON PIPE  
SIR = SET IRON ROD  
SMN = SET MAGNETIC NAIL (CONTROL CORNER)  
C = CENTERLINE  
S = SANITARY SEWER MANHOLE  
C = CLEAN OUT  
P = TELEPHONE PEDESTAL  
P = POWER POLE  
X1.5' = EXISTING SPOT ELEVATION  
M = METER BOX  
E = ELECTRICAL BOX  
G = GUY WIRE  
A = ADDRESS  
X = WOOD STAKE



REVISION: 3/22/2022 - THE DOWN PROPOSED DWELLING LOCATION  
4/5/2022 - THE DOWN WELL HOUSE  
4/25/2022 - ILLUSTRATED UTILITY EASEMENT FROM WELL HOUSE, UPDATED EXISTING HOUSE ON NEW TRACT I  
4/26/2022 - ADDED CAPE FEAR PUBLIC UTILITY AUTHORITY NOTE

CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)  
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS, LAND PLANNING & COMPUTER MAPPING  
502 NEW BRIDGE STREET P.O. BOX 1570 JACKSONVILLE, NC 28540-1570 TELEPHONE: (910) 455-0877 E-MAIL: riggsland@riggslandnc.com  
LANDFALL EXECUTIVE SUITES 1213 CULBRETH DRIVE WILMINGTON, NC 28405 TELEPHONE: (910) 681-7444

LOT RECOMBINATION FOR NEW JACK PARTNERS, LLC  
4601 & 4607 NEW JACK ROAD, D.B. 6505, P. 533  
MASONBORO TOWNSHIP, NEW HANOVER COUNTY, NORTH CAROLINA  
NEW JACK PARTNERS, OWNER; D.B. 6505, P. 533  
4601 & 4607 NEW JACK ROAD

ACTUAL FIELD SURVEY DATE: 04/22/2022  
MAPPING DATE: 04/25/2022  
FIELD BOOK: 1219, PAGE: 25  
PROJECT NUMBER: 21-08-05 JTG



CAMA /  DREDGE & FILL  
**GENERAL PERMIT**

044

No. 60725

New  Modification  Complete Reissue  Partial Reissue

Previous permit # \_\_\_\_\_  
Date previous permit issued \_\_\_\_\_

As authorized by the State of North Carolina, Department of Environment and Natural Resources and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC \_\_\_\_\_

7 H .1200

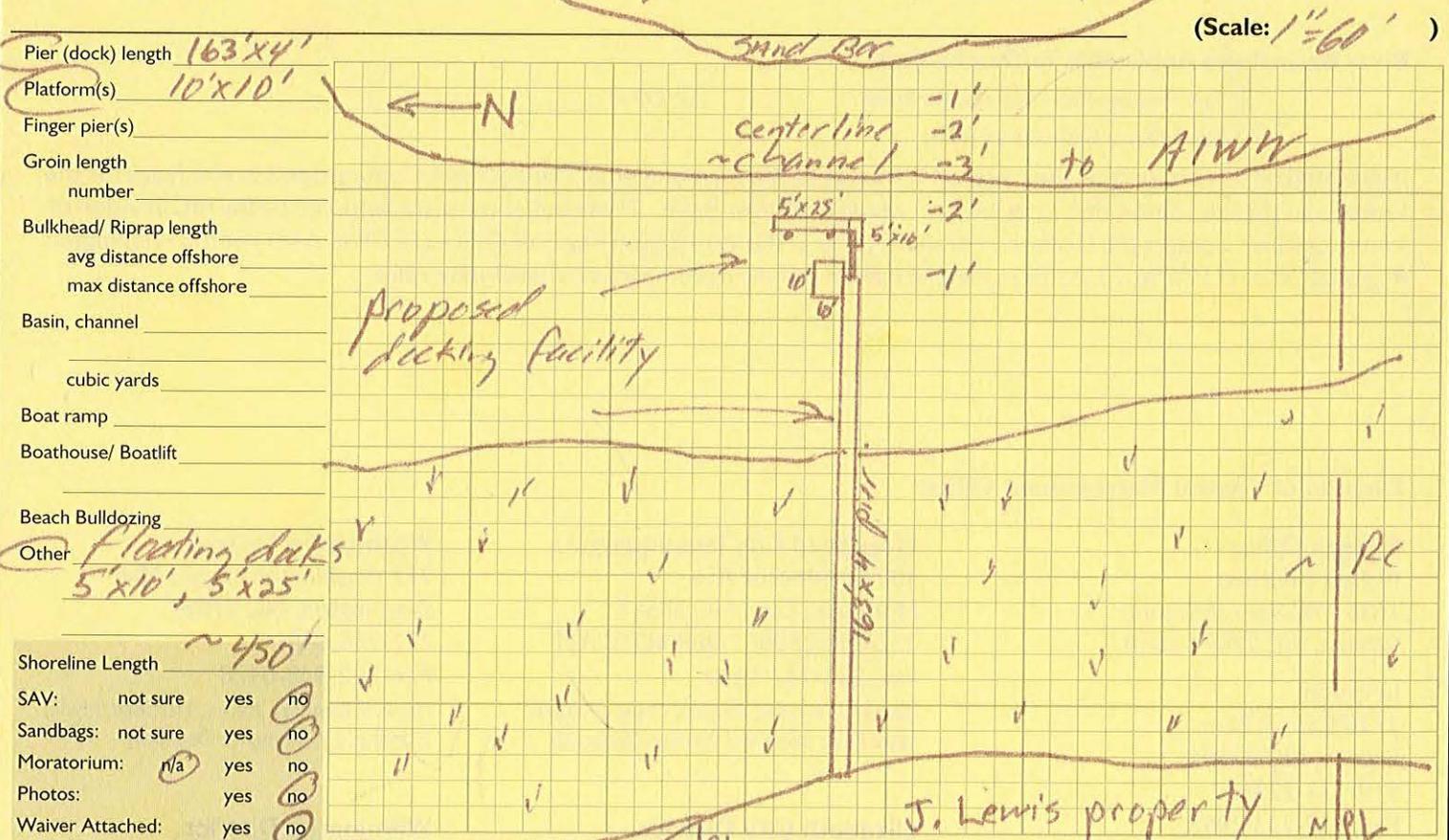
Rules attached.

Applicant Name Joyce and Amy Lewis  
Address 4607 New Jack Rd.  
City Wilmington State \_\_\_\_\_ ZIP \_\_\_\_\_  
Phone # (919) 896-5062 Fax # ( ) \_\_\_\_\_  
Authorized Agent Steven Garner

Project Location: County New Hanover  
Street Address/ State Road/ Lot #(s) 4601 and 4607 New Jack Rd.  
Subdivision \_\_\_\_\_  
City Wilmington ZIP 28409  
Phone # (910) 515-4031 River Basin Cape Fear  
Adj. Wtr. Body AIWW (nat /man /unkn)  
Closest Maj. Wtr. Body Masonboro Sound

Affected  CW  EW  PTA  ES  PTS  
AEC(s):  OEA  HHF  IH  UBA  N/A  
 PWS: \_\_\_\_\_  FC: \_\_\_\_\_  
ORW:  yes / no  PNA  yes / no  Crit.Hab. yes / no

Type of Project/ Activity Construction of a private docking facility.



Pier (dock) length 163'x4'  
Platform(s) 10'x10'  
Finger pier(s) \_\_\_\_\_  
Groin length number \_\_\_\_\_  
Bulkhead/ Riprap length avg distance offshore \_\_\_\_\_ max distance offshore \_\_\_\_\_  
Basin, channel \_\_\_\_\_ cubic yards \_\_\_\_\_  
Boat ramp \_\_\_\_\_  
Boathouse/ Boatlift \_\_\_\_\_  
Beach Bulldozing \_\_\_\_\_  
Other Floating docks 5'x10', 5'x25'  
Shoreline Length ~450'  
SAV: not sure  yes  no   
Sandbags: not sure  yes  no   
Moratorium:  n/a  yes  no   
Photos:  yes  no   
Waiver Attached:  yes  no

A building permit may be required by: A. Lewis' prop. - AP  See note on back regarding River Basin rules.

Notes/ Special Conditions NH Co. Inspections Dept.

Rules 7H.1200 apply. No more than two (2) vessels shall be moored at this location for life of structure.

Agent or Applicant Printed Name Steven Garner  
Signature [Signature]  
Application Fee(s) \$1200  
Check # 3001109965

Permit Officer's Signature [Signature]  
Issuing Date 09/13/12  
Local Planning Jurisdiction NH Co. /wilm.  
Expiration Date 01/13/13  
River File Name 0-030314A



WATR DEPTH @ MLW

-1'-  
 -2'-  
 -3'-

← CHANNEL LINE TO ICW —

5'x25' FLOATING DOCK

5'x10' FLOATING DOCK

ALUMINUM GANGWAY

10'x10' FIXED DOCK W/SEATING

163'x4' FIXED DOCK TO PROPERTY

-1'-

MARSH LINE

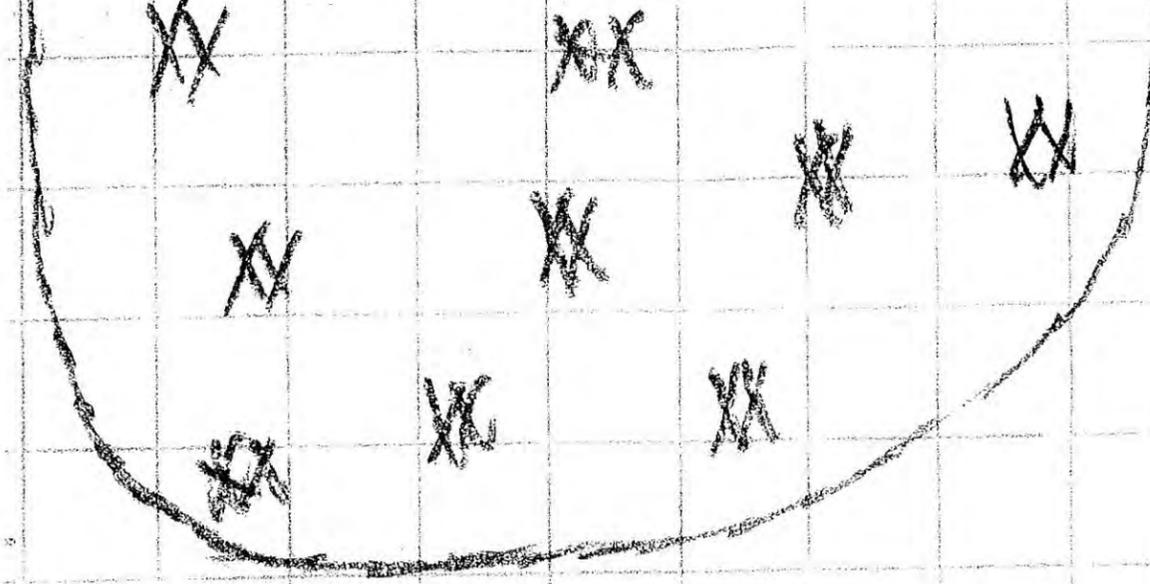
117'

65'

RECEIVED  
 DCM WILMINGTON, NC  
 SEPT 13 2012



046



← 220' →

← 230' →

PROPERTY OF  
JOHN & KATHLE

AT  
4616 SERENITY  
WILMINGTON, NC

PO7217-007

PIER FOR  
MS. AMY LEWIS  
AT

4601 NEW JACK RD  
WILMINGTON, NC

PIER FOR  
MS. JOYCE LEWIS  
AT

4607 NEW JACK RD  
WILMINGTON, NC

RECEIVED  
DCM WILMINGTON, NC  
SEP 13 2012



CAMA /  DREDGE & FILL  
**GENERAL PERMIT**

New  Modification  Complete Reissue  Partial Reissue

As authorized by the State of North Carolina, Department of Environment and Natural Resources and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC

PH 8.6.15  
047

DF 6.24.2020  
AIWW

N# 64785-D

Previous permit # 60725-D  
Date previous permit issued 9/13/12

Applicant Name Joyce and Amy Lewis  
 Address 4607 New Jack Rd.  
 City Wilmington State NC ZIP 28409  
 Phone # (910) 799-2071 Fax # ( )  
 Authorized Agent Daniel Shirley

Project Location: County New Hanover  
 Street Address/ State Road/ Lot #(s) 4601 and 4607 New Jack Rd.  
 Subdivision \_\_\_\_\_  
 City Wilmington ZIP 28409  
 Phone # (910) 386-8883 River Basin Cape Fear  
 Adj. Wtr. Body AIWW (nat /man /unkn)  
 Closest Maj. Wtr. Body Masonboro Sound

Affected  CW  EW  PTA  ES  PTS  
 AEC(s):  OEA  HHF  IH  UBA  N/A  
 PWS: \_\_\_\_\_  FC: \_\_\_\_\_

ORW:  yes / no PNA  yes / no Crit.Hab. yes / no

**Type of Project/ Activity** Installation of a boat-lift at existing Docking Facility. (Scale: 1"=60')

Pier (dock) length \_\_\_\_\_  
 Platform(s) \_\_\_\_\_  
 Finger pier(s) \_\_\_\_\_  
 Groin length number \_\_\_\_\_  
 Bulkhead/ Riprap length avg distance offshore \_\_\_\_\_ max distance offshore \_\_\_\_\_  
 Basin, channel cubic yards \_\_\_\_\_  
 Boat ramp \_\_\_\_\_  
 Boathouse/ Boatlift 13'x13'  
 Beach Bulldozing \_\_\_\_\_  
 Other \_\_\_\_\_

Shoreline Length ~450'  
 SAV: not sure yes no  
 Sandbags: not sure yes no  
 Moratorium: n/a yes no  
 Photos: yes no  
 Waiver Attached: yes no

A building permit may be required by: NH Co. Inspections Dept.  See note on back regarding River Basin rules.

**Notes/ Special Conditions** Rules 07H.1200 apply. No more than two (2) vessels shall be moored at this facility for life of structure.

Agent or Applicant Printed Name DANIEL SHIRLEY  
 Signature \$200 \*\* Please read compliance statement on back of permit \*\*  
 Application Fee(s) 4317 Check # \_\_\_\_\_

Permit Officer's Signature Robb Mairs  
 Issuing Date 8/6/15 Expiration Date 12/6/15  
 Local Planning Jurisdiction NH Co. Rover File Name -NA-



Google earth



1. INSTALL NEW 13'x13' BOAT LIFT TO NORTH END OF EXISTING FLOATING DOCK AT:

4607 NEW JACK LN WILMINGTON, NC 28409

CONTRACTOR: OVERBECK MARINE  
3506 TALL PINE CT  
WILMINGTON, NC 28409  
910-386-8883

STATE OF NORTH CAROLINA	)	BEFORE THE NORTH CAROLINA
	)	COASTAL RESOURCES COMMISSION
COUNTY OF NEW HANOVER	)	<b>CRC-VR-13-07</b>
	)	
	)	
IN THE MATTER OF:	)	
PETITION FOR VARIANCE	)	<b>FINAL AGENCY DECISION</b>
BY	)	
COBA VENTURES, LLC	)	

This matter was heard on oral arguments and stipulated facts at the regularly scheduled meeting of the North Carolina Coastal Resources Commission (hereinafter CRC) on February 26, 2014 in Nags Head, North Carolina pursuant to N.C. Gen. Stat. § 113A-120.1 and 15A NCAC 7J .0700, *et seq.* Assistant Attorney General Elizabeth Jill Weese, Esq. appeared for the Department of Environment and Natural Resources, Division of Coastal Management. Charles T. Busby, Esq. appeared on behalf of Petitioner COBA Ventures, LLC.

Upon consideration of the record documents and the arguments of the parties, the CRC adopts the following:

**STIPULATED FACTS**

1. Petitioner COBA Ventures, LLC (Petitioner), owns a tract of land located at 4616 Serenity Point Road, Wilmington, North Carolina consisting of 2.08 acres with 479.16 feet of shoreline (the Site). The Commission reviewed photographs of the proposed development Site as part of a PowerPoint included in the stipulated exhibits.
2. By application dated July 11, 2013, Petitioner, through its agent, Greg Stier, applied for a CAMA Major Permit for upland improvements for four residential lots and construction of a community docking facility consisting of a pier, pier platform and eight boat slips with lifts as an adjunct to the residential development.

3. CAMA Major Permit No. 113-13 (Permit) was issued on October 23, 2013 and authorized grading and other land disturbing activities associated with the development of a four-lot subdivision, driveways, stormwater system and associated infrastructure all as expressly and specifically set forth in the permit application and work plan drawings. In addition, the Permit authorized development of a community docking facility. However, Additional Condition No. 5 of the Permit expressly prohibits any portion of the docking facility, including tie piles, from extending more than one quarter of the width of the water body.

4. The proposed pier and docking facility will extend into the Atlantic Intracoastal Waterway (AIWW) in Masonboro Sound. The waters of Masonboro Sound are classified as Outstanding Resource Waters (SA-ORW) by the North Carolina Division of Water Resources (DWR) and are designated as a Primary Nursery Area by the North Carolina Division of Marine Fisheries. Masonboro Sound adjacent to the Site is open to the harvesting of shellfish.

5. The proposed pier extends eastward from the west side of the AIWW into Masonboro Sound approximately 279 feet. The platform at the end of the pier extends eastward an additional approximately 12 feet and four floating finger piers with associated access ramps extend 28 feet eastward from the platform. Altogether the proposed pier and docking facility extends approximately 315 feet in the AIWW that measures approximately 970 feet across at this location. This distance appears to not conform to the 1/4 width rule. The proposed pier and docking facility extends to the 1/3 distance and the established pier length.

6. The "one quarter width of the water body" limit at this point of the AIWW is approximately 242 feet from the West side of the AIWW/Masonboro Sound. The proposed pier extends approximately 72' beyond this limit.

7. The properties immediately south of Petitioner's property each include a pier. The nearest pier is 125 feet south of the proposed docking facility and extends eastward into the AIWW to a point exactly even with the point of eastward extension of the proposed docking facility. Thus, the proposed docking facility will not extend further waterward than the existing pier and an existing peninsula that is privately owned and available to the Channel Haven Property Owners for water access. The existing docking facility located just to the south at 4608 Serenity Point (Point Clan, LLC c/o Stuart Point) received a variance from this Commission in 2005 (CRC-VR-05-22) to build the existing docking facility to the 1/3 distance. The work was authorized by CAMA Major Permit No. 81-05.

8. The adjacent properties to the north of the project site are bordered by an existing natural cove located on the western side of the AIWW/Masonboro Sound. Located within this cove is a natural channel, which restricts the location of the existing docking facilities along this cove to the edge of deep water.

9. Water depth at mean low water (MLW) is generally less than -1 foot to -2 feet between the shore and the eastward end of the proposed docking facility. Water depths in excess of -1 foot to -2 feet at MLW are generally not attainable at distances less than 291 feet from the shore, which is the length of the proposed pier and docking structures. Petitioner believes that a minimum of at least -1 foot at MLW is required for use of the docking facility. The survey included in the stipulated exhibits reflects that the water depth at the 1/3 distance is -2.4 feet at MLW.

10. Petitioner included accurate hydrographic and riparian surveys with the Application which were provided to the Commission as stipulated exhibits.

11. The adjoining property owners were sent notice of the Application. Petitioner is not aware of any objections.

12. Petitioner seeks a modification of the conditions of the permit to allow the proposed docking facility to extend 1/3<sup>rd</sup> of the distance into the AIWW on the grounds that the proposed docking facility will not encroach any further into the waterway than the existing adjacent private dockings facilities and peninsula to the south. In addition, based on the provided survey and drawings, the proposed structures would not encroach into the 80' setback from the AIWW federal navigation channel.

### **STIPULATED EXHIBITS**

Included with the Staff Recommendation for the Commission's review were the following Stipulated Exhibits:

1. October 23, 2013 Letter to COBA Ventures, LLC from Douglas V. Huggett forwarding CAMA Major Permit No. 113-13;
2. CAMA Major Permit No 113-13;
3. Application for Major Development Permit received by DCM December 3, 2013;
4. Hydrographic and Riparian Surveys for 4616 Serenity Point included as part of the CAMA major permit application;
5. General Warranty Deed for 4616 Serenity Point Road;
6. US Mail Receipts indicating notice provided to adjacent riparian property owners;
7. Project Narrative from applicant received by DCM August 6, 2013;
8. DCM Field Investigation Report dated August 9, 2013;
9. PowerPoint presentation showing the Site.

**CONCLUSIONS OF LAW**

1. The CRC has jurisdiction over the parties and the subject matter.
2. All notices for the proceeding were adequate and proper.
3. Petitioner has met each of the requirements set forth in Statute § 113A-120.1(a) and 15 NCAC 07J .0703(f) which must be found before a variance can be granted as set forth more specifically below.

**a. Petitioner has shown that strict application of 15A N.C.A.C. 07H .0208(b)(6)(G)(iii) will cause unnecessary hardships.**

Strict application of Rule 15A NCAC 7H .0208(b)(6)(G)(iii) would cause an unnecessary hardship because without the variance the shallow water depth at a location one quarter of the width of the waterbody would effectively prevent boats of any appreciable size from approaching the dock. The Commission's rules regarding pier length are intended to keep at least one-half of any water body free of development that could impede navigation. The limit on pier length prescribed in 15A NCAC 07H .0208(b)(6)(G)(iii) requires that piers not exceed one-fourth of the width of the water body (the "¼ rule"). An exception to this limitation is allowed when the proposed pier will be located between longer existing piers within 200 feet of the applicant's property. However, even then, the proposed pier cannot be longer than the line established by the adjacent piers, nor longer than 1/3<sup>rd</sup> of the width of the water body (1/3<sup>rd</sup> rule exception"). In this case, the proposed development will not be longer than the adjacent property owner's pier and will not exceed the established pier head line. In addition, the proposed docking facility will extend to but not exceed 1/3<sup>rd</sup> of the width of the waterbody.

This area is classified as a primary nursery area (PNA) by the Division of Marine Fisheries. (SF 4) The Commission's rule 15A NCAC 7H .0208(b)(1) prohibits excavation of new

canals, channels, and boat basins within a PNA. Since the waters of this embayment of Masonboro Sound at the ¼ width location are too shallow for most boats and excavation is not an option, extending the proposed docking facility to the 1/3<sup>rd</sup> line appears to be the only way for the pier to reach sufficient water depth for the use and docking of boats of the size customarily used in this area in all tidal conditions.

For the reasons set forth above, the Commission affirmatively finds that Petitioner has demonstrated that it can meet the first criteria required by N.C.G.S. § 113A-120.1(a)(1).

**b. Petitioner has demonstrated that the hardship results from conditions peculiar to Petitioner's property.**

In this case, Petitioner has shown that the Site has a water depth of less than a foot at the ¼ width of the Masonboro Sound. This shallow depth is not sufficient for navigation and appears to be caused by the fact that the AIWW is relatively narrow at this point. In addition, the peninsula to the south of the proposed docking facility makes navigation in this area unique. While DCM has stated for the purpose of this variance that it does not consider the peninsula a "pier structure" as contemplated by 15A NCAC 07H .0208(b)(6)(G)(iii), the effect of the peninsula is similar to that of a pier in that they both make navigation close to shore difficult. The longer pier proposed by Petitioner would not substantially interfere with navigation along this section of the Masonboro Sound shoreline.

For these reasons, the Commission affirmatively finds that Petitioner has demonstrated that it can establish the second factor required by N.C.G.S. § 113A-120.1(a)(2).

**c. Petitioner demonstrated hardship does not result from Petitioner's actions**

The Commission affirmatively finds that Petitioner has demonstrated that any hardships resulting from a strict application of the rule result from natural conditions existing in

Masonboro Sound at the one-quarter width location. Petitioner did not take any actions to cause the shallow depth at the one-quarter width and while some of the hardship may be attributed to Petitioner's plan to build a pier with a dock and eight boat slip, the primary hardship is due to the peculiarity of the shoreline, the relatively shallow water depth at the one-fourth line, and the narrow width of the AIWW as well as the existing piers and peninsula.

Thus, the Commission affirmatively finds that Petitioner has met the third factor required by N.C.G.S. § 113A-120.1(a)(3).

**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. Specifically, the proposed docking facility is water dependent and a traditional use that is generally allowed in Estuarine Waters and Public Trust Areas. The proposed pier will not extend beyond the established pier length at the Site. Nor will the proposed pier extend into the navigation channel portion of the AIWW and it will not significantly impact traditional navigation. In addition, allowing the pier to span the shallow areas of the embayment minimizes any potential impact to the estuarine resource. Moving the location of the proposed pier to the deeper waters at the one-third width of the waterbody will minimize potential damage due to prop dredging in the PNA.

In this case, Petitioner's neighbors have existing piers at the one-third width line. Substantial justice will be preserved by affording Petitioner the right to construct its pier to a similar width. Thus, by granting the variance, Petitioner will be able to use its riparian property

in a way that is similar to the use of riparian rights by the neighboring properties.

The Commission amended its pier length rules in 1998 to change the 1/3 standard to a 1/4 standard except in certain circumstances such as when the proposed pier is located between longer piers within 200 feet of the proposed development. While that exception does not apply in this case, the peninsula has the same effect as a pier in restricting navigation. Therefore, the spirit of the exception seems to be met in this case. The proposed length – 30 percent of the waterbody width – is probably the length necessary to reach adequate water depth for the type of boats used in this part of the AIWW (other than kayaks or similar boats). Finally, the proposed length would not encroach into the eighty foot setback from the federal navigation channel.

For these reasons, the Commission affirmatively finds that Petitioner has demonstrated that the requested variance is consistent with the spirit, purpose and intent of the Commission's rules. Therefore, Petitioner has met the fourth factor required by N.C.G.S. § 113A-120.1(a)(4).

### **ORDER**

THEREFORE, the variance from 15A NCAC 7H. 0208(b)(6)(G)(iii) is **GRANTED**. The granting of this variance does not relieve Petitioner of the responsibility for obtaining any other required permit from the proper permitting authority. This variance is based upon the Stipulated Facts set forth above. The Commission reserves the right to reconsider the granting of this variance and to take any appropriate action should it be shown that any of the above Stipulated Facts is not true.

This the 24<sup>th</sup> day of March 2014.

*Frank D. Gorham III*

---

Frank D. Gorham, III, Chairman  
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:

COBA Ventures, LLC  
c/o Babatunde Olatidoye  
P.O. Box 3743  
Wilmington, NC 28406

Certified Mail/ Return Receipt Requested

Charles T. Busby  
Bailey & Busby, PLLC  
P.O. Box 818  
Hampstead, NC 28443

U.S. Mail and Electronically at  
charles@baileybusby.com

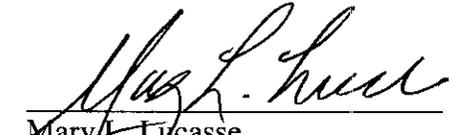
Elizabeth Jill Weese, Esq.  
Assistant Attorney General  
N.C. Department of Justice  
P.O. Box 629  
Raleigh, NC 27603

Electronically at  
jweese@ncdoj.gov

Braxton C. Davis  
Angela Willis  
Division of Coastal Management  
400 Commerce Avenue  
Morehead City, NC 28557

Electronically at  
braxton.davis@ncdenr.gov and  
angela.willis@ncdenr.gov

This the 29<sup>th</sup> day of March, 2014.

  
\_\_\_\_\_  
Mary L. Lucasse  
Special Deputy Attorney General  
N.C. Department of Justice  
P.O. Box 629  
Raleigh, N. C. 27602  
Commission Counsel

Permit Class  
**AMENDED**  
(by CRC Variance)

058

Permit Number  
**113-13**

STATE OF NORTH CAROLINA  
Department of Environment and Natural Resources  
and  
Coastal Resources Commission

# Permit

for

Major Development in an Area of Environmental Concern  
pursuant to NCGS 113A-118

Excavation and/or filling pursuant to NCGS 113-229

Issued to **COBA Ventures, LLC c/o Babatunde Olatidoye, PO Box 3743, Wilmington, NC 28406**

Authorizing development in New Hanover County at AIWW (Masonboro Sound), 4616 Serenity Point Road, Wilmington, as requested in the permittee's application dated 7/11/13 (MP-1 & MP-3) and 8/4/13 (MP-4), including the attached workplan drawings (3), 1 dated 7/10/13 and 2 dated revised 7/12/13

This permit, issued on April 14, 2014, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

### Upland Development

- 1) Unless specifically altered herein, this permit authorizes the grading and other land disturbing activities associated with the development of the above referenced property, including the 4-lot subdivision, driveways, stormwater system and associated infrastructure, all as expressly and specifically set forth in the attached permit application and workplan drawings. Any additional land disturbing activities and/or construction may require a modification of this permit. Contact a Division of Coastal Management representative at (910) 796-7215 for this determination.

(See attached sheets for Additional Conditions)

RECEIVED  
DCM WILMINGTON, NC

APR 14 2014

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance as the case may be.

This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

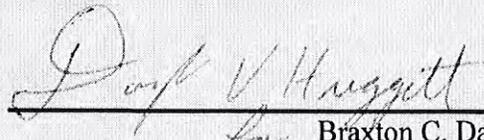
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

**December 31, 2016**

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signed by the authority of the Secretary of DENR and the Chairman of the Coastal Resources Commission.



Braxton C. Davis, Director  
Division of Coastal Management

This permit and its conditions are hereby accepted.

\_\_\_\_\_  
Signature of Permittee

**ADDITIONAL CONDITIONS****Sedimentation and Erosion Control**

- 2) In order to protect water quality, runoff from construction shall not visibly increase the amount of suspended sediments in adjacent waters.
- 3) A ground cover sufficient to restrain erosion shall be provided within 30 calendar days of completion of any phase of grading on cut or filled slopes.

**Docking Facility**

- 4) Unless specifically altered herein, this permit authorizes the docks and other structures and uses located in or over the water that are expressly and specifically set forth in the permit application. No other structure, whether floating or stationary, shall become a permanent part of this docking facility without permit modification. No non-water dependent uses of structures shall be conducted on, in or over public trust waters without permit modification.
- 5) No sewage, whether treated or untreated, shall be discharged at any time from any boats using the docking facility. Any sewage discharge at the docking facility shall be considered a violation of this permit for which the permittee is responsible. This prohibition shall be applied and enforced throughout the entire existence of the permitted structure.
- 6) No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work.
- 7) The permittee shall maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted activity without having it transferred to a third party.
- 8) This permit does not authorize the interference with any existing or proposed Federal project, and the permittee shall not be entitled to compensation for damage to the authorized structure or work, or injury which may be caused from existing or future operations undertaken by the United States in the public interest.
- 9) The permittee shall install and maintain at his expense any signal lights or signals prescribed by the U.S. Coast Guard, through regulation or otherwise, on the authorized facilities. At a minimum, permanent reflectors shall be attached to the structure in order to make it more visible during hours of darkness or inclement weather.
- 10) No portion of any structure shall be located within 80 feet of the near bottom edge of the federally maintained AIWW channel.
- 11) The authorized covered platform shall not be enclosed. Any material used on the sides shall not obstruct view and shall be permeable to air and water. Screen or wire on the sides along with benches and knee walls are permitted. Lattice is specifically excluded from being used under this authorization.

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DCM WILMINGTON, NC

APR 14 2014

**ADDITIONAL CONDITIONS**

- 12) The roof of the covered platform shall not be designed for second story use.
- 13) This permit authorizes 8 new formalized boatslips in association with this docking facility.

**General**

- 14) The permittee understands and agrees that, if future operations by the United States requires the removal, relocation, or other alteration of the structure or work authorized by this permit, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby, without expense to the United States or the state of North Carolina. No claim shall be made against the United States or the state of North Carolina on account of any such removal or alteration.
- 15) Approval of the structure was based on determinations that there would be no obstruction to navigation. Under conditions existing in the federal channel, a possibility exists that the structure may be damaged by wave wash from passing vessels. Unreasonable slowing down of vessel traffic cannot be required because it would tend to nullify the navigational benefits on which the federal channel was justified. Issuance of this permit should not be construed, as relieving the permittee of taking proper steps to insure the structure and moored boats will not be damaged by wave wash normally to be expected in the federal channel.
- 16) No vegetated wetlands shall be excavated or filled, even temporarily, without permit modification.
- 17) This permit shall not be assigned, transferred, sold, or otherwise disposed of to a third party without the written approval of the Division of Coastal Management.
- 18) The permittee and/or his or her contractor shall meet with a representative of the Division prior to project initiation.

**NOTE:** This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.

**NOTE:** Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (910) 796-7215 prior to the commencement of any such activity for this determination.

**NOTE:** The N.C. Division of Water Resources has authorized the proposed project under DWR Project No. 13-0859.

**NOTE:** The U.S. Army Corps of Engineers authorized the proposed project under COE Action Id. No. SAW-2013-00030 which was issued on 10/21/13.

RECEIVED  
DCM WILMINGTON, NC

APR 14 2014

PRELIMINARY:  
NOT FOR RECORDATION, CONVEYANCES,  
OR SALES PURPOSES.

Sheet 2 of 2 Sheets  
PROPOSED PIER  
OVERLAY ON  
HYDROGRAPHIC SURVEY  
at  
**4616 SERENITY POINT**  
ADJACENT TO CHANNEL HAVEN SUBDIVISION  
EXCLUSIVELY FOR:  
**COBA Ventures LLC**

AS RECORDED BOOK 4451, PAGE 367 OF THE NEW HANOVER COUNTY REGISTRY  
MASONBORO TOWNSHIP NEW HANOVER COUNTY NORTH CAROLINA

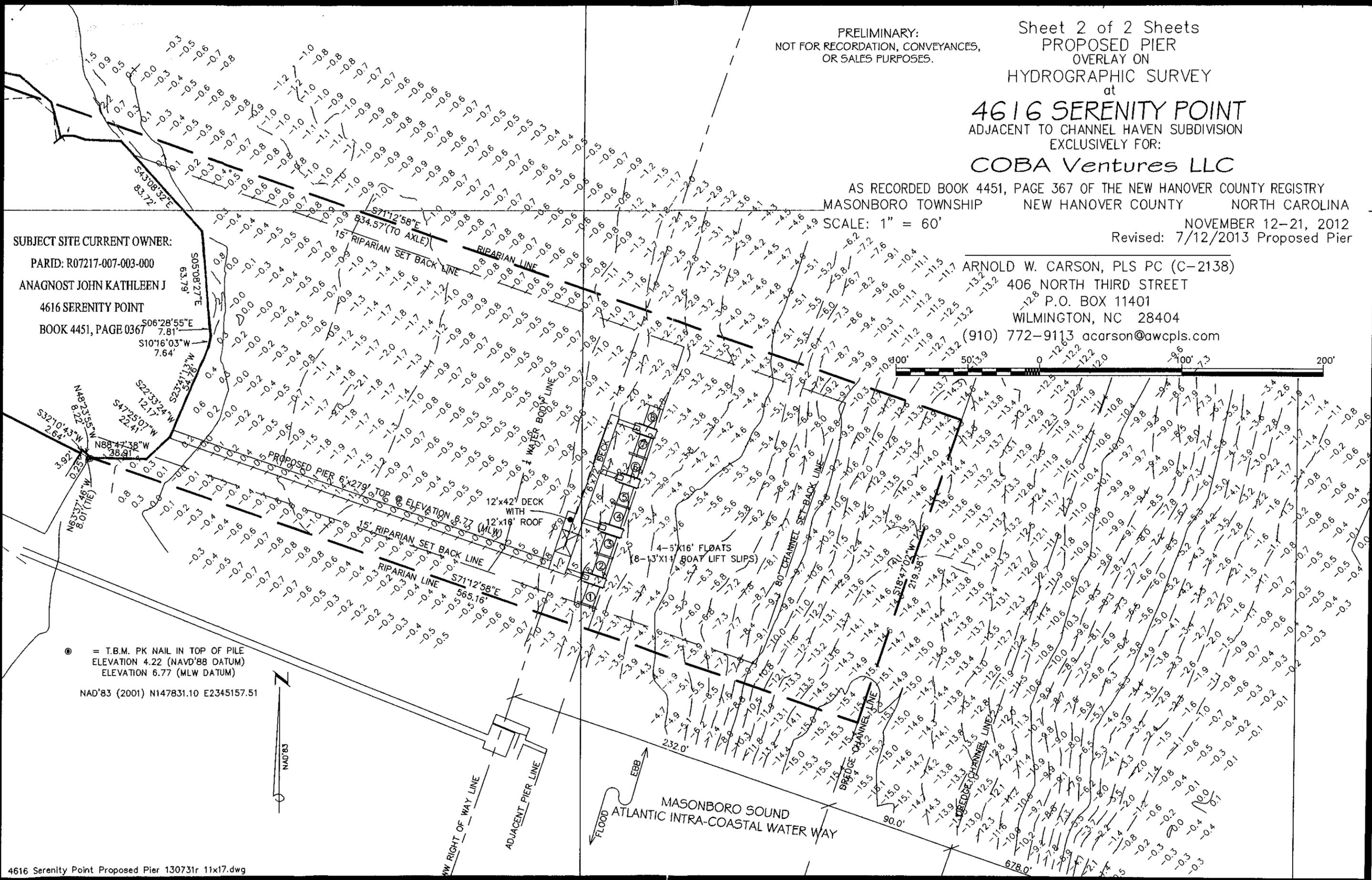
SCALE: 1" = 60'

NOVEMBER 12-21, 2012  
Revised: 7/12/2013 Proposed Pier

SUBJECT SITE CURRENT OWNER:

PARID: R07217-007-003-000  
ANAGNOST JOHN KATHLEEN J  
4616 SERENITY POINT  
BOOK 4451, PAGE 0367

ARNOLD W. CARSON, PLS PC (C-2138)  
406 NORTH THIRD STREET  
P.O. BOX 11401  
WILMINGTON, NC 28404  
(910) 772-9113 acarson@awcpls.com



● = T.B.M. PK NAIL IN TOP OF PILE  
ELEVATION 4.22 (NAVD'88 DATUM)  
ELEVATION 6.77 (MLW DATUM)  
NAD'83 (2001) N147831.10 E2345157.51

PIER PROFILE  
HORZ. 1" = 50'  
VERT. 1" = 5'



Google earth

LOCATION MAP  
NOT TO SCALE

SUBJECT SITE CURRENT OWNER:  
PARID: R07217-007-003-000  
ANAGNOST JOHN KATHLEEN J  
4616 SERENITY POINT  
BOOK 4451, PAGE 0367

• = T.S.M. PK. NAIL IN TOP OF PILE  
ELEVATION 4.22 (HAND '88 DATUM)  
ELEVATION 6.77 (NEW DATUM)  
M40/83 (2001) M147831.10 C2345157.51

NOTES:  
1. THIS MAP WAS NOT PREPARED FOR RECORDATION, CONVEYANCES, OR SALES PURPOSES.  
2. HORIZONTAL DATUM IS RELATIVE TO NAD '83 (2001).  
3. THIS SURVEY UTILIZED A 20' CABIN SURVEY VESSEL "C-REX" EQUIPPED WITH FOLLOWING EQUIPMENT:  
1-TOPCON HYPERPRO GPS RECEIVER  
2-DUAL HYDROTRAD ECHOSOUNDER  
3-ALLENCO W CARLSON COASTAL DATA COLLECTION  
4-ROCKY COMPUTER W/ HYPACK SOFTWARE  
5-TSS (UK) LIMITED CAG-25 9037061 MOTION SENSOR  
4. VERTICAL DATUM IS RELATIVE TO MEAN LOW WATER (NEW) DERIVED FROM TIDE GAUGES AT WILMINGTON BEACH STATION ID:8608183 & WILMINGTON BEACH STATION ID:8658558 AS INDICATED HEREON.  
DETERMINED SITE DATUM:  
ELEVATION 6.00 (HAND '88) = ELEVATION 2.55 (M.W)

- LEGEND
- EXISTING CONCRETE MONUMENT
  - EXISTING IRON
  - NHTL PIN FLAG BY CANA OFFICIAL
  - SET "PK" NAIL IN BULKHEAD
  - SET IRON REBAR
  - BOUNDARY LINE
  - REPAIR LINE
  - - - RIGHT OF WAY LINE
  - - - CENTER LINE
  - - - ADJACENT PROPERTY LINE
  - M.H.W.L. NORMAL HIGH WATER LINE
  - - - APPROXIMATE MEAN HIGH WATER LINE

PRELIMINARY:  
NOT FOR RECORDATION, CONVEYANCES,  
OR SALES PURPOSES.  
I CERTIFY THAT THIS MAP DRAWN BY ME FROM AN ACTUAL SURVEY MADE BY ME (DEED DESCRIPTION RECORDED IN BOOK 4451, PAGE 367) THAT NO BOUNDARIES WERE SURVEYED AND ARE AS DRAWN FROM INFORMATION SHOWN HEREON; THAT GPS VES WITH OBSERVATIONS (CONSTRAINED WINGS & WINGS TO Q17) WERE UTILIZED FOR THE PURPOSE OF DERIVING THIS RENDERING.  
THIS 21st DAY of November, 2012.  
ARNOLD W. CARSON, PLS PC  
PROFESSIONAL LAND SURVEYOR  
STATE OF NORTH CAROLINA  
PRELIMINARY:  
NOT FOR RECORDATION, CONVEYANCES,  
OR SALES PURPOSES.

