



PAT McCRORY
Governor

DONALD R. VAN DER VAART
Secretary

TO: The Coastal Resources Commission

FROM: Christine A. Goebel, Assistant General Counsel *CAG*
Drew Hargrove, Assistant General Counsel *ADH*

DATE: August 31, 2016 (for the September 13-14, 2016 CRC Meeting)

RE: **Variance Request by Nicholas Foy Nixon III (CRC-VR-16-06)**

Petitioner Nicholas Foy Nixon III ("Petitioner") owns property on Hollis Lane on the AIWW in New Hanover County. Earlier this year, Petitioner sought a CAMA Major Permit for the construction of a house, driveway and private docking facility. On June 17, 2016, CAMA Major Permit No. 67-16 was issued for the upland development, but the docking facility was conditioned out of the permit as it exceeded the Commission's "quarter width rule" found at 15A NCAC 7H .0208(b)(6)(g)(iii). Through this variance petition, Petitioner now seeks a variance from the quarter width rule in order to develop his docking facility as was proposed in his permit application.

The following additional information is attached to this memorandum:

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

cc(w/enc.): Meredith Jo Alocke, Petitioner's Attorney, electronically
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically
Patricia Roberts, New Hanover CAMA LPO, electronically

RELEVANT STATUTES OR RULES**ATTACHMENT A****15A NCAC 07H .0208 USE STANDARDS**

(a) General Use Standards

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

(b) Specific Use Standards

(6) Piers and Docking Facilities.

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

(B) The total square footage of 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. Petitioners are Nicholas Foy Nixon III and Catherine Elizabeth Connell. As husband and wife, Petitioners own property at 115 and 125 Hollis Lane (the "Property"), Wilmington, North Carolina.
2. Petitioners purchased the Property December 4, 2015, as evidenced by a deed recorded at Book 5935, Pages 1169-1172 of the New Hanover County Registry. A copy of the deed is attached.
3. The Property is adjacent to Masonboro Sound, which in this location is part of the Atlantic Intracoastal Waterway ("AIWW"). It is located between Masonboro Inlet to the north and Carolina Beach Inlet to the south. The closest major road leading to the Property is Masonboro Loop Road. The Property can be seen on the attached powerpoint presentation of photographs of the Property and surrounding area.
4. The Property comprises two contiguous undeveloped residential lots measuring approximately 3.2 acres combined.
5. The Property has approximately 184' of shoreline along Masonboro Sound.
6. On Petitioners' Property, there is an area of coastal wetlands along the shoreline which ranges from approximately 180' in width along the northern portion of the property to approximately 140' in width along the southern portion of the property. The coastal wetlands boundary continues to taper along the shoreline of the adjacent riparian property to the south.
7. Across the AIWW and forming the boundary of the water body, there is an undeveloped unnamed island owned by the State of North Carolina, according to the New Hanover County tax information, a copy of which is attached. This island is located within the USACE 1000' right-of-way and designated as AIWW Disposal Area (DA 0257).
8. There are existing private piers located to the south of the Property. Immediately adjacent to Petitioners' property to the south is a pier owned Robert Hollis. The Hollis pier was permitted in 2011 and measures 323' in length and 6' in width. A copy of the 2011 Hollis CAMA permit is attached. The next pier to the south extends slightly farther into the sound than the Hollis pier. Based on a Staff review of the DCM database (CDAITS), this docking facility was authorized to Mr. Robert Huckabee through CAMA General Permit #20287-D on November 9, 1999 at the property located at 5711 Shoemaker Lane.
9. The adjacent property owner to the north, Mildred Buskirk, has a pier under construction at the time of filing this request. The Buskirk pier was permitted in 2016 and measures 343' in length and 6' in width. A copy of the 2016 Buskirk CAMA permit is attached. Boats accessing the Buskirk pier would use Monk's Cove Channel to connect to the AIWW.
10. The waters of Masonboro Sound within the project area are classified as SA-ORW by the North Carolina Environmental Management Commission. They are further classified as a Primary

Nursery Area ("PNA") by the North Carolina Marine Fisheries Commission. The waters are closed to the harvest of shellfish.

11. The 2006 Wilmington-New Hanover County Joint Land Use Plan Update classifies this site as "Resource Protection."

12. On March 30, 2016, Petitioner, through their authorized agent Land Management Group, applied for a CAMA major permit to construct a single family residence, driveway, and private docking facility. The upland development includes one single-family house on pilings, garage, driveway, and septic field. The proposed driveway included associated impacts to .01 acres of Section 404 Wetlands. The total floor area of the house is 2,450 square feet. A copy of the CAMA major permit application is attached.

13. The proposed project is within the Public Trust Waters, Estuarine Waters, Outstanding Resources Waters, and Coastal Wetlands Areas of Environmental Concern ("AECs"), as designated by the CRC.

14. As part of the CAMA major permit review process, DCM Staff wrote a Field Investigation Report about the project, a copy of which is attached.

15. During the major permit review process, no state or federal agencies objected to the proposed project.

16. The Fisheries Resource Specialist commented that "If distances and depths identified in the application are not achieved, then additional review may be necessary." A copy of this comment letter is attached.

17. As part of the CAMA major permit review process, notice was given to the public through on-site posting and notice in the local newspaper. Notice was also sent to the adjacent riparian property owners, both of whom submitted statements of "no objection" to the project, copies of which are attached. No other comments from the public were received in connection with the permit application.

18. CAMA Major Permit No. 67-16 (the "Permit") was issued on June 17, 2016 authorizing all of the proposed development except the docking facility, which was found to be inconsistent with 15A NCAC 7H .0208(b)(6)(g)(iii)(the "one-quarter width rule"). Condition No. 1 of the Permit specifically excludes the proposed docking facility from the authorized construction. A copy of the major permit is attached.

19. The Coastal Area Management Act ("CAMA") provides that "[a]ny person may petition the Commission for a variance granting permission to use the person's land in a manner otherwise prohibited by rules or standards prescribed by the Commission, or orders issued by the Commission, pursuant to this Article." N.C. Gen Stat. § 120.1(a). Petitioners stipulate that their proposed docking facility exceeds the CRC's one-quarter width rule. Petitioners seek a variance from CAMA Major Permit No. 67-16 Condition No. 1 and the one-quarter width rule so they may construct the docking facility proposed in their permit application.

20. The proposed 3-slip docking facility includes an access pier extending east into Masonboro Sound measuring 385' in length and 6' in width. The access pier would lead to a partially fixed covered platform measuring 19' by 14' oriented towards the north in an "L-shaped" configuration. An access ramp would lead to a floating dock measuring 25' by 8'. Two boat lifts are also proposed, both of which will measure 13' by 12'. The facility would provide docking for up to three vessels. No dredging is proposed. The configuration of the docking facility is shown on a scaled drawing labeled Sheet 3 of 5 in Petitioners' permit application.
21. The CRC's rules provide that "[t]he 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." 15A NCAC 7H .0208(b)(6)(B). Based on a shoreline length of 184 linear feet, Petitioners are allowed up to 1,472 square feet of shaded impact. Petitioners have proposed 562 square feet of floating dock and platform.
22. The width of the AIWW at this location is approximately 890' measured from the waterward edge of any coastal wetlands bordering each side of the water body.
23. The proposed pier would extend approximately 285' into the water body measured from the waterward edge of the coastal wetlands, or approximately 32% of the width of the waterbody.
24. One-quarter the width of the water body at this location is 222.5'. The proposed pier length exceeds the CRC's rule by 62.5'.
25. One-third the width of the water body at this location is 296.6'. The proposed pier length is 11.6' shorter than the one-third location.
26. The water depths at the proposed terminus of the docking facility range from -2.5' to -4.0' at Normal Low Water ("NLW").
27. The water depths at the one-quarter length are approximately -1.0' to -1.5' at NLW.
28. The CRC's rules provide that "[p]ier and docking facility length shall be limited by . . . not extending beyond the established pier or docking facility length along the same shoreline for similar use." 15A NCAC 7H .0208(b)(6)(G)(i). The proposed pier complies with this rule as it does not extend beyond the established pier length for private piers on this shoreline.
29. The CRC's rules provide that "[p]ier and docking facility length shall be limited by . . . not extending into the channel portion of the water body." 15A NCAC 7H .0208(b)(6)(G)(ii). The proposed pier complies with this rule as it does not extend into the AIWW federal channel or the 80-foot setback therefrom. The proposed pier does not encroach into Monk's Cove Channel, which is a marked channel.
30. The CRC's rules provide that "[p]ier and docking facility length shall be limited by . . .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." 15A NCAC 7H .0208(b)(6)(G)(iii). The proposed pier does not comply with the one-quarter width rule. The proposed pier does not qualify for the one-third width exception in the last part of the rule because it is not within 200 feet of longer piers, but it is proposed to no extend longer than one-third the width of the water body.

31. The proposed docking facility would not extend out into Masonboro Sound past the Hollis pier to the south.

32. The proposed docking facility would not extend out into Masonboro Sound past the two pilings marking the entrance to the channel to Monk's Cove to the north. As shown on Petitioners' riparian survey, these channel markers are located just a few feet west of the 80-foot setback from the federal channel.

STIPULATED EXHIBITS

1. Petitioners' General Warranty Deed 5935/1169
2. 2011 Hollis pier permit
3. 2016 Buskirk pier permit
4. CAMA Major Permit Application received March 30, 2016
5. DCM Field Investigation Report
6. Fisheries Resource Specialist comment dated April 12, 2016
7. Neighbor "no objection" forms
8. CAMA Major Permit No. 67-16
9. Certified Mail Receipts
10. Site photographs in the powerpoint presentation

PETITIONERS' 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.

Petitioners' Position: Yes.

Strict application of the rule prevents Petitioners from reaching water depths sufficient for most boating. At the one-quarter distance, water depths are -1.0 to -1.5 at Normal Low Water. Extending the pier to the one-third distance allows Petitioners to reach water depths of -2.5 to -4.0 at Normal Low Water. Terminating the pier at greater water depths will reduce the potential impacts to the substrate and shallow bottom habitat that would occur from motor vessels.

This presents an *unnecessary* hardship because strict application of the rule is unnecessary to protect navigation or prevent excessive usurpation of public trust waters, as further addressed in the fourth factor below. The hardship of being unable to reach deep water is also unnecessary because the small publicly owned island across from the Property is unlikely to ever be developed. Therefore, there is no need to balance the competing interest that a property owner across the water body may want to pier out, as is sometimes the case.

Strict application of the one-quarter rule causes Petitioners unnecessary hardships while providing only marginal, if any, protections to public trust waters.

Staff's Position: Yes.

Staff agrees that a strict application of the one-fourth width rule would result in unnecessary hardship for Petitioners. Compliance with the one-fourth width rule would result in water depths of -1' to -1.5' at Normal Low Water, which could result in impacts to the substrate and shallow bottom habitat in an area designated as a Primary Nursery Area by the N.C. Marine Fisheries Commission. Petitioners' proposed pier length complies with all other aspects of 15A NCAC 7H .0208(b)(6) and Staff contend that in this location, strict application of the one-fourth width rule is not essential to protect public navigation, especially due to the existence of (and current construction of) longer piers along this shoreline and the spoil island on the opposite side of the water body that is unlikely to ever be developed with a pier. As a result, staff agrees that a strict application of the one-fourth width rule would result in unnecessary hardship to Petitioners.

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

Petitioners' Position: Yes.