Sheet 1 of 2 Sheets  
PROPOSED PIER  
OVERLAY ON  
HYDROGRAPHIC SURVEY  
at  
4616 SERENITY POINT  
ADJACENT TO CHANNEL HAVEN SUBDIVISION  
EXCLUSIVELY FOR:  
COBA Ventures LLC

AS RECORDED BOOK 4451, PAGE 367 OF THE NEW HANOVER COUNTY REGISTRY  
MASONBORO TOWNSHIP NEW HANOVER COUNTY NORTH CAROLINA  
SCALE: 1" = 120'  
NOVEMBER 12-21, 2012  
Revised: 7/12/2013 Proposed Pier

ARNOLD W. CARSON, PLS PC (C-2138)  
406 NORTH THIRD STREET  
P.O. BOX 11401  
WILMINGTON, NC 28404  
(910) 772-9113 acarson@awcpls.com



CAMA /  DREDGE & FILL  
**GENERAL PERMIT**

063

3.27.17

No. 88088

A B

New  Modification  Complete Reissue  Partial Reissue

Previous permit # \_\_\_\_\_

Date previous permit issued \_\_\_\_\_

Authorized by the State of North Carolina, Department of Environment and Natural Resources  
 Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC \_\_\_\_\_

7H.1200

Rules attached.

Applicant Name James Kelly

Project Location: County New Hanover

P.O. Box 3401

Street Address/ State Road/ Lot #(s) \_\_\_\_\_

Wilmington State NC ZIP 28406

175 Whipporwill Lane

Phone # (910) 799-3050 E-Mail \_\_\_\_\_

Subdivision \_\_\_\_\_

Authorized Agent Daniel Shurley

City Wilmington ZIP 284

CW  EW  PTA  ES  PTS

Phone # (\_\_\_\_) \_\_\_\_\_ River Basin CP

OEA  HHF  IH  UBA  N/A

Adj. Wtr. Body AIWN (nat) \_\_\_\_\_

PWS: \_\_\_\_\_

Closest Maj. Wtr. Body AIWN

yes / no PNA yes / no

Project/ Activity Construct new fixed observation pier

Check length 4' x 100'

(Scale: 1" = 10')

Platform(s) 10' x 10'

Platform(s) \_\_\_\_\_

Height \_\_\_\_\_

Length \_\_\_\_\_

Number \_\_\_\_\_

Depth/ Riprap length \_\_\_\_\_

Distance offshore \_\_\_\_\_

Distance offshore \_\_\_\_\_

Channel \_\_\_\_\_

Width \_\_\_\_\_

Depth \_\_\_\_\_

Use/ Boatlift \_\_\_\_\_

Excavation \_\_\_\_\_

Grading \_\_\_\_\_

Clearing \_\_\_\_\_

Demolition \_\_\_\_\_

Other \_\_\_\_\_

Length +/- 200'

not sure yes  no

Number: n/a yes  no

yes  no

attached: yes  no

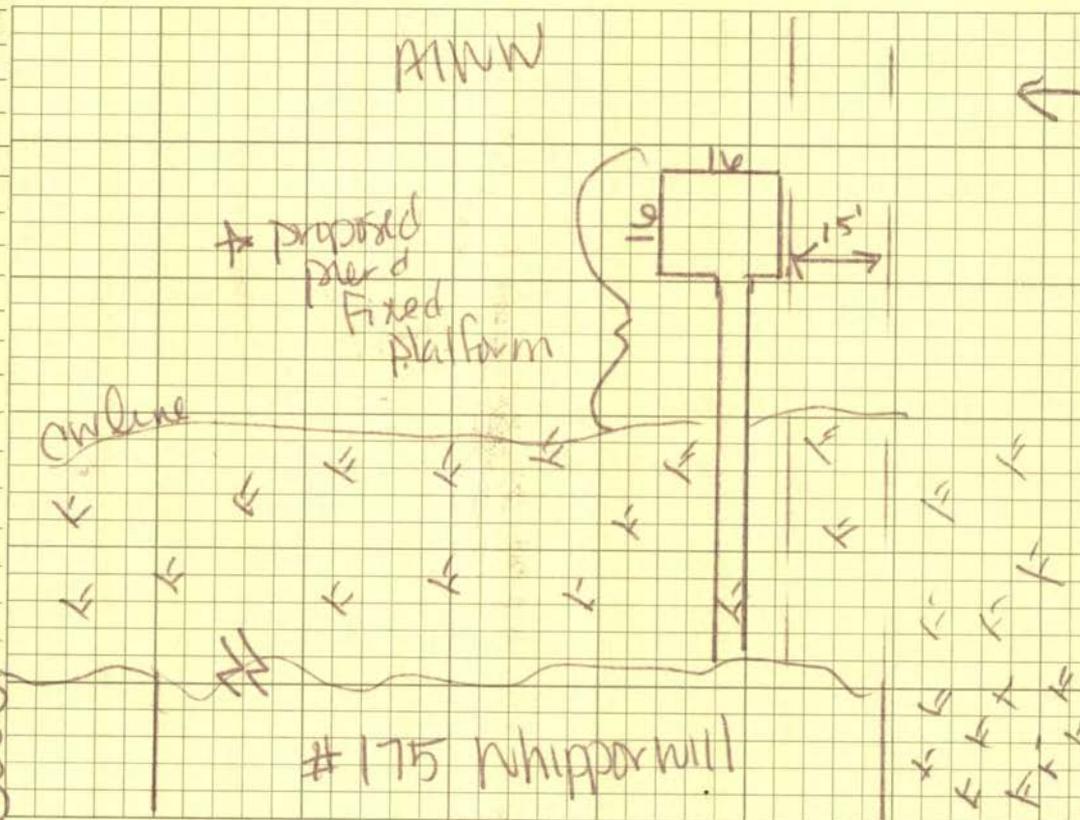
yes  no

yes  no

yes  no

yes  no

yes  no



Local Planning Jurisdiction: New Hanover Co.

See note on back regarding River Basin rules

175 Whippoorwill Ln





**CAMA /  DREDGE & FILL**  
**GENERAL PERMIT** 065  
 New  Modification  Complete Reissue  Partial Reissue

No. 72874

A B C D

Previous permit # \_\_\_\_\_  
 Date previous permit issued \_\_\_\_\_

As authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC

7H, 1200

Rules attached.

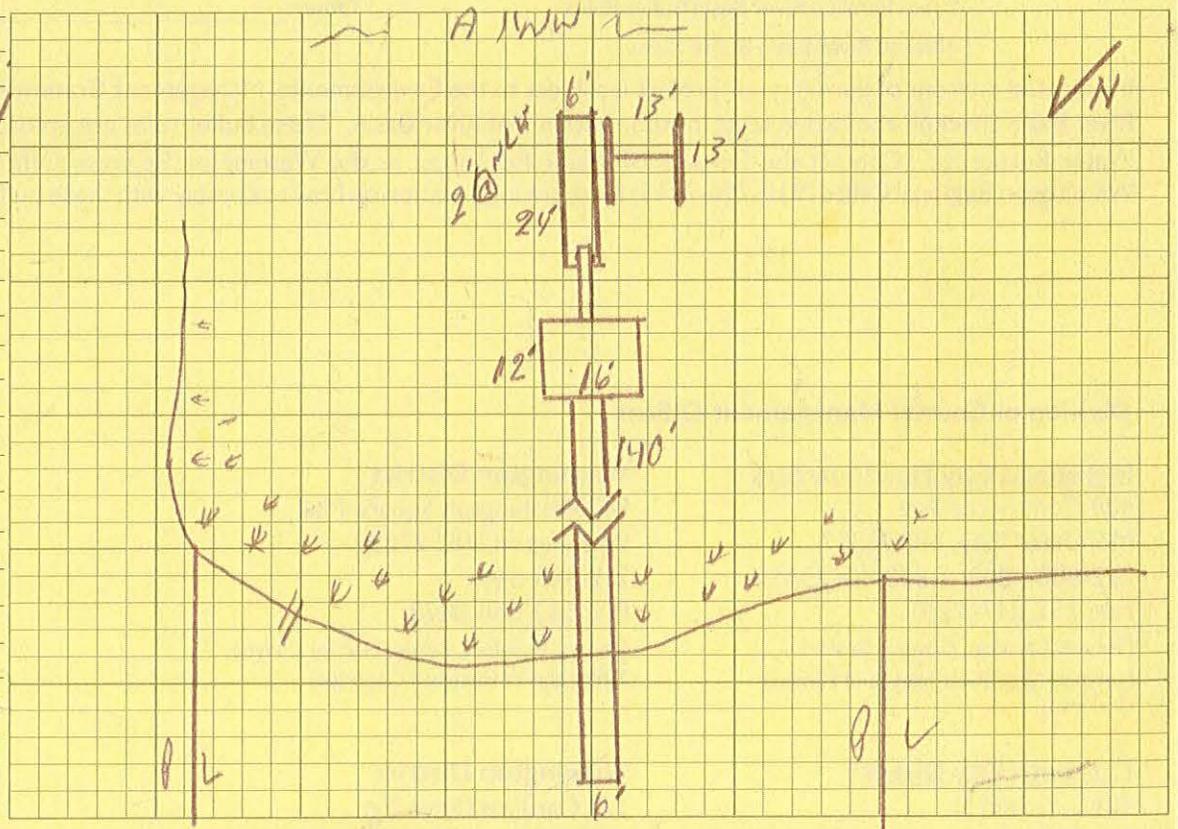
Applicant Name CAMERON EDWARDS  
 Address 5112 TREYBROOK DR.  
 City WILMINGTON State NC ZIP 28409  
 Phone # (910) 233-0744 E-Mail cedwards@ec.rr.com  
 Authorized Agent LOGAN MARINE, LLC

Project Location: County NEW HANOVER  
 Street Address/ State Road/ Lot #(s) 174 Soundview DR.  
 Subdivision \_\_\_\_\_  
 City WILMINGTON ZIP 28409  
 Phone # ( ) \_\_\_\_\_ River Basin White OAK  
 Adj. Wtr. Body AIWW (nat /man /unkn)  
 Closest Maj. Wtr. Body AIWW

Affected  CW  EW  PTA  ES  PTS  
 AEC(s):  OEA  HHF  IH  UBA  N/A  
 PWS: \_\_\_\_\_  
 ORW: (yes) / no PNA (yes) / no

Type of Project/ Activity Construct New Pier, Platform, floating Dock + Boatlift (Scale: 1" = 30')

Pier (dock) length 6' x 140'  
 Fixed Platform(s) 12' x 16'  
 Floating Platform(s) 6' x 24'  
 Finger pier(s) \_\_\_\_\_  
 Groin length number \_\_\_\_\_  
 Bulkhead/ Riprap length avg distance offshore max distance offshore \_\_\_\_\_  
 Basin, channel cubic yards \_\_\_\_\_  
 Boat ramp \_\_\_\_\_  
 Boathouse/ Boatlift 13' x 13'  
 Beach Bulldozing \_\_\_\_\_  
 Other CW = 432 sq. ft.  
OW = 756 sq. ft.  
 Shoreline Length 120' ±  
 SAV: not sure yes (no)  
 Moratorium: n/a yes (no)  
 Photos: yes (no)  
 Waiver Attached: yes (no)



A building permit may be required by: NEW HANOVER County  See note on back regarding River Basin rules.  
 (Note Local Planning Jurisdiction)

Notes/ Special Conditions No Encroachment into either adjacent 15' riparian corridor setback allowed. SEE ATTACHED SURVEY DATED 12/8/18.

Agent or Applicant Printed Name Joel Alce  
 Signature [Signature] \*\* Please read compliance statement on back of permit \*\*  
 Application Fee(s) \$200 Check # 46543

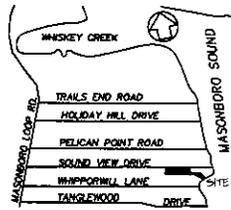
Permit Officer's Printed Name Debra Wilson  
 Signature [Signature]  
 Issuing Date 3/12/19 Expiration Date 7/12/19

I, PATRICK C. BRISTOW, CERTIFY THAT THIS PROPERTY WAS SURVEYED AND MAP DRAWN UNDER MY SUPERVISION; DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT; RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1604); WITNESS MY ORIGINAL SIGNATURE, LICENSURE NUMBER AND SEAL THIS 8TH DAY OF DECEMBER, A.D. 2018.



**PRELIMINARY**

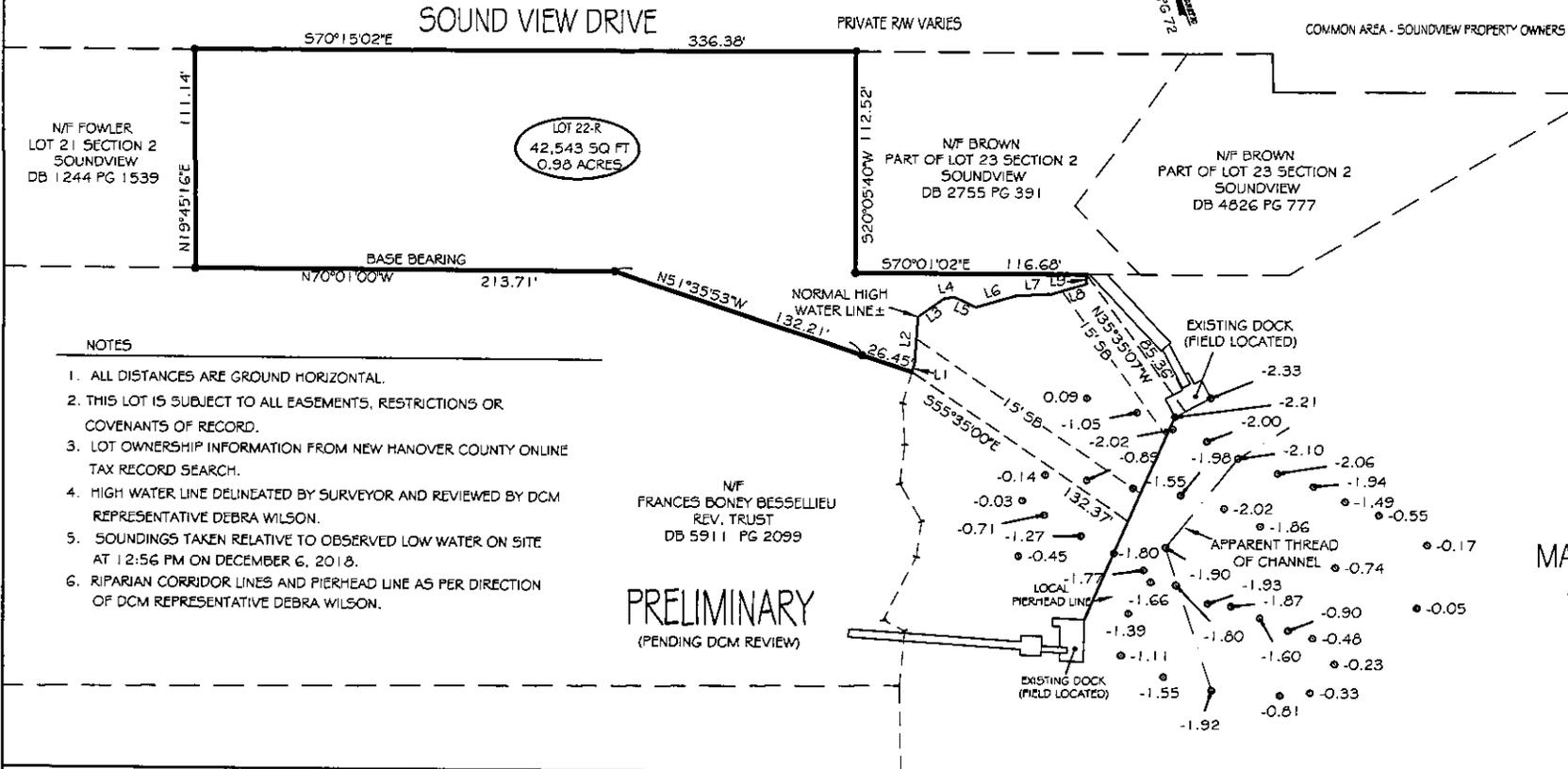
PATRICK C. BRISTOW  
N.C. PLS No. L-4148



**LOCATION MAP**  
NOT TO SCALE

**SURVEY REFERENCE**  
MAP BOOK 64 PAGE 166  
DEED BOOK 5911 PAGE 2099

LINE	LENGTH	BEARING
L1	4.97	N15°58'03"E
L2	23.30	N04°09'41"E
L3	15.74	N55°06'21"E
L4	5.36	N77°48'08"E
L5	12.17	S64°57'18"E
L6	21.08	N73°53'39"E
L7	18.41	N86°37'08"E
L8	18.10	N72°47'44"E
L9	4.84	N00°00'00"E



**MASONBORO SOUND**  
ATLANTIC INTRACOASTAL WATERWAY

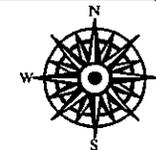
**LEGEND**  
○ - EXISTING IRON PIPE  
⊕ - CENTERLINE

S:\LAND PROJECTS\174 SOUNDVIEW DR RIPARIAN.dwg\McCAULEY RIPARIAN.dwg

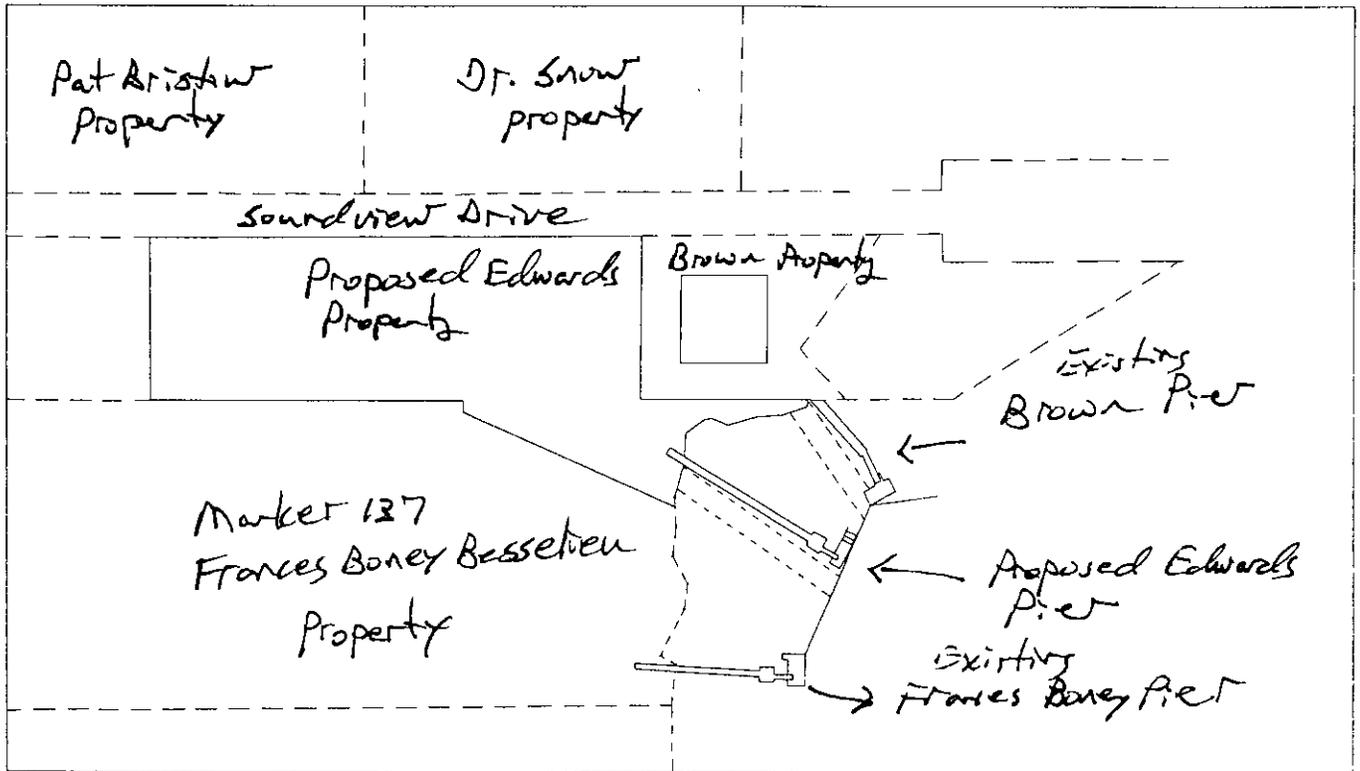
DECEMBER 8, 2018

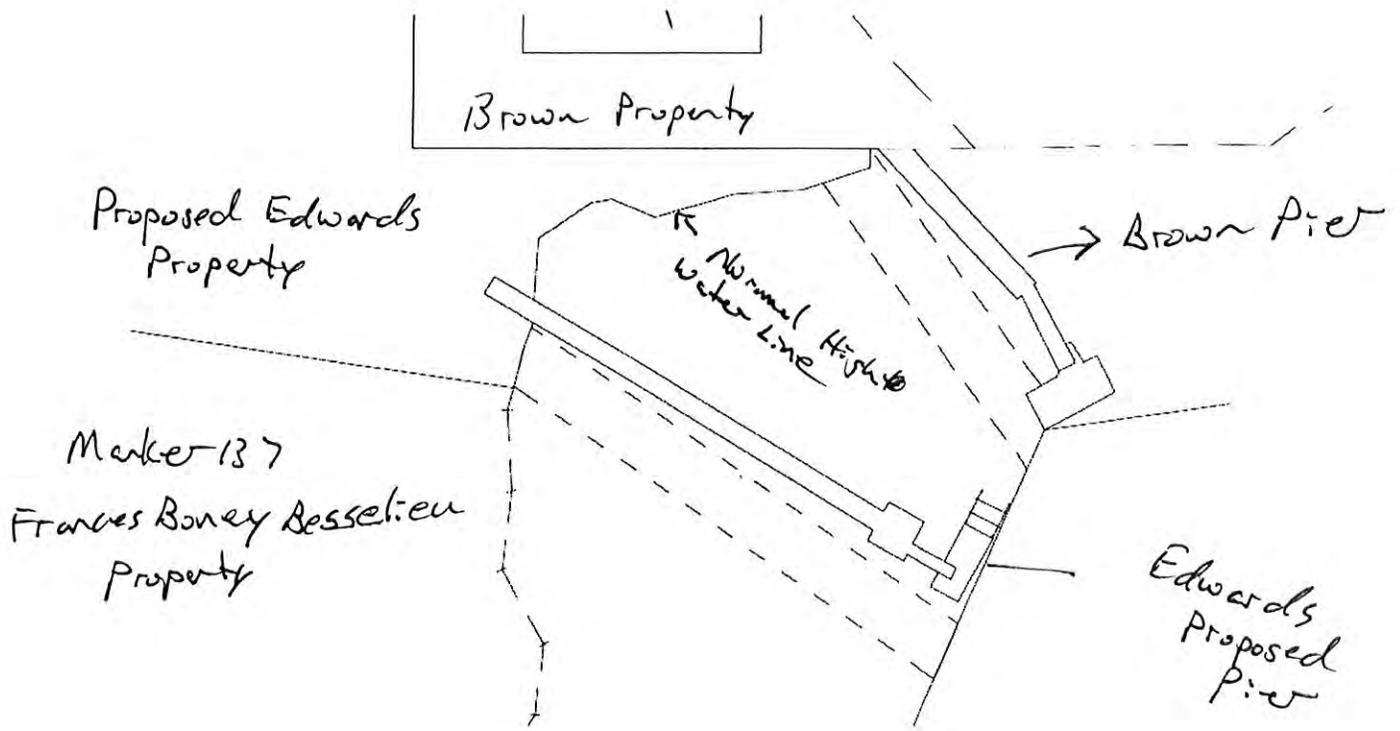


**RIPARIAN AND PIER SURVEY FOR  
THE FRANCES BESSELIU REVOCABLE TRUST**  
LOT 22R SOUNDVIEW SECTION 2  
MASONBORO TOWNSHIP NEW HANOVER COUNTY, N.C.

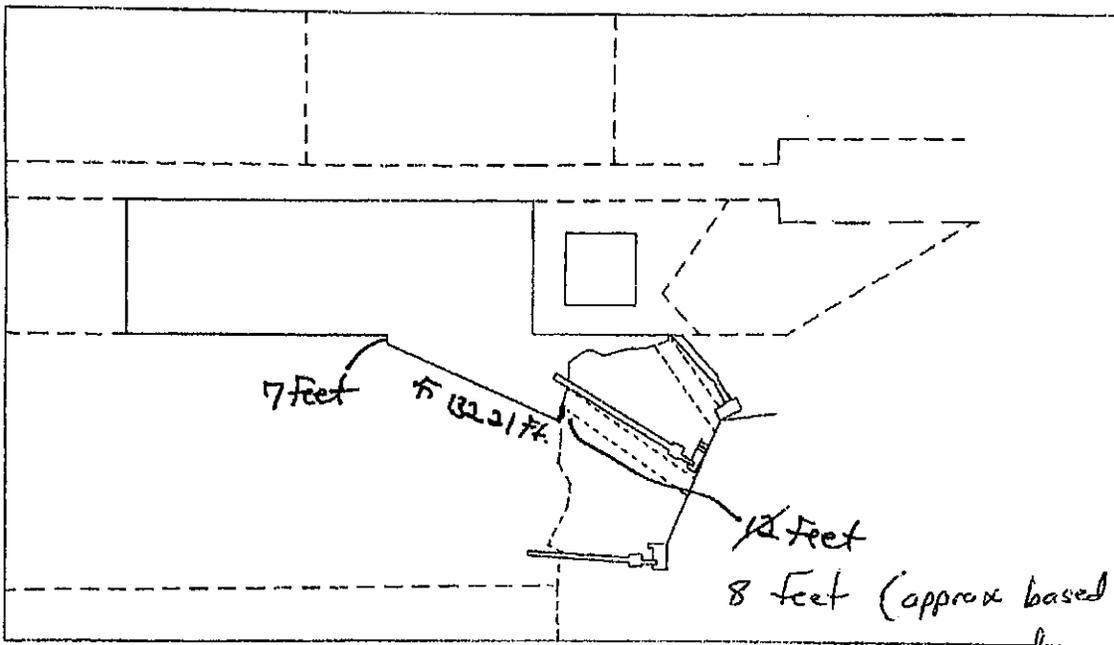


**PATRICK C. BRISTOW**  
LAND SURVEYING, PC  
4113-A OLEANDER DRIVE  
WILMINGTON, N.C. 28403  
PHONE: (910) 791-1500  
E-MAIL: pat@bristowsurveying.com  
FIRM LICENSURE NO. C-3071





\* Length of Pier - Approx. 140 Ft.  
width of Pier - Approx. 6 Ft.

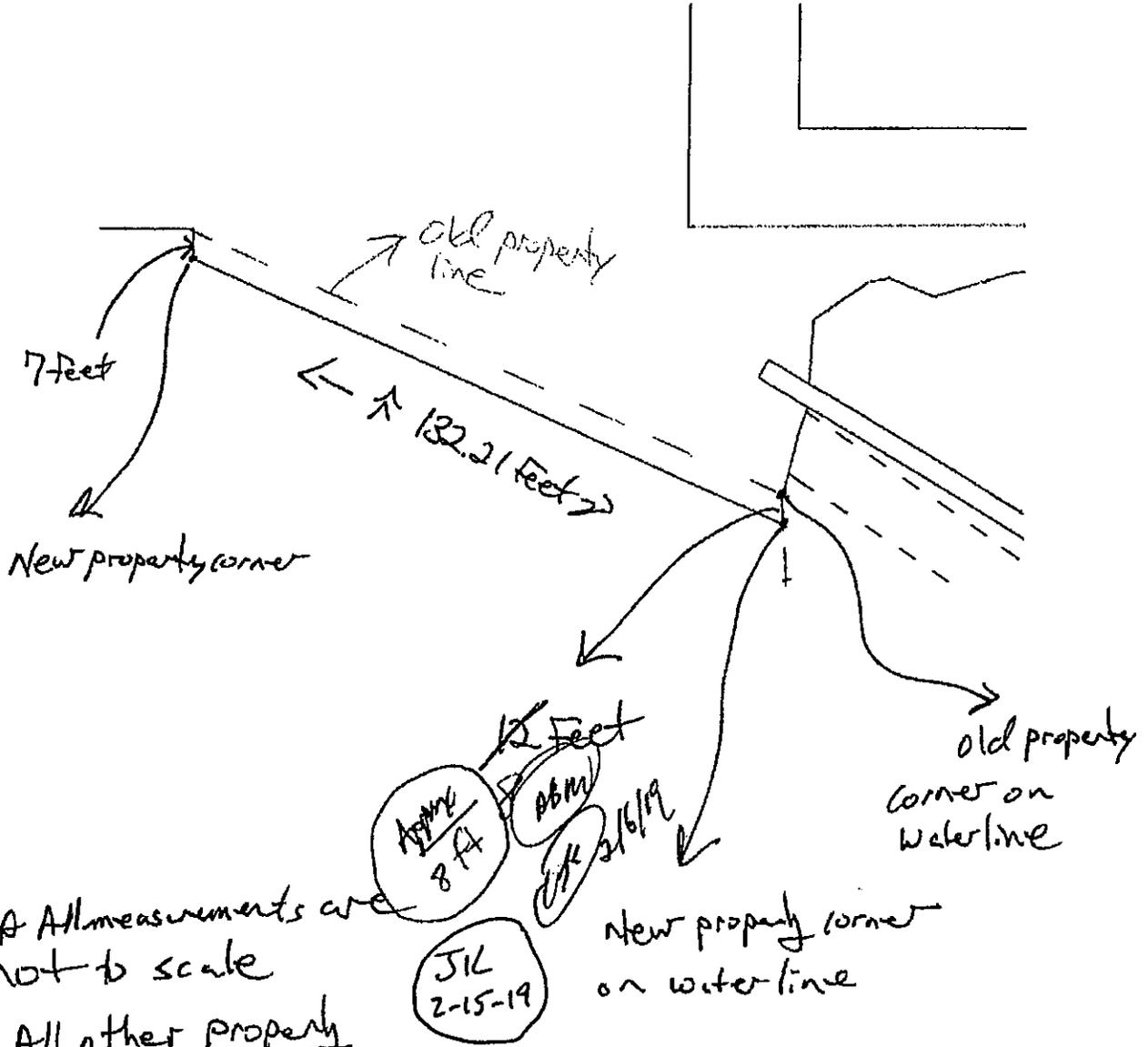


James Kelly 2/6/19

James Kelly 7/6/19

James Kelly  
 TRUSTEE FOR FBS KENNETH  
 TRUST 2-15-19

Final dimension will be based on survey to agreed stake location



\* All measurements are not to scale  
\* All other property line measurements are on original plot map.



I, PATRICK C. BRISTOW, CERTIFY THAT THIS PROPERTY WAS SURVEYED AND MAP DRAWN UNDER MY SUPERVISION: DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT; RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH "THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA" (21 NCAC 56.1604); WITNESS MY ORIGINAL SIGNATURE, LICENSURE NUMBER AND SEAL THIS 8TH DAY OF DECEMBER A.D. 2018.



**PRELIMINARY**

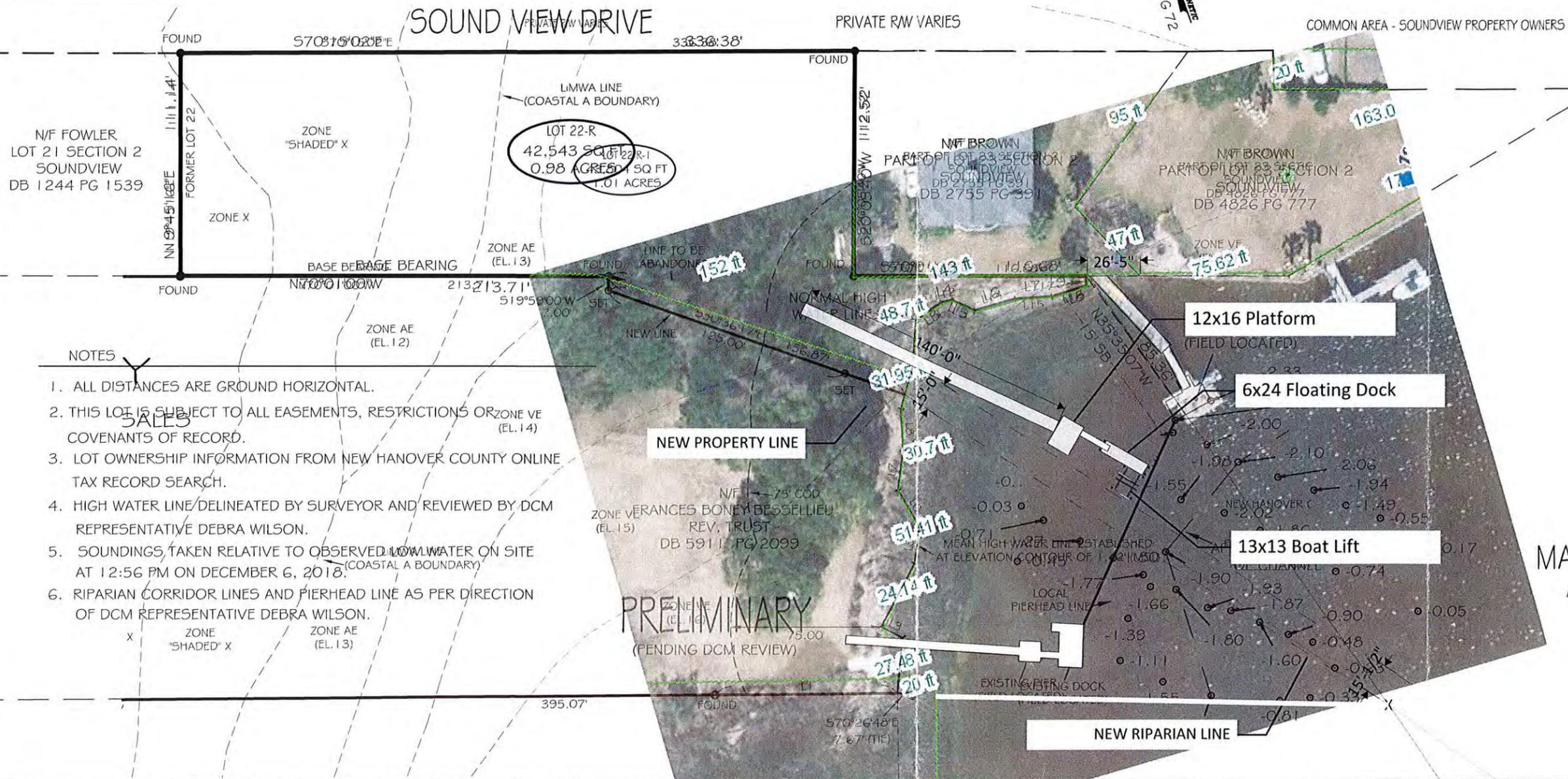
PATRICK C. BRISTOW  
N.C. PLS No. L-4148



**LOCATION MAP**  
NOT TO SCALE

**SURVEY REFERENCE**  
MAP BOOK 64 PAGE 166  
DEED BOOK 5911 PAGE 2099

HIGH WATER LINE TABLE		
LINE	LENGTH	BEARING
L1	4.97	N15°58'03"E
L2	23.30	N04°09'41"E
L3	15.74	N55°06'21"E
L4	5.36	N77°48'08"E
L5	12.17	S64°57'18"E
L6	21.08	N73°53'39"E
L7	18.41	N86°37'08"E
L8	18.10	N72°47'44"E
L9	4.84	N00°00'00"E



**NOTES**

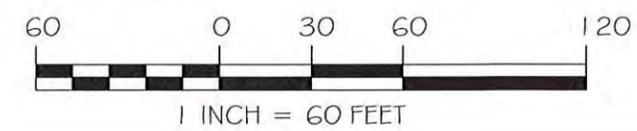
1. ALL DISTANCES ARE GROUND HORIZONTAL.
2. THIS LOT IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD.
3. LOT OWNERSHIP INFORMATION FROM NEW HANOVER COUNTY ONLINE TAX RECORD SEARCH.
4. HIGH WATER LINE DELINEATED BY SURVEYOR AND REVIEWED BY DCM REPRESENTATIVE DEBRA WILSON.
5. SOUNDINGS TAKEN RELATIVE TO OBSERVED LOW WATER ON SITE AT 12:56 PM ON DECEMBER 6, 2018.
6. RIPARIAN CORRIDOR LINES AND PIERHEAD LINE AS PER DIRECTION OF DCM REPRESENTATIVE DEBRA WILSON.

**MASONBORO SOUND**  
ATLANTIC INTRACOASTAL WATERWAY

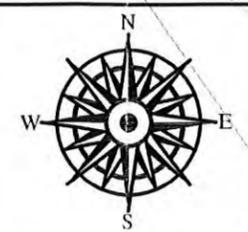
**LEGEND**  
○ = EXISTING IRON PIPE  
⊕ = CENTERLINE

S:\LAND PROJECTS\174 SOUNDVIEW DR RIPARIAN.dwg\McCAULEY RIPARIAN.dwg

DECEMBER 8, 2018



**RIPARIAN AND PIER SURVEY FOR  
THE FRANCES BESSELIEU REVOCABLE TRUST**  
LOT 22R SOUNDVIEW SECTION 2  
MASONBORO TOWNSHIP NEW HANOVER COUNTY, N.C.



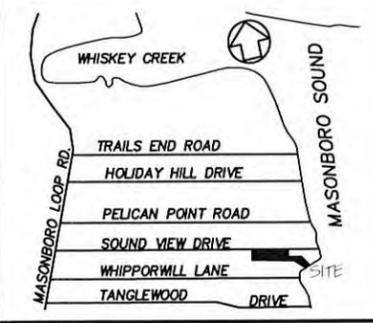
**PATRICK C. BRISTOW**  
LAND SURVEYING, PC  
4113-A OLEANDER DRIVE  
WILMINGTON, N.C. 28403  
PHONE: (910) 791-1500  
E-MAIL: pat@bristowsurveying.com  
FIRM LICENSURE NO. C-3071

I, PATRICK C. BRISTOW, CERTIFY THAT THIS PROPERTY WAS SURVEYED AND MAP DRAWN UNDER MY SUPERVISION: DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT; RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH "THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA" (21 NCAC 56.1604); WITNESS MY ORIGINAL SIGNATURE, LICENSURE NUMBER AND SEAL THIS 8TH DAY OF DECEMBER A.D. 2018.



PRELIMINARY

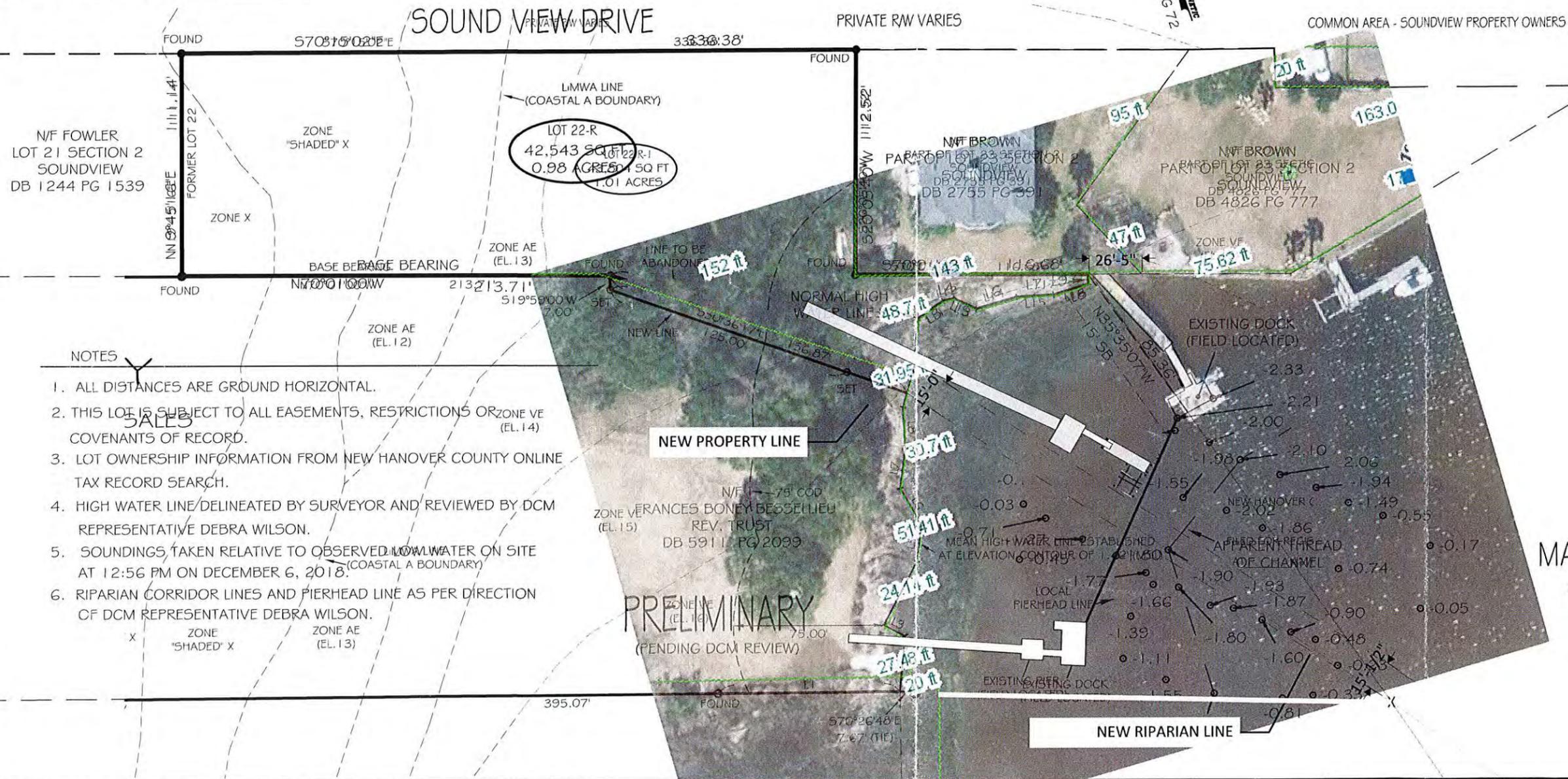
PATRICK C. BRISTOW  
N.C. PLS No. L-4148



LOCATION MAP  
NOT TO SCALE

SURVEY REFERENCE  
MAP BOOK 64 PAGE 166  
DEED BOOK 5911 PAGE 2099

HIGH WATER LINE TABLE		
LINE	LENGTH	BEARING
L1	4.97	N15°58'03"E
L2	23.30	N04°09'41"E
L3	15.74	N55°06'21"E
L4	5.36	N77°48'08"E
L5	12.17	S64°57'18"E
L6	21.08	N73°53'39"E
L7	18.41	N86°37'08"E
L8	18.10	N72°47'44"E
L9	4.84	N00°00'00"E



NOTES

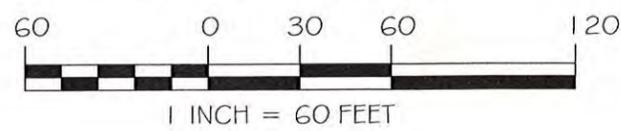
1. ALL DISTANCES ARE GROUND HORIZONTAL.
2. THIS LOT IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD.
3. LOT OWNERSHIP INFORMATION FROM NEW HANOVER COUNTY ONLINE TAX RECORD SEARCH.
4. HIGH WATER LINE/DELINEATED BY SURVEYOR AND REVIEWED BY DCM REPRESENTATIVE DEBRA WILSON.
5. SOUNDINGS TAKEN RELATIVE TO OBSERVED LOW WATER ON SITE AT 12:56 PM ON DECEMBER 6, 2018.
6. RIPARIAN CORRIDOR LINES AND PIERHEAD LINE AS PER DIRECTION OF DCM REPRESENTATIVE DEBRA WILSON.

MASONBORO SOUND  
ATLANTIC INTRACOASTAL WATERWAY

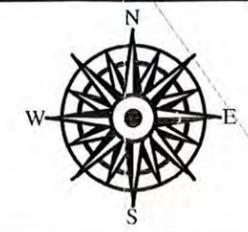
LEGEND  
o = EXISTING IRON PIPE  
e = CENTERLINE

S:\LAND PROJECTS\174 SOUNDVIEW DR RIPARIAN.dwg\McCAULEY RIPARIAN.dwg

DECEMBER 8, 2018



RIPARIAN AND PIER SURVEY FOR  
THE FRANCES BESSELIEU REVOCABLE TRUST  
LOT 22R SOUNDVIEW SECTION 2  
MASONBORO TOWNSHIP NEW HANOVER COUNTY, N.C.



PATRICK C. BRISTOW  
LAND SURVEYING, PC  
4113-A OLEANDER DRIVE  
WILMINGTON, N.C. 28403  
PHONE: (910) 791-1500  
E-MAIL: pat@bristowsurveying.com  
FIRM LICENSURE NO. C-3071

Permit Class  
**NEW**

074

DENR-111-13

Permit Number  
**111-13**

STATE OF NORTH CAROLINA  
Department of Environment and Natural Resources  
and  
Coastal Resources Commission

# Permit

for

Major Development in an Area of Environmental Concern  
pursuant to NCGS 113A-118

Excavation and/or filling pursuant to NCGS 113-229

Issued to **Alan Brown, 184 Sound View Drive, Wilmington, NC 28409**

Authorizing development in New Hanover County at adj. to the AIWW, 184 Sound View Drive,  
near Wilmington, as requested in the permittee's application dated 5/27/13, including the  
attached workplan drawings (3), 2 dated 4/30/13 and 1 dated 7/25/13

This permit, issued on October 17, 2013, is subject to compliance with the application (where consistent with the permit), all applicable regulations, special conditions and notes set forth below. Any violation of these terms may be subject to fines, imprisonment or civil action; or may cause the permit to be null and void.

### Docking Facility

- 1) Unless specifically altered herein, this permit authorizes only the reconfigured docking facility and other structures and uses located in or over the water that are expressly and specifically set forth in the permit application. No other structure, whether floating or stationary, shall become a permanent part of this docking facility without permit modification. No non-water dependent uses of structures shall be conducted on, in or over public trust waters without permit modification.
- 2) No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work.
- 3) No portion of the authorized docking facility shall extend beyond the established pier head line.

**(See attached sheets for Additional Conditions)**

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. An appeal requires resolution prior to work initiation or continuance as the case may be.

This permit must be accessible on-site to Department personnel when the project is inspected for compliance.

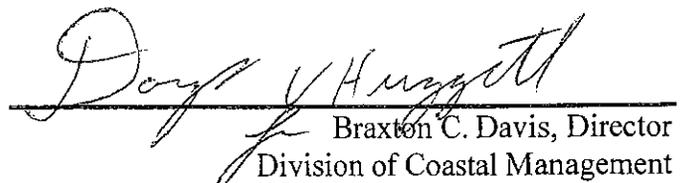
Any maintenance work or project modification not covered hereunder requires further Division approval.

All work must cease when the permit expires on

**December 31, 2016**

In issuing this permit, the State of North Carolina agrees that your project is consistent with the North Carolina Coastal Management Program.

Signed by the authority of the Secretary of DENR and the Chairman of the Coastal Resources Commission.

  
Braxton C. Davis, Director  
Division of Coastal Management

This permit and its conditions are hereby accepted.

\_\_\_\_\_  
Signature of Permittee

**ADDITIONAL CONDITIONS**

- 4) The permittee shall maintain the authorized work in good condition and in conformance with the terms and conditions of this permit. The permittee is not relieved of this requirement if he abandons the permitted activity without having it transferred to a third party.
- 5) This permit does not authorize the interference with any existing or proposed Federal project, and the permittee will not be entitled to compensation for damage to the authorized structure or work, or injury which may be caused from existing or future operations undertaken by the United States in the public interest.
- 6) The permittee shall install and maintain at his expense any signal lights or signals prescribed by the U.S. Coast Guard, through regulation or otherwise, on the authorized facilities. At a minimum, permanent reflectors shall be attached to the structure in order to make it more visible during hours of darkness or inclement weather.
- 7) This permit authorizes two additional boat slips for a maximum of three formalized boat slips.
- 8) The authorized project is located within a primary nursery area (PNA). Therefore, in accordance with T15A:07H.0208 of the Rules of the Coastal Resources Commission, no new dredging or excavation within the PNA shall be permitted. New dredging in any manner, including "kicking" with boat propellers, is not authorized. This prohibition shall be applied and enforced throughout the entire existence of the permitted structure.

**General**

- 9) The permittee understands and agrees that, if future operations by the United States requires the removal, relocation, or other alteration of the structure or work authorized by this permit, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to free navigation of the navigable waters, the permittee shall be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby, without expense to the United States or the state of North Carolina. No claim shall be made against the United States or the state of North Carolina on account of any such removal or alteration.
- 10) No Coastal Wetlands or open water areas shall be excavated or filled, even temporarily.
- 11) This permit shall not be assigned, transferred, sold, or otherwise disposed of to a third party without the written approval of the Division of Coastal Management.
- 12) The permittee and/or his contractor shall meet with a representative of the Division prior to project initiation.

**ADDITIONAL CONDITIONS**

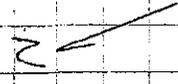
**NOTE:** This permit does not eliminate the need to obtain any additional state, federal or local permits, approvals or authorizations that may be required.

**NOTE:** Future development of the permittee's property may require a modification of this permit. Contact a representative of the Division at (910) 796-7215 prior to the commencement of any such activity for this determination. The permittee is further advised that many non-water dependent activities are not authorized within 30 feet of the normal high water level.

**NOTE:** The U.S. Army Corps of Engineers authorized the proposed project under General Permit No. SAW- 2013-01678.

Sound Views  
HOA

077



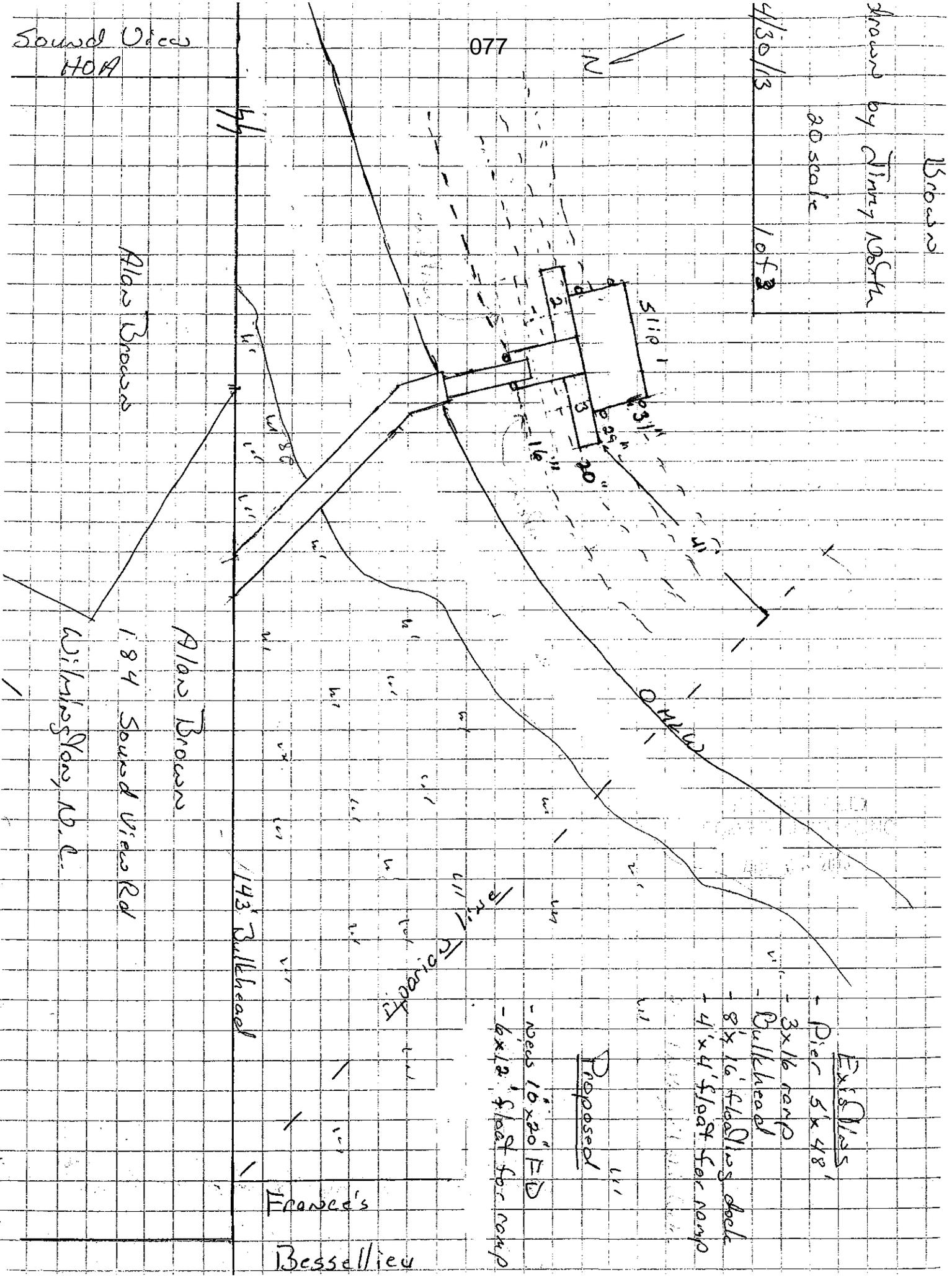
4/30/13

20 scale

1053

Drawn by Jimmy North

Bross



Alans Bross

Alans Bross

184 Sound Views Rd

Wilkins Way, N.E.

143' Bulkhead

111' Bulkhead

Proposed

- 16' x 20' FID
- 6' x 12' float for ramp

Existing

- Pier 5 x 48'
- 3 x 16 ramp
- Bulkhead
- 8' x 16' float pier dock
- 4' x 4' float for ramp

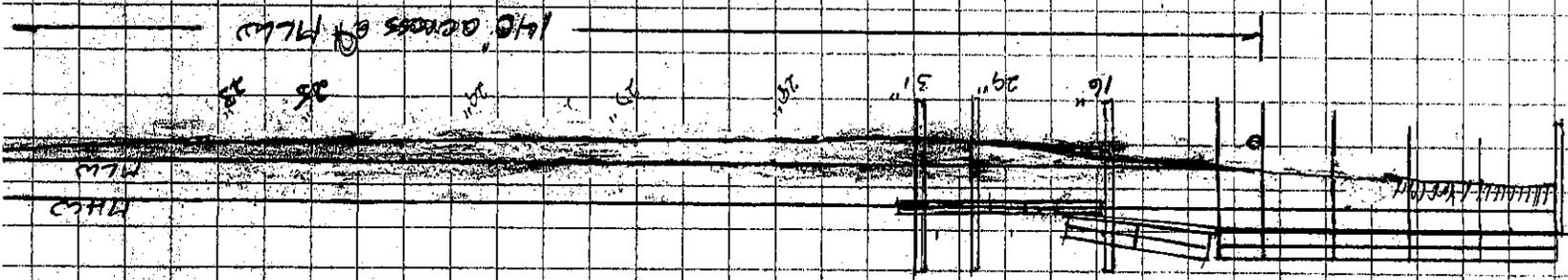
Francis

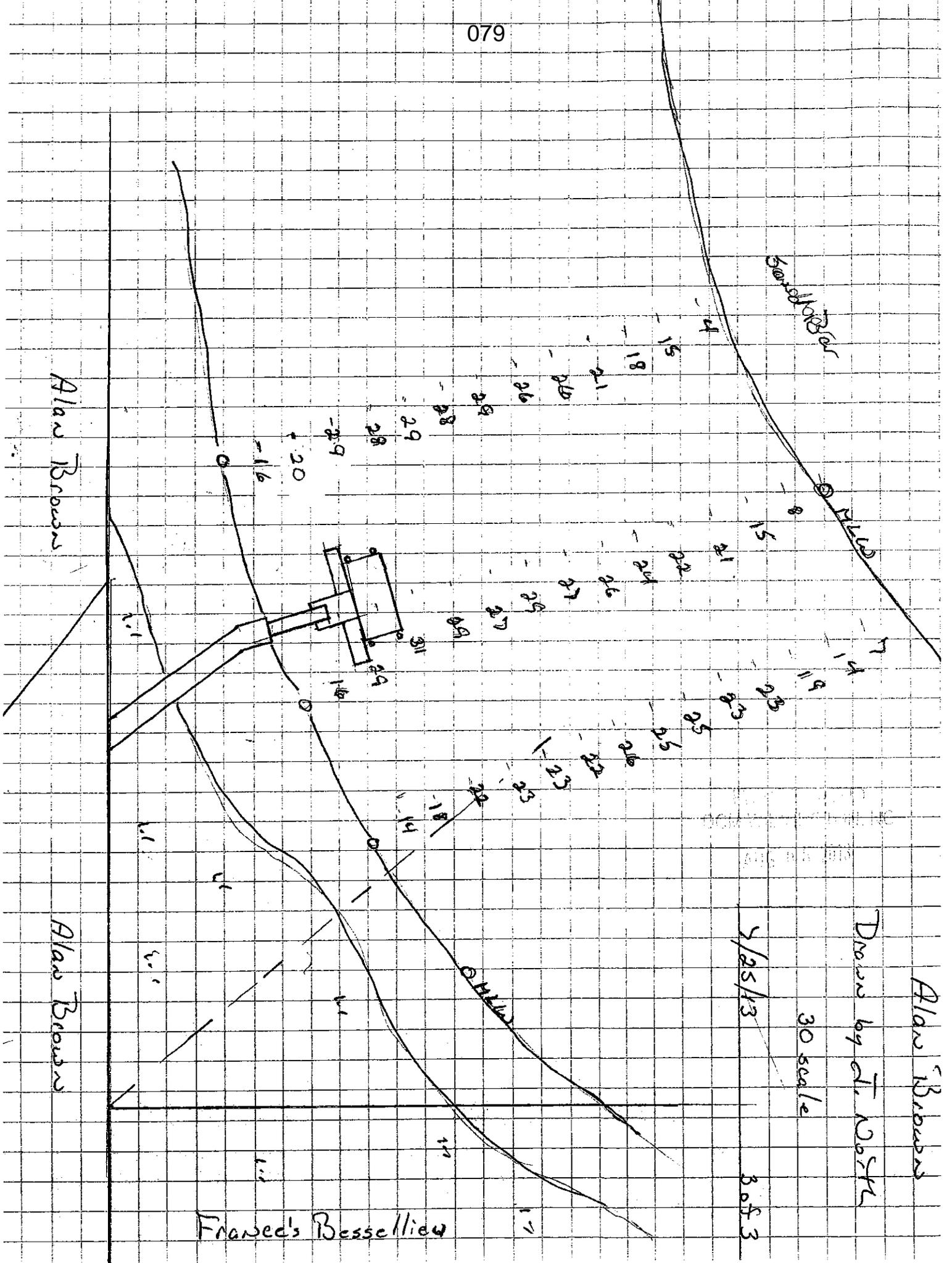
Bessellieu

30 scale

Drawn by Jimmy Doty

Alan Brown





Alan Browns

Alan Browns

Franed's Bessellieu

30 scale

5/25/13

BoS3

Drawn by T. DOSTK

Alan Browns



**GAMA / DREDGE & FILL**  
**GENERAL PERMIT**

New  Modification  Complete Reissue  Partial Reissue

As authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC 07H.2000

080

last file 5/11/18 TRP  
 No 70817 A B C D

Previous permit # \_\_\_\_\_  
 Date previous permit issued \_\_\_\_\_

Rules attached.

Applicant Name Jean Claude Corbi  
 Address 185 Sound View Drive  
 City Wilmington State NC ZIP 28409  
 Phone # (910) 395-0131 E-Mail N/A  
 Authorized Agent Pat Bristow

Project Location: County New Hanover  
 Street Address/ State Road/ Lot #(s) 185 Sound View  
 Subdivision \_\_\_\_\_  
 City Wilmington ZIP 28409

Affected  CW  EW  PTA  ES  PTS  
 OEA  HHF  IH  UBA  N/A  
 PWS: \_\_\_\_\_

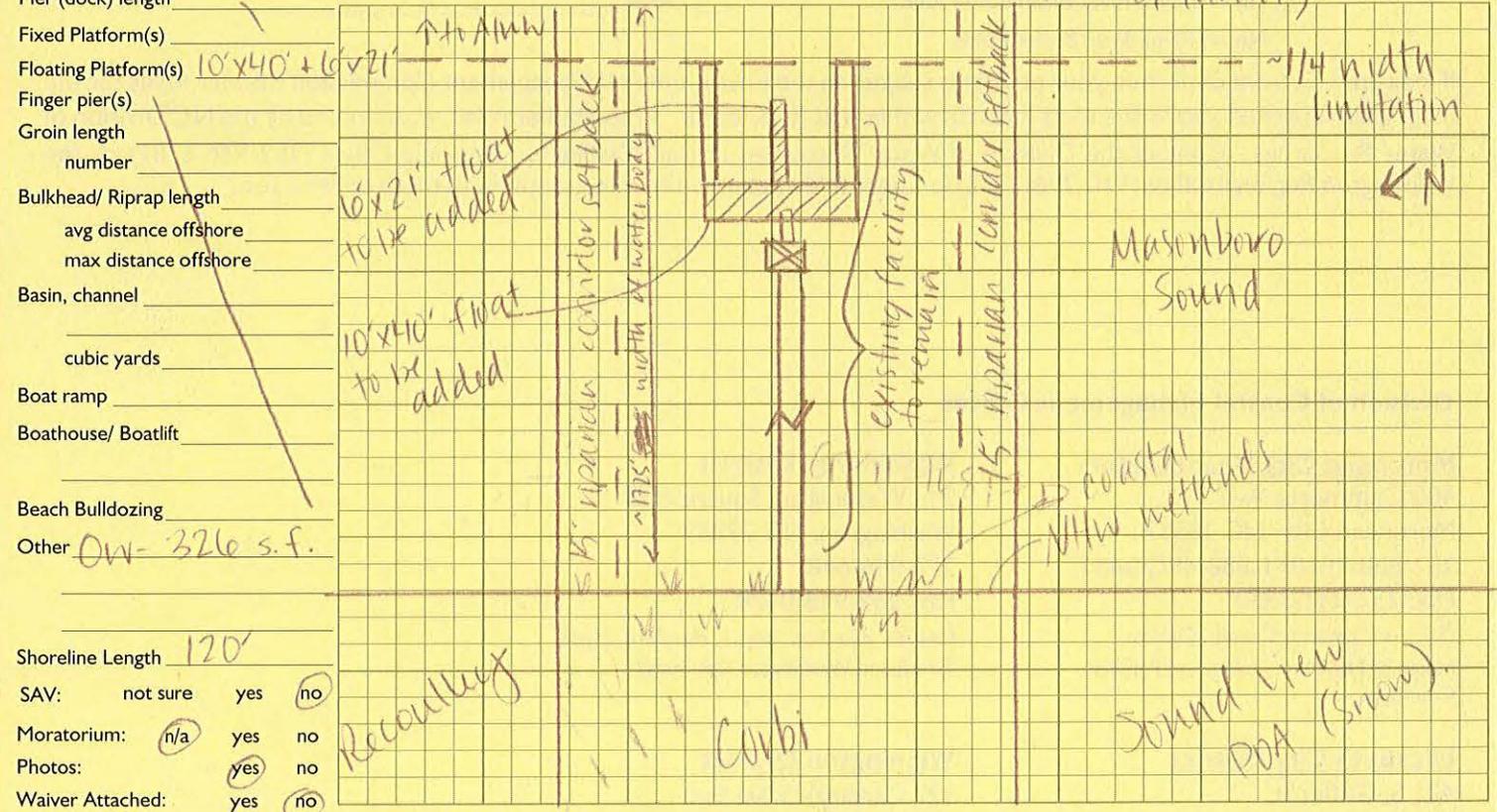
Agent Phone # (910) 471-9990 River Basin Cap Fear

Adj. Wtr. Body Masonboro Sound (nat/man/unkn)

ORW:  yes / no  PNA  yes / no

Closest Maj. Wtr. Body AIWV

Type of Project/ Activity Replace existing 5'x40' floating dock with 10'x40' floating dock and add 6'x21' floating dock within existing footprint (Scale: 1"=50')



Shoreline Length 120'  
 SAV: not sure  yes  no   
 Moratorium: n/a  yes  no   
 Photos:  yes  no   
 Waiver Attached:  yes  no

A building permit may be required by: New Hanover County  See note on back regarding River Basin rules.  
 (Note Local Planning Jurisdiction)

Notes/ Special Conditions 07H.2000 and all local, state, federal regulations apply. All work shall be conducted in existing footprint of facility - no portion shall extend more waterward than existing pilings

X PATRICK BRISTOW  
 Agent or Applicant Printed Name

Courtney A. Spears  
 Permit Officer's Printed Name

X Patricia Bristow  
 Signature \*\* Please read compliance statement on back of permit \*\*

[Signature]  
 Signature

\$200  
 Application Fee(s)

4/3/18  
 Issuing Date

7626  
 Check #

5/3/18  
 Expiration Date

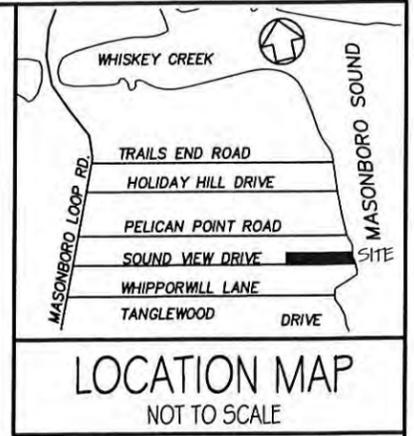
I, PATRICK C. BRISTOW, CERTIFY THAT THIS PROPERTY WAS SURVEYED AND MAP DRAWN UNDER MY SUPERVISION: DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT; RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH "THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA" (21 NCAC 56.1604); WITNESS MY ORIGINAL SIGNATURE, LICENSURE NUMBER AND SEAL THIS 26TH DAY OF MARCH A.D. 2018.

*Patrick C. Bristow*

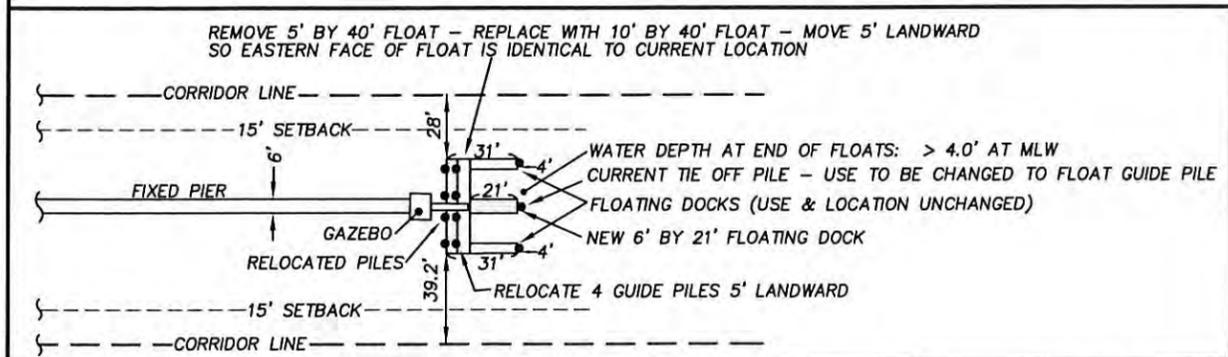
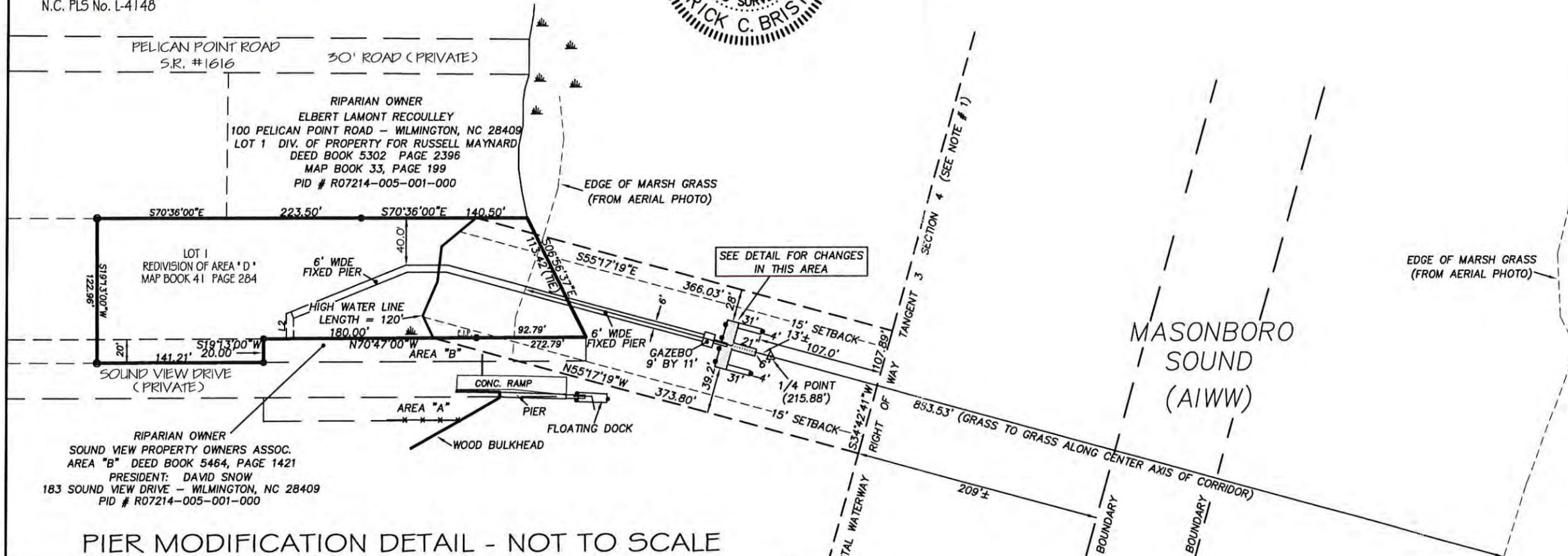
PATRICK C. BRISTOW  
N.C. PLS No. L-4148



PROJECT INFORMATION  
EAST SOUND VIEW BOAT OWNERS ASSOC.  
PROJECT ADDRESS: 185 SOUND VIEW DRIVE - WILMINGTON, NC 28409  
PRESIDENT: JEAN CLAUDE CORBI AGENT: PATRICK C. BRISTOW  
PID # R07214-005-002-001



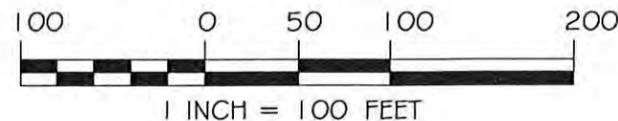
SURVEY REFERENCE  
MAP BOOK 41 PAGE 284



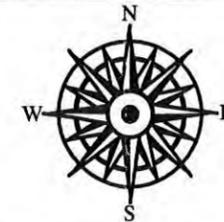
- LEGEND
- EIP = EXIST. IRON PIPE
  - = SET IRON ROD
  - ⊙ = CENTERLINE
  - ⊞ = CONC. MONUMENT
  - △ = "PK" NAIL
  - = PILING

K:\Land Projects\EAST SOUNDVIEW\dwg\CORBI\_RIPARIAN.dwg

MARCH 26, 2018



PIER MODIFICATION EXHIBIT PLAT FOR  
EAST SOUND VIEW BOAT OWNERS ASSOCIATION  
LOT 1 EAST SOUND VIEW - 185 SOUND VIEW DRIVE  
MASONBORO TOWNSHIP NEW HANOVER COUNTY, N.C.



**PATRICK C. BRISTOW**  
LAND SURVEYING, PC  
4113-A OLEANDER DRIVE  
WILMINGTON, N.C. 28403  
(910) 791-1500 (PH) (910) 791-1504 (FAX)  
E-MAIL: pat@bristowsurveying.com  
FIRM LICENSURE NO. C-3071

RECEIVED  
DCM WILMINGTON, NC

MAR 28 2018



CAMA /  DREDGE & FILL  
**GENERAL PERMIT**

New  Modification  Complete Reissue  Partial Reissue

*edits 4-14-21 AMW 082*

*AF 4-12-21 AMW NO 80256*

Previous permit # 92-04 ; 6P70874D  
 Date previous permit issued 6/25/04 ; 4/3/18

As authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC 074.2000  Rules attached.

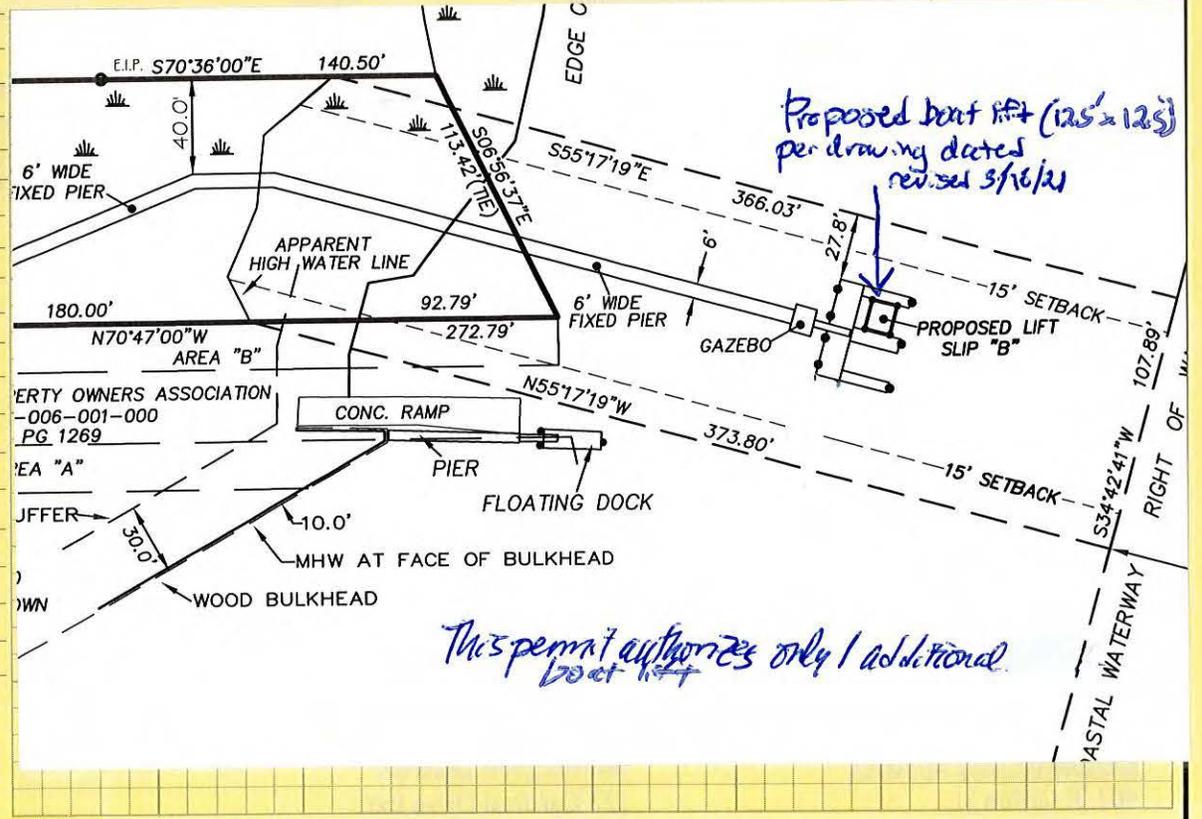
Applicant Name Jean-Claude Corbi  
 Address 185 Soundview Drive  
 City Wilmington State NC ZIP 28409  
 Phone # (910) 471 9998 (home) E-Mail jeanclaudcorbi@aol.com  
 Authorized Agent Patrick Bristow

Project Location: County New Hanover  
 Street Address/ State Road/ Lot #(s) PID R07214-005-002-001  
 Subdivision \_\_\_\_\_  
 City Some ZIP \_\_\_\_\_  
 Phone # (\_\_\_\_) \_\_\_\_\_ River Basin White Oak  
 Adj. Wtr. Body Whiskey Creek at WW (nat /man /unkn)  
 Closest Maj. Wtr. Body Whiskey Creek

Affected  CW  EW  PTA  ES  PTS  
 AEC(s):  OEA  HHF  IH  UBA  N/A  
 PWS: \_\_\_\_\_  
 ORW:  yes / no  PNA  yes / no

Type of Project/ Activity Proposal to install a boat lift (12.5' x 12.5') within an existing slip at a private docking facility. (Scale: N.T.S.)