The hardships result from conditions peculiar to Petitioners' property, including that Petitioners' lot is not a typical rectangular-shaped lot. It is irregularly shaped along the water, as are the coastal wetlands bordering it. The wetland border on the island across from the Property is also irregularly shaped and juts waterward at the center point of Petitioners' riparian corridor, reducing the "width of the water body" at this location. These features are shown on Petitioners'

riparian survey. The hardships caused by strict application of the one-quarter rule result from these unique features.

Staff's Position: Yes.

Staff agrees that Petitioners' hardship is a result from conditions peculiar to the Petitioners' property. Strict application of the one-fourth width rule would result in Petitioners' pier being located landward of the three docks that are to the south of Petitioners' property and would result in Petitioners' dock being in water depths of -1' to -1.5' at Normal Low Water. Also, Petitioners' property is located across from a spoil island that is unlikely to be developed with a pier, so strict application of the one-fourth width rule is unnecessary to protect public navigation.

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

Petitioners' Position: No.

Petitioners have taken no actions that cause the hardships. Although theoretically Petitioners have contributed to their hardship by applying for a design that conflicts with the rule, Petitioners have chosen a design that better protects the shallow bottom habitat without interfering with navigation.

Staff's Position: No.

Staff agrees that Petitioners' hardship does not result from actions taken by Petitioners and that the design is similar to other piers in the area. Staff also agrees that the design should reduce impacts to shallow bottom habitats.

V. Will the variance requested by the petitioner

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

Petitioner's Position: Yes.

The variance will be consistent with **the spirit, purpose and intent** of the Commission's rules. The primary AEC's affected by the development are public trust areas and estuarine waters. The management objective for public trust areas is 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." 15A NCAC 7H .0207(c). The primary purposes of the rules that limit pier length are to protect the public's right to navigation and to limit the amount of public trust area lost when a private pier structure is built. Here, both are met by the proposed project.

There will be no unreasonable interference with navigation based on these facts:

- The proposed pier does not extend beyond the established pier length for private piers on this shoreline.
- The proposed pier does not extend into the 80-foot setback from the AIWW federal channel.
- The proposed pier complies with the one-third rule.
- The proposed pier would not extend past the Hollis pier to the south.
- The proposed pier would not extend past the two channel markers to the north.

The proposed pier also meets the spirit, purpose and intent of the one-quarter rule because it causes no excessive usurpation of public trust waters. Petitioners propose only 62.5 additional feet beyond the one-quarter rule. While this presents an additional intrusion into public trust waters, it is not an unreasonable usurpation, especially considering that Petitioners' docking facility includes only 562 square feet of floating dock and platform, slightly more than a third of the amount Petitioners might be permitted under the rules. That the CRC's rules exclude the access pier from the calculation of shaded impacts allowed (based on shoreline length) shows that the CRC recognizes that sometimes longer piers are needed in our unique coastal environment. In fact, sometimes longer piers are preferred where resource impacts must be considered.

Consistent with the management objective for public trust waters, the requested variance will protect public rights for navigation and recreation while simultaneously safeguarding the biological, economic and aesthetic value of the public trust areas. The requested pier length will not unreasonably interfere with the public's right of navigation and recreation in the public trust waters, but will allow Petitioners reasonable access to deeper water.

The variance will also be consistent with the spirit, purpose and intent of the Commission's rules that are designed to protect important habitats. The management objective for estuarine waters is 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." 15A NCAC 7H .0206(c). Use standards for estuarine and public trust waters require an applicant to minimize impacts to PNAs as well as ORWs. 15A NCAC 7H .0208(a). The proposed pier is consistent with the intent of these rules because it avoids significant adverse impacts to the more fragile shallow bottom habitat.

Public safety and welfare will be secured by this variance because the public's safe use of the waters near the pier will not be adversely affected. The pier would not interfere with established navigation routes or interfere with adjacent riparian property owners' ability to recreate and navigate safely.

Substantial justice will be preserved by this variance because Petitioners may extend out to the same distance as the Hollis pier to the south. Even though Petitioners' pier will extend beyond the Buskirk pier (under construction) to the north, it will not extend beyond the nearby channel markers that are more restrictive than the Buskirk pier from the standpoint of boaters on the AIWW. Both neighbors support the project. Justice will further be preserved because the CRC's

rule will be applied in a common sense manner that properly balances the competing interests of navigation and estuarine resource protection.

For the reasons stated above, granting Petitioner the requested variance will be consistent with all four (4) of the criteria stated in N.C. Gen Stat. § 113A-120.1 and in NCAC 7J .0700. Petitioners respectfully request that the Commission issue a variance in accordance the permit application.

Staff's Position: Yes.

Staff agrees that the requested variance is consistent with the spirit of the pier length rules, secures public safety and welfare, and preserves substantial justice. In 1998, the Commission changed its one-third width pier length restriction to the current one-fourth width rule. That rule change was intended to better protect public navigation by ensuring that, if both sides of the waterbody were developed, at least half the width of the waterbody would be unobstructed by piers.

In this case, the proposed pier does not unreasonably interfere with public navigation along the AIWW. The proposed pier does not extend beyond the Hollis pier to the south, does not extend beyond the two channel markers to the north, complies with the AIWW federal setback, and is limited to approximately one-third of the width of the waterbody. Also, the site is located across from an undeveloped, State-owned spoil island that is unlikely to be developed with its own pier, so as a practical matter, more than half the waterbody would still be protected for public use if the variance is granted. As a result, Petitioners' proposed pier is consistent with the spirit of the one-fourth width rule. Furthermore, strict application of the one-fourth width rule would result in an increased chance for negative impacts to shallow bottom habitat in an area that is designated as a Primary Nursery Area by the N.C. Marine Fisheries Commission. Staff agrees that the variance strikes a reasonable balance between Petitioners' right to pier out, the public's right to navigate, and the protection of public trust resources.