- Pier (dock) length \_\_\_\_\_
- Fixed Platform(s) \_\_\_\_\_
- Floating Platform(s) \_\_\_\_\_
- Finger pier(s) \_\_\_\_\_
- Groin length \_\_\_\_\_
- number \_\_\_\_\_
- Bulkhead/ Riprap length \_\_\_\_\_
- avg distance offshore \_\_\_\_\_
- max distance offshore \_\_\_\_\_
- Basin, channel \_\_\_\_\_
- cubic yards \_\_\_\_\_
- Boat ramp \_\_\_\_\_
- Boathouse/ Boatlift 110 RB
- Beach Bulldozing \_\_\_\_\_
- Other boat lift in slip B only
- Shoreline Length 115'
- SAV: not sure yes no
- Moratorium: n/a yes no
- Photos: yes no
- Waiver Attached: yes no



*This permit authorizes only 1 additional boat lift*

*Proposed boat lift (12.5' x 12.5') per drawing dated revised 3/16/21*

A building permit may be required by: New Hanover County inspectors  See note on back regarding River Basin rules.

Notes/ Special Conditions all rules from 074.2000. This permit authorizes the construction of one (1) boat lift 12.5' x 12.5', to be installed in slip B, and does not authorize any additional constructed features. Any additional proposed work requires separate authorization from this office.

Agent or Applicant Printed Name \_\_\_\_\_

Permit Officer's Printed Name Patrick Amico

Signature 20000 \*\* Please read compliance statement on back of permit \*\*

Signature Patrick Amico

Application Fee(s) 8111 Check # \_\_\_\_\_

Issuing Date 3/30/2021 Expiration Date 7/30/21



# CAMA / DREDGE & FILL GENERAL PERMIT

New  Modification  Complete Reissue  Partial Reissue

No 80256

Previous permit # 72-04 <sup>A B C **D**</sup>  
Date previous permit issued 6/25/04 4/3/18

As authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC 07H.2000

Rules attached.

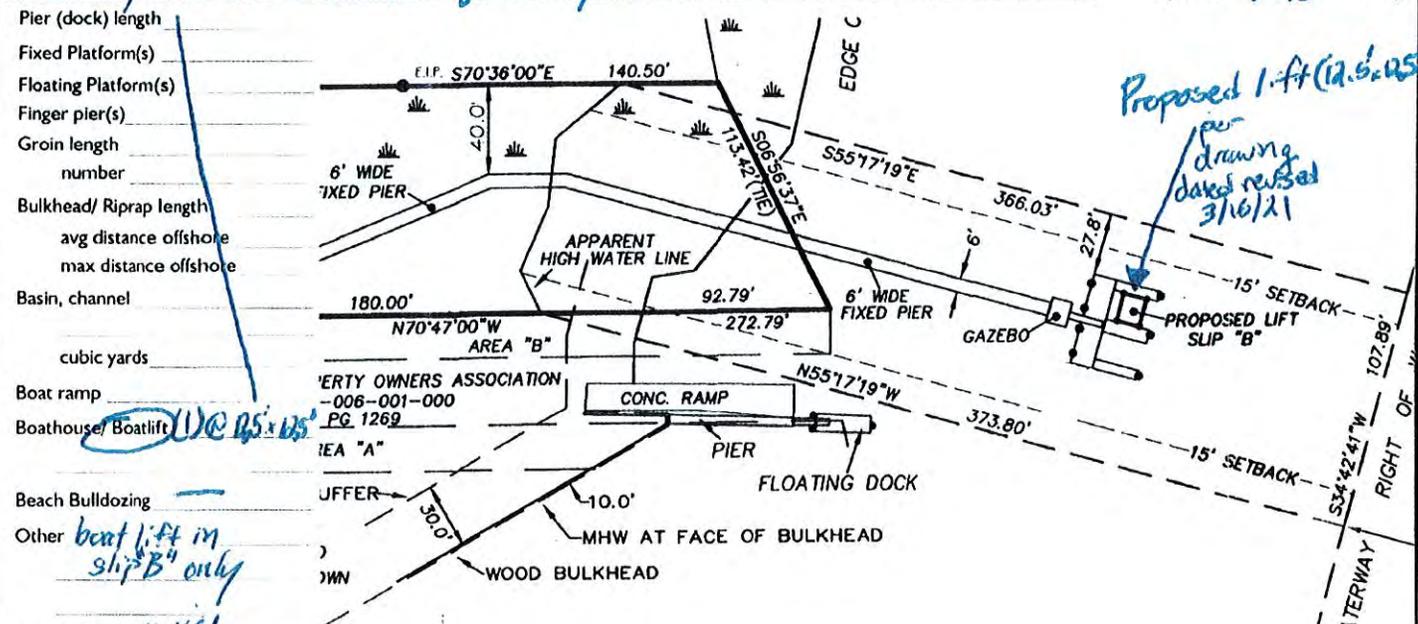
Applicant Name Jean-Claude Corbi  
Address 185 Soundview Drive  
City Wilmington State NC ZIP 28409  
Phone # (910) 471-9948 (gym) E-Mail jeanclaudcorbi@aol.com  
Authorized Agent Patrick Bristow

Project Location: County New Hanover  
Street Address/ State Road/ Lot #(s) PID R07214-025-001-001  
Subdivision \_\_\_\_\_  
City same ZIP \_\_\_\_\_  
Phone # ( ) \_\_\_\_\_ River Basin Wakulla  
Adj. Wtr. Body \_\_\_\_\_ d/w/w/ (nat/man/unkn)  
Closest Maj. Wtr. Body Whiskey Creek

Affected  CW  MEW  PTA  ES  PTS  
AEC(s):  OEA  HHF  IH  UBA  N/A  
 PWS: \_\_\_\_\_

ORW:  yes / no PNA  yes / no

Type of Project/ Activity Proposal to install a boat lift (12.5x12.5) within an existing slip at a private dock/mooring facility (Scale: NTS)



Pier (dock) length \_\_\_\_\_  
Fixed Platform(s) \_\_\_\_\_  
Floating Platform(s) \_\_\_\_\_  
Finger pier(s) \_\_\_\_\_  
Groin length \_\_\_\_\_  
number \_\_\_\_\_  
Bulkhead/ Riprap length \_\_\_\_\_  
avg distance offshore \_\_\_\_\_  
max distance offshore \_\_\_\_\_  
Basin, channel \_\_\_\_\_  
cubic yards \_\_\_\_\_  
Boat ramp \_\_\_\_\_  
Boathouse/ Boatlift 12.5x12.5  
Beach Bulldozing \_\_\_\_\_  
Other boat lift in slip B only  
Shoreline Length 115'  
SAV: not sure yes  no   
Moratorium: n/a yes  no   
Photos: yes  no   
Waiver Attached: yes  no

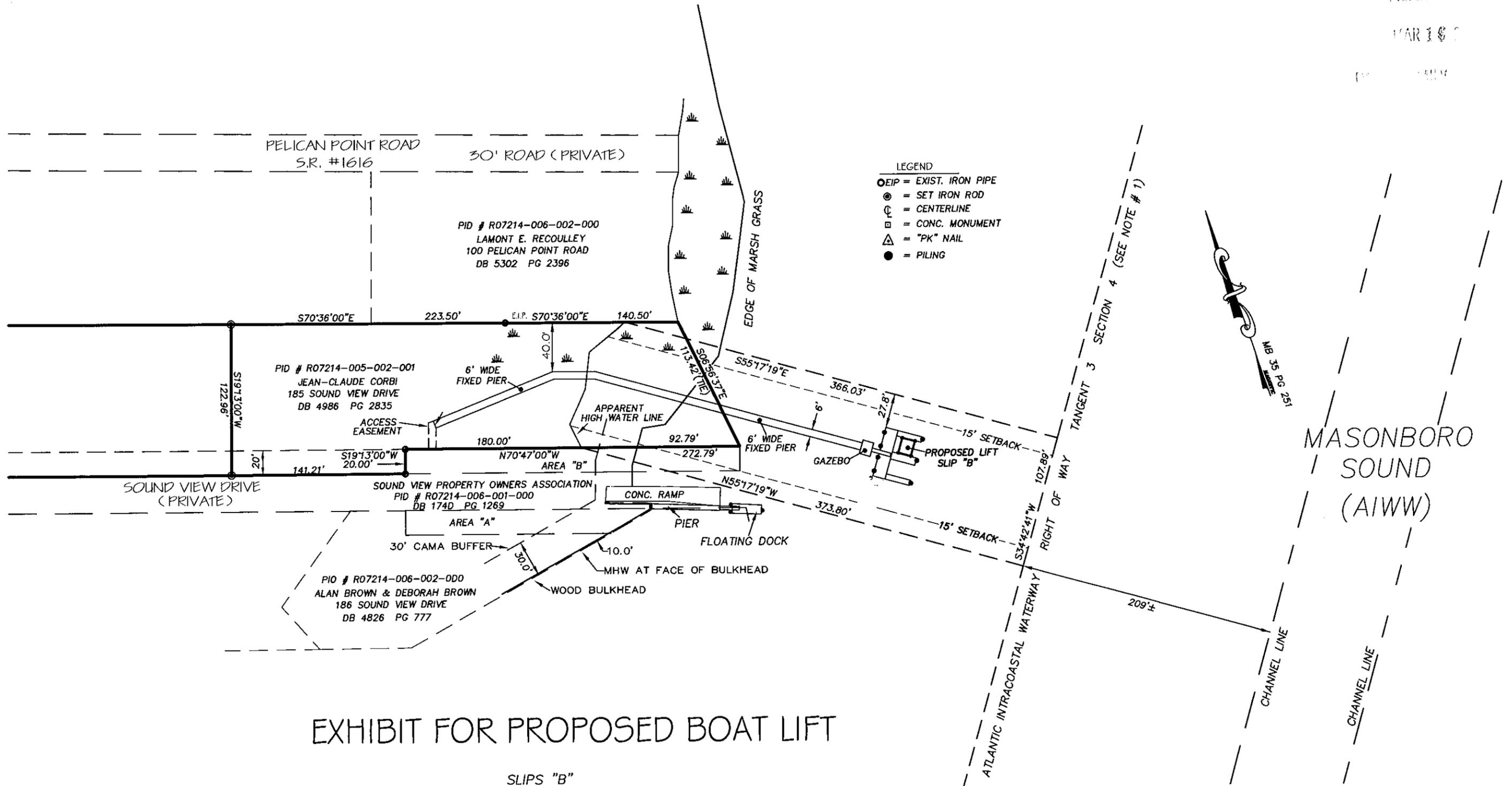
*This permit authorizes only 1 additional boat lift*

A building permit may be required by: New Hanover County inspectors  See note on back regarding River Basin rules.

Notes/ Special Conditions all rules from 07H.2000. This permit authorizes the construction of one (1) boat lift, 12.5' x 12.5', to be installed in slip B, and does not authorize any additional constructed features. Any additional proposed work requires separate authorization from this office.

PATRICK C. BRISTOW  
Agent or Applicant Printed Name  
Patrick C. Bristow  
Signature  
Application Fee(s) 200.00 Check # 8111

Patrick Amico  
Permit Officer's Printed Name  
Patrick Amico  
Signature  
Issuing Date 3/30/2021 Expiration Date 7/30/21



REVISION  
 MAR 16 2021  
 [Signature]

MASONBORO  
 SOUND  
 (AIWW)

ON HOLDERS IIA WOO  
 MAR 16 2021  
 [Signature]







Scoping Meeting Notes

Project: 4607 New Jack Rd

Date: 10/25/21



- depths
  - -2' on short
  - -4' on long
- day dock = slips

NOAA → can't see drawings, no dredging

DMF



- Where to pier to?
- Purpose! need

shellfish  
↳ no closure



- Comment later - can't see drawings



- SAME as DMF



- Purpose! need → ORW rules! sling boat lifts

DEMLR/  
Erosion



- 6 slips - including <sup>089</sup> day dock??
- Back channel?
- 475' of shoreline
- Go out to waterway??

### State Stormwater

- Low density
  - 12% impervious
- Meet county regs.

**Goebel, Christine A**

---

**From:** MacPherson, Tara  
**Sent:** Wednesday, October 27, 2021 12:48 PM  
**To:** Hall, Bryan L  
**Subject:** FW: [External] RE: New Jack Road

**Tara MacPherson**  
Wilmington Region District Manager  
NC Division of Coastal Management  
Department of Environmental Quality

910 796-7266 office  
910 395-3964 fax  
[tara.macpherson@ncdenr.gov](mailto:tara.macpherson@ncdenr.gov)

127 Cardinal Drive Ext  
Wilmington, NC 28405

*Email correspondence to and from this address is subject to the  
North Carolina Public Records Law and may be disclosed to third parties.*

---

**From:** Charles Riggs [mailto:[CharlesRiggs@riggslandnc.com](mailto:CharlesRiggs@riggslandnc.com)]  
**Sent:** Wednesday, October 27, 2021 12:21 PM  
**To:** MacPherson, Tara <[tara.macpherson@ncdenr.gov](mailto:tara.macpherson@ncdenr.gov)>  
**Subject:** [External] RE: New Jack Road

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Yes ma'am. I had found the permit and did note that.

I am working on the plan now and will note the width of the water body in our proposed location.

Also, this permit does illustrate the riparian corridor for the adjoiner.

Charles

---

**From:** MacPherson, Tara <[tara.macpherson@ncdenr.gov](mailto:tara.macpherson@ncdenr.gov)>  
**Sent:** Wednesday, October 27, 2021 11:10 AM  
**To:** Charles Riggs <[CharlesRiggs@riggslandnc.com](mailto:CharlesRiggs@riggslandnc.com)>  
**Cc:** Hall, Bryan L <[Bryan.L.Hall@ncdenr.gov](mailto:Bryan.L.Hall@ncdenr.gov)>  
**Subject:** New Jack Road

Hi Charles,

We pulled the Serenity Point Permit and it was issued by CRC Variance to exceed the ¼ width of the waterbody to reach sufficient water depths of around – 2.5 ft. at NLW. It appears that the quarter width would also be exceeded to reach out to the AIWW for the current New Jack Proposal. We have seen the water depths in the back channel and there appears to be sufficient water to support a docking facility. Any proposals to go out over it to the AIWW that exceed the ¼ width would have to be denied by rule and pursued by CRC Variance.

I hope that this is helpful.

Thank you,

Tara

**Tara MacPherson**

Wilmington Region District Manager  
NC Division of Coastal Management  
Department of Environmental Quality

910 796-7266 office

910 395-3964 fax

[tara.macpherson@ncdenr.gov](mailto:tara.macpherson@ncdenr.gov)

127 Cardinal Drive Ext  
Wilmington, NC 28405

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**CAMA Permit Application Narrative**  
**Proposed Community Pier, Dock and Boat Slips**  
**4601 AND 4607 NEW JACK ROAD, WILMINGTON, NC 28409**

Permit Applicant New Jack Partners LLC acquired the relevant real properties on October 5, 2021. The property previously was owned by the Lewis family since the 1950's. Current structures located on the properties consist of the main house, a separate cottage, a separate (detached) garage and carport, and an aging pier and dock structure containing one motorized boat lift and one wet slip. The permit applicant has evaluated multiple options designed to accomplish the goal of economically viable and environmentally sound redevelopment of the properties consistent with the history, topography, water depths, and past uses of the properties, as well as best and highest uses. The permit applicant or its agents have met and/or spoken with, among others, the New Hanover County Planning and Development Department, Division of Coastal Management field representatives, Hanover Design (involved in prior unpermitted project design for Zimmer Development), PLS surveyor Charles Riggs, Wrightsville Marina, and the Lewis family as long term prior owners of the properties.

A key goal of the current owner and permit applicant is to obtain a fair economic value and return consistent with past uses, topography, CAMA use standards, and providing navigable waters access to future owners and users of the properties without adversely impacting the adjacent public trust waters, and without adversely impacting vessel traffic in and around the AIWW. Notably, the eastern side of the water body in the area consists of older dredge spoil islands that make up a portion of Masonboro Island which is protected from future development.

The property owner/applicant intends to sell approximately one acre of the properties to adjacent riparian property owner Jim McCormick. Closing is expected to take place in April. Mr. McCormick currently is the immediately adjacent riparian property owner to the north, and will remain so after this property closing. The remaining properties owned by the permit applicant are in the process of being recombined and subdivided into four lots, each approximately one acre in size. These lots currently are zoned R-15.

The primary goal of the structures for which the owner/applicant seeks CAMA permit approval is to create a shared community pier and dock facility with one motorized boat lift per lot owner (total of four), a shared gazebo, a shared kayak launch and shared vessel loading/unloading area. The property owner/applicant intends to market the four lots to individuals, who will be allowed to construct a total of no more than one residence per lot, governed by the developer's HOA Rules and Regulations. The HOA will govern and limit the uses of the pier, dock and boat lift facilities, uses of the Gazebo, and will include a recorded conservation easement along the shoreline. The HOA covenants will also govern and limit the location, size and materials utilized in construction of residential structures, and will limit the allowable areas of impervious

surfaces per lot in order to provide low density stormwater protections and protect water quality.

The adjacent waters are classified as ORW and PNA; the permit applicant intends to fully protect such uses. A key element of the owner/applicant's environmental goals is protection of the ORW and PNA classifications in this area by the use of a single shared community pier, dock and boat slips/lifts facility that extends water ward a sufficient distance to protect the water bottom and allow reasonable access to adjacent navigable waters. The project has been designed and located to minimize potential adverse shoreline impacts – again, the community pier/dock/slips design eliminates more numerous shoreline impacts from individual homeowner pier/dock/slips facilities. Total square footage of the community pier/dock facility is well within the applicable CAMA use standard. An additional benefit of a single shared community dock facility is the fact that such a facility will provide access to navigable waters for four separate residential riparian property owners along a concave, cove-shaped shoreline, thereby eliminating potential individual pier and dock facility riparian corridor conflicts, as well as reducing overall potential storm debris impacts.

The dock placement, length and design resulted after careful consideration was given to a number of factors including conformance with the lengths of nearby piers and docks located to the north and south; these structures are visible on the aerial photo(s) provided with the relevant survey, plans and drawings. The proposed structures comply with relevant CAMA use standards as contained in 15A NCAC 07H.0208(b)(6), with the exception of the  $\frac{1}{4}$  waterbody width limitation. However, the length of the proposed structures is consistent with nearby pier/dock structures, necessary to reach appropriate navigable water depths at lower tides, and the underlying purpose of the  $\frac{1}{4}$  waterbody width rule is fully respected due to the fact that the eastern shoreline of the water body currently is undeveloped and will remain so, and therefore more than 50% of the width of the waterbody remains open for all navigation and related public trust purposes. Additionally, public rights of navigation are fully protected and safely designed by the USACE in the form of the long-existing AIWW. The proposed pier/dock/slips community facility does not intrude into (or even come close to) the western setback line of the AIWW. The proposed structures are compliant with both adjacent riparian corridors, as well as the required minimum 15 foot setback from such riparian corridor boundary lines.

The adjacent riparian property owner to the north fully supports permitting, construction and use of the proposed facilities. A single adjacent riparian property owner owning a property interest in the Serenity Point development has indicated he objects to the proposed project, but this owner has not identified any applicable CAMA rule or use standard relevant to his property ownership interests. The aging, shorter existing pier and dock facilities will be removed prior to construction of the new community pier/dock/slips facilities. As noted above, the property owner/applicant soon will convey approximately one acre to the current adjacent riparian property owner to the north; all calculations regarding shoreline length have excluded the shoreline associated with this soon-to-be-conveyed property. Proper notice has been

provided to all adjacent riparian property owners, including detailed maps and drawings.

**Form DCM MP-4**

**STRUCTURES**

**(Construction within Public Trust Areas)**

Attach this form to Joint Application for CAMA Major Permit, Form DCM MP-1. Be sure to complete all other sections of the Joint Application that relate to this proposed project. Please include all supplemental information.

**1. DOCKING FACILITY/MARINA CHARACTERISTICS**

This section not applicable

- a. (i) Is the docking facility/marina:
  - Commercial  Public/Government  Private/Community
- b. (i) Will the facility be open to the general public?
  - Yes  No
- c. (i) Dock(s) and/or pier(s)
  - (ii) Number 1
  - (iii) Length 267 FT.
  - (iv) Width 6 FT.
  - (v) Floating  Yes  No
- d. (i) Are Finger Piers included?  Yes  No
  - If yes:
    - (ii) Number 3
    - (iii) Length 24 FT.
    - (iv) Width 6 FT.
    - (v) Floating  Yes  No
- e. (i) Are Platforms included?  Yes  No
  - If yes:
    - (ii) Number 1
    - (iii) Length 16 FT.
    - (iv) Width 16 FT.
    - (v) Floating  Yes  No
  - Note: Roofed areas are calculated from dripline dimensions.
- f. (i) Are Boatlifts included?  Yes  No
  - If yes:
    - (ii) Number 6
    - (iii) Length 12'-6"
    - (iv) Width 12'-6"
- g. (i) Number of slips proposed 6
  - (ii) Number of slips existing 1
- h. Check all the types of services to be provided.
  - Full service, including travel lift and/or rail, repair or maintenance service
  - Dockage, fuel, and marine supplies
  - Dockage ("wet slips") only, number of slips: \_\_\_\_\_
  - Dry storage; number of boats: \_\_\_\_\_
  - Boat ramp(s); number of boat ramps: \_\_\_\_\_
  - Other, please describe: \_\_\_\_\_
- i. Check the proposed type of siting:
  - Land cut and access channel
  - Open water; dredging for basin and/or channel
  - Open water; no dredging required
  - Other; please describe: \_\_\_\_\_
- j. Describe the typical boats to be served (e.g., open runabout, charter boats, sail boats, mixed types).
 

OPEN RUNABOUT
- k. Typical boat length: 20'-22'
- l. (i) Will the facility be open to the general public?
  - Yes  No
- m. (i) Will the facility have tie pilings?
  - Yes  No
  - (ii) If yes number of tie pilings? \_\_\_\_\_

**2. DOCKING FACILITY/MARINA OPERATIONS**

~~This section not applicable~~

a. Check each of the following sanitary facilities that will be included in the proposed project.

Office Toilets

Toilets for patrons; Number: \_\_\_\_\_; Location: \_\_\_\_\_

Showers

Boatholding tank pumpout; Give type and location: \_\_\_\_\_

b. Describe treatment type and disposal location for all sanitary wastewater.

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

c. Describe the disposal of solid waste, fish offal and trash.

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

d. How will overboard discharge of sewage from boats be controlled?

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

e. (i) Give the location and number of "No Sewage Discharge" signs proposed.

\_\_\_\_\_

(ii) Give the location and number of "Pumpout Available" signs proposed.

\_\_\_\_\_

f. Describe the special design, if applicable, for containing industrial type pollutants, such as paint, sandblasting waste and petroleum products.

\_\_\_\_\_

g. Where will residue from vessel maintenance be disposed of?

\_\_\_\_\_

h. Give the number of channel markers and "No Wake" signs proposed. \_\_\_\_\_

i. Give the location of fuel-handling facilities, and describe the safety measures planned to protect area water quality.

\_\_\_\_\_

j. What will be the marina policy on overnight and live-aboard dockage?

PRIVATE DOCK N/A

k. Describe design measures that promote boat basin flushing?

\_\_\_\_\_

l. If this project is an expansion of an existing marina, what types of services are currently provided?

\_\_\_\_\_

- m. Is the marina/docking facility proposed within a primary or secondary nursery area?  
 Yes  No
- n. Is the marina/docking facility proposed within or adjacent to any shellfish harvesting area?  
 Yes  No

---

- o. Is the marina/docking facility proposed within or adjacent to coastal wetlands/marsh (CW), submerged aquatic vegetation (SAV), shell bottom (SB), or other wetlands (WL)? If any boxes are checked, provide the number of square feet affected.  
 CW \_\_\_\_\_  SAV \_\_\_\_\_  SB \_\_\_\_\_  
 WL \_\_\_\_\_  None
  
- p. Is the proposed marina/docking facility located within or within close proximity to any shellfish leases?  Yes  No  
 If yes, give the name and address of the leaseholder(s), and give the proximity to the lease.  
 \_\_\_\_\_  
 \_\_\_\_\_

**3. BOATHOUSE** (including covered lifts)  This section not applicable

- a. (i) Is the boathouse structure(s):  
 Commercial  Public/Government  Private/Community
  - (ii) Number \_\_\_\_\_
  - (iii) Length \_\_\_\_\_
  - (iv) Width \_\_\_\_\_
- Note: Roofed areas are calculated from dripline dimensions.*

**4. GROIN** (e.g., wood, sheetpile, etc. If a rock groin, use MP-2, Excavation and Fill.)  This section not applicable

- a. (i) Number \_\_\_\_\_
- (ii) Length \_\_\_\_\_
- (iii) Width \_\_\_\_\_

**5. BREAKWATER** (e.g., wood, sheetpile, etc.)  This section not applicable

- a. Length \_\_\_\_\_
- b. Average distance from NHW, NWL, or wetlands \_\_\_\_\_
- c. Maximum distance beyond NHW, NWL or wetlands \_\_\_\_\_

**6. MOORING PILINGS and BUOYS**  This section not applicable

- a. Is the structure(s):  
 Commercial  Public/Government  Private/Community
- b. Number \_\_\_\_\_
- c. Distance to be placed beyond shoreline \_\_\_\_\_  
*Note: This should be measured from marsh edge, if present.*
- d. Description of buoy (color, inscription, size, anchor, etc.)  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- e. Arc of the swing \_\_\_\_\_

7. GENERAL

- a. Proximity of structure(s) to adjacent riparian property lines  
135 FT TO NORTH LINE - 41 FT TO SOUTH LINE
- b. Proximity of structure(s) to adjacent docking facilities.  
\_\_\_\_\_

Note: For buoy or mooring piling, use arc of swing including length of vessel.

- c. Width of water body  
\_\_\_\_\_
- d. Water depth at waterward end of structure at NLW or NWL  
\_\_\_\_\_

- e. (i) Will navigational aids be required as a result of the project?  
 Yes  No  NA
- (ii) If yes, explain what type and how they will be implemented.

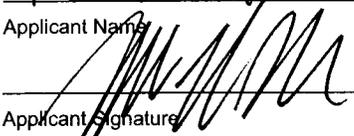
<b>8. OTHER</b>	<input type="checkbox"/> This section not applicable
-----------------	--

- a. Give complete description:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10/15/2022  
Date

NEW JACK ROAD DOCK  
Project Name

NEW JACK ROAD PARTNERSHIP, LLC  
Applicant Name

  
Applicant Signature

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND LONGITUDES IS 1:10,000±.

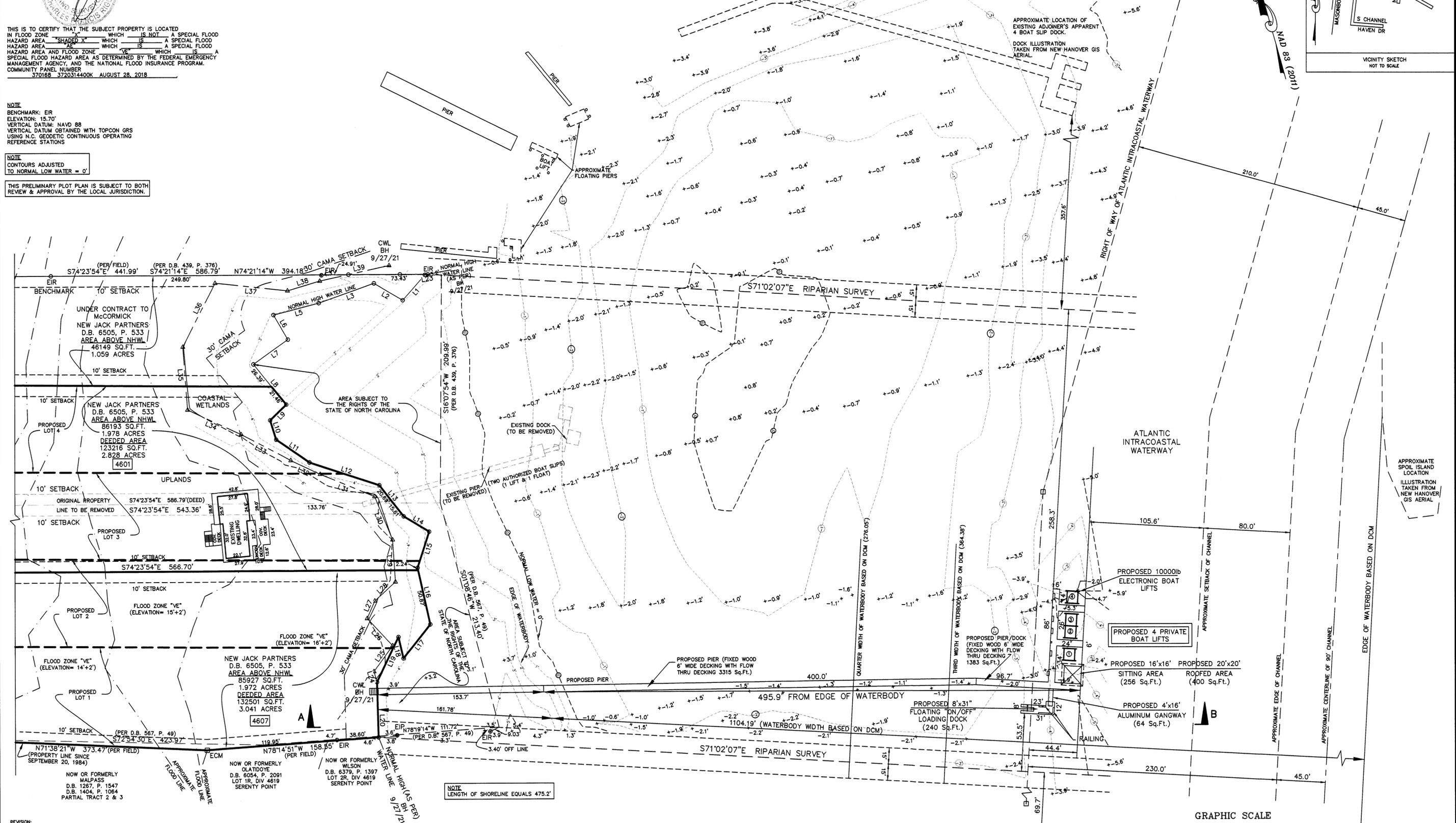
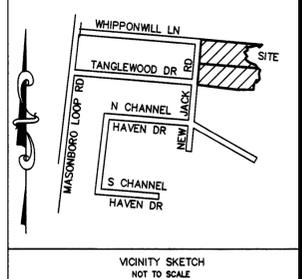
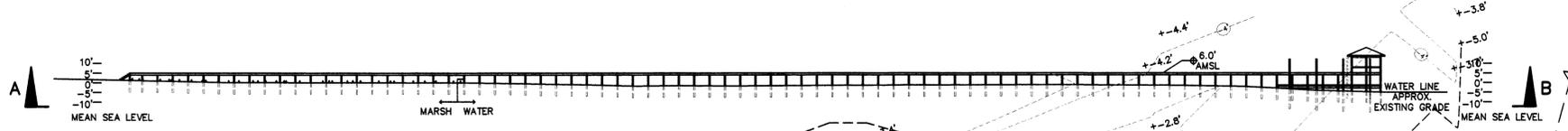
CHARLES FRANCIS RIGGS 77151  
L-298T

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE WHICH IS NOT A SPECIAL FLOOD HAZARD AREA WHICH IS A SPECIAL FLOOD HAZARD AREA WHICH IS A SPECIAL FLOOD HAZARD AREA AND FLOOD ZONE WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370188 3720314400K AUGUST 28, 2018

NOTE  
BENCHMARK: EIR  
ELEVATION: 15.70'  
VERTICAL DATUM: NAVD 88  
VERTICAL DATUM OBTAINED WITH TOPCON GRS USING N.C. GEODETIC CONTINUOUS OPERATING REFERENCE STATIONS

NOTE  
CONTOURS ADJUSTED TO NORMAL LOW WATER = 0'

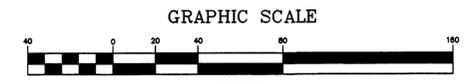
THIS PRELIMINARY PLOT PLAN IS SUBJECT TO BOTH REVIEW & APPROVAL BY THE LOCAL JURISDICTION.



REVISION:  
04/07/2022: CORRECTED SPOT ELEVATIONS SOUTH OF PIER

**CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)**  
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS, LAND PLANNING & COMPUTER MAPPING  
502 NEW BRIDGE STREET  
P.O. BOX 1570  
JACKSONVILLE, NC 28540-1570  
TELEPHONE: (910) 455-0877  
E-MAIL: riggsland@riggslandnc.com  
LANDFALL EXECUTIVE SUITES  
1213 CULBRETH DRIVE  
WILMINGTON, NC 28405  
TELEPHONE: (910) 681-7444

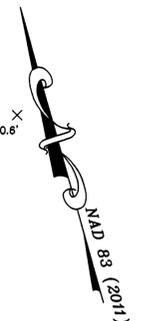
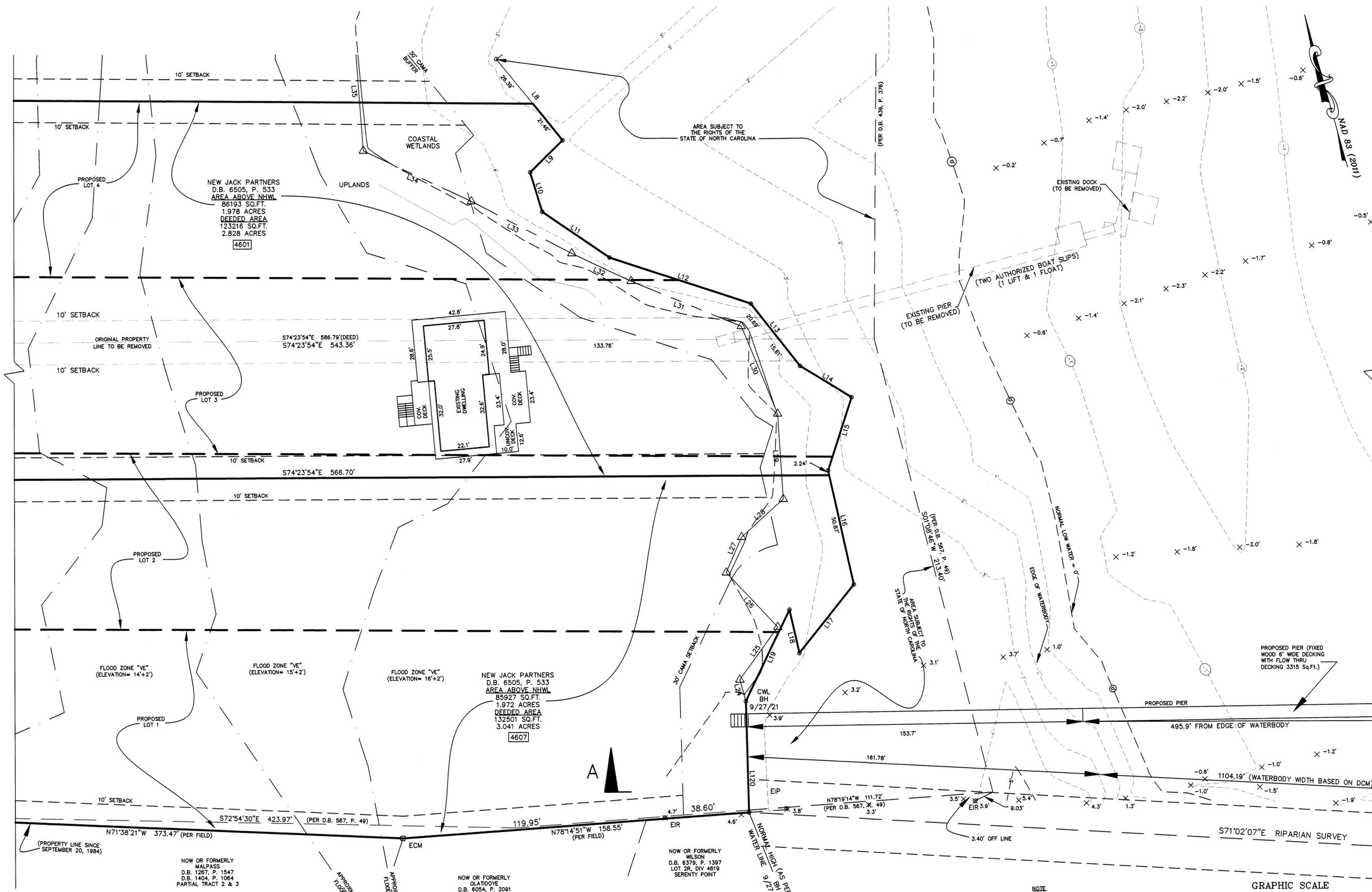
CAMA PLAN FOR  
**NEW JACK PARTNERS, LLC**  
4601 & 4607 NEW JACK ROAD, D.B. 6505, P. 533  
MASONBORO TOWNSHIP, NEW HANOVER COUNTY, NORTH CAROLINA  
NEW JACK PARTNERS, LLC, OWNER; D.B. 6505, P. 533  
4601 & 4607 NEW JACK ROAD



APPROXIMATE LOCATION OF EXISTING ADJOINER'S 8 BOAT SLIP DOCK (PERMIT #113-13).  
DOCK ILLUSTRATION TAKEN FROM NEW HANOVER GIS AERIAL.

ACTUAL FIELD SURVEY DATE: 10/05/2021  
MAPPING DATE: 03/18/2022  
FIELD BOOK: 1219 PAGE: 1  
PROJECT NUMBER: 21-08-05 JTG  
SHEET 1 OF 6

APPROXIMATE SPOIL ISLAND LOCATION ILLUSTRATION TAKEN FROM NEW HANOVER GIS AERIAL.



04/07/2022 11:08:05 AM C:\Users\jriggs\OneDrive\Documents\Projects\21-08-05\21-08-05-01.dwg Thursday, April 07, 2022 11:08:05 AM

REVISION:  
 04/07/2022: CORRECTED SPOT ELEVATIONS SOUTH OF PIER

**CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)**  
 LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,  
 LAND PLANNING & COMPUTER MAPPING  
 502 NEW BRIDGE STREET LANDFALL EXECUTIVE SUITES  
 P.O. BOX 1570 1213 CULBRETH DRIVE  
 JACKSONVILLE, NC 28540-1570 WILMINGTON, NC 28405  
 TELEPHONE: (910) 455-0877 TELEPHONE: (910) 681-7444  
 E-MAIL: riggsland@riggslandnc.com

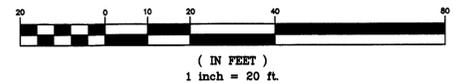


CAMA PLAN  
 FOR  
**NEW JACK PARTNERS, LLC**  
 4601 & 4607 NEW JACK ROAD, D.B. 6505, P. 533  
 MASONBORO TOWNSHIP, NEW HANOVER COUNTY, NORTH CAROLINA  
 NEW JACK PARTNERS, LLC, OWNER; D.B. 6505, P. 533  
 4601 & 4607 NEW JACK ROAD

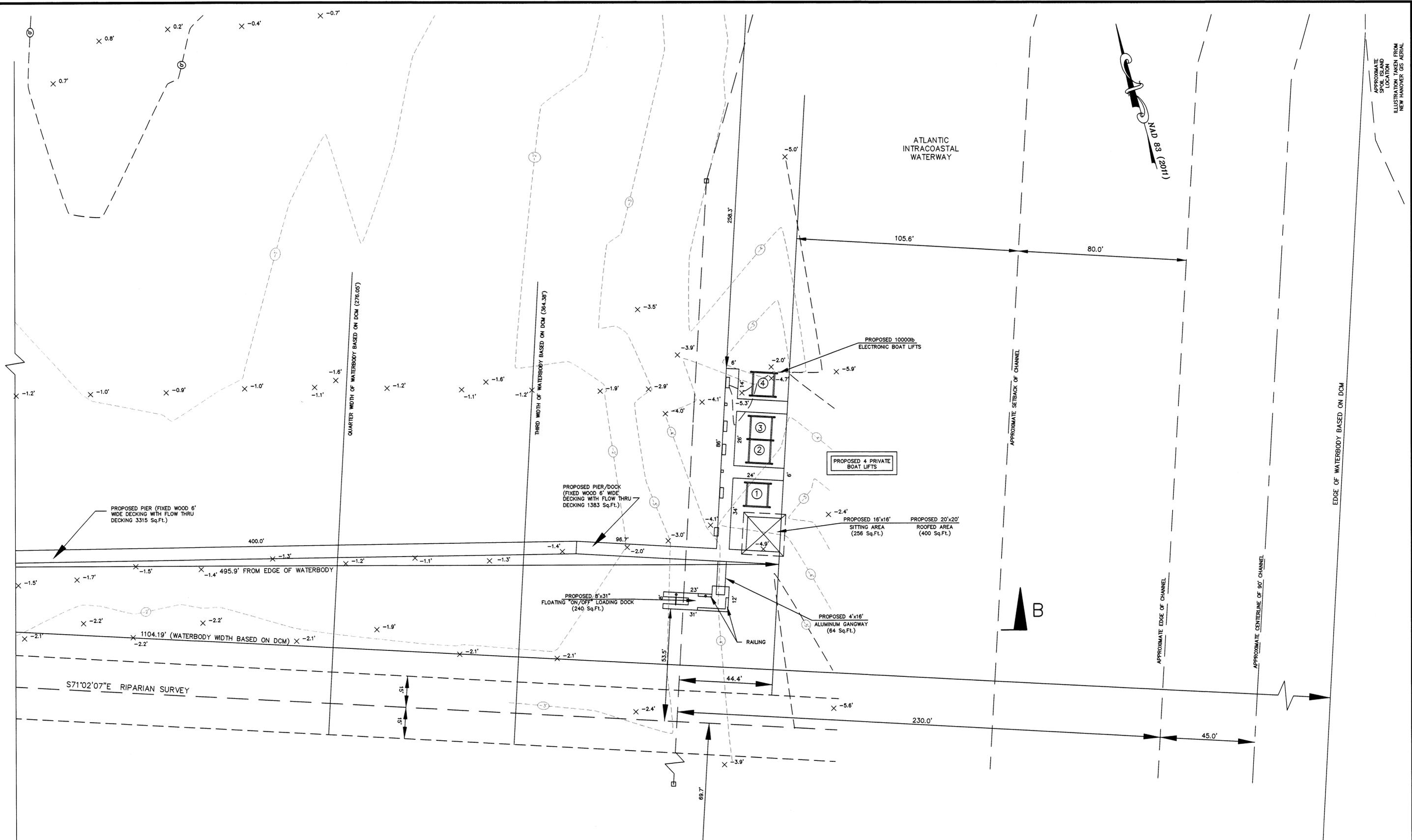
NOTE:  
 LENGTH OF SHORELINE EQUALS 475.2'

NOTE:  
 BENCHMARK: EIR  
 ELEVATION: 15.70'  
 VERTICAL DATUM: NAVD 88  
 VERTICAL DATUM OBTAINED WITH TOPCON GRS  
 USING N.C. GEODETIC CONTINUOUS OPERATING  
 REFERENCE STATIONS

NOTE:  
 CONTOURS ADJUSTED  
 TO NORMAL LOW WATER = 0'  
 THIS PRELIMINARY PLOT PLAN IS SUBJECT TO BOTH  
 REVIEW & APPROVAL BY THE LOCAL JURISDICTION.



ACTUAL FIELD SURVEY DATE: 10/05/2021  
 MAPPING DATE: 03/21/2022  
 FIELD BOOK: 1219 PAGE: 1  
 PROJECT NUMBER: 21-08-05 JTG  
 SHEET 2 OF 6



APPROXIMATE  
SPOIL ISLAND  
LOCATION  
ILLUSTRATION TAKEN FROM  
NEW HANOVER GIS AERIAL

EDGE OF WATERBODY BASED ON DCM

APPROXIMATE SETBACK OF CHANNEL

APPROXIMATE EDGE OF CHANNEL

APPROXIMATE CENTERLINE OF 90' CHANNEL



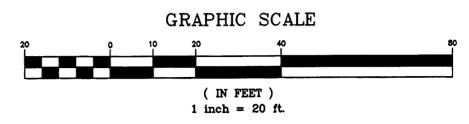
REVISION:  
04/07/2022: CORRECTED SPOT ELEVATIONS SOUTH OF PIER

**CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)**  
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 502 NEW BRIDGE STREET      LANDFALL EXECUTIVE SUITES  
 P.O. BOX 1570                      1215 CULBRETH DRIVE  
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 TELEPHONE: (910) 455-0877      TELEPHONE: (910) 681-7444  
 E-MAIL: riggsland@riggslandnc.com



APPROXIMATE LOCATION OF  
EXISTING ADJOINER'S BOAT  
SLIP DOCK (PERMIT #113-13).  
DOCK ILLUSTRATION  
TAKEN FROM NEW HANOVER  
GIS AERIAL.

CAMA PLAN  
FOR  
**NEW JACK PARTNERS, LLC**  
 4601 & 4607 NEW JACK ROAD, D.B. 6505, P. 533  
 MASONBORO TOWNSHIP, NEW HANOVER COUNTY, NORTH CAROLINA  
 NEW JACK PARTNERS, LLC, OWNER; D.B. 6505, P. 533  
 4601 & 4607 NEW JACK ROAD



ACTUAL FIELD SURVEY DATE: 10/05/2021  
 MAPPING DATE: 03/21/2022  
 FIELD BOOK: 1219      PAGE: 1  
 PROJECT NUMBER: 21-08-05      JTG  
 SHEET 3 OF 6

APPROXIMATE  
SPOIL ISLAND  
LOCATION  
ILLUSTRATION TAKEN  
FROM NEW HANOVER  
GIS AERIAL

P:\2021\21-08-05\_GIS\CAMAPLAN\21-08-05-PRJ\_21.dwg - Monday, April 11, 2022 7:56:09 AM

Chad Tennant  
SOUTH CAROLINA  
PROFESSIONAL  
SURVEYOR  
SEAL  
L-2981  
FRANCIS RIGGS

# Sound View Dr

APPROXIMATE LOCATION OF  
EXISTING ADJOINER'S APPARENT  
4 BOAT SLIP DOCK.  
DOCK ILLUSTRATION  
TAKEN FROM NEW HANOVER GIS  
AERIAL.

APPROXIMATE LOCATION OF  
EXISTING ADJOINER'S 8 BOAT SLIP  
DOCK (PERMIT #113-13).  
DOCK ILLUSTRATION  
TAKEN FROM NEW HANOVER GIS  
AERIAL.

NOTE:  
LENGTH OF SHORELINE EQUALS 475.2'

NOTE:  
AERIAL IMAGE TAKEN  
FROM NEW HANOVER GIS.

GRAPHIC SCALE



( IN FEET )  
1 inch = 80 ft.



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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.75

Total Postage and Fees \$6.50

Sent To: Jeffery + Lorraine Wilson  
 Street and Apt. No. or PO Box No. 3413 Tansey Close Dr.  
 City, State, ZIP+4® Wilmington NC 28409

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



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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.75

Total Postage and Fees \$6.50

Sent To: COBA Ventures c/o B Olatidoye  
 Street and Apt. No. or PO Box No. 4615 Serenity Point Rd.  
 City, State, ZIP+4® Wilmington NC 28409

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



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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.75

Total Postage and Fees \$6.50

Sent To: Babatunde + Constance Olatidoye  
 Street and Apt. No. or PO Box No. 4615 Serenity Point Rd.  
 City, State, ZIP+4® Wilmington NC 28409

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



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Wilmington, NC 27514

**OFFICIAL USE**

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

<input type="checkbox"/> Return Receipt (hardcopy)	\$3.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.75

Total Postage and Fees \$6.50

Sent To: Shamp Family Trust  
 Street and Apt. No. or PO Box No. 6500 Mainear Lane  
 City, State, ZIP+4® Chapel Hill, NC 27514

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



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Wilmington, NC 28401

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.75

Total Postage and Fees \$6.50

Sent To: Babatunde + Constance Olatidoye  
 Street and Apt. No. or PO Box No. 4615 Serenity Point Rd  
 City, State, ZIP+4® Wilmington NC 28409

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



7021 2720 0000 3330 5213

7021 2720 0000 3330 5183

COPY

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

February 9, 2022

Jeffery & Lorraine Wilson  
3413 Tansey Close Drive  
Wilmington, NC 28409

*Re: 4619 Serenity Point*

Dear Mr. & Mrs. Wilson,

New Jack Partners is applying for a CAMA Major Permit to build a new dock located at 4607 New Jack Road on the Masonboro Sound in New Hanover County, NC. The specifics of the proposed work are in the enclosed application forms and drawings.

As the adjacent riparian property owner of the aforementioned project, I am required to notify you of the development in order to give you the opportunity to comment on the project. Please review the attached permit application and drawings.

Should you have any questions please feel free to call me @ 713-628-5005 or email me @ [nancykgrier@gmail.com](mailto:nancykgrier@gmail.com). Should you have any objections, you must notify the NC Division of Coastal Management in writing within 10 days of receipt of this notice. Correspondence should be mailed to 127 Cardinal Drive Ext., Wilmington, NC 28405-3845.

Enclosed please find a Self Addressed Envelope. I would appreciate you signing and completing the Notification Form and mailing back to me at your earliest convenience.

Thank you again.

Sincerely,



Nancy Grier, Managing Partner  
New Jack Partners, LLC

## CERTIFIED MAIL – RETURN RECEIPT REQUESTED

February 9, 2022

COBA Ventures  
P.O. Box 3743  
Wilmington, NC 28406

To Whom It May Concern,

New Jack Partners is applying for a CAMA Major Permit to build a new dock located at 4607 New Jack Road on the Masonboro Sound in New Hanover County, NC. The specifics of the proposed work are in the enclosed application forms and drawings.

As the adjacent riparian property owner of the aforementioned project, I am required to notify you of the development in order to give you the opportunity to comment on the project. Please review the attached permit application and drawings.

Should you have any questions please feel free to call me @ 713-628-5005 or email me @ [nancykgrier@gmail.com](mailto:nancykgrier@gmail.com). Should you have any objections, you must notify the NC Division of Coastal Management in writing within 10 days of receipt of this notice. Correspondence should be mailed to 127 Cardinal Drive Ext., Wilmington, NC 28405-3845.

Enclosed please find a Self Addressed Envelope. I would appreciate you signing and completing the Notification Form and mailing back to me at your earliest convenience.

Thank you again.

Sincerely,



Nancy Grier, Managing Partner  
New Jack Partners, LLC

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: New Jack Partners, LLC  
Address of Property: 4607 New Jack Rd., Wilmington NC 28409  
Mailing Address of Owner: 2013 Seawind Lane, Wilmington NC 28405  
Owner's email: Nancy Kgriera@gmail.com Owner's Phone#: (713) 628-5005  
Agent's Name: \_\_\_\_\_ Agent Phone#: \_\_\_\_\_  
Agent's Email: \_\_\_\_\_

**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.

BAO 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

-OR- Serenity Point Subdivision <sup>Signature of Adjacent Riparian Property Owner</sup> COBA Ventures

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

Signature of Adjacent Riparian Property Owner: [Signature]  
Typed/Printed name of ARPO: COBA Ventures, LLC  
Mailing Address of ARPO: P.O. Box 3743 Wilmington, NC 28406  
ARPO's email: boletido@gmail.com ARPO's Phone#: 910-264-4858  
Date: 2/14/22 \*waiver is valid for up to one year from ARPO's Signature\*

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

February 9, 2022

Babatunde & Constance Olatidoye  
4615 Serenity Point  
Wilmington, NC 28409

*Re: 4615 Serenity Point  
+ Cobra Ventures -*

Dear Dr. & Mrs. Olatidoye,

New Jack Partners is applying for a CAMA Major Permit to build a new dock located at 4607 New Jack Road on the Masonboro Sound in New Hanover County, NC. The specifics of the proposed work are in the enclosed application forms and drawings.

As the adjacent riparian property owner of the aforementioned project, I am required to notify you of the development in order to give you the opportunity to comment on the project. Please review the attached permit application and drawings.

Should you have any questions please feel free to call me @ 713-628-5005 or email me @ [nancykgrier@gmail.com](mailto:nancykgrier@gmail.com). Should you have any objections, you must notify the NC Division of Coastal Management in writing within 10 days of receipt of this notice. Correspondence should be mailed to 127 Cardinal Drive Ext., Wilmington, NC 28405-3845.

Enclosed please find a Self Addressed Envelope. I would appreciate you signing and completing the Notification Form and mailing back to me at your earliest convenience.

Thank you again.

Sincerely,



Nancy Grier, Managing Partner  
New Jack Partners, LLC

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: New Jack Partners LLC  
Address of Property: 4607 New Jack Rd., Wilmington NC 28409  
Mailing Address of Owner: 2013 Seawind Lane, Wilmington 28405  
Owner's email: nancykgriet@gmail.com Owner's Phone#: (713) 628-5805  
Agent's Name: \_\_\_\_\_ Agent Phone#: \_\_\_\_\_  
Agent's Email: \_\_\_\_\_

**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.

BAO 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

-OR- Re: 4615 Serenity Point Rd, Wilmington NC 28409  
*Signature of Adjacent Riparian Property Owner*

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

Signature of Adjacent Riparian Property Owner: Babatunde A. Olatidye

Typed/Printed name of ARPO: BABATUNDE A. OLATIDYE

Mailing Address of ARPO: 4615 SERENITY POINT ROAD, WILMINGTON, NC 28409

ARPO's email: bolatid@gmail.com ARPO's Phone#: 910-264-4858

Date: 2/14/22 \*waiver is valid for up to one year from ARPO's Signature\*

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

February 9, 2022

Babatunde & Constance Olatidoye  
4615 Serenity Point  
Wilmington, NC 28409

*Re: 4627 Serenity Point*

Dear Dr. & Mrs. Olatidoye,

New Jack Partners is applying for a CAMA Major Permit to build a new dock located at 4607 New Jack Road on the Masonboro Sound in New Hanover County, NC. The specifics of the proposed work are in the enclosed application forms and drawings.

As the adjacent riparian property owner of the aforementioned project, I am required to notify you of the development in order to give you the opportunity to comment on the project. Please review the attached permit application and drawings.

Should you have any questions please feel free to call me @ 713-628-5005 or email me @ [nancykgrier@gmail.com](mailto:nancykgrier@gmail.com). Should you have any objections, you must notify the NC Division of Coastal Management in writing within 10 days of receipt of this notice. Correspondence should be mailed to 127 Cardinal Drive Ext., Wilmington, NC 28405-3845.

Enclosed please find a Self Addressed Envelope. I would appreciate you signing and completing the Notification Form and mailing back to me at your earliest convenience.

Thank you again.

Sincerely,



Nancy Grier, Managing Partner  
New Jack Partners, LLC

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: New Jack Partners LLC  
Address of Property: 4607 New Jack Rd., Wilmington NC 28409  
Mailing Address of Owner: 2013 Seawind Lane, Wilmington NC 28405  
Owner's email: naucykgriero@gmail.com Owner's Phone#: (713) 628-5005  
Agent's Name: \_\_\_\_\_ Agent Phone#: \_\_\_\_\_  
Agent's Email: \_\_\_\_\_

**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.

BAD 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

-OR- Re: 4627 Serenity Point Rd., Wilmington NC 28409  
Signature of Adjacent Riparian Property Owner  
I do not wish to waive the 15' setback requirement (initial the blank) BAD

Signature of Adjacent Riparian Property Owner: [Signature]  
Typed/Printed name of ARPO: BABATUNDE A. OLATIDOYE  
Mailing Address of ARPO: 4615 SERENITY POINT ROAD, WILMINGTON, NC 28409  
ARPO's email: bolatido@gmail.com ARPO's Phone#: 910-264-4858

Date: 2/14/22 \*waiver is valid for up to one year from ARPO's Signature\*

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

February 9, 2022

Sharp Family Trust  
6506 Moinear Lane  
Chapel Hill, NC 27514

4623 Serenity Point

To Whom It May Concern,

New Jack Partners is applying for a CAMA Major Permit to build a new dock located at 4607 New Jack Road on the Masonboro Sound in New Hanover County, NC. The specifics of the proposed work are in the enclosed application forms and drawings.

As the adjacent riparian property owner of the aforementioned project, I am required to notify you of the development in order to give you the opportunity to comment on the project. Please review the attached permit application and drawings.

Should you have any questions please feel free to call me @ 713-628-5005 or email me @ [nancykgrier@gmail.com](mailto:nancykgrier@gmail.com). Should you have any objections, you must notify the NC Division of Coastal Management in writing within 10 days of receipt of this notice. Correspondence should be mailed to 127 Cardinal Drive Ext., Wilmington, NC 28405-3845.

Enclosed please find a Self Addressed Envelope. I would appreciate you signing and completing the Notification Form and mailing back to me at your earliest convenience.

Thank you again.

Sincerely,

  
Nancy Grier, Managing Partner  
New Jack Partners, LLC

Jordan Shamp

6506 Moinear Lane  
Chapel Hill, NC 27514  
919-698-9018  
jordanshamp@mac.com

February 24, 2022

Wilmington, NC Department of Coastal Management

To Whom It May Concern,

I am writing in regards to the pier/dock proposal (attached) by New Jack Partners, LLC. We are in opposition of this proposal for a few reasons.

Firstly, there is no engineering or any type of justification as to why this dock cannot be implemented over the same footprint as the existing dock. It's hard for me to determine by the attached documentation how far the proposed dock even is from our property line because the print is so small. The proposed location for the pier will drastically alter the visual privacy of our, and our neighbor's homes. Anyone on the pier will be able to look directly up into the majority of our home which will have a direct impact on our property value. If the dock were to be installed over the footprint of the existing dock, this sightline would be much less invasive and would offer a fair compromise.

Secondly, the area in which they will be constructing initial portion of the walkway is a constant food source for multiple types of local wildlife. The specific location of this proposed pier/dock will permanently alter multiple types of wildlife.

I strongly support a compromise of re-working the dock application to fit over the existing dock footprint, unless 3rd-party engineering documentation is provided explaining a specific need to have the structure where it is currently planned. Thank you for your consideration.

Sincerely,

RECEIVED

FEB 28 2022

DCM WILMINGTON

Jordan Shamp

Trustee of the Shamp Family Trust

New Jack Partners, LLC  
2013 Seawind Lane  
Wilmington, NC 28405

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Jan 28, 2022

James R & Anakelea J McCormick  
175 Whipporwill Lane  
Wilmington, NC 28409

Dear Mr. & Mrs. McCormick,

New Jack Partners is applying for a CAMA Major Permit to build a new dock located at 4607 New Jack Road on the Masonboro Sound in New Hanover County, NC. The specifics of the proposed work are in the enclosed application forms and drawings.

As the adjacent riparian property owner of the aforementioned project, I am required to notify you of the development in order to give you the opportunity to comment on the project. Please review the attached permit application and drawings.

Should you have any objections to this proposal, you must notify the NC Division of Coast Management in writing with 10 days of receipt of this notice. Correspondence should be mailed to 127 Cardinal Drive Ext., Wilmington, NC 28405-3845. If you have any questions about the upcoming project, please call me at 713 628-5005 or email me @ [nancykgrier@gmail.com](mailto:nancykgrier@gmail.com)

Enclosed please find a Self Addressed Envelope. I would appreciate you signing and completing the Notification Form and mailing back to me at your earliest convenience.

Thank you again.

Sincerely,



Nancy Grier, Managing Partner  
New Jack Partners, LLC

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: New Jack Partners, LLC  
Address of Property: 4601 / 4607 New Jack Rd., Wilmington, NC 28409  
Mailing Address of Owner: 2013 Seaside Lane, Wilmington NC 28405  
Owner's email: nancykgrier@gmail.com Owner's Phone#: (713) 628-5005  
Agent's Name: \_\_\_\_\_ Agent Phone#: \_\_\_\_\_  
Agent's Email: \_\_\_\_\_

**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.

JM  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) JM

Signature of Adjacent Riparian Property Owner: James R. McCormick

Typed/Printed name of ARPO: James R + Anakelea J. McCormick

Mailing Address of ARPO: 175 Whipperwill Lane, Wilmington NC 28409

ARPO's email: propcapman@gmail.com ARPO's Phone#: (904) 720-6978

Date: 2/1/22 \*waiver is valid for up to one year from ARPO's Signature\*

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**  
**DIVISION OF COASTAL MANAGEMENT**  
**ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION/WAIVER FORM**

Name of Property Owner: New Jack Partners LLC

Address of Property: 4601 New Jack Road  
(Lot or Street #, Street or Road, City & County)

Agent's Name #: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

Agent's phone #: \_\_\_\_\_

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.

Jm X I have no objections to this proposal. \_\_\_\_\_ I have objections to this proposal.

*If you have objections to what is being proposed, you must notify the Division of Coastal Management (DCM) in writing within 30 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 a pier, dock, mooring pilings, breakwater, boathouse, lift, or groin must be set back a minimum distance of 15' from my area of riparian access unless waived by me. (If you wish to waive the setback, you **must initial** the appropriate blank below.)

Jm X I do wish to waive the 15' setback requirement.

\_\_\_\_\_ I do not wish to waive the 15' setback requirement.

**(Property Owner Information)**

Nancy Gries, Partner  
Signature

Nancy Gries  
Print or Type Name

2013 Seawind Lane  
Mailing Address

Wilmington NC 28405  
City/State/Zip

(713) 628 5005  
Telephone Number

2/26/2022  
Date

**(Adjacent Property Owner Information)**

James R. McCormick/Property Company 3 LLC  
Signature

James R McCormick/Property Company 3 LLC  
Print or Type Name

4601 New Jack Rd.  
Mailing Address

Wilmington, N.C. 28409  
City/State/Zip

(904) 720-6978  
Telephone Number

2/26/22  
Date

Dr. Babatunde Olatidoye  
4615 Serenity Point  
Wilmington, NC. 28409

July 26, 2022

Coastal Resources Commission  
Chairman of the Board  
400 Commerce Avenue  
Morehead City, NC. 28557

Dear Sir or Madame,

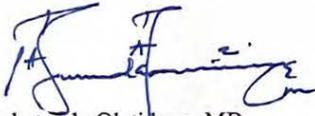
My name is Babatunde Olatidoye and my wife Constance and I live at the address above and have owned property here for over eight years. We bought the original 2.08 acre Serenity Point parcel in 2013 and subdivided the property into four separate lots in 2014. In 2013, we applied for and received a CAMA Major permit for the construction of a proposed 8-slip community dock with 4 finger piers separating the slips. The length of the dock is 290-ft X 6-ft.

As long as I have been coming to Serenity Point and later, living at 4615 Serenity Point, I have never witnessed, nor have I ever been made aware of any issues regarding navigation in or around the Serenity Community dock adjacent to the ICW. To my knowledge, our community dock has never interfered with any vessel navigating through the ICW in our immediate area.

I have reviewed the Plans and drawings for the New Jack Partners dock, our riparian neighbors to our south and do not oppose the project.

Many thanks for your consideration.

Kind regards,

A handwritten signature in blue ink, appearing to read 'Babatunde Olatidoye', with a stylized flourish at the end.

Babatunde Olatidoye, MD

N.C. DIVISION OF COASTAL MANAGEMENT  
ADJACENT RIPARIAN PROPERTY OWNER NOTIFICATION (MINOR PERMIT)  
CERTIFIED MAIL, RETURN RECEIPT REQUESTED or HAND DELIVERED

Babatunde + Constance Olatidoye  
Name of Adjacent Riparian Property Owner  
4627 + 4615 Serenity Pt.  
Address  
Wilmington, NC 28409  
City, State Zip

\_\_\_\_\_  
Date

To Whom It May Concern:

This correspondence is to notify you as a riparian property owner that I am applying for a CAMA Minor permit to

Demo a Storage Bldg, 2 Car Garage  
on my property at 4607 New Jack Road, Wilmington, NC 28409  
in New Hanover County, which is adjacent to your property. **A copy of the application and project drawing is attached/enclosed for your review.**

If you have no objections to the proposed activity, please mark the appropriate statement below and return to me as soon as possible. If no comments are received within 10 days of receipt of this notice, it will be considered that you have no comments or objections regarding this project.

If you have objections or comments, please mark the appropriate statement below and send your correspondence to: (LOCAL PERMIT OFFICER, NAME OF LOCAL GOVERNMENT, MAILING ADDRESS CITY, STATE, ZIP CODE)

If you have any questions about the project, please do not hesitate to contact me at my address/number listed below, or contact (LOCAL PERMIT OFFICER) at (PHONE NUMBER), or by email at: (LPO EMAIL).

Sincerely,

New Jack Partners, Nancy Griet  
Property Owner's Name

(713) 628-5005  
Telephone Number

Address City State Zip

I have no objection to the project described in this correspondence.  
 I have objection(s) to the project described in this correspondence.

[Signature]  
Adjacent Riparian Signature

July 25, 2022  
Date

BABATUNDE OLATIDOYE  
Print or Type Name

910-264-4858  
Telephone Number

Address 4627 ~~At~~ Serenity Pt. City Wilmington State NC Zip 28409

Jordan Shamp

6506 Moinear Lane  
Chapel Hill, NC 27514  
919-698-9018  
jordanshamp@mac.com

February 24, 2022

Wilmington, NC Department of Coastal Management

To Whom It May Concern,

I am writing in regards to the pier/dock proposal (attached) by New Jack Partners, LLC. We are in opposition of this proposal for a few reasons.

Firstly, there is no engineering or any type of justification as to why this dock cannot be implemented over the same footprint as the existing dock. It's hard for me to determine by the attached documentation how far the proposed dock even is from our property line because the print is so small. The proposed location for the pier will drastically alter the visual privacy of our, and our neighbor's homes. Anyone on the pier will be able to look directly up into the majority of our home which will have a direct impact on our property value. If the dock were to be installed over the footprint of the existing dock, this sightline would be much less invasive and would offer a fair compromise.

Secondly, the area in which they will be constructing initial portion of the walkway is a constant food source for multiple types of local wildlife. The specific location of this proposed pier/dock will permanently alter multiple types of wildlife.

I strongly support a compromise of re-working the dock application to fit over the existing dock footprint, unless 3rd-party engineering documentation is provided explaining a specific need to have the structure where it is currently planned. Thank you for your consideration.

Sincerely,

RECEIVED

FEB 28 2022

DCM WILMINGTON, NC

Jordan Shamp

Trustee of the Shamp Family Trust

ROY COOPER  
Governor

ELIZABETH S. BISER  
Secretary

AJAXTON DAVIS  
Director



April 20, 2022

New Jack Partners, LLC c/o Nancy Grier  
2013 Seawind Lane  
Wilmington, NC 28405

Dear Ms. Grier,

The Division of Coastal Management hereby acknowledges receipt of your application, as acting agent for New Jack Partners LLC, for State approval for development of the subject property located at 4601/4607 New Jack Road, adjacent to the Masonboro Sound in New Hanover County. It was received as complete on April 11, 2022 and appears to be adequate for processing at this time. The projected deadline for making a decision is June 25, 2022. An additional 75-day review period is provided by law when such time is necessary to complete the review. If you have not been notified of a final action by the initial deadline stated above, you should consider the review period extended. Under those circumstances, this letter will serve as your notice of an extended review. However, an additional letter will be provided on or about the 75th day.

If this agency does not render a permit decision within 70 days from April 11, 2022, you may request a meeting with the Director of the Division of Coastal Management and permit staff to discuss the status of your project. Such a meeting will be held within five working days from the receipt of your written request and shall include the property owner, developer, and project designer/consultant.

NCGS 113A-119(b) requires that Notice of an application be posted at the location of the proposed development. Enclosed you will find a "Notice of Permit Filing" postcard which must be posted at the property of your proposed development. You should post this notice at a conspicuous point along your property where it can be observed from a public road. Some examples would be: Nailing the notice card to a telephone pole or tree along the road right-of-way fronting your property; or at a point along the road right-of-way where a private road would lead one into your property. Failure to post this notice could result in an incomplete application.

An onsite inspection will be made, and if additional information is required, you will be contacted by the appropriate State or Federal agency. Please contact me if you have any questions and notify me in writing if you wish to receive a copy of my field report and/or comments from reviewing agencies.

Sincerely,

A handwritten signature in black ink that reads 'Bryan Hall'.

Bryan Hall  
Field Representative

cc: Cameron Luck, DCM  
Holley Snider, DWR

USACE  
Christine Bouffard, LPO



North Carolina Department of Environmental Quality | Division of Coastal Management  
Wilmington Office | 127 Cardinal Drive Extension | Wilmington, North Carolina 28405  
910.796.7215

# NOTICE

## CAMA PERMIT APPLIED FOR

PROJECT: Applicant proposed to create a  
~~community docking facility to accommodate up to~~  
~~five (5) vessels at 4601/4607 New Jack Rd., adj. to~~  
~~Masonboro Sound in Wilmington, New Hanover~~  
~~County.~~

COMMENTS ACCEPTED THROUGH May 16, 2022

APPLICANT:

New Jack Partners, LLC

c/o Nancy Grier

2013 Seawind Lane

Wilmington, NC 28405

(713) 628-5005



FOR MORE DETAILS CONTACT  
THE LOCAL PERMIT OFFICER BELOW:

NC Div. of Coastal Management

127 Cardinal Dr. Ext.

Wilmington, NC 28405

Bryan Hall (910) 796-7423

Agent: n/a

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**Legend**

-  Feature 1
-  Feature 2
-  Harbor Church
-  Masonboro Country Store
-  Masonboro Yacht Club
-  Path
-  SETBACK
-  Shamrock Sailing Adventures
-  Treasured Heirlooms
-  Wilmington Harbor - East Side

**Wilmington District**

-  Harbor Church
-  Masonboro Country Store
-  Masonboro Yacht Club
-  Path
-  SETBACK
-  Shamrock Sailing Adventures
-  Treasured Heirlooms
-  Wilmington Harbor - East Side

**New Jack Partners, LLC**  
 Overall Waterway Aerial  
 Sheet 6 of 6

**DIVISION OF COASTAL MANAGEMENT  
FIELD INVESTIGATION REPORT**

1. **APPLICANT'S NAME:** New Jack Partners LLC c/o Nancy Grier
2. **LOCATION OF PROJECT SITE:** 4601/4607 New Jack Rd, adjacent to the Masonboro Sound, in New Hanover County.  
**Latitude:** 34° 9'6.49"N **Longitude:** 77°51'35.50"W
3. **INVESTIGATION TYPE:** CAMA
4. **INVESTIGATIVE PROCEDURE:** **Dates of Site Visit** –8/27/21, 9/27/21, 4/14/22  
**Was Applicant Present** – Yes
5. **PROCESSING PROCEDURE:** **Application Received** – 1/28/22  
**Complete Date** – 4/11/22  
**Office** – Wilmington
6. **SITE DESCRIPTION:**
- (A) **Local Land Use Plan** – New Hanover County  
**Land Classification from LUP** – Resource Protection
- (B) **AEC(s) Involved:** EW-ORW, PTA, CW, ES
- (C) **Water Dependent:** Yes
- (D) **Intended Use:** Private
- (E) **Wastewater Treatment:** **Existing** – Municipal  
**Planned** – N/A
- (F) **Type of Structures:** **Existing** – Two single family residences, detached garage, and private docking facility  
**Planned** – Creation of five (5) parcels and five (5) slip community docking facility
- (G) **Estimated Annual Rate of Erosion:** N/A  
**Source** - N/A
7. **HABITAT DESCRIPTION :**
- |   | [AREA]<br>DREDGED | FILLED | OTHER                         |
|---|-------------------|--------|-------------------------------|
| (A) Vegetated Wetlands (Coastal)        |                   |        | ~922.2 SF<br>(shading)        |
| (B) Non-Vegetated Wetlands (Open water) |                   |        | ~4,459.4 SF<br>(incorporated) |
| (C) Other (highground)                  |                   |        |                               |
- (D) **Total Area Disturbed:** 5,381.6 sq. ft. (0.12 acres)
- (E) **Primary Nursery Area:** Yes
- (F) **Water Classification:** SA-ORW **Open:** No
8. **PROJECT SUMMARY:** The applicant proposes to create a community docking facility to accommodate up to five (5) vessels in Masonboro Sound.

**9. PROJECT DESCRIPTION :**

The project site is located at 4601 and 4607 New Jack Road in New Hanover County, adjacent to the Masonboro Sound, in Wilmington, New Hanover County. The two lots are approximately 5 acres total with 700' of shoreline frontage. The parcels' average grade is approximately 10' above normal high water (NHW). The combined properties include two single family residences, a detached garage, and a two-slip docking facility. The properties to the north and south of the project site are single family residences. The adjacent riparian property owner to the south is part of the Serenity Point subdivision; all five property owners of Serenity Point were notified since there is no established Homeowner's Association.

The existing docking facility located at 4601 New Jack Road was originally permitted under GP #60725D on 9/13/2012 for a 10'x10' fixed platform and a L-head floating dock. A boat lift was added to the northern end of the L-head under GP #64785 on 8/6/2015 to raise the total formalized slips to two.

Upland vegetation consists of lawn grasses and Live Oak trees. Located on the eastern end of the property the vegetation transitions which exhibits §404 type wetlands before transitioning to a narrow border of Sea Oxeye (*Borrchia frutescens*) and high coastal marsh vegetation, including, Black Needle Rush (*Juncus roemarianus*), and Salt Meadow Grass (*Spartina patens*). The high marsh transitions to an area of Smooth Cordgrass (*Spartina alterniflora*) to the open water of Masonboro Sound. Existing NHW and Coastal Wetlands were delineated by DCM on 9/7/21. A historical back channel exists in front of the subject parcels. The existing docking facility at 4601 New Jack Road as well as the three docking facilities to the north are located on the edge of the back channel which is approximately -2' to -3' deep. Vessels associated with these docking facilities use the back channel to access the AIWW to the northeast. The southern extent of the back channel south of the existing docking facility at 4601 New Jack Road appears to have begun shoaling in and no longer provides vessel access to the AIWW, however it appears to be navigable at high tide.

A scoping meeting was held via webcam on October 25, 2021, at the request of the applicant and surveyor for the project. The request was regarding the potential expansion of the existing, authorized docking facility on the property. There was discussion of the potential proposal of extending a new docking facility to the waterway however no drawings were provided at the time.

The New Hanover County Land Use Plan classifies adjacent waters as Conservation, and the adjacent high ground portion of the project area as Resource Protection. The waters of Masonboro Sound are Classified as Outstanding Resource Water (SA-ORW) by the NC Division of Water Resources and are designated as a **Primary Nursery Area (PNA)**, by the NC Division of Marine Fisheries. The area of Masonboro Sound is **CLOSED** to the harvesting of shellfish.

**10. PROPOSED PROJECT:**

The applicant proposes to create a community docking facility to accommodate up to five (5) vessels in Masonboro Sound. The application states the existing two tracts would be subdivided into five parcels, averaging approximately an acre in size, with the northern most parcel under contract to be sold to the adjacent riparian property owner. For the purpose of this application, the proposed northern most parcel under contract is not included in the proposal in terms of tract size, shoreline length, etc. The remaining four parcels of this proposal will be associated with the proposed community docking facility with approximately 475.2' of shoreline. **Note: The applicant states that an easement will be recorded for this specific shoreline area, an easement has not been recorded at this time (see Preliminary Plat dated 3/18/22).** The applicant proposes to remove the existing two slip docking facility associated with the property that currently exists in water depths -1.5' to -2' NLW. No upland development is part of this proposal.

A new fixed pier measuring approximately 649.6' in length by 6' in width would extend from the existing high ground of the southernmost parcel, across the historical channel which appears to have shoaled in, towards Masonboro Sound, with 465.9' of the pier over open water. The pier would terminate with a 20' in length by 20' in width covered gazebo adjacent to the end of the pier on the north side. Landward of the gazebo would be a fixed T-head measuring 86' in length and 6' in width extending north. Two fixed finger piers measuring 24' in length by 6' in width extend east from the T-head accommodating slips 1-4. Four 10,000lb boat lifts measuring 12' in length by 12' in width would be placed within the slips created by the finger piers. Extending south from the proposed pier, the applicant proposes a floating loading dock and kayak launch.

The floating dock would measure 31' in length by 8' in width with a 4' in length by 8' in width ramp landing on the northern side of the floating dock. The western 12' of the floating dock is proposed to be a cut-out kayak launch. The remaining portion of the floating dock is proposed to be used as a "loading/unloading area" according to the applicant.

The application states that the proposed configuration would accommodate four (4) vessels and a transient slip at the floating dock for a total of up to (5) vessels. (See Sheet 1-5 of 6)

Based on application materials, the proposed docking facility would be located in water depths ranging from 0' to -4' NLW. The pier would extend over open water measuring 0' to -2' NLW. The floating dock is proposed in water depths measuring approximately -3' to -4' NLW. The boat lifts are proposed in water depths measuring approximately -4' NLW. Water depths on the northern and southern side of the proposed pier range from 0' to -2.2' NLW. (See Sheet 1-3 of 6)

**A bridged section was not proposed, but based on historical navigation in the area, a bridged section is recommended approximately 170 linear feet waterward from the edge of the waterbody along the proposed pier.**

**Note:** One of the property owners to the south of the proposed project, located in Serenity Point, (the Shamp Family Trust), has formally objected to the proposal. The objection is included in the application materials.