**ATTACHMENT D:
PETITIONERS' VARIANCE REQUEST MATERIALS**

CAMA VARIANCE REQUEST FORM

DCM FORM 11
DCM FILE No.: 16-06

PETITIONER'S NAME Nicholas Foy Nixon III

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.

VARIANCE HEARING PROCEDURES

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

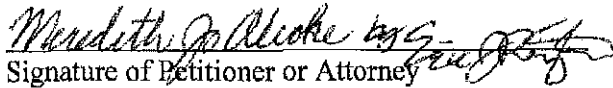
If there are controverted facts that are significant in determining the propriety of a variance, or if the Commission determines that more facts are necessary, the facts will be determined in an administrative hearing. 15A N.C.A.C. 07J .0701(b).

VARIANCE CRITERIA

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

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

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


Signature of Petitioner or Attorney

August 1, 2016
Date

Meredith Jo Alcock
Printed Name of Petitioner or Attorney

mjalcock@wardandsmith.com
Email address of Petitioner or Attorney

Post Office Box 867
Mailing Address

252.672.5400
Telephone Number of Petitioner or Attorney

New Bern, NC 28563-0867
City State Zip

252.672.5477
Fax Number of Petitioner or Attorney

DELIVERY OF THIS HEARING REQUEST

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

Contact Information for DCM:

Contact Information for Attorney General's Office:

By mail, express mail or hand delivery:

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

By mail:

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

By Fax:

(252) 247-3330

By express mail:

Environmental Division
114 W. Edenton Street
Raleigh, NC 27603

By Email:

Check DCM website for the email
address of the current DCM Director

www.nccoastalmanagement.net

Revised: July 2014

By Fax:

(919) 716-6767

1001 College Court (28562)
Post Office Box 867
New Bern, NC 28563-0867

P: 252.672.5507
F: 252.572.5477
MJAlcoke@wardandsmith.com

July 29, 2016

VIA EMAIL
ORIGINAL VIA U.S. MAIL

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


RE: Petitioner Nicholas Foy Nixon III
CAMA Variance Request Form
Our File 160331-00001

Dear Mr. Davis:

We represent Petitioner Nicholas Foy Nixon III in his endeavor to obtain a variance to undertake the construction of a pier with a floating dock and two boat lifts on his property located at 115 and 125 Hollis Lane, Wilmington, North Carolina. In this regard and on his behalf, we are submitting the enclosed original Variance Petition together with supporting documents. We respectfully request that this variance request be scheduled for the September meeting of the Coastal Resources Commission in Wilmington, North Carolina. Please let us know if there is anything else you need from us to ensure this matter will be heard as requested.

Thank you for your consideration of this matter.

Yours truly,



Meredith Jo Alcoke

ND: 4829-8452-8948, v. 1

Enclosures

cc: Mr. Nicholas Foy Nixon III (w/encs.)
Attorney General's Office (w/encs.)
Eric J. Remington, Esq.

RECEIVED

AUG 01 2016

DCM- MHD CITY

ASHEVILLE

GREENVILLE

NEW BERN

RALEIGH

WILMINGTON

1001 College Court (28562)
Post Office Box 867
New Bern, NC 28563-0867

P: 252.672.5507
F: 252.572.5477
mjalcoke@wardandsmith.com

July 29, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

COPY

Ms. Mildred Buskirk
354 Friendly Lane
Wilmington, NC 28409

RE: CAMA Variance Request by Nicholas Foy Nixon III
Our File 160331-00001

Dear Ms. Buskirk:

This is to notify you that Nicholas Foy Nixon III is applying for a variance from the North Carolina Coastal Resources Commission to allow for the construction of a pier with a floating dock and two boat lifts on his property located at 115 and 125 Hollis Lane, Wilmington, North Carolina. The proposed 3-slip pier will span approximately 385 feet into the water and will be 6 feet in width. Two platforms and two boatlifts are proposed at the end of the structure.

The variance is projected to be heard at the September 13-14, 2016 meeting of the Coastal Resources Commission in Wilmington. If you wish to receive further information concerning the variance, you may contact me. If you wish to make comments on the variance, you may direct your comments to the North Carolina Division of Coastal Management headquarters at 400 Commerce Avenue, Morehead City, North Carolina 28557. You may also contact the Division of Coastal Management at 252-808-2808.

Yours very truly,

Meredith Jo Alcoke
Attorney for Nicholas Foy Nixon III

ND: 4816-5844-7669, v. 1

cc: Mr. Nicholas Foy Nixon III

ASHEVILLE

GREENVILLE

NEW BERN

RALEIGH

WILMINGTON

www.wardandsmith.com

1001 College Court (28562)
Post Office Box 867
New Bern, NC 28563-0867

P: 252.672.5507
F: 252.572.5477
mjalcoke@wardandsmith.com

July 29, 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

COPY

Mr. Robert Joseph Hollis
126 Hollis Lane
Wilmington, NC 28409

RE: CAMA Variance Request by Nicholas Foy Nixon III
Our File 160331-00001

Dear Mr. Hollis:

This is to notify you that Nicholas Foy Nixon III is applying for a variance from the North Carolina Coastal Resources Commission to allow for the construction of a pier with a floating dock and two boat lifts on his property located at 115 and 125 Hollis Lane, Wilmington, North Carolina. The proposed 3-slip pier will span approximately 385 feet into the water and will be 6 feet in width. Two platforms and two boatlifts are proposed at the end of the structure.

The variance is projected to be heard at the September 13-14, 2016 meeting of the Coastal Resources Commission in Wilmington. If you wish to receive further information concerning the variance, you may contact me. If you wish to make comments on the variance, you may direct your comments to the North Carolina Division of Coastal Management headquarters at 400 Commerce Avenue, Morehead City, North Carolina 28557. You may also contact the Division of Coastal Management at 252-808-2808.