**11. ANTICIPATED IMPACTS:**

The proposed structures would incorporate 4,459.4 sq. ft. of Public Trust Area and Estuarine Waters and shade approximately 922.2 sq. ft. of Coastal Wetlands. The structures would not encroach into the 15' riparian corridor setback of the adjacent riparian properties. A waiver has been obtained from the northern riparian property owner. As proposed, the docking facility would not encroach into the USACE AIWW 80' setback. The proposed structures would extend 495.9' into a waterbody, in a waterbody which measures approximately 1104' across. This distance would locate the docking facility at approximately 1/2 the width of the waterbody in this location. The proposed pier extends over a historical back channel that has begun shoaling in. No bridged section is proposed but DCM recommends a bridged section approximately 170 linear feet waterward from the edge of the waterbody to preserve historical navigation. The proposed structures would accommodate up to five (5) vessels at this location within water depths of approximately -3' to -4' relative to NLW. The nearest docking facility is approximately 70' to the south. There are potential navigation impacts for canoes/kayaks without a bridged section over the historic back channel.

**Submitted by:** Bryan Hall    **Date:** 4/20/2022    **Office:** Wilmington

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

S. DANIEL SMITH

Director



NORTH CAROLINA  
Environmental Quality

**DATE:** June 6, 2022

**FROM:** Holley Snider *HS*  
NCDEQ-Division Water Resources  
401 Buffer Permitting Branch

**SUBJECT: DWR #20220594**  
**No Written Approval Required**

**PROJECT LOCATION:** New Jack Landing, Wilmington, New Hanover County  
**Community Docking Facility**

**PROPOSED PROJECT:** Construction of a community docking facility to provide mooring for four (4) vessels.

The Division of Water Resources (DWR) has received a copy of your CAMA Major permit application request completed on April 11, 2022 and received by this office on April 21, 2022.

The waters of the Masonboro Sound and Atlantic Intracoastal Waterway in this area are classified as SA;ORW by the Division of Water Resources (DWR) and has been determined to be Primary Nursery Area (PNA) by the Division of Marine Fisheries (DMF). Please understand that the waters around your project area have been identified as a Nursery Area and the DWR supports the concerns and recommendations within these designated areas that are submitted by the Division of Marine Fisheries and the Wildlife Resource Commission.

In accordance with the attached General Certification #4501 (GC 4501), the impacts associated with maintenance excavation of the previously authorized footprint described in your application do not require written authorization to utilize GC 4501. However, you are required to follow the conditions listed in the attached certification.

You should also obtain and comply with any other federal, state and local requirements including (but not limited to erosion and sedimentation control regulations and state stormwater requirements) before you proceed with your project. **This concurrence is specific to the impacts depicted in your CAMA Major application and supporting materials. If you change your project, you must notify this office and may be required to obtain a new certification. This concurrence shall expire upon expiration of the 404 or CAMA Permit.**



North Carolina Department of Environmental Quality | Division of Water Resources  
Wilmington Regional Office | 127 Cardinal Drive Extension | Wilmington, North Carolina 28405  
910.796.7215

**STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WATER RESOURCES**

**WATER QUALITY GENERAL CERTIFICATION NO. 4501**

**GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR US ARMY CORPS OF ENGINEERS  
PROGRAMMATIC GENERAL PERMIT NUMBER 198000291 (NC COASTAL AREA MANAGEMENT  
ACT)**

Water Quality General Certification Number 4501 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Regulations in 15A NCAC 02H .0500 and 15A NCAC 02B .0200 for the discharge of fill material to surface waters and wetland areas as described in the US Army Corps of Engineers Wilmington District's Programmatic General Permit 198000291.

The State of North Carolina certifies that the specified category of activity will comply with water quality requirements and applicable portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Effective date: January 3, 2022

Signed this day: October 28, 2021

By

DocuSigned by:  
*Jeff Poupart*  
8FB19B649DD2478...

for

S. Daniel Smith  
Director

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GC4501**GENERAL CERTIFICATION COVERAGE:**

**Activities that are eligible for US Army Corps of Engineers Wilmington District's Programmatic General Permit 198000291 qualify for coverage under this General Certification unless they meet one of the thresholds listed below. Activities meeting any one (1) of the thresholds or circumstances listed below are not eligible for coverage under this General Certification and require an Individual 401 Water Quality Certification from the Division of Water Resources (DWR):**

- a) If any of the conditions of this General Certification cannot be met; or
- b) Activities authorized by CAMA Major Development Permits, except:
  - i. Boat Ramps and associated access (i.e. roads and parking lots) that involve the excavation or filling of less than 500 square feet total of wetland and open water area, with the exception that the excavation or filling of coastal wetlands (as defined in 15A NCAC 07H .0205) shall not exceed 100 square feet;
  - ii. Shoreline protection measures (excluding living shorelines/marsh sills) that (1) tie into existing bulkheads, land, or other shoreline protection measures or (2) do not extend waterward of the normal high water or normal water line more than 10 feet, provided the activity will not involve the excavation or filling of any Submerged Aquatic Vegetation (SAV) or significant shellfish resources (as identified by the Division of Marine Fisheries) and impacts less than 500 square feet total of wetland, with the exception that the excavation or filling of coastal wetlands (as defined in 15A NCAC 07H .0205) shall not exceed 100 square feet;
  - iii. Living shorelines/marsh sills where (1) the landward edge of the sill does not extend waterward of the normal high water or normal water line more than 30 feet or five feet waterward of the existing wetlands whichever distance is greater, (2) the activity will not involve the excavation or fill of any Submerged Aquatic Vegetation (SAV) or significant shellfish resources (as identified by the Division of Marine Fisheries), and (3) does not result in any fill landward of the toe of the sill alignment, provided the Division of Coastal Management representative submits a copy of the written authorization for the General Permit to the Division upon issuance; or
  - iv. Piers and docks designed to accommodate up to but not exceeding 10 vessels (except where prohibited in Outstanding Resource Waters (ORW) as defined in 15A NCAC 02B. 0225(7) & (8)) and where the water depth is equal to or greater than two feet of water at normal low water level or normal water level (whichever is applicable);
  - v. Maintenance dredging of less than 0.5 acres of open water or non-vegetated wetlands, provided that the applicant can provide documentation showing the historic dimensions of the dredged channel, and no SAV or shellfish beds are excavated or filled;
  - vi. Projects that involve only shading of waters or wetlands that do not meet the criteria listed in item (iv) above;

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- vii. Utility lines, except wastewater lines and potable water discharge lines which are subject to an NPDES Permit, as long as all impacts are temporary;
- viii. Upland development which involves no more than 1/10 of an acre of excavation or filling of non-coastal wetlands, with the exception that no more than 2,000 square feet of the non-coastal excavation or filling may take place within a Coastal Shoreline Area of Environmental Concern (AEC). For the purposes of this area calculation, the excavation or filling impacts of the entire project shall be considered, which may include boat ramps, bulkheads or other shoreline stabilization measures; and
- ix. Single family home construction that results in fill of wetlands; or
- c) Any stream relocation or stream restoration; or
- d) Any high-density project, as defined in 15A NCAC 02H .1003(3) and by the density thresholds specified in 15A NCAC 02H .1017, which:
  - i. Disturbs one acre or more of land (including a project that disturbs less than one acre of land that is part of a larger common plan of development or sale); and
  - ii. Has permanent wetland, stream or open water impacts; and
  - iii. Is proposing new built-upon area; and
  - iv. Does not have a stormwater management plan reviewed and approved under a state stormwater program<sup>1</sup> or a state-approved local government stormwater program<sup>2</sup>.

Projects that have vested rights, exemptions, or other legacy rights or exemptions from state or locally-implemented stormwater programs and projects that satisfy state or locally-implemented stormwater programs through use of community in-lieu fee programs **require an Individual 401 Certification**; or

- e) Any impacts to SAV or significant shellfish resources as identified by the (DMF); or
- f) Any permanent impacts to Unique Wetlands (UWL) [15A NCAC 02B .0231]; or
- g) Any impacts to subject water bodies and/or state regulated riparian buffers along subject water bodies in the Neuse, Tar-Pamlico, or Catawba River Basins or in the Randleman Lake, Jordan Lake or Goose Creek Watersheds (or any other basin or watershed with State Regulated Riparian Area Protection Rules in Chapter 2B of Title 15A in the North Carolina Administrative Code in effect at the time of application) *unless*:
  - i. The activities are listed as “EXEMPT” or “DEEMED ALLOWABLE” from these rules; or
  - ii. A Buffer Authorization Certificate is issued by the NC Division of Coastal Management (DCM); or
  - iii. A Buffer Authorization Certificate, Certificate with Exception, or Minor Variance is issued by a delegated or designated local government implementing a state riparian buffer program pursuant to 143-214.23.

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<sup>1</sup> e.g. Coastal Counties, HQW, ORW, or state-implemented Phase II NPDES

<sup>2</sup> e.g. Delegated Phase II NPDES, Water Supply Watershed, Nutrient-Sensitive Waters, or Universal Stormwater Management Program

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In accordance with 15A NCAC 02H .0503(f), the Director of the North Carolina Division of Water Resources may require submission of a formal application for Individual Certification for any project if it is deemed in the public's best interest or determined that the project is likely to have a significant adverse effect upon water quality, including state or federally listed endangered or threatened aquatic species, or will degrade the waters so that existing uses of the waters or downstream waters are precluded.

This General Certification does not relieve the permittee of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.

This General Certification neither grants nor affirms any property right, license, or privilege in any waters, or any right of use in any waters. This General Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and does not create any prescriptive right or any right of priority regarding any usage of water. This General Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this General Certification to possess any prescriptive or other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded.

Upon the presentation of proper credentials, DWR may inspect the property.

This General Certification shall expire on the same day as the expiration date of the corresponding Nationwide Permit. The conditions in effect on the date of issuance of Certification for a specific project shall remain in effect for the life of the project, regardless of the expiration date of this General Certification. This General Certification is rescinded when the US Army Corps of Engineers reauthorizes the corresponding Nationwide Permit or when deemed appropriate by the Director of the Division of Water Resources.

Non-compliance with or violation of the conditions herein set forth by a specific project may result in revocation of this General Certification for the project and may also result in criminal and/or civil penalties.

**I. ACTIVITY SPECIFIC CONDITIONS:**

1. The effluent water from the dredge spoil shall not be released into open shellfish waters unless Shellfish Sanitation and the DWR Washington (252-946-6481) or Wilmington (910-796-7215) Regional Office, as applicable, are notified and provide approval prior to the release.

*Citation: 15A NCAC 02B .0221*

*Justification: Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule (including, at minimum: aquatic life propagation, survival, and maintenance of biological integrity, wildlife, primary contact recreation,*

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*agriculture, and shellfishing for market purposes); and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis.*

2. If this Water Quality Certification is used to access residential, commercial or industrial building sites, then all parcels owned by the permittee that are part of the single and complete project authorized by this Certification must be buildable without additional impacts to streams or wetlands.

*Citation: 15A NCAC 02H .0502(a);15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

*Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. In determining that the proposed activity will comply with state water quality standards (including designated uses, numeric criteria, narrative criteria and the state's antidegradation policy), the Division must evaluate if the activity has avoided and minimized impacts to waters, would cause or contribute to a violation of standards or would result in secondary or cumulative impacts.*

3. For road construction purposes, this Certification shall only be utilized from natural high ground to natural high ground.

*Citation: 15A NCAC 02H .0502(a);15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

*Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. In determining that the proposed activity will comply with state water quality standards (including designated uses, numeric criteria, narrative criteria and the state's antidegradation policy), the Division must evaluate if the activity has avoided and minimized impacts to waters, would cause or contribute to a violation of standards or would result in secondary or cumulative impacts.*

4. Deed notifications or similar mechanisms shall be placed on all lots/parcels with retained jurisdictional wetlands, waters, and state regulated riparian buffers within the project boundaries in order to assure compliance with NC Water Quality Certification Rules (15A NCAC 02H .0500), NC Isolated Wetland Rules (15A NCAC 02H .1300), Non-Jurisdictional Wetland Rules (15A NCAC 02H .1400), and/or State Regulated Riparian Buffer Rules in Chapter 2B of Title 15A in the North Carolina Administrative Code. These mechanisms shall be put in place at the time of recording of the property or individual parcels, whichever is appropriate.

*Citation: 15A NCAC 02H .0502(a); 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

*Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. In determining that the proposed activity will comply with state water quality standards (including designated uses, numeric criteria, narrative criteria and the state's antidegradation policy), the Division must evaluate if the activity has avoided and minimized impacts to waters, would cause or contribute to a violation of standards or would result in secondary or cumulative impacts.*

5. For living shorelines, the sills shall have at least one five-foot opening every 100 feet and may be staggered or overlapped or left open as long as the five-foot separation between sections

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is maintained. Overlapping sections shall not overlap more than 10 feet.

*Citation: 15A NCAC 02H .0506(b)(1) and (3); 15A NCAC 02H .0507(c)*

*Justification: Surface water quality standards require that conditions of waters be suitable for all best uses (including aquatic life propagation, survival, and maintenance of biological integrity) provided for in state rule and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis.*

6. For living shorelines, the permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation and turbidity within waters and wetlands outside the permitted area. This shall include, but is not limited to, the immediate installation of silt fencing, turbidity curtains or similar appropriate devices around all areas subject to soil disturbance. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act and the Mining Act of 1971.

*Citation: 15A NCAC 02H .0506(b)(1) and (3); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200*

*Justification: Surface water quality standards require that conditions of waters be suitable for all best uses (including aquatic life propagation, survival, and maintenance of biological integrity) provided for in state rule and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis.*

## II. GENERAL CONDITIONS:

1. The permittee shall report to the appropriate DWR Regional Office any noncompliance with, and/or any violation of, stream or wetland standards [15A NCAC 02B .0200], including but not limited to sediment impacts to streams or wetlands. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the permittee became aware of the non-compliance circumstances.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

*Justification: Timely reporting of non-compliance is important in identifying and minimizing detrimental impacts to water quality and avoiding impacts due to water pollution that precludes any best use on a short-term or long-term basis.*

2. No waste, spoil, solids, or fill of any kind shall occur in wetlands or waters beyond the footprint of the impacts (including temporary impacts); or beyond the thresholds established for use of this General Certification and Programmatic General Permit.

*Citation: 15A NCAC 02H .0506; 15A NCAC 02H .0507(c)*

*Justification: Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule (including, at minimum: aquatic life propagation, survival, and maintenance of biological integrity; wildlife; secondary contact recreation; agriculture); and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis.*

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3. All activities shall be in compliance with any applicable State Regulated Riparian Buffer Rules in Chapter 2B of Title 15A in the North Carolina Administrative Code.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

*Justification: The referenced Riparian Buffer rules were adopted to address water quality impairments and further protect existing uses.*

4. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur.

Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *North Carolina Department of Transportation Sediment and Erosion Control Manual*.

All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), SA, WS-I, WS-II, High Quality Waters (HQW), or Outstanding Resource Waters (ORW), then the sedimentation and erosion control designs shall comply with the requirements set forth in 15A NCAC 04B .0124, *Design Standards in Sensitive Watersheds*.

*Citation: 15A NCAC 02H .0506(b)(2); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231*

*Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. Activities must not cause water pollution that precludes any best use on a short-term or long-term basis. As cited in Stream Standards: (2) Oils, deleterious substances, or colored or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation, or to aquatic life and wildlife, or adversely affect the palatability of fish, aesthetic quality, or impair the waters for any designated uses; and (12) turbidity in the receiving water shall not exceed 50 Nephelometric Turbidity Units (NTU) in streams not designated as trout waters and 10 NTU in streams, lakes, or reservoirs designated as trout waters; for lakes and reservoirs not*

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*designated as trout waters, the turbidity shall not exceed 25 NTU; if turbidity exceeds these levels due to natural background conditions, the existing turbidity level shall not be increased. As cited in Wetland Standards: (1) Liquids, fill or other solids, or dissolved gases shall not be present in amounts that may cause adverse impacts on existing wetland uses; and (3) Materials producing color or odor shall not be present in amounts that may cause adverse impacts on existing wetland uses.*

5. Sediment and erosion control measures shall not be installed in wetland or waters except within the footprint of temporary or permanent impacts otherwise authorized by this Certification. If placed within authorized impact areas, then placement of such measures shall not be conducted in a manner that results in dis-equilibrium of any wetlands, streambeds, or streambanks. Any silt fence installed within wetlands shall be removed from wetlands and the natural grade restored within two (2) months of the date that DEMLR or locally delegated program has released the specific area within the project to ensure wetland standards are maintained upon completion of the project.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231*

*Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. Activities must not cause water pollution that precludes any best use on a short-term or long-term basis. As cited in Stream Standards: (2) Oils, deleterious substances, or colored or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation, or to aquatic life and wildlife, or adversely affect the palatability of fish, aesthetic quality, or impair the waters for any designated uses; and (12) turbidity in the receiving water shall not exceed 50 Nephelometric Turbidity Units (NTU) in streams not designated as trout waters and 10 NTU in streams, lakes, or reservoirs designated as trout waters; for lakes and reservoirs not designated as trout waters, the turbidity shall not exceed 25 NTU; if turbidity exceeds these levels due to natural background conditions, the existing turbidity level shall not be increased. As cited in Wetland Standards: (1) Liquids, fill or other solids, or dissolved gases shall not be present in amounts that may cause adverse impacts on existing wetland uses; and (3) Materials producing color or odor shall not be present in amounts that may cause adverse impacts on existing wetland uses.*

6. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

*Justification: A project that affects waters shall not be permitted unless the existing uses (including aquatic life propagation and biological integrity), and the water quality to protect such uses, are protected. Protections are necessary to ensure any remaining surface waters or wetlands, and any surface waters or wetlands downstream, continue to support existing uses during and after project completion. The Division must evaluate if the activity has avoided and minimized impacts to waters, would cause or contribute to a violation of standards, or would result in secondary or cumulative impacts.*

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7. If the project is covered by NPDES Construction Stormwater Permit Number NCG010000 or NPDES Construction Stormwater Permit Number NCG250000, full compliance with permit conditions including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping and reporting requirements is required.

The North Carolina Department of Transportation (NCDOT) shall be required to be in full compliance with the conditions related to construction activities within the most recent version of their Individual NPDES Stormwater Permit Number NCS000250.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200; 15A NCAC 02B .0231*

*Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. Activities must not cause water pollution that precludes any best use on a short-term or long-term basis. As cited in Stream Standards: (2) Oils, deleterious substances, or colored or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation, or to aquatic life and wildlife, or adversely affect the palatability of fish, aesthetic quality, or impair the waters for any designated uses; and (12) turbidity in the receiving water shall not exceed 50 Nephelometric Turbidity Units (NTU) in streams not designated as trout waters and 10 NTU in streams, lakes, or reservoirs designated as trout waters; for lakes and reservoirs not designated as trout waters, the turbidity shall not exceed 25 NTU; if turbidity exceeds these levels due to natural background conditions, the existing turbidity level shall not be increased. As cited in Wetland Standards: (1) Liquids, fill or other solids, or dissolved gases shall not be present in amounts that may cause adverse impacts on existing wetland uses; and (3) Materials producing color or odor shall not be present in amounts that may cause adverse impacts on existing wetland uses.*

8. All work in or adjacent to streams shall be conducted so that the flowing stream does not come in contact with the disturbed area. Approved best management practices from the most current version of the *NC Sediment and Erosion Control Manual*, or the *NC Department of Transportation Construction and Maintenance Activities Manual*, such as sandbags, rock berms, cofferdams, and other diversion structures shall be used to minimize excavation in flowing water.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200*

*Justification: Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule, and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis. As cited in Stream Standards: (2) Oils, deleterious substances, or colored or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation, or to aquatic life and wildlife, or adversely affect the palatability of fish, aesthetic quality, or impair the waters for any designated uses; and (12) turbidity in the receiving water shall not exceed 50 Nephelometric Turbidity Units (NTU) in streams not designated as trout waters and 10 NTU in streams, lakes, or reservoirs designated as trout waters; for lakes and reservoirs not designated as trout waters, the turbidity shall not exceed 25 NTU; if turbidity exceeds these*

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*levels due to natural background conditions, the existing turbidity level shall not be increased.*

9. If activities must occur during periods of high biological activity (e.g. sea turtle nesting, fish spawning, or bird nesting), then biological monitoring may be required at the request of other state or federal agencies and coordinated with these activities.

All moratoriums on construction activities established by the NC Wildlife Resources Commission (WRC), US Fish and Wildlife Service (USFWS), NC Division of Marine Fisheries (DMF), or National Marine Fisheries Service (NMFS) shall be implemented. Exceptions to this condition require written approval by the resource agency responsible for the given moratorium.

Work within a designated trout watershed of North Carolina (as identified by the Wilmington District of the US Army Corps of Engineers), or identified state or federal endangered or threatened species habitat, shall be coordinated with the appropriate WRC, USFWS, NMFS, and/or DMF personnel.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 04B .0125*

*Justification: In order to protect against impairment of water quality standards and best usage of receiving and downstream waters, water quality based management practices must be employed to protect against direct or indirect discharge of waste or other sources of water pollution. Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule (including, at minimum: aquatic life propagation, survival, and maintenance of biological integrity, wildlife, secondary contact recreation, agriculture), and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis.*

10. In-stream structures installed to mimic natural channel geomorphology such as cross-vanes, sills, step-pool structures, etc. shall be designed and installed in such a manner that allow for continued aquatic life movement.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

*Justification: Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule, and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis. Ensuring that in-stream structures are installed properly will ensure that surface water quality standards are met and conditions of waters are suitable for all best uses.*

11. Culverts shall be designed and installed in such a manner that the original stream profiles are not altered and allow for aquatic life movement during low flows. The dimension, pattern, and profile of the stream above and below a pipe or culvert shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed culvert shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. If the width of the culvert is wider than the stream channel, the culvert shall

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include multiple boxes/pipes, baffles, benches and/or sills to maintain the natural width of the stream channel. If multiple culverts/pipes/barrels are used, low flows shall be accommodated in one culvert/pipe and additional culverts/pipes shall be installed such that they receive only flows above bankfull.

Placement of culverts and other structures in streams shall be below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20% of the culvert diameter for culverts having a diameter less than or equal to 48 inches, to allow low flow passage of water and aquatic life. If the culvert outlet is submerged within a pool or scour hole and designed to provide for aquatic passage, then culvert burial into the streambed is not required.

For structures less than 72" in diameter/width and in area where topographic constraints dictate culvert slopes will be greater than 2.5%, culvert burial is not required, provided that all alternative options for flattening the slope have been investigated and aquatic life movement/connectivity has been provided when possible (e.g. rock ladders, cross-vanes, sills, baffles etc.). Notification, including supporting documentation to include a location map of the culvert, culvert profile drawings, and slope calculations, shall be provided to DWR 30 calendar days prior to the installation of the culvert.

When bedrock is present in culvert locations, culvert burial is not required, provided that there is sufficient documentation of the presence of bedrock. Notification, including supporting documentation such as a location map of the culvert, geotechnical reports, photographs, etc. shall be provided to DWR a minimum of 30 calendar days prior to the installation of the culvert. If bedrock is discovered during construction, then DWR shall be notified by phone or email within 24 hours of discovery.

Installation of culverts in wetlands shall ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. When roadways, causeways, or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges shall be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands.

The establishment of native woody vegetation and other soft stream bank stabilization techniques shall be used where practicable instead of rip-rap or other bank hardening methods.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

*Justification: Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule, and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis. Ensuring that in-stream structures are installed properly will ensure that surface water quality standards are met and conditions of waters are suitable for all best uses.*

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12. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means to the maximum extent practicable (e.g. grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

*Justification: Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis. Ensuring that in-stream structures are installed properly will ensure that surface water quality standards are met and conditions of waters are suitable for all best uses.*

13. Application of fertilizer to establish planted/seeded vegetation within disturbed riparian areas and/or wetlands shall be conducted at agronomic rates and shall comply with all other Federal, State and Local regulations. Fertilizer application shall be accomplished in a manner that minimizes the risk of contact between the fertilizer and surface waters.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200*

*Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. Activities must not cause water pollution that precludes any best use on a short-term or long-term basis. As cited in Stream Standards: (2) Oils, deleterious substances, or colored or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation, or to aquatic life and wildlife, or adversely affect the palatability of fish, aesthetic quality, or impair the waters for any designated uses.*

14. If concrete is used during construction, then all necessary measures shall be taken to prevent direct contact between uncured or curing concrete and waters of the state. Water that inadvertently contacts uncured concrete shall not be discharged to waters of the state.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200*

*Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. Activities must not cause water pollution that precludes any best use on a short-term or long-term basis. As cited in Stream Standards: (2) Oils, deleterious substances, or colored or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation, or to aquatic life and wildlife, or adversely affect the palatability of fish, aesthetic quality, or impair the waters for any designated uses.*

15. All proposed and approved temporary fill and culverts shall be removed and the impacted area shall be returned to natural conditions within 60 calendar days after the temporary impact is no longer necessary. The impacted areas shall be restored to original grade, including each stream's original cross-sectional dimensions, planform pattern, and longitudinal bed profile. All temporarily impacted sites shall be restored and stabilized with native vegetation.

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*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

*Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. Protections are necessary to ensure any remaining surface waters or wetlands, and any surface waters or wetlands downstream, continue to support existing uses after project completion.*

16. All proposed and approved temporary pipes/culverts/rip-rap pads etc. in streams shall be installed as outlined in the most recent edition of the *North Carolina Sediment and Erosion Control Planning and Design Manual* or the *North Carolina Surface Mining Manual* or the *North Carolina Department of Transportation Best Management Practices for Construction and Maintenance Activities* so as not to restrict stream flow or cause dis-equilibrium during use of this General Certification.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

*Justification: Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule, and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis. Ensuring that in-stream structures are installed properly will ensure that surface water quality standards are met and conditions of waters are suitable for all best uses.*

17. Any rip-rap required for proper culvert placement, stream stabilization, or restoration of temporarily disturbed areas shall be restricted to the area directly impacted by the approved construction activity. All rip-rap shall be placed such that the original streambed elevation and streambank contours are restored and maintained and shall consist of clean rock or masonry material free of debris or toxic pollutants. Placement of rip-rap or other approved materials shall not result in de-stabilization of the stream bed or banks upstream or downstream of the area or be installed in a manner that precludes aquatic life passage.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

*Justification: Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule, and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis. The Division must evaluate if the activity has avoided and minimized impacts to waters, would cause or contribute to a violation of standards, or would result in secondary or cumulative impacts.*

18. Any rip-rap used for stream or shoreline stabilization shall be of a size and density to prevent movement by wave, current action, or stream flows, and shall consist of clean rock or masonry material free of debris or toxic pollutants. Rip-rap shall not be installed in the streambed except in specific areas required for velocity control and to ensure structural integrity of bank stabilization measures.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0201*

*Justification: Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule, and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis. The Division must evaluate if*

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*the activity has avoided and minimized impacts to waters, would cause or contribute to a violation of standards, or would result in secondary or cumulative impacts.*

19. Rip-rap groins proposed in accordance with 15A NCAC 07H .1401 (NC Division of Coastal Management General Permit for construction of Groins in Estuarine and Public Trust Waters and Ocean Hazard Areas) shall meet all the specific conditions for design and construction specified in 15A NCAC 07H .1405.

*Citation: 15A NCAC 02H .0507(c); 15A NCAC 07H .1400 et seq.*

*Justification: Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule, and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis. The Division must evaluate if the activity has avoided and minimized impacts to waters, would cause or contribute to a violation of standards, or would result in secondary or cumulative impacts.*

20. All mechanized equipment operated near surface waters shall be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication, and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0200*

*Justification: A project that affects waters shall not be permitted unless the existing uses, and the water quality to protect such uses, are protected. Activities must not cause water pollution that precludes any best use on a short-term or long-term basis. As cited in Stream Standards: (2) Oils, deleterious substances, or colored or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation, or to aquatic life and wildlife, or adversely affect the palatability of fish, aesthetic quality, or impair the waters for any designated uses.*

21. Heavy equipment working in wetlands shall be placed on mats or other measures shall be taken to minimize soil disturbance and compaction.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c); 15A NCAC 02B .0231*

*Justification: Wetland standards require maintenance or enhancement of existing uses of wetlands such that hydrologic conditions necessary to support natural biological and physical characteristics are protected; populations of wetland flora and fauna are maintained to protect biological integrity of the wetland; and materials or substances are not present in amounts that may cause adverse impact on existing wetland uses.*

22. In accordance with G.S 143-215.85(b), the permittee shall report any petroleum spill of 25 gallons or more; any spill regardless of amount that causes a sheen on surface waters; any petroleum spill regardless of amount occurring within 100 feet of surface waters; and any petroleum spill less than 25 gallons that cannot be cleaned up within 24 hours.

*Citation: 15A NCAC 02H .0507(c); N.C.G.S 143-215.85(b)*

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*Justification: Person(s) owning or having control over oil or other substances upon notice of discharge must immediately notify the Department, or any of its agents or employees, of the nature, location, and time of the discharge and of the measures which are being taken or are proposed to be taken to contain and remove the discharge. This action is required in order to contain or divert the substances to prevent entry into the surface waters. Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule (including, at minimum: aquatic life propagation, survival, and maintenance of biological integrity; wildlife; secondary contact recreation; agriculture); and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis.*

23. The permittee and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

*Justification: Surface water quality standards require that conditions of waters be suitable for all best uses provided for in state rule, and that activities must not cause water pollution that precludes any best use on a short-term or long-term basis. The Division must evaluate if the activity has avoided and minimized impacts to waters, would cause or contribute to a violation of standards, or would result in secondary or cumulative impacts.*

24. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this General Certification. A copy of this General Certification shall be available at the project site during the construction and maintenance of this project.

*Citation: 15A NCAC 02H .0506(b); 15A NCAC 02H .0507(c)*

*Justification: Those actually performing the work should be aware of the requirements of this 401 Water Quality General Certification to minimize water quality impacts.*

*History Note: Water Quality Certification (WQC) Number 4501 issued October 28, 2021 replaces WQC 4175 issued February 1, 2019; WQC 4175 issued December 14, 2018; WQC 4144 issued December 1, 2017; WQC 4097 issued March 6, 2017; WQC 3900 issued March 19, 2012; WQC 3641 and 3642 issued March 19, 2007; WQC 3371 and 3400 issued March 18, 2002; WQC 3274 issued June 1, 2000; WQC 3112 issued February 11, 1997; and WQC 3025 issued September 6, 1995.*

ROY COOPER  
Governor  
ELIZABETH S. BISER  
Secretary  
BRAXTON DAVIS  
Director



April 20, 2022

**MEMORANDUM:**

**FROM:** Cameron Luck, Assistant Major Permits Coordinator  
NCDEQ - Division of Coastal Management  
400 Commerce Avenue, Morehead City, NC 28557  
Fax: 252-247-3330 (**Courier 11-12-09**)  
[cameron.luck@NCDENR.gov](mailto:cameron.luck@NCDENR.gov)

**SUBJECT:** CAMA

**Applicant:** **New Jack Partners, LLC**

**Project Location:** 4601/4607 New Jack Rd., adj. to Masonboro Sound, Wilmington, New Hanover County

**Proposed Project:** The applicant proposes to create a community docking facility to accommodate up to five (5) vessels in Masonboro Sound.

Please indicate below your agency's position or viewpoint on the proposed project and **return this form to Cameron Luck** at the address above by **May 16, 2022**. If you have any questions regarding the proposed project, contact Bryan Hall at (910) 796-7423 when appropriate, in-depth comments with supporting data is requested.

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**REPLY:** \_\_\_\_\_ This agency has no objection to the project as proposed.  
\*\*Additional comments may be attached\*\*

\_\_\_\_\_ This agency has no comment on the proposed project.

X \_\_\_\_\_ This agency approves of the project only if the recommended changes are incorporated. See attached.

\_\_\_\_\_ This agency objects to the project for reasons described in the attached comments.

**PRINT NAME** Kimberlee Harding \_\_\_\_\_

**AGENCY** NCDMF \_\_\_\_\_

**SIGNATURE** *Kimberlee Harding* \_\_\_\_\_

**DATE** 06/06/2022 \_\_\_\_\_





ROY COOPER  
*Governor*

ELIZABETH S. BISER  
*Secretary*

KATHY B. RAWLS  
*Director*

MEMORANDUM:

TO: Cameron Luck, Assistant Major Permits Coordinator

FROM: Kimberlee Harding, NCDMF Fisheries Resource Specialist

SUBJECT: New Jack Partners LLC clo Nancy Grier

DATE: June 06, 2022

A North Carolina Division of Marine Fisheries (DMF) Fisheries Resource Specialist has reviewed the CAMA Permit application for proposed actions that impact fish and fish habitats. The applicant proposes to create a community docking facility to accommodate up to five vessels in Masonboro Sound. The New Hanover County Land Use Plan classifies adjacent waters as Conservation, and the adjacent high ground portion of the project area as Resource Protection. The waters of Masonboro Sound are Classified as Outstanding Resource Water (SA-ORW) by the NC Division of Water Resources and are designated as a Primary Nursery Area (PNA), by the NC Division of Marine Fisheries. The area of Masonboro Sound is closed to the harvesting of shellfish.

The applicant proposes to remove an existing two-slip docking facility and build a new five-slip community docking facility along a different location on the property. A 31' x 8' floating dock is proposed in water depths measuring approximately -3' to -4' NLW and four 12' x 12' boat lifts are proposed in water depths measuring approximately -4' NLW. The Division does not object to the configuration or siting of the proposed docking facility. However, a 2'-3' deep historical channel exists along the applicant's four-parcel property. Three docking facilities to the north of the proposed facility use this channel as access to the AIWW. Therefore, the division recommends the proposed access pier bridge over this channel to not block boating access to the existing channel.

Thank you for consideration of our comments. Please contact Kimberlee Harding at 910-796-7286 or at [kimberlee.harding@ncdenr.gov](mailto:kimberlee.harding@ncdenr.gov) with any further questions or concerns.



NORTH CAROLINA  
Environmental Quality

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRIAN WRENN

Director

June 7<sup>th</sup>, 2022

New Jack Partners, LLC  
Attn: Nancy Grier, Manager  
2013 Seawind Lane  
Wilmington, NC 28405

**Subject: Post-Construction Stormwater Management Permit No. SW8 220506  
New Jack Landing  
Low Density Subdivision Project  
New Hanover County**

Dear Ms. Grier:

The Division of Energy, Mineral and Land Resources received a complete Post-Construction Stormwater Management Permit Application for the subject project on June 1<sup>st</sup>, 2022. Staff review of the plans and specifications has determined that the project, as proposed, complies with the Stormwater Regulations set forth in Title 15A NCAC 2H.1000 Permit No. SW8 220506 dated June 7<sup>th</sup>, 2022, for the construction, operation and maintenance of the built-upon areas (BUA) and vegetated conveyances or areas associated with the subject project.

This permit shall be effective from the date of issuance until rescinded and does not supersede any other agency permit that may be required. The project shall be subject to the conditions and limitations as specified therein, **which includes the requirement to revise or amend the recorded deed restrictions with the updated built-upon area allocations.** Failure to comply with these requirements will result in future compliance problems. Please note that this permit is not transferable except after notice to and approval by the Division.

If any parts, requirements, or limitations contained in this permit are unacceptable, you have the right to request an adjudicatory hearing by filing a written petition with the Office of Administrative Hearings (OAH). The written petition must conform to Chapter 150B of the North Carolina General Statutes and must be filed with the OAH within thirty (30) days of receipt of this permit. You should contact the OAH with all questions regarding the filing fee (if a filing fee is required) and/or the details of the filing process at 6714 Mail Service Center, Raleigh, NC 27699-6714, or via telephone at 919-431-3000, or visit their website at [www.NCOAH.com](http://www.NCOAH.com). Unless such demands are made this permit shall be final and binding.

If you have any questions concerning this permit, please contact Kellie Beth Norris in the Wilmington Regional Office, at (910) 796-7215 or [kellie.norris@ncdenr.gov](mailto:kellie.norris@ncdenr.gov).

Sincerely,

For Brian Wrenn, Director  
Division of Energy, Mineral and Land Resources

Enclosures: Attachment A – Designer's Certification Form  
Application Documents

DES/kbn: \\Stormwater\Permits & Projects\2022\220506 LD\2022 06 permit 220506

cc: Rodney Wright, PE; CSD Engineering  
New Hanover County Building Safety Department  
New Hanover County Engineering  
Division of Coastal Management  
Wilmington Regional Office Stormwater File





NORTH CAROLINA  
Environmental Quality

ROY COOPER  
Governor

ELIZABETH S. BISER  
Secretary

BRAXTON DAVIS  
Director

April 20, 2022

**MEMORANDUM:**

**FROM:** Cameron Luck, Assistant Major Permits Coordinator  
 NCDEQ - Division of Coastal Management  
 400 Commerce Avenue, Morehead City, NC 28557  
 Fax: 252-247-3330 (*Courier 11-12-09*)  
[cameron.luck@NCDENR.gov](mailto:cameron.luck@NCDENR.gov)

**SUBJECT:** CAMA

**Applicant:** *New Jack Partners, LLC*

**Project Location:** 4601/4607 New Jack Rd., adj. to Masonboro Sound, Wilmington, New Hanover County

**Proposed Project:** *The applicant proposes to create a community docking facility to accommodate up to five (5) vessels in Masonboro Sound.*

Please indicate below your agency's position or viewpoint on the proposed project and **return this form to Cameron Luck** at the address above by **May 16, 2022**. If you have any questions regarding the proposed project, contact Bryan Hall at (910) 796-7423 when appropriate, in-depth comments with supporting data is requested.

- REPLY:**
- This agency has no objection to the project as proposed.  
\*\*Additional comments may be attached\*\*
  - This agency has no comment on the proposed project.
  - This agency approves of the project only if the recommended changes are incorporated. See attached.
  - This agency objects to the project for reasons described in the attached comments.

**PRINT NAME** Maize T Dunn

**AGENCY** NCWRC

**SIGNATURE** 

**DATE** 6-16-2022





## North Carolina Wildlife Resources Commission

Cameron Ingram, Executive Director

### MEMORANDUM

**TO:** Cameron Luck  
Division of Coastal Management  
North Carolina Department of Environmental Quality

**FROM:** Maria T. Dunn, Coastal Coordinator  
Habitat Conservation Division 

**DATE:** June 16, 2022

**SUBJECT:** CAMA Dredge/Fill Permit Application for New Jack Partners, LLC, New Hanover County, North Carolina.

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) reviewed the permit application with regard to impacts on fish and wildlife resources. The project site is located at 4601/4607 New Jack Road adjacent to Masonboro Sound in Wilmington, NC. Our comments are provided in accordance with provisions of the Coastal Area Management Act (G.S. 113A-100 through 113A-128), as amended, Sections 401 and 404 of the Clean Water Act, as amended, the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Magnuson-Stevens Fishery Conservation and Management Act (FCMA), as amended (16 U.S.C. 1801 et seq.), and the Migratory Bird Treaty Act (16 U.S.C. 703-712 et seq.).