Yours very truly,

Meredith Jo Alcoke
Attorney for Nicholas Foy Nixon III

ND: 4829-1525-7140, v. 1

cc: Mr. Nicholas Foy Nixon III

ASHEVILLE

GREENVILLE

NEW BERN

RALEIGH

WILMINGTON

www.wardandsmith.com

1001 College Court (28562)
Post Office Box 867
New Bern, NC 28563-0867

P: 252.672.5507
F: 252.572.5477
MJAlcoke@wardandsmith.com

July 29, 2016

VIA EMAIL
ORIGINAL VIA U.S. MAIL

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


RE: Petitioner Nicholas Foy Nixon III
CAMA Variance Request Form
Our File 160331-00001

Dear Mr. Davis:

We represent Petitioner Nicholas Foy Nixon III in his endeavor to obtain a variance to undertake the construction of a pier with a floating dock and two boat lifts on his property located at 115 and 125 Hollis Lane, Wilmington, North Carolina. In this regard and on his behalf, we are submitting the enclosed original Variance Petition together with supporting documents. We respectfully request that this variance request be scheduled for the September meeting of the Coastal Resources Commission in Wilmington, North Carolina. Please let us know if there is anything else you need from us to ensure this matter will be heard as requested.

Thank you for your consideration of this matter.

Yours truly,



Meredith Jo Alcoke

ND: 4829-8452-8948, v. 1

Enclosures

cc: Mr. Nicholas Foy Nixon III (w/encs.)
Attorney General's Office (w/encs.)
Eric J. Remington, Esq.

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AUG 01 2016

DCM- MHD CITY

ASHEVILLE

GREENVILLE

NEW BERN

RALEIGH

WILMINGTON

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Robert Joseph Hollis
126 Hollis Lane
Wilmington, NC 28409



9590 9402 1477 5329 3616 75

2. Article Number (Transfer from service label)

7015 1520 0001 2899 4042

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Elizabeth Hollis

Agent

Addressee

B. Received by (Printed Name)

Elizabeth Hollis

C. Date of Delivery

8/2/16

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Collect on Delivery Restricted Delivery

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

d Mail
d Mail Restricted Delivery
\$500)

7/29

WT-284

PS Form 3811, July 2015 PSN 7530-02-000-9053

160331-0001

KSR/KM

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Ms. Mildred Burkirk
354 Friendly Lane
Wilmington, NC 28409*



9590 9402 1477 5329 3616 68

2. Article Number (Transfer from service label)

7015 1520 0001 2899 4035

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Mildred Burkirk

Agent

B. Received by (Printed Name)

Addressee

C. Date of Delivery

8/17/16

D. Is delivery address different from item 1? If YES, enter delivery address below:

Yes

No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

110 331-0000

KSRJLW Domestic Return Receipt

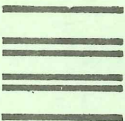
7/12 WT-285

USPS TRACKING #



9590 9402 1477 5329 36116 68

9590 9402 1477 5329 36116 68



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

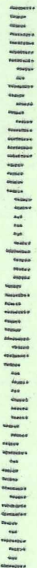
United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box •

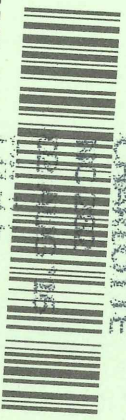
WARD & SMITH, P.A.
1001 COLLEGE COURT (28562)
P.O. BOX 867
NEW BERN, NC 28563-0867

RECEIVED
AUG 03 2016

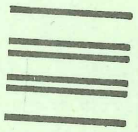
9590 9402 1477 5329 36116 68



USPS TRACKING#
0449301E



9590 9402 1477 5329 3616 75



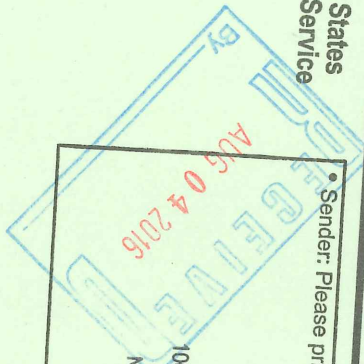
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

United States
Postal Service

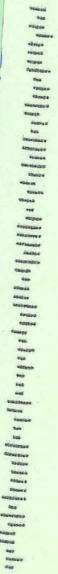
• Sender: Please print your name, address, and ZIP+4® in this box•

WARD & SMITH, P.A.
1001 COLLEGE COURT (28562)
P.O. BOX 867
NEW BERN, NC 28563-0867

405 04 2016



95096767



ATTACHMENT E:

STIPULATED EXHIBITS INCLUDING POWERPOINT

1. Petitioners' General Warranty Deed 5935/1169
2. 2011 Hollis pier permit
3. 2016 Buskirk pier permit
4. CAMA Major Permit Application received March 30, 2016
5. DCM Field Investigation Report
6. Fisheries Resource Specialist comment dated April 12, 2016
7. Neighbor "no objection" forms
8. CAMA Major Permit No. 67-16
9. Certified Mail Receipts
10. Site photographs in the powerpoint presentation

33
248
1850 R/S

BK: RB 5935
PG: 1169-1172
RECORDED:
12-04-2015
12:48:24 PM
BY: ANDREA CRESWELL
ASSISTANT



2015036911
NEW HANOVER COUNTY, NC
TAMMY THEUSCH BEASLEY
REGISTER OF DEEDS

NC FEE \$26.00
STATE OF NC
REAL ESTATE
EXTX \$1850.00

No Title Certification or Tax Advice Requested of or Provided by Draftsman

STATE OF NORTH CAROLINA

GENERAL WARRANTY DEED

REVENUE STAMPS: \$1,850.00

PARCEL #: R07200-008-041-002 &
R07200-008-041-004

DRAWN BY: BOYLES LAW FIRM, PLLC/ HS
319 North 4th Street, Wilmington, NC 28401
RETURN TO: BOYLES LAW FIRM, PLLC BTA 201504890
GRANTOR MAILING ADDRESS: 5102 N. Creek Drive, Wilmington, NC 28409
PROPERTY ADDRESS: 115 & 125 Hollis Lane, Wilmington, NC 28409
GRANTOR PRIMARY RESIDENCE: Yes X No (Property conveyed)
GRANTEE'S MAILING ADDRESS: 111 Brookhaven Trail, Leland, NC 28451

Brief Legal: Tract 1: (2.56 ACRES) ADJ WM HOLLIS & Tract 2: LOT 3 Katherine Figueroa MAP

This deed made and entered into this 3rd day of December, 2015, by and between BARBARA JACKSON, unremarried widow, Grantor(s), and NICHOLAS FOY NIXON, III and wife, CATHERINE ELIZABETH CONNELL, Grantee(s).

WITNESSETH, that the Grantor for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these present does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land located in the county of NEW HANOVER State of NORTH CAROLINA, more particularly described as follows:

RECEIVED

SEE ATTACHED EXHIBIT A

AUG 01 2016

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

DCM- MHD CITY

The Grantor covenants with the Grantee, that the Grantor 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 will warrant and defend the title against the lawful claims of all persons whomever 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 ordinances, statutes and regulations; 2015 ad valorem taxes; and all applicable restrictive covenants and utility easements of record.

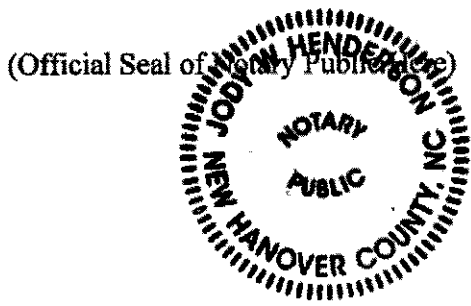
Barbara Jackson (SEAL)
GRANTOR: BARBARA JACKSON

STATE OF NC
COUNTY OF New Hanover

I certify that the following person(s) **BARBARA JACKSON**, personally appeared before me this day, acknowledging to me that he/she/they voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: **GRANTOR(S)**,

[Check One]

- (i) I have personal knowledge of the identity of the principal(s); or
- (ii) I have seen satisfactory evidence of the principal's identity by a current state or federal identification, with the principal's photograph, in the form of a NCDL.



Date: December 3, 2015

Jodie Henderson
Notary Public Signature

My Commission Expires: 5-9-19

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EXHIBIT ATRACT ONE: 115 Hollis Lane

BEGINNING at an iron pipe on the eastern edge of a ditch, said pipe being South 70 degrees 18 minutes East 2639.39 feet from a stone marked "J.R.H." in the centerline of a dirt road and in the eastern right of way line of Masonboro Loop Road (S.R. 1148) (30.0 feet from the centerline thereof), the centerline of said dirt road being South 27 degrees 15 minutes West 1210 feet from the centerline of Mohican Trail in Section 3 of Tanglewood, said beginning point being in the northern line of the Robert H. Hollis tract as recorded in Map Book 9 at page 21 of the New Hanover County Registry; running thence from said beginning point and along the northern line of said R. H. Hollis tract, South 70 degrees 18 minutes East 604.24 feet to a stone marked "J.R.H." and the same course continued, South 70 degrees 18 minutes East about 400 feet to the low water line of Masonboro Sound; running thence Northwardly along the low water line of Masonboro Sound to a point that is South 70 degrees 18 minutes 00 seconds East from a concrete monument; running thence North 70 degrees 04 minutes 56 seconds West about 225 feet to a concrete monument; running thence the same course, North 70 degrees 04 minutes 56 seconds West 545.85 feet to a stake on the eastern edge of a ditch; running thence along the eastern edge of said ditch, South 31 degrees 14 minutes 56 seconds West 170.80 feet to the point of BEGINNING; containing 2.1 acres of land, more or less, of high ground and about 1 acre of marsh, the same being a portion of that certain tract of land conveyed by William Hollis and wife, Maria F. Hollis, by deed dated September 25th, 1922, and duly recorded in Book 164 at Page 304 of the New Hanover County Registry. (Courses and distances from survey by Johnie C. Garrason, dated April 5, 1995.)

Together with a right of way, 10 feet in width, along the northern line of aforementioned R. H. Hollis Tract, from aforementioned Masonboro Loop Road to Masonboro Sound.

For additional reference, see Deed Book 1875, Page 917, New Hanover County Registry.

TRACT TWO: 125 Hollis Lane

All of Lot 3 as shown on Division Map of Survey for Katherine Figueroa recorded in Map Book 23 Page 73 in the New Hanover County Registry and being the same lands described in instrument recorded in Book 1358 Page 994 in said Registry, TOGETHER WITH AND SUBJECT TO a right of way for ingress and egress and access to Masonboro Sound over Hollis Lane, a 20 foot wide road, as shown on the aforementioned map and as set forth in Agreements and Deeds of Easement recorded in Book 1261 Pages 996 and 998 in said Registry.

For additional reference, see Deed Book 2250, Page 46, New Hanover County Registry.