The applicant proposes to create a community docking facility to accommodate five vessels. The two existing parcels will be subdivided into five residential lots that are to have an easement preventing additional piers (at the time of application review, the easement has not been recorded). An existing two slip structure will be removed and a 64.6' by 6' pier would extend towards Masonboro Sound (465.9' over open water) terminating with a 20' by 20' covered gazebo. Landward the gazebo, a fixed 86' by 6' T-head with two fixed finger piers would accommodate slips 1-4 with boatlifts. Extending south from the pier would be a 31' by 8' floating landing dock and kayak launch. The docking facility would be in water depths ranging from 0' to -4' NLW, the floating dock in depths -3' to -4' NLW, and the slips -4' NLW. The pier will extend over an area that has had historical use as a small channel. NCDCM staff have recommended a bridge section be incorporated approximately 170' waterward the edge of the waterbody to preserve historical navigation. Masonboro Sound is classified SA-ORW by the Environmental

Management Commission and is designated a primary nursery area (PNA) by the NC Division of Marine Fisheries (NCDMF).

The NCWRC has reviewed the permit application. To minimize impacts to PNA resources and public trust use, we recommend the following:

- An April 1 – September 30 moratorium to minimize impacts to sensitive PNA resources from removal of the existing facility and construction of the long pier and community dock over wetlands and open waters.
- The incorporation of a bridge component within the pier to allow traditional navigation use for the small channel. This bridge component should provide adequate height clearance and width for vessel passage under normal water conditions.
- The easement preventing additional piers on the remaining shore should be recorded by the applicant prior to permit issuance.

We appreciate the opportunity to review and comment on this permit application. If you need further assistance or additional information, please contact me at (252) 948-3916 or at [maria.dunn@ncwildlife.org](mailto:maria.dunn@ncwildlife.org)

James McCormick  
175 Whippoorwill Lane  
4601 New Jack Road  
Wilmington, NC 28409

June 24, 2022

Nancy Grier  
New Jack Partners  
4607 New Jack Road  
Wilmington, NC 28409

Dear Nancy:

It was good speaking earlier in the week. As you are aware I own both 175 Whippoorwill Ln. and 4601 New Jack Rd. the two properties directly to the North of your proposed project.

Please allow me to reaffirm the following points we discussed during our conversation:

- 1- Historically, boaters to the north of your property do not head south in our channel to access the intracoastal.
- 2- There is a sandbar between our inside channel and the intracoastal which extends South which makes accessing the intracoastal to the south extremely challenging since it is very, very tidal.
- 3- Protecting the inside channel is extremely important to us because it is our primary route North, around the sandbar and into the intracoastal; and it is our understanding your proposed footprint to the extreme southern end of your property boundary line will have no significant impact to the water flow or navigation into our channel.

Thank you for sharing the plans for your new dock. I am in full support of your proposed plan.

Sincerely,



James R. McCormick

Nancy Grier  
New Jack Partners  
4607 New Jack Road  
Wilmington, NC 28409

June 24, 2022

Bryan Hall  
Field Representative  
NCDEQ  
127 Cardinal Drive Ext  
Wilmington, NC 28405

Cameron Luck  
Assistant Major Permits Coordinator  
NCDEQ  
400 Commerce Avenue  
Morehead City, NC 28557

Dear Mr. Hall and Mr. Luck:

I have attached a letter from James McCormick, who has resided at 175 Whippoorwill Lane, Wilmington, NC 28409 for the past two years. His property abuts the property owned by New Jack Partners directly to the north. I called James McCormick and shared the concerns conveyed in MEMORANDUMS Kimberlee Harding (June 6, 2022) and Maria T. Dunn (June 12, 2022) sent to Cameron Luck. I asked for his assistance in addressing and answering the issues raised. Hopefully, his responses are helpful.

Respectfully, we would like to request that a copy of this letter and James McCormick's letter be shared with the commenting agencies—Marine Fisheries and WRC. New Jack Partners' personal observations and those of our engineers/surveyors and long-term tenants of the house on our property confirm James McCormick's conclusions.

Despite James McCormick's observation that no boats or kayaks use the historic channel in front of our properties except us, New Jack Partners affirms our willingness to design the new dock/pier pilings such that typical canoes/kayaks can pass under in normal water conditions.

Please do not hesitate to contact me should you have questions. Thank you for your time.

Sincerely,

Nancy K. Grier  
New Jack Partners  
713-628-5005

ROY COOPER

*Governor*

ELIZABETH S. BISER

*Secretary*

BRAXTON DAVIS

*Director*



NORTH CAROLINA  
*Environmental Quality*

July 20, 2022

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

New Jack Partners, LLC  
c/o Nancy Grier  
3200 N Ocean Blvd. Apt. 408  
Ft. Lauderdale, FL 33308

Dear Ms. Grier,

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 community docking facility in Masonboro Sound at 4607 New Jack Road, Wilmington, New Hanover County. Processing of the application, which was received by the Division of Coastal Management's Wilmington Office on April 11, 2022, 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 Estuarine Waters, Coastal Wetland, Estuarine Shoreline, and Public Trust Areas of Environmental Concern by the N.C. Coastal Resources Commission.
- 2) The Masonboro Sound is designated as a Primary Nursery Area by the N.C. Marine Fisheries Commission.
- 3) The applicant proposes to construct an approximately 649 ft long community docking facility to accommodate up to five (5) vessels. The docking facility would extend 496 ft into an approximately 1104 wide waterbody. The facility would exceed the one-fourth width (276 ft), one-third width (360 ft), and the pier head line established by adjacent piers.
- 4) The proposed facility would extend across a navigable channel, interfering with the use of the waters for navigation or other public trust rights.



North Carolina Department of Environmental Quality | Division of Coastal Management  
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557  
252.808.2808

- 5) Based upon the above referenced findings, the Division has determined that the proposed project is inconsistent with the following Rules of the Coastal Resources Commission:
- a) 15A NCAC 07H.0208(b)(6)(G)(iii), which states in part that docking facility length(s) shall “be limited by extending no more than one-fourth the width of a natural water body, or humanmade 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” and “the proposed pier or docking facility shall not be longer than the pier head line established by the adjacent piers or docking facilities, nor longer than one-third the width of the water body”.
  - b) 15A NCAC 07H.0208(a)(2)(G), which states in part 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”.

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 local land use plans.

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 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>. A copy of this petition must be filed with 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

Finally, I request that you also send me a copy of the petition at the address or email included in the letterhead so that I may forward it to the attorney who will be representing the Division of Coastal Management in the contested case proceeding.

Another response to a permit denial available to you is to petition the N.C. Coastal Resources Commission for a variance to undertake a project that is prohibited by the Rules of the Commission. Applying for a variance requires that you first stipulate that the Division of Coastal Management applied the Rules properly in issuing this denial. You may then request that the Commission vary the rules at issue and show how you believe your request meets the four



criteria found at GS 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.

Information about both a permit appeal in the Office of Administrative Hearings and the Variance process may be obtained by contacting a member of my staff, or by visiting this link: <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. Gregg Bodnar at (252) 515-5416 or [Gregg.Bodnar@ncdenr.gov](mailto:Gregg.Bodnar@ncdenr.gov).

Sincerely,



Braxton C. Davis  
Director, NC Division of Coastal Management

cc: Greg Curry, Project Manager, U.S. Army Corps of Engineers, Wilmington, NC  
Richard Rogers, Director, NC Division of Water Resources, Raleigh, NC  
Paul Wojoski, 401 & Buffer Permitting Branch Supervisor, NC Division of Water Resources, Raleigh, NC  
Holley Snider, Environmental Specialist, NC Division of Water Resources, NC



Matt Connor  
4607 New Jack Road  
Wilmington, NC 28409

August 2, 2022

COASTAL RESOURCE COMMISSION  
c/o CHAIR RENEE CAHOON  
400 Commerce Avenue  
Morehead City, NC 28557

Dear Chair Cahoon,

My name is Matt Connor and I am renting the house located at 4607 New Jack Road, Wilmington, NC 28409. We moved into the house in May 2022 and previously lived off of Loder Avenue, a few miles to the South also along the Intracoastal. I have boated regularly along the Intracoastal Waterway for over 10 years, and specifically in this area for over 2 years, traveling north and south along the ICW. I have been told that New Jack Partners needs a variance from the CRC in order to build a new pier across the historic channel that is currently becoming harder to use at lower tides due to silting in over the years.

I have been provided with a copy of the proposed subdivision map and drawings for extending the New Jack Pier and Docks Facility. I understand that New Jack Partners has been told it will need a variance from the CRC due to the length of the proposed pier and docks relative to other piers and docks in the area, as well as due to north-south vessel navigation concerns expressed by some regulators.

The purpose of this letter is to express my support for the Variance being requested and to provide you with specific information showing that there is no significant navigation impact associated with this project. I regularly boat in the area of the Intracoastal near Masonboro Island in front of our house located on the Historic Channel in a Cove. In other words, I am VERY familiar with this part of the Intracoastal and the old channel in front of the 4607 New Jack Road Property. I can attest that the Historic Channel is very tidal and becomes very shallow at low tides. There is a sandbar located directly in front of the existing dock, which in low tide is too shallow to come across. From my observation while living here, whether heading north or south, boaters entering or exiting the channel always travel from or to the north side of the channel to get to deeper water and the Intracoastal. Larger vessels cannot navigate the southern part of the channel without danger of running aground.

The proposed New Jack extension will be built just north of the Serenity Point Common Dock. This dock is owned and managed by the Serenity Point HOA. On aerial views of this cove area, you can see that the New Jack dock is longer, due to the receding shape of the shoreline in the cove area. However, the proposed New Jack dock extension does not go out any further relative to the Intracoastal Waterway than the Serenity Point Common Dock. Based on my experience as a boater in this area, this proposed extended pier and dock will not impede access to the ICW or other deeper waterways, nor will it limit navigation on the ICW or the Historic Channel. If a John Boat vessel comes into our Historic Channel from the North, it can turn around and go back out of the Channel to the North once the new New Jack Dock is built at the southernmost end of the cove. Furthermore, by extending the New Jack dock out further, it will allow users to reach water depths needed at low tides to safely take boats in and out, preventing boats from running aground, and preventing damage to the bottom and marine resources living there, especially at a low tides.

Sincerely,



August 4, 2022

Coleman Robinson  
Construction Coordinator  
Mark Johnson Custom Homes  
1319 Military Cutoff Rd/. Suite 211  
Wilmington, NC 28405

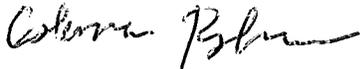
COASTAL RESOURCE COMMISSION  
CHAIRMAN OF THE BOARD  
400 Commerce Avenue  
Morehead City, NC 28557

Dear Sir/Madame,

I have carefully reviewed the Proposed Subdivision Map and Drawings for the Property located at 4607 New Jack Road, Wilmington, NC 28409. I am aware that New Jack Partners have been told they will need a Variance from the CRC due to the length of the proposed pier and docks relative to other piers and docks in the area. I have been regularly boating in this area of the Intracoastal near Masonboro Island for four years and I am currently renting a slip on the existing old dock located on New Jack Road, so I am very familiar with this part of the Intracoastal and the Historical Channel directly in front of the property. There is a sandbar in front of the existing dock, which in low tide is too shallow to come across. The Channel is tidal and at low tide, it is difficult to bring boats into the dock. Whether heading north or south, boaters exiting or entering from this area almost always travel northward to get to deeper water and the Intracoastal. To the best of my knowledge, no vessels other than an occasional canoe or kayak ever use our old channel to get in or out except those using our slips in front of 4607 New Jack Road. Any larger vessels trying to do that would be in serious trouble of getting stuck aground.

It is my understanding the proposed New Jack dock/pier will be built just north of the Serenity Point Common Dock. From the aerial views of this cove area, you can see that while the New Jack dock is longer, due to the shape of the shoreline in the cove area, the proposed New Jack dock extension does not extend any further into the Intracoastal Waterway than the Serenity Point Common Dock or the Sound View Common Dock to the north. Based on my 10-years experience as a boater in this area, I do not believe this proposed extended pier and dock will impede access to the Intracoastal or other deeper waterways, nor will it limit navigation on the Intracoastal or the Historic Channel. If any vessel comes into our Historic Channel from the North, it can turn around and go back out of the Channel to the North once the new New Jack Dock is built at the southernmost end of the cove right next to the Serenity Point Dock. Furthermore, by extending the New Jack dock out further it will allow users to reach water depths needed at low tides to safely take boats in and out, prevent boats from running aground, and prevent damage to the bottom and marine resources living there, especially at a low tides. I support New Jack Partners being granted a variance to achieve the water depths needed.

Sincerely,



Coleman Robinson

August 12, 2022

John A. Theodorakis  
1025 N. Lake Park Blvd.  
Carolina Beach, NC 28428

ATT: Coastal Resources Commission Chair  
Coastal Resources Commission  
400 Commerce Avenue  
Morehead City, NC 28557

Dear Chair Calhoon,

My name is John A. Theodorakis and I am a Licensed Merchant Mariner (USA000217068) living in Wilmington, NC.

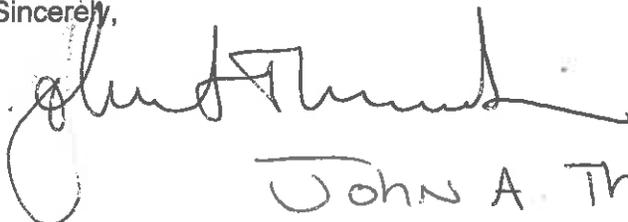
Nancy Grier with New Jack Partners has shared with me a Proposed Subdivision Map and drawings, as well as aerial views showing exactly where a Proposed Subdivision Common Dock to include 4 Boat Lifts will be located just north of the Serenity Point Common Dock/Pier. I understand New Jack Partners is applying for a Variance for this dock to be built due to the dock's length compared to other piers and docks in the area.

The Historic Channel in front of New Jack Landing is in a cove, where a sandbar is directly in front of the existing dock. Boat owners in the area come in and out of the cove from the North along the shoreline to prevent hitting the bottom.

After carefully reviewing the maps, depths, navigation corridor, historical channel and sandbar in the cove in front of the Project, I support this dock be built in accordance with the plans and a Variance be granted. The placement of the structure is aligned with the Serenity Point Owners Common Dock and this structure will not go out any further into the ICWW. The dock begins in a cove area, and the owners have taken into account the navigation in the Historical Channel by placing it at the southernmost end of the Property, where waters are very shallow in low tide. By placing the dock as shown, it should not obstruct any navigation into or out of the historic channel at the New Jack property or adversely affect navigation in the ICWW. Any vessel can come into the natural cove from the north and then turn around and head back out to the north, as is done now. The New Jack Partners dock will also include a span where paddle boarder and kayakers can pass under the structure along the shoreline so as not to jeopardize the use of the waters for navigation or for other public trust rights.

Building one common dock for a community to share and taking the dock out to deeper water, allows for much easier boat access and eliminates traffic and the risks of ruining the marine ecosystem in this Outstanding Resource Area that would result from each Lot building their own individual dock. This is a beautiful property and I am confident the development will add lasting beauty and positive economic impact on the community.

Sincerely,



John A. Theodorakis

[Via email to Clark Wright on November 4, 2022 at approximately 5:45 pm]

Dear CRC Members,

I would like to take this opportunity to identify several facts relating to why New Jack Partners felt it was important to locate the new community pier and docking facilities to the southern end of the property. When professional surveyor Charles Riggs first began working with us, he showed me 2 Google Earth Aerial Views of our cove area at different points in time. Charles and I both agreed that these photographs showed that the cove area had changed significantly over time, silting in and becoming shallower.

We looked at many options for the community docks and 4 motorized boat slips. After the scoping meeting, we believed that by moving the dock south we were addressing agency concerns about possibly impeding navigation, helping the environment by reaching deeper water and building a facility that would provide safe access for boats for a long time, even if the inside parts of the cove continued to silt in. We also relied on the fact that what we were designing was pretty much identical, if not a bit smaller (fewer boat slips) that what already had been built just to the south for Serenity Point. When Charles Riggs conducted the Hydrographic Survey showing the water depths around the current dock in low tide, we knew it would be extremely challenging to build more slips and lifts at that location. This past summer, one of our tenants in the existing house, Matt Conner, ran aground while trying to put his boat on the lift and damaged the lift cables, which came off their pulleys. Attached is an invoice showing the work we had done to repair the lift.

Thank you for your consideration of these additional facts. If we do not get a Variance to support this common dock for the New Jack Landing Subdivision, we may be forced omit any type of common dock structure, sell the 4 Lots and let each Lot Owner apply for their own individual dock. This would result in four docks being built in the Outstanding Resources Protected Waters in this area.

Thank you for your consideration of this Variance Request.

Sincerely,

  
Nancy Grier

INVOICE #1

# Land to Sea Construction

130 Deerfield Dr.  
Hampstead NC, 28443  
(910) 367-6362  
Landtoseaconstruction.com



**8/10/2022**

**BILL TO**

Nancy Grier

**FOR**

Boat Lift Service

4607 New Jack Rd.  
Wilmington NC

**Details**

**AMOUNT**

Re-Wrapped all cables back into their original path

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Greased all fittings and looked over lift

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Service Charge

\$500.00

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SUBTOTAL \$500.00

TOTAL \$500.00

Please make all checks payable to Land to Sea Construction

CHARLES F. RIGGS & ASSOCIATES, INC.  
Land Surveyors

Charles F. Riggs, P.L.S. L-2981  
502 New Bridge Street  
Jacksonville, North Carolina 28540  
(910) 455-0877  
charlesriggs@riggslandnc.com

Corporate License (C-730)  
502 New Bridge Street  
P.O. Box 1570  
Jacksonville, North Carolina 28541  
(910) 455-0877  
www.riggslandnc.com

James A. Lewis, P.L.S. L-4562  
Landfall Executive Suites  
1213 Culbreth Drive  
Wilmington, North Carolina 28405  
(910) 681-7444  
jameslewis@riggslandnc.com

November 1, 2022

All Coastal Resources Commission Members  
% Renee Cahoon, Chair  
Braxton Davis, DCM Director  
400 Commerce Avenue  
Morehead City, NC 48557

RE: Variance Request – Proposed Community Docks for New Jack Partners, LLC  
4607 New Jack Road, Wilmington, NC 28409

To all CRC Members and DCM Director Davis:

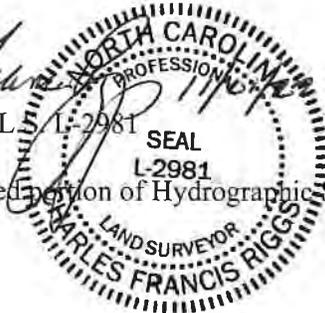
The existing dockage cannot be utilized as designed, permitted, or constructed due to the silting of the historic channel. My hydrographic survey plainly illustrates the depths at and surrounding the existing structure and to the north through the historic channel. Suitable depths are not found until you travel approximately four hundred feet to the north. This existing dockage could not be redesigned to accommodate boat slips due to the lack of proper space for any proposed dockage in relation to the shallow channel and the requirement not to block or obstruct the existing shallow channel. Therefore, it was determined, since the historic channel has silted, it was in the best interest of New Jack Partners and the State to relocate the proposed dockage to the south, along, adjacent, and parallel with the existing permitted dockage of Serenity Point. This location is ideal, since the waters are extremely shallow, and any lack of navigation was created naturally and at this location the proposed dockage would not obstruct navigation any more than already obstructed by Serenity Point.

Thank you for your consideration of these facts. Should you have any questions about the information I have discussed, please contact me.

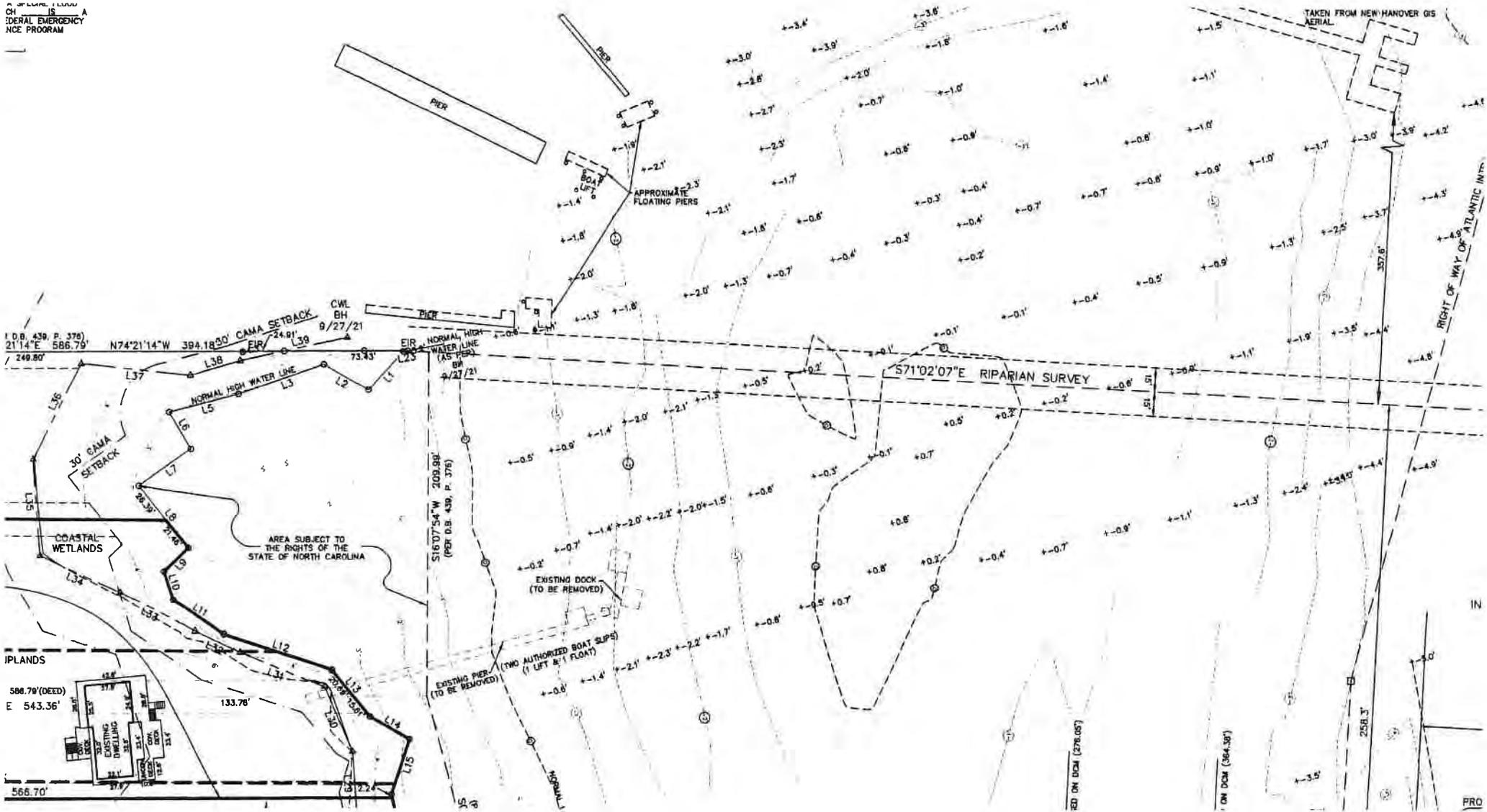
Sincerely,

  
Charles F. Riggs, P.L.S. L-2981

Attachment: Enlarged portion of Hydrographic Survey of Existing Dockage and North



FEDERAL EMERGENCY RESPONSE PROGRAM



ENLARGEMENT OF CANAL PLAN SHEET 1066, DATED 04/11/22  
NOT TO SCALE

CFR  
11/01/22

[November 2, 2022 email to Clark Wright from NJP Managing Partner Nancy Grier]

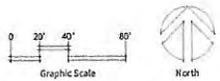
Hello Clark,

This hand drawn site plan, while not drawn precisely to scale, is an accurate illustration of the four lots showing the buildable footprints for the houses and the proposed community pier and docking facilities for the New Jack Landing Subdivision. This was drawn by our project architect and partner, Michael Kersting before his untimely death.

Thank you.

Nancy Grier  
Managing Partner

[See attached drawing]



This site plan is a graphic representation and should be utilized for discussion purposes only. The site plan approximates existing conditions relating to structures, wetlands, parking, vegetation and property boundaries. Plan components may change upon regulatory and municipal regulations and requirements at the time of approvals and/or development activity.

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

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

Wilmington, NC 28409

**OFFICIAL USE**

Certified Mail Fee \$3.75

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

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage \$1.75

Total Postage and Fees \$5.50

Sent To: Jeffery + Lorraine Wilson  
 Street and Apt. No. or PO Box No. 3413 Tansey Close Dr.  
 City, State, ZIP+4® Wilmington NC 28409

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



ET25 DE2E 0000 0222 1202

**U.S. Postal Service™**  
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For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

Wilmington, NC 28409

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Certified Mail Fee \$3.75

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

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage \$1.75

Total Postage and Fees \$5.50

Sent To: COBA Ventures do B Olatidoye  
 Street and Apt. No. or PO Box No. 4615 Serenity Point Rd.  
 City, State, ZIP+4® Wilmington NC 28409

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



**U.S. Postal Service™**  
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Wilmington, NC 28409

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

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage \$1.75

Total Postage and Fees \$5.50

Sent To: Babatunde + Constance Olatidoye  
 Street and Apt. No. or PO Box No. 4615 Serenity Point Rd.  
 City, State, ZIP+4® Wilmington NC 28409

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



EP15 DE2E 0000 0222 1202

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

Chapel Hill, NC 27514

**OFFICIAL USE**

Certified Mail Fee \$3.75

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

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage \$1.75

Total Postage and Fees \$5.50

Sent To: Shamp Family Trust  
 Street and Apt. No. or PO Box No. 6506 Moinear Lane  
 City, State, ZIP+4® Chapel Hill, NC 27514

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



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

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

Wilmington, NC 28409

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- Adult Signature Restricted Delivery \$

Postage \$1.75

Total Postage and Fees \$5.50

Sent To: Babatunde + Constance Olatidoye  
 Street and Apt. No. or PO Box No. 4615 Serenity Point Rd  
 City, State, ZIP+4® Wilmington NC 28409

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



RECEIVED  
OCT 04 2022  
DCM-MHO

August 25, 2022

Via Certified Mail, Return Receipt

Property Company 3 LLC  
James McCormick  
175 Whipporwill Lane  
Wilmington, NC 28409

Re: Variance Request Notice – New Jack Partners, LLC  
Upgrades and Extension of Pier and Docking Facilities

Dear James,

New Jack Partners previously applied for a CAMA Permit to upgrade and extend its existing pier and boat docking facilities, located at 4607 New Jack Road, Wilmington, NC 28409. The proposed new pier and docking facilities will serve four separate homes from a single facility, and extend no further outward than the adjacent Serenity Point dock facilities. The new facility will allow boats to reach open water without running aground at lower tides. The Division of Coastal Management (DCM) was required to deny our permit application due to language in the CAMA rules regulating the length of piers and docks, even though the proposed dock extension stays within the pier length of the adjacent Serenity Point dock, which themselves previously required a variance from the Coastal Resources Commission (CRC). The CAMA rules require that we send you this notice to inform you of our variance request. A copy of the plan for the proposed work is attached, along with an aerial photograph showing how our design fits in with the other docks located in this area.

Based on information provided to us by CAMA, we expect our variance request will be heard by the CRC at its November 16-17, 2022 meeting, scheduled to be held at the Beaufort Hotel, 2440 Lennoxville Road, Beaufort, NC. Should you have any questions or comments, you may reach me at 713-628-5005 or [nancykgrier@gmail.com](mailto:nancykgrier@gmail.com). You also may send comments to Mr. Braxton Davis, DCM Director, 400 Commerce Avenue, Morehead City, NC 28557.

Sincerely,

  
Nancy Grier, Managing Partner  
New Jack Partners, LLC

RECEIVED  
OCT 04 2022  
DCM-MOREHEAD CITY

August 25, 2022

Via Certified Mail, Return Receipt

COBA Ventures  
P.O. Box 3743  
Wilmington, NC 28406

Re: Variance Request Notice – New Jack Partners, LLC  
Upgrades and Extension of Pier and Docking Facilities

Dear Dr. Olatidoyle,

New Jack Partners previously applied for a CAMA Permit to upgrade and extend its existing pier and boat docking facilities, located at 4607 New Jack Road, Wilmington, NC 28409. The proposed new pier and docking facilities will serve four separate homes from a single facility, and extend no further outward than the adjacent Serenity Point dock facilities. The new facility will allow boats to reach open water without running aground at lower tides. The Division of Coastal Management (DCM) was required to deny our permit application due to language in the CAMA rules regulating the length of piers and docks, even though the proposed dock extension stays within the pier length of the adjacent Serenity Point dock, which themselves previously required a variance from the Coastal Resources Commission (CRC). The CAMA rules require that we send you this notice to inform you of our variance request. A copy of the plan for the proposed work is attached, along with an aerial photograph showing how our design fits in with the other docks located in this area.

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Sincerely,

  
Nancy Grier, Managing Partner  
New Jack Partners, LLC

RECEIVED

OCT 04 2022

DCM-MHD CITY

August 25, 2022

Via Certified Mail, Return Receipt

Babatunde and Constance Olatidoye  
4615 Serenity Point  
Wilmington, NC 28409

Re: Variance Request Notice – New Jack Partners, LLC  
Upgrades and Extension of Pier and Docking Facilities

Dear Dr. and Mrs. Olatidoye,

New Jack Partners previously applied for a CAMA Permit to upgrade and extend its existing pier and boat docking facilities, located at 4607 New Jack Road, Wilmington, NC 28409. The proposed new pier and docking facilities will serve four separate homes from a single facility, and extend no further outward than the adjacent Serenity Point dock facilities. The new facility will allow boats to reach open water without running aground at lower tides. The Division of Coastal Management (DCM) was required to deny our permit application due to language in the CAMA rules regulating the length of piers and docks, even though the proposed dock extension stays within the pier length of the adjacent Serenity Point dock, which themselves previously required a variance from the Coastal Resources Commission (CRC). The CAMA rules require that we send you this notice to inform you of our variance request. A copy of the plan for the proposed work is attached, along with an aerial photograph showing how our design fits in with the other docks located in this area.

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Sincerely,



Nancy Grier, Managing Partner  
New Jack Partners, LLC

RECEIVED

OCT 04 2022

DCM-MHD CITY

August 25, 2022

Via Certified Mail, Return Receipt

Jeffrey & Lorraine Wilson  
4906 Glennbury Ct.  
Wilmington, NC 28409

Re: Variance Request Notice – New Jack Partners, LLC  
Upgrades and Extension of Pier and Docking Facilities

Dear Mr. & Mrs. Wilson,

New Jack Partners previously applied for a CAMA Permit to upgrade and extend its existing pier and boat docking facilities, located at 4607 New Jack Road, Wilmington, NC 28409. The proposed new pier and docking facilities will serve four separate homes from a single facility, and extend no further outward than the adjacent Serenity Point dock facilities. The new facility will allow boats to reach open water without running aground at lower tides. The Division of Coastal Management (DCM) was required to deny our permit application due to language in the CAMA rules regulating the length of piers and docks, even though the proposed dock extension stays within the pier length of the adjacent Serenity Point dock, which themselves previously required a variance from the Coastal Resources Commission (CRC). The CAMA rules require that we send you this notice to inform you of our variance request. A copy of the plan for the proposed work is attached, along with an aerial photograph showing how our design fits in with the other docks located in this area.

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Sincerely,



Nancy Grier, Managing Partner  
New Jack Partners, LLC

RECEIVED  
OCT 04 2022  
DCM-MHD CITY

August 25, 2022

Via Certified Mail, Return Receipt

Shamp Family Trust  
ATT: Jordan Champ  
6506 Moinear Lane  
Chapel Hill, NC 27514

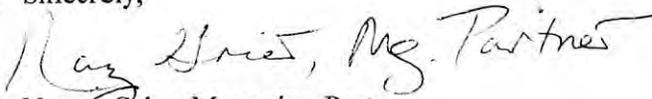
Re: Variance Request Notice – New Jack Partners, LLC  
Upgrades and Extension of Pier and Docking Facilities

Dear Jordan,

New Jack Partners previously applied for a CAMA Permit to upgrade and extend its existing pier and boat docking facilities, located at 4607 New Jack Road, Wilmington, NC 28409. The proposed new pier and docking facilities will serve four separate homes from a single facility, and extend no further outward than the adjacent Serenity Point dock facilities. The new facility will allow boats to reach open water without running aground at lower tides. The Division of Coastal Management (DCM) was required to deny our permit application due to language in the CAMA rules regulating the length of piers and docks, even though the proposed dock extension stays within the pier length of the adjacent Serenity Point dock, which themselves previously required a variance from the Coastal Resources Commission (CRC). The CAMA rules require that we send you this notice to inform you of our variance request. A copy of the plan for the proposed work is attached, along with an aerial photograph showing how our design fits in with the other docks located in this area.

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Sincerely,

  
Nancy Grier, Managing Partner  
New Jack Partners, LLC

RECEIVED  
OCT 04 2022  
DCM-MHD CITY

August 25, 2022

Via Certified Mail, Return Receipt

Babatunde and Constance Olatidoye  
4627 Serenity Point  
Wilmington, NC 28409

Re: Variance Request Notice – New Jack Partners, LLC  
Upgrades and Extension of Pier and Docking Facilities

Dear Dr. and Mrs. Olatidoye,

New Jack Partners previously applied for a CAMA Permit to upgrade and extend its existing pier and boat docking facilities, located at 4607 New Jack Road, Wilmington, NC 28409. The proposed new pier and docking facilities will serve four separate homes from a single facility, and extend no further outward than the adjacent Serenity Point dock facilities. The new facility will allow boats to reach open water without running aground at lower tides. The Division of Coastal Management (DCM) was required to deny our permit application due to language in the CAMA rules regulating the length of piers and docks, even though the proposed dock extension stays within the pier length of the adjacent Serenity Point dock, which themselves previously required a variance from the Coastal Resources Commission (CRC). The CAMA rules require that we send you this notice to inform you of our variance request. A copy of the plan for the proposed work is attached, along with an aerial photograph showing how our design fits in with the other docks located in this area.