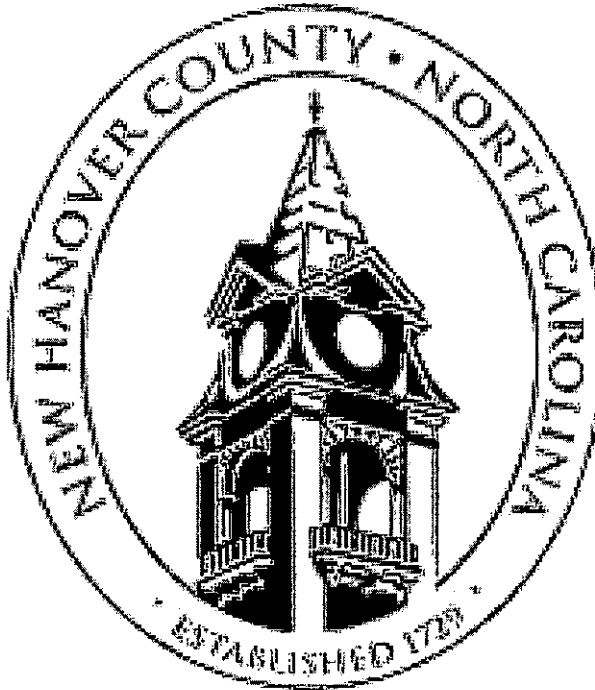
RECEIVED

AUG 01 2016

TAMMY THEUSCH
BEASLEY
Register of Deeds

New Hanover County Register of Deeds

216 NORTH SECOND STREET • WILMINGTON, NORTH CAROLINA 28401
Telephone 910-798-4530 • Fax 910-798-7751



State of North Carolina, County of NEW HANOVER
Filed For Registration: 12/04/2015 12:48:24 PM
Book: RB 5935 Page: 1169-1172
4 PGS \$1,876.00
Real Property \$26.00
Excise Tax \$1,850.00
Recorder: ANDREA CRESWELL
Document No: 2015036911

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DO NOT REMOVE!

This certification sheet is a vital part of your recorded document. Please retain with original document and submit when re-recording.

CAMA / DREDGE & FILL
GENERAL PERMIT

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
 and the Coastal Resources Commission in an area of environmental concern pursuant to 15A NCAC

Rules attached.

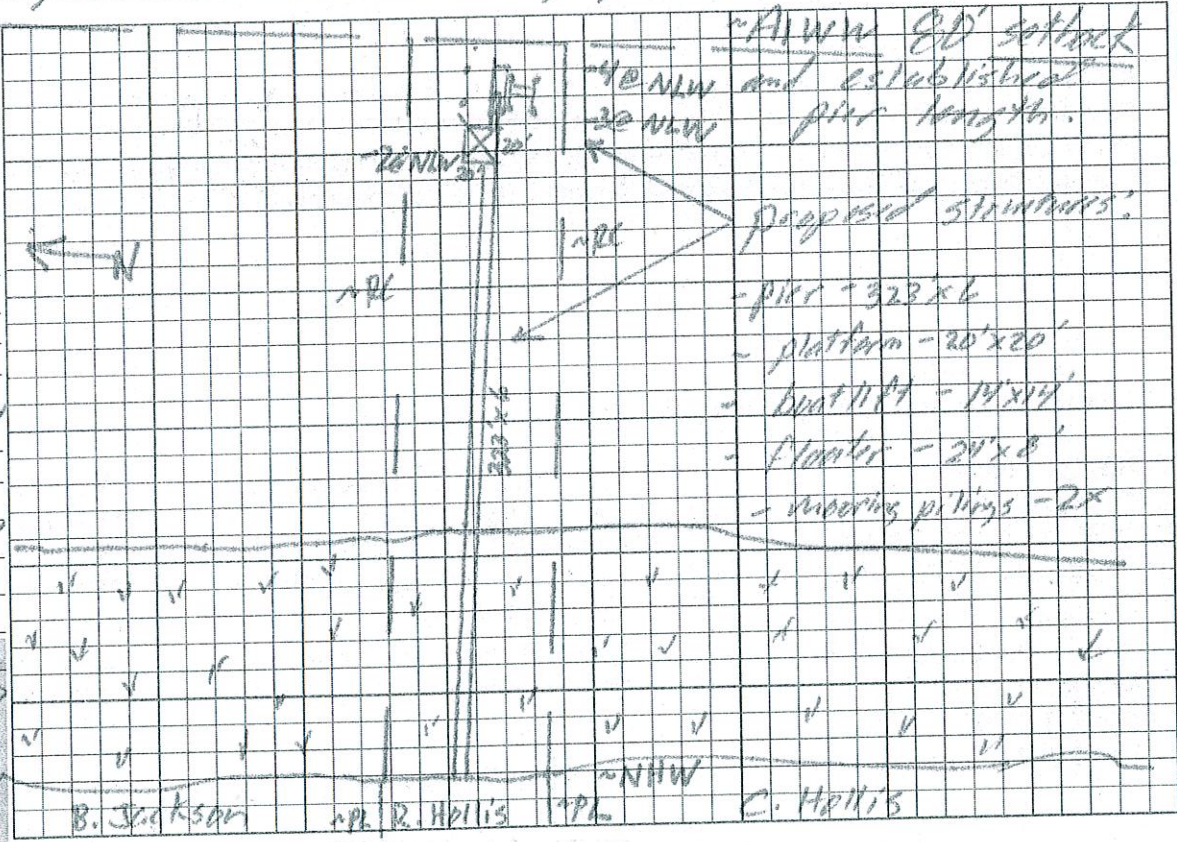
Applicant Name Robert Hollis
 Address 12B Hollis Lane
 City Wilmington State NC ZIP 28409
 Phone # (910) 520-2863 Fax # _____
 Authorized Agent Jimmy North

Project Location: County New Hanover
 Street Address/ State Road/ Lot #(s) 12B Hollis Lane
 Subdivision _____
 City Wilmington ZIP 28409
 Phone # (910) 231-8514 River Basin Cape Fear
 Adj. Wtr. Body A1WW (nat /man /unkn)
 Closest Maj. Wtr. Body Masonboro Sound

Affected (C)(s): CW EW PTA ES PTS
 OEA HHF IH UBA N/A
 PWS: _____ FC: _____
 RW: yes / no PNA yes / no Crit.Hab. yes / no

Type of Project/ Activity construction of a private pier, covered platform, floating dock, boat lift and mooring pilings. (Scale: 1" = 100')

Pier (dock) length 323' x 6'
 Platform(s) covered 20' x 20'
 Finger pier(s) _____
 Groin length number _____
 Bulkhead/ Riprap length avg distance offshore _____ max distance offshore _____
 Basin, channel _____ cubic yards _____
 Boat ramp _____
 Boathouse/ Boatlift 14' x 14'
 Beach Bulldozing _____
 Other planter 24' x 8'
 Other 2x mooring pilings



Shoreline Length ~85'
 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 398-7118. See note on back regarding River Basin rules.
 Notes/ Special Conditions Rules 7H, 1200 apply. Proposed structures shall not exceed established pier length and shall not encroach the A1WW 80' setback requirement. Work shall be done in accordance with riparian survey dated 11/30/11.