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Sincerely,

  
Nancy Grier, Managing Partner  
New Jack Partners, LLC

RECEIVED  
OCT 04 2022  
DCM-MHD CITY



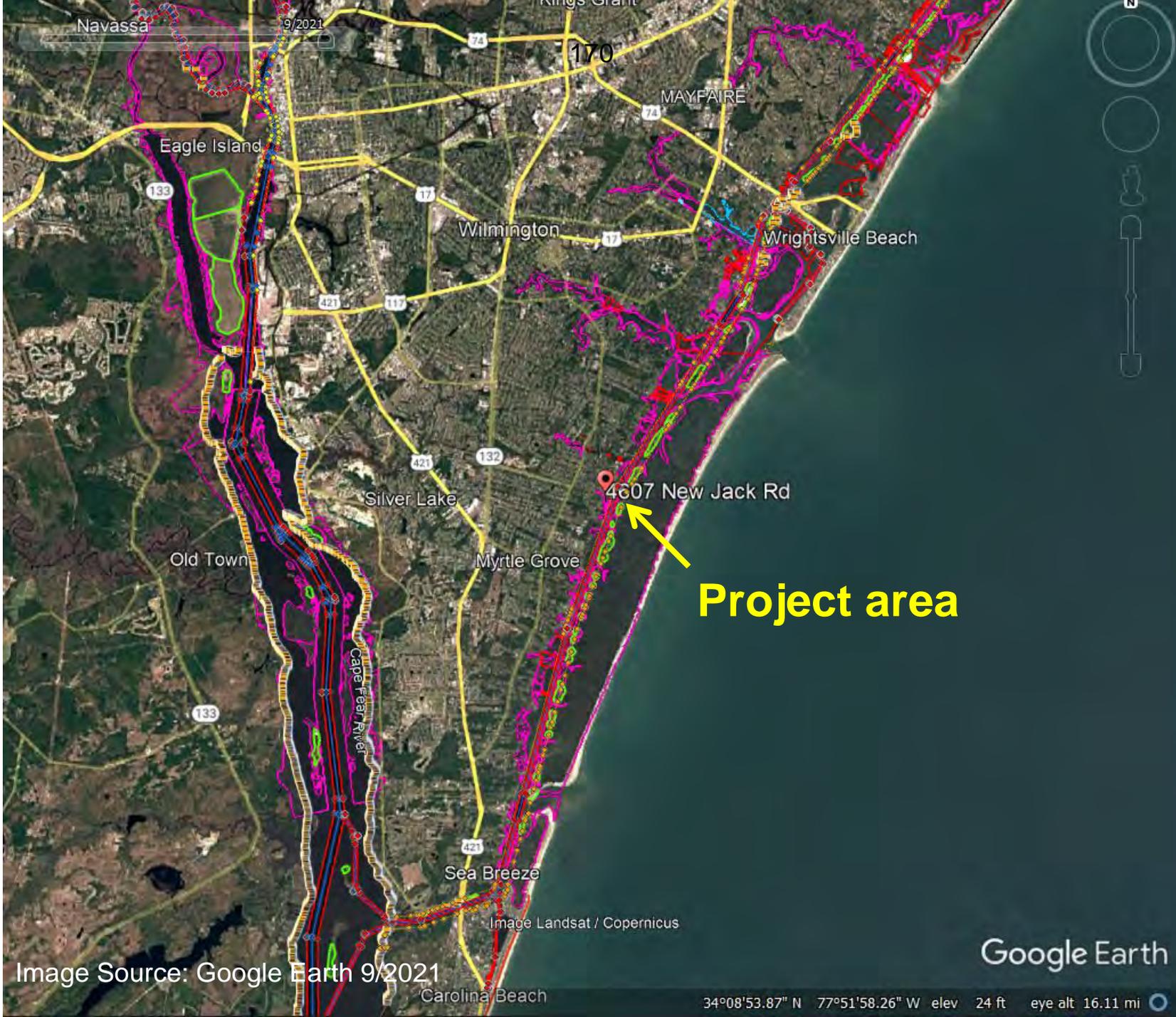
**NC COASTAL RESOURCES  
COMMISSION MEETING**

**November 17, 2022**

**New Jack Partners, LLC.  
(CRC-VR-22-05)**

**Wilmington, Docking Facility**





Navassa

9/2021

170

MAYFAIRE

Eagle Island

133

Wilmington

Wrightsville Beach

421

17

421

132

4607 New Jack Rd

Old Town

Myrtle Grove

**Project area**

133

Cape Fear River

421

Sea Breeze

Image Landsat / Copernicus

Image Source: Google Earth 9/2021

Google Earth

Carolina Beach

34°08'53.87" N 77°51'58.26" W elev 24 ft eye alt 16.11 mi



171

Masonboro Yacht Club

Trails End Park

Masonboro Country Store

4607 New Jack Rd

R.K. Allen Electric

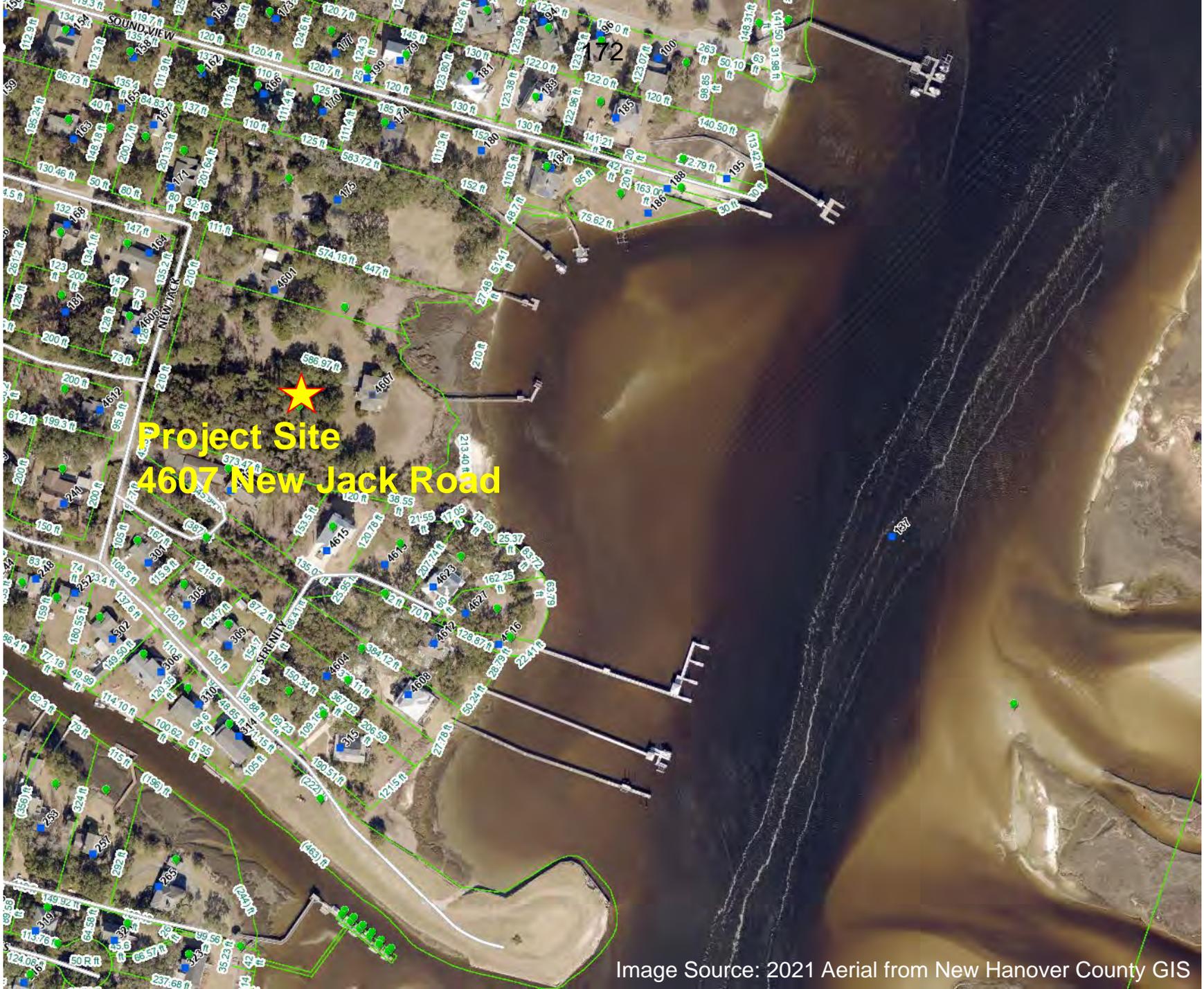
**Project Site  
4607 New Jack Road**

Patrick C. Bristow Land Surveying

Retriever Gold Home Land  
Advanced Practice Solutions

Image Source: Google Earth 2/2019

Google Earth



**Project Site**  
**4607 New Jack Road**



View facing east of existing facility at 4607 New Jack Road

Image Source: Nancy Grier 9/21/2021



## View facing west of existing residence at 4607 New Jack Road

Image Source: Nancy Grier 9/21/2021



## View of 4607 New Jack Road facing south

Image Source: Unique Media Design drone photos 4/2022



## View of 4607 New Jack Road facing north

Image Source: Unique Media Design drone photos 4/2022



Masonboro Sound

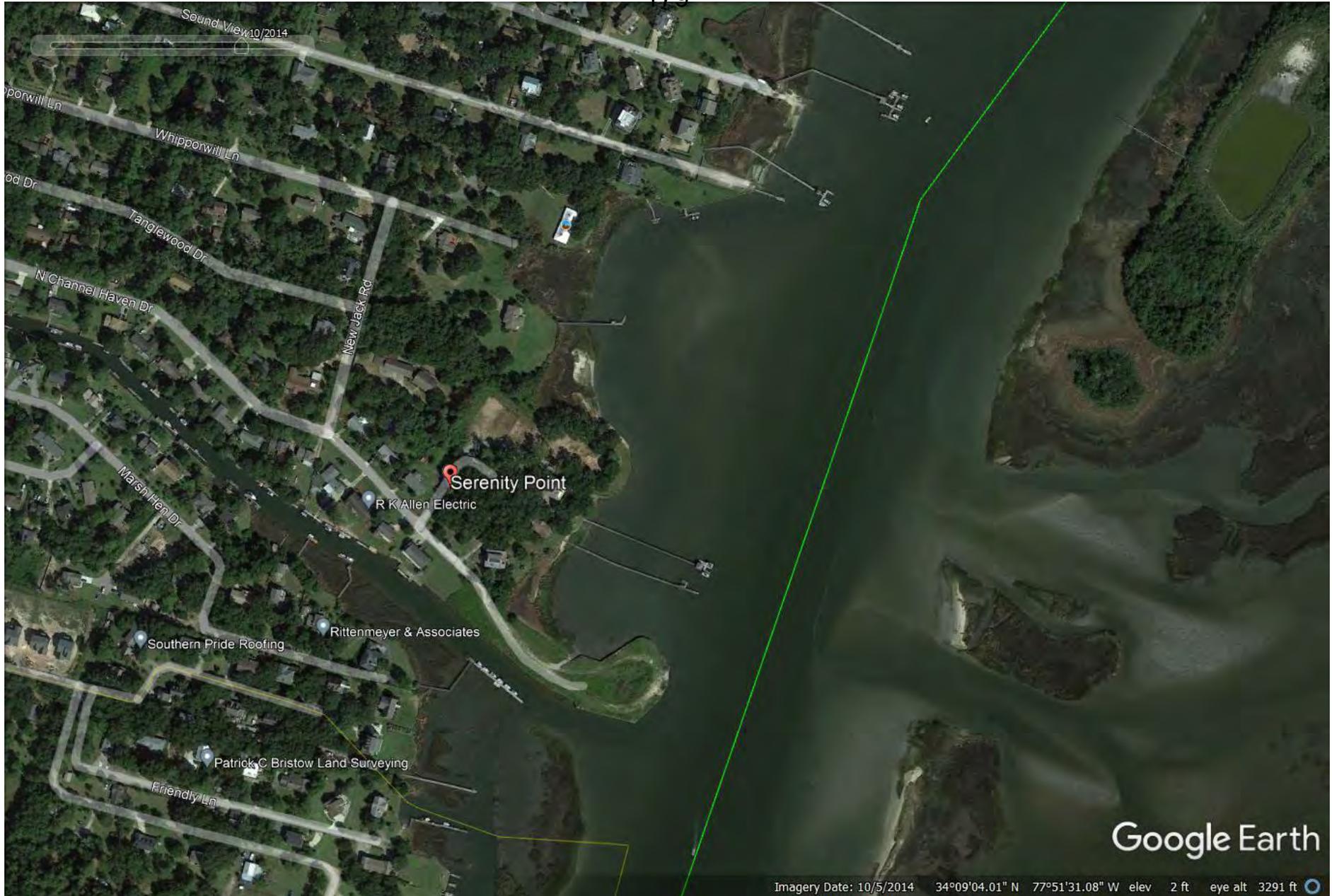
Google Earth

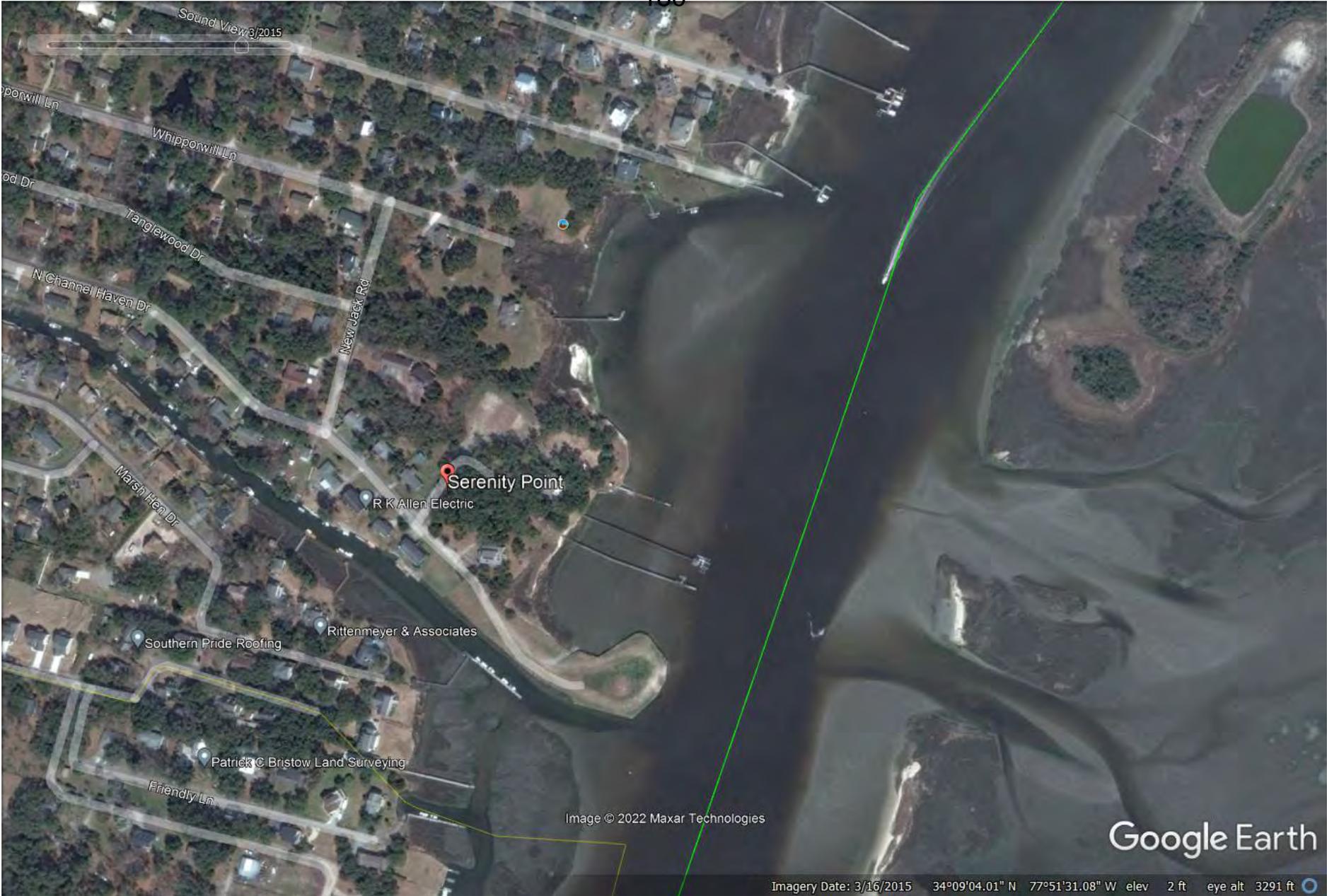


Image USDA/FPAC/GEO

Google Earth

Imagery Date: 6/30/2006 34°09'04.01" N 77°51'31.08" W elev 2 ft eye alt 3291 ft





Sound View 3/2015

Whipponwill Ln

Whipponwill Ln

od Dr

Tanglewood Dr

N Channel Haven Dr

New Jack Rd

Marsh Hen Dr

Serenity Point

R K Allen Electric

Southern Pride Roofing

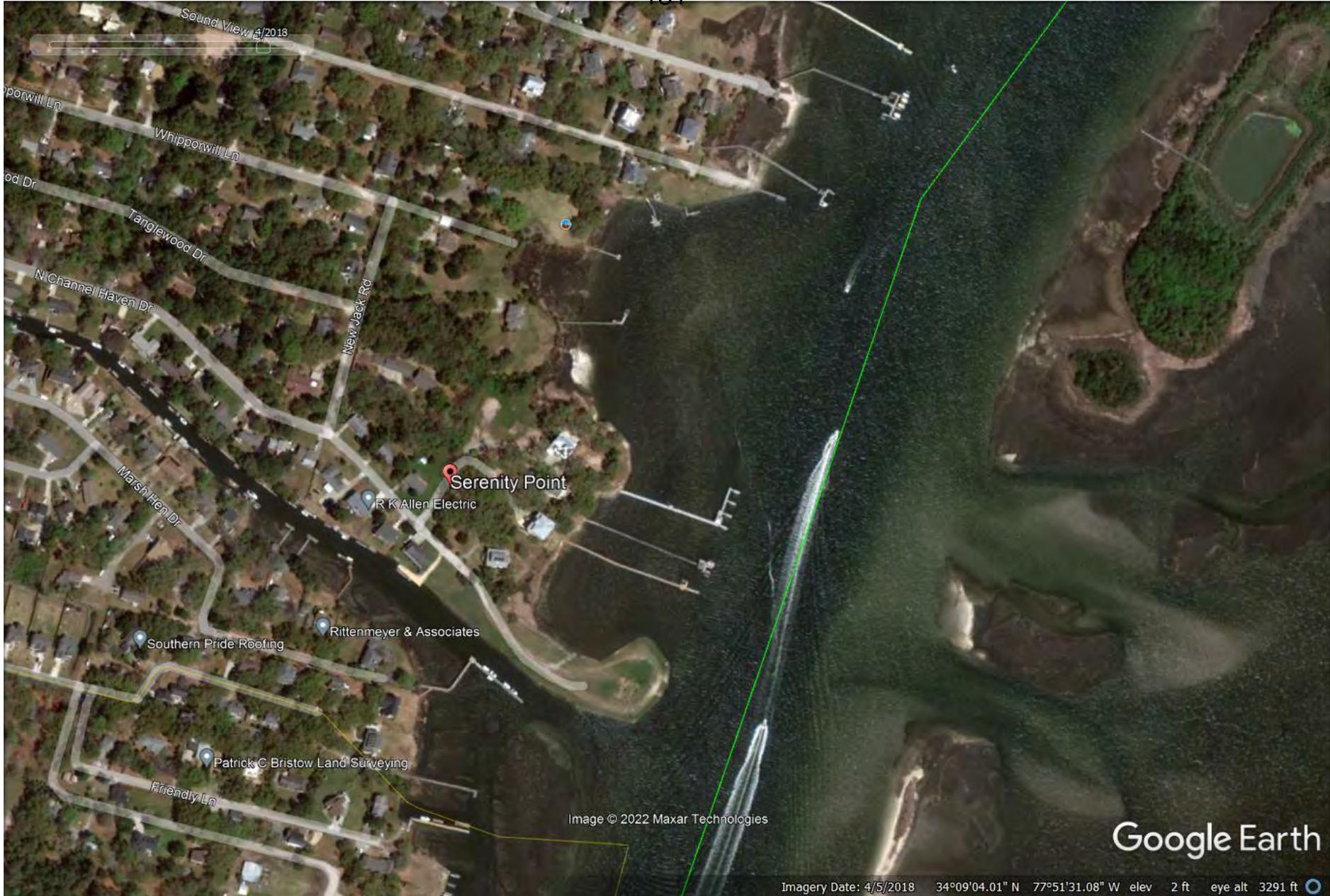
Rittenmeyer & Associates

Patrick C Bristow Land Surveying

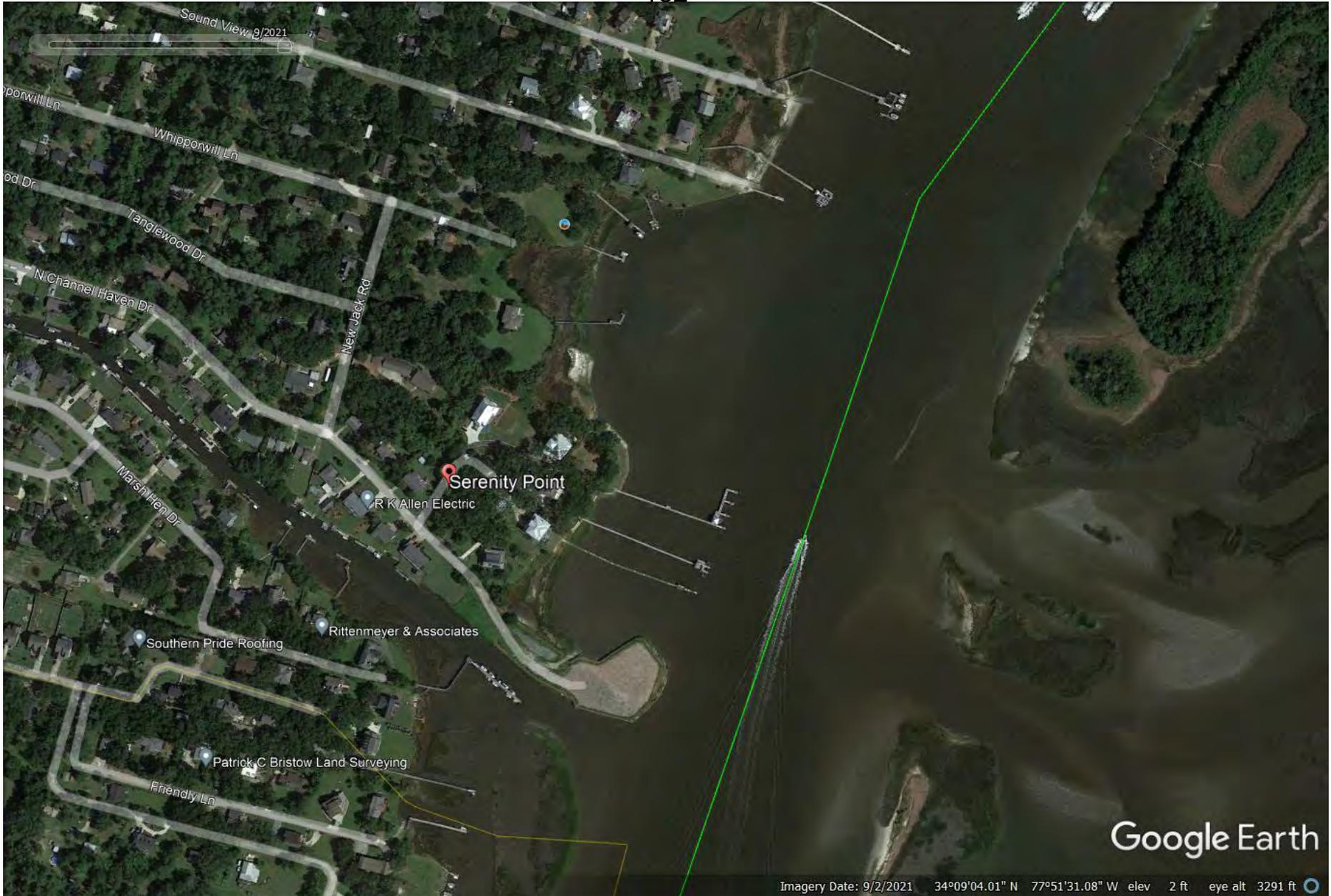
Friendly Ln

Image © 2022 Maxar Technologies

Google Earth



Google Earth







I, JAMES F. RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE REVERSED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATE OF NORTH CAROLINA. THAT THE BASIS OF MEASUREMENT AS CALCULATED BY LATITUDE AND DEPARTURES IS 1:100,000.

**PRELIMINARY PLAN NOT FOR RECOGNITION, CONVEYANCES OR SALES**

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE WHICH IS NOT A SPECIAL FLOOD HAZARD AREA WHICH IS A SPECIAL FLOOD HAZARD AREA AND FLOOD ZONE WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY PANEL NUMBER AUGUST 28, 2018.

**NOTE**  
 BENCHMARK IS  
 ELEVATION IS 5.7  
 HORIZONTAL DATUM NAD 83 (2011)  
 VERTICAL DATUM GEODESIC MEAN SEA LEVEL  
 DRS USING N.C. GEODETIC CONTINUOUS OPERATING REFERENCE STATION

**NOTE**  
 CONTOURS ADJUSTED TO NORMAL LOW WATER - 0'



COUNTY SKETCH

**NOTE**  
 THE PROPERTY IS LOCATED WITHIN 1/2 OF THE NORMAL-LOW WATER WATER LINE CONTROLLING WITH WATERWAYS WHICH IS CONTROLLED BY THE STATE OF N.C. AS OUTSTANDING RESOURCE WATERWAYS (ORW)

**NOTE**  
 EXISTING BUILDING IS ONE STORY ON PILING OVER CHANNEL. 2.5 AC. ONLY. EXISTING BELOW FOR DRIVE, STORAGE & PARKING

**NOTE**  
 NOT ALL PHYSICAL IMPROVEMENTS LOCATED

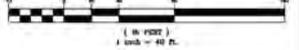
**NOTE**  
 ALL POINTS NOT MENTIONED INCLUDE CHANNELS RIVER

**LEGEND**

- CC = CONTROL CORNER
- CM = EXISTING CONCRETE MONUMENT (STATION/CONTROL CORNER)
- CR = EXISTING IRON ROD (FOUNT)
- DM = EXISTING BRASS/IRON PIN (FOUNT)/CONTROL CORNER
- DN = EXISTING HARDY-KALIN NAIL (FOUNT)/CONTROL CORNER
- DR = EXISTING BRASS/IRON PIN (FOUNT)
- ML = MINIMUM BOUNDING LINE
- NR = NON MONUMENTED POINT
- R/W = RIGHT OF WAY
- SC = SET CONCRETE MONUMENT (CONTROL CORNER)
- SM = SET IRON PIN
- SP = SET IRON ROD
- SW = SET BRASS/IRON PIN (CONTROL CORNER)
- SW = SET HARDY-KALIN NAIL (CONTROL CORNER)
- S = SURVEY BENCH MARK/FOUNT
- CL = CLEAR CUT
- TE = TELEPHONE PESTERIAL
- PO = POWER POLE
- PE = POWER LINE
- EE = EXISTING SPOT ELEVATION
- MS = METERS SEA
- EL = ELECTRICAL BOX
- AD = ADDRESS

LINE TABLE		LINE TABLE		LINE TABLE	
LINE #	LENGTH DIRECTION	LINE #	LENGTH DIRECTION	LINE #	LENGTH DIRECTION
L1	31.18' S89°32'38"W	L17	38.80' S24°02'22"W	L33	51.82' S44°15'48"W
L2	30.82' S89°42'24"W	L18	25.22' S22°02'24"W	L34	54.42' S44°15'28"W
L3	34.12' S28°32'48"W	L19	48.12' S89°32'48"W	L35	38.30' S11°02'24"W
L4	42.22' S89°32'48"W	L20	30.78' S24°02'22"W	L36	85.82' S44°15'28"W
L5	25.92' S14°02'36"W	L21	15.90' S89°32'48"W	L37	87.11' S89°12'12"W
L6	38.12' S70°02'36"W	L22	2.77' S24°02'22"W	L38	31.08' S89°12'12"W
L7	42.88' S22°32'36"W	L23	10.12' S89°32'48"W	L39	60.68' S89°12'12"W
L8	20.17' S81°32'12"W	L24	29.62' S81°32'12"W	L40	33.18' S17°02'36"W
L9	19.82' S81°32'12"W	L25	54.88' S27°32'36"W	L41	48.70' S27°32'36"W
L10	33.36' S89°32'48"W	L26	17.00' S27°32'36"W	L42	31.80' S89°12'12"W
L11	17.88' S89°12'12"W	L27	29.88' S89°12'12"W	L43	20.70' S89°12'12"W
L12	36.20' S22°32'36"W	L28	38.82' S12°02'24"W	L44	31.41' S89°12'12"W
L13	27.00' S42°32'48"W	L29	43.20' S89°12'12"W	L45	24.14' S27°32'36"W
L14	35.01' S27°32'36"W	L30	54.38' S89°12'12"W	L46	37.48' S27°32'36"W
L15	53.11' S27°32'36"W	L31	29.80' S89°12'12"W	L47	25.88' S74°32'36"W

GRAPHIC SCALE



**CHARLES F. RIGGS & ASSOCIATES, INC. (P-780)**  
 LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS.  
 LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET  
 P.O. BOX 1370  
 HAZELHURST, NC 28030-1370  
 TELEPHONE: (910) 450-0877  
 E-MAIL: criggs@cfriassociates.com

LANEVALD EXECUTIVE SUITES  
 1213 CLAREBETH DRIVE  
 WILMINGTON, NC 28403  
 TELEPHONE: (910) 681-7444

**PRELIMINARY PLAN NOT FOR RECOGNITION, CONVEYANCES OR SALES**

**A**  
 TOPOGRAPHIC SURVEY FOR  
**NEW JACK PARTNERS, LLC**  
 4601 & 4607 NEW JACK ROAD, D.B. 418, P. 327, D.B. 439, P. 376, D.B. 587, P. 49  
 MANASSBORO TOWNSHIP, NEW HANOVER COUNTY, NORTH CAROLINA  
 JOYCE HALL LEWIS, OWNER; D.B. 418, P. 327, D.B. 439, P. 376, D.B. 587, P. 49  
 4601 & 4607 NEW JACK ROAD

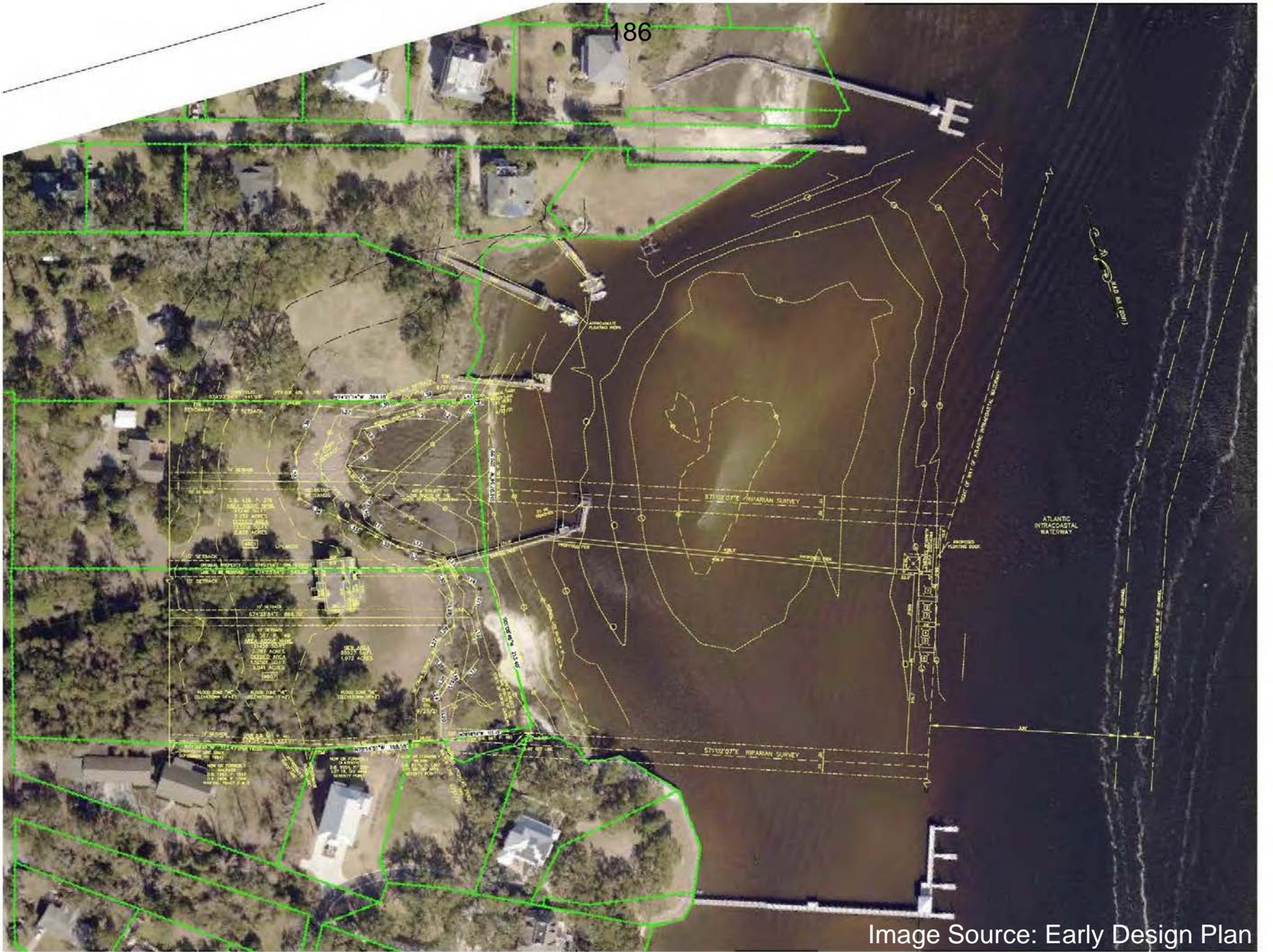


Image Source: Early Design Plan



Image Source: Major Permit Application

PRELIMINARY:  
NOT FOR RECORDATION, CONVEYANCES,  
OR SALES PURPOSES.

Sheet 2 of 2 Sheets  
PROPOSED PIER  
OVERLAY ON  
HYDROGRAPHIC SURVEY  
at  
**4616 SERENITY POINT**  
ADJACENT TO CHANNEL HAVEN SUBDIVISION  
EXCLUSIVELY FOR:  
**COBA Ventures LLC**

AS RECORDED BOOK 4451, PAGE 367 OF THE NEW HANOVER COUNTY REGISTRY  
MASONBORO TOWNSHIP NEW HANOVER COUNTY NORTH CAROLINA  
SCALE: 1" = 60'

NOVEMBER 12-21, 2012  
Revised: 7/12/2013 Proposed Pier

ARNOLD W. CARSON, PLS PC (C-2138)  
406 NORTH THIRD STREET  
P.O. BOX 11401  
WILMINGTON, NC 28404  
(910) 772-9113 acarson@owcpls.com

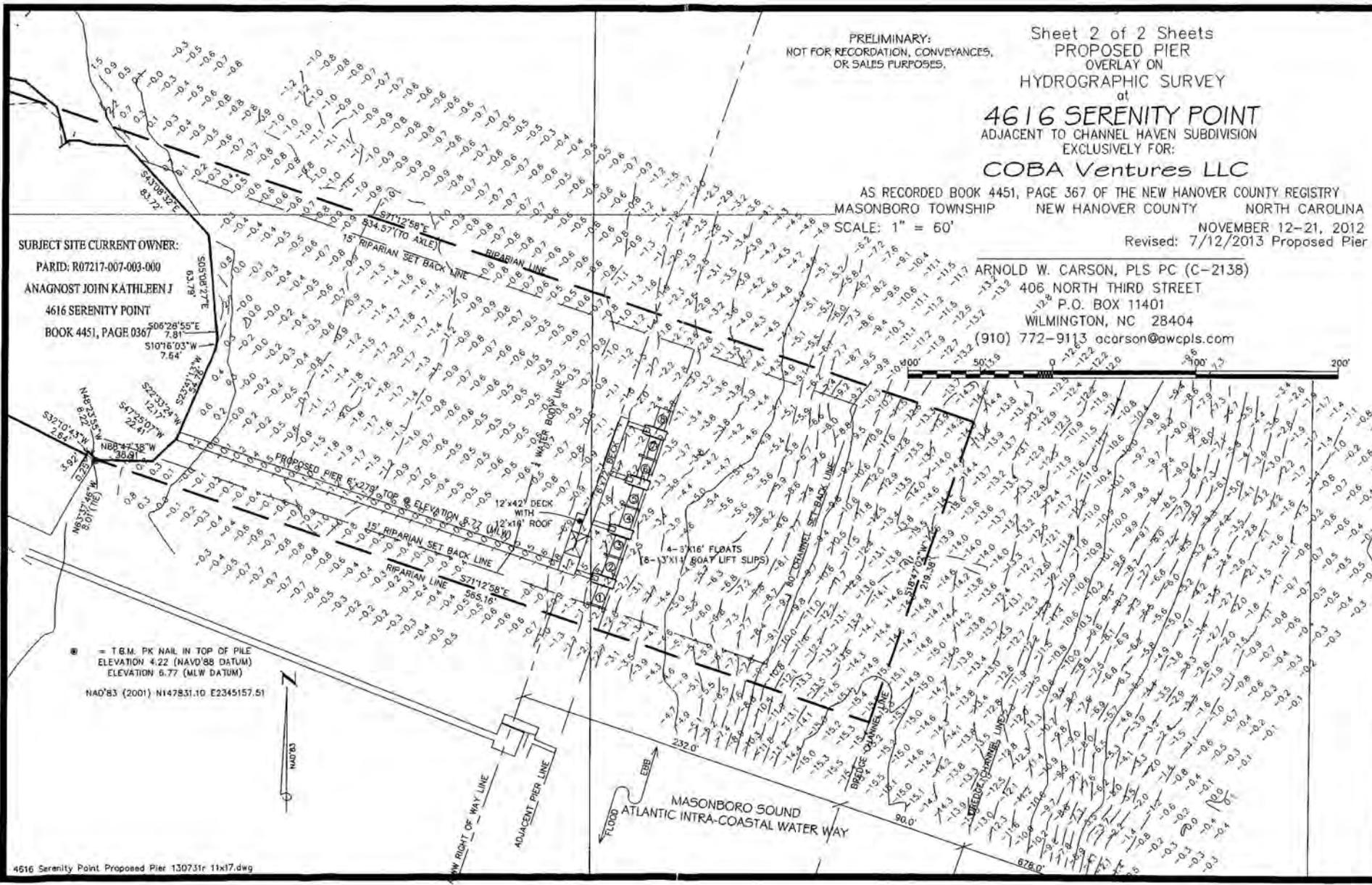
SUBJECT SITE CURRENT OWNER:

PARID: R07217-007-003-000

ANAGNOST JOHN KATHLEEN J

4616 SERENITY POINT

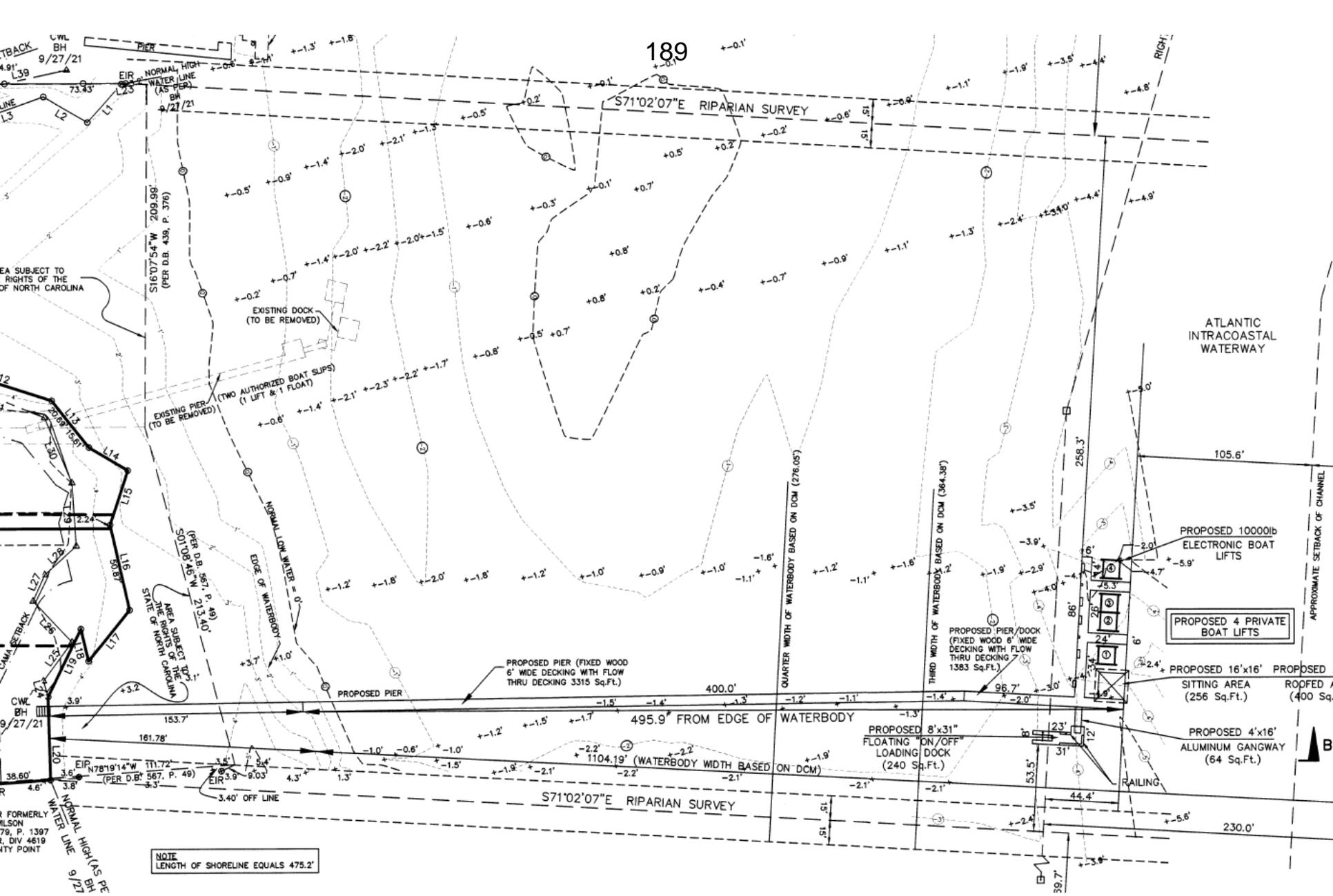
BOOK 4451, PAGE 0367



506°28'55"E 7.81'  
510°16'03"W 7.64'  
505°04'27"E 6.78'  
502°33'24"W 22.41'  
547°30'07"W 26.81'  
532°10'43"W 2.84'  
N46°23'35"W 3.92'  
N83°17'45"W 8.01'(TIE)

● = T&M. PK NAIL IN TOP OF PILE  
ELEVATION 4.22 (NAVD'88 DATUM)  
ELEVATION 5.77 (MLW DATUM)  
NAD'83 (2001) N147831.10 E2345157.51

4616 Serenity Point Proposed Pier 130731r 11x17.dwg



NOTE  
LENGTH OF SHORELINE EQUALS 475.2'

Image Source: Major Permit Application



## **VARIANCE CRITERIA**

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

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

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