Agent or Applicant Printed Name Jimmy North
 Signature [Signature] ** Please read compliance statement on back of permit **
 Application Fee(s) \$200
 Check # 17994

Permit Officer's Signature [Signature]
 Issuing Date 12/16/2011
 Local Planning Jurisdiction NHCO
 Expiration Date 04/30/2012
 Rover File Name 07-072814A



CAMA / DREDGE & FILL
GENERAL PERMIT

New Modification Complete Reissue Partial Reissue

No. 66594

A B C D

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

07 H.1200

Rules attached.

Applicant Name Mildred Buskirk

Project Location: County New Hanover

Address 354 Friendly Lane

Street Address/ State Road/ Lot #(s) _____

City Wilmington State NC ZIP 28409

354 Friendly Lane

Phone # (910) 392-7303 E-Mail Red.Buskirk@gmail.com

Subdivision Friendly Lane

Authorized Agent Jimmy North

City Wilmington ZIP 28409

Affected CW EW PTA ES PTS

Phone # (910) 231-8511 River Basin Cape Fear

AEC(s): OEA HHF IH UBA N/A

Adj. Wtr. Body Allow (nat/man/unkn)

PWS: _____

Closest Maj. Wtr. Body Masonboro Sound

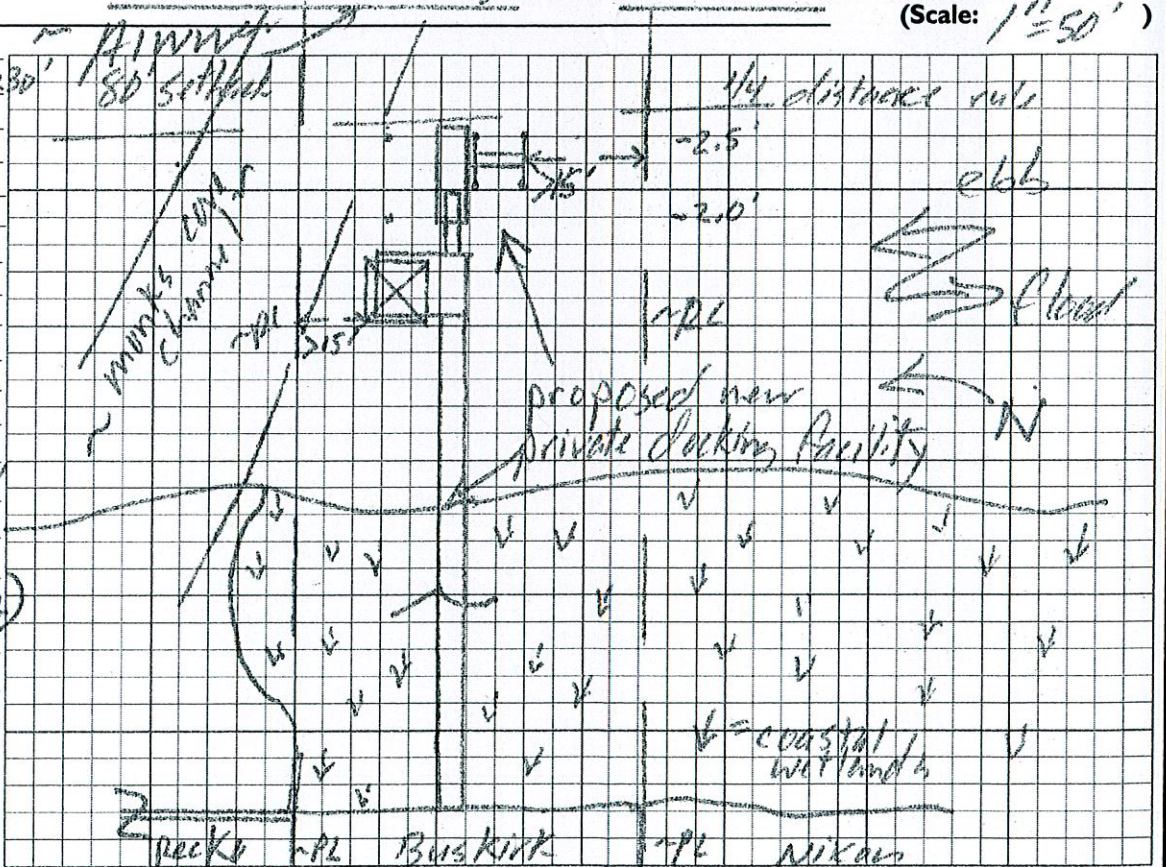
ORW: yes/no PNA yes/no

Type of Project/ Activity

Construction of a private docking facility

(Scale: 1"=50')

- Pier (dock) length 6' x 343'
- Fixed Platform(s) 16' x 24', 2' x 30'
- Floating Platform(s) 8' 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 14'
- Beach Bulldozing _____
- Other tie piling (2)



Shoreline Length 88'

SAV: not sure yes no

Moratorium: n/a yes no

Photos: yes no

Waiver Attached: yes no

A building permit may be required by: NHCO Inspections

See note on back regarding River Basin rules.

(Note Local Planning Jurisdiction)

Notes/ Special Conditions Rules 07H.1200 & all other state, local and federal regulations apply.

Agent or Applicant Printed Name _____

Permit Officer's Printed Name _____

Signature Jimmy North **Please read compliance statement on back of permit**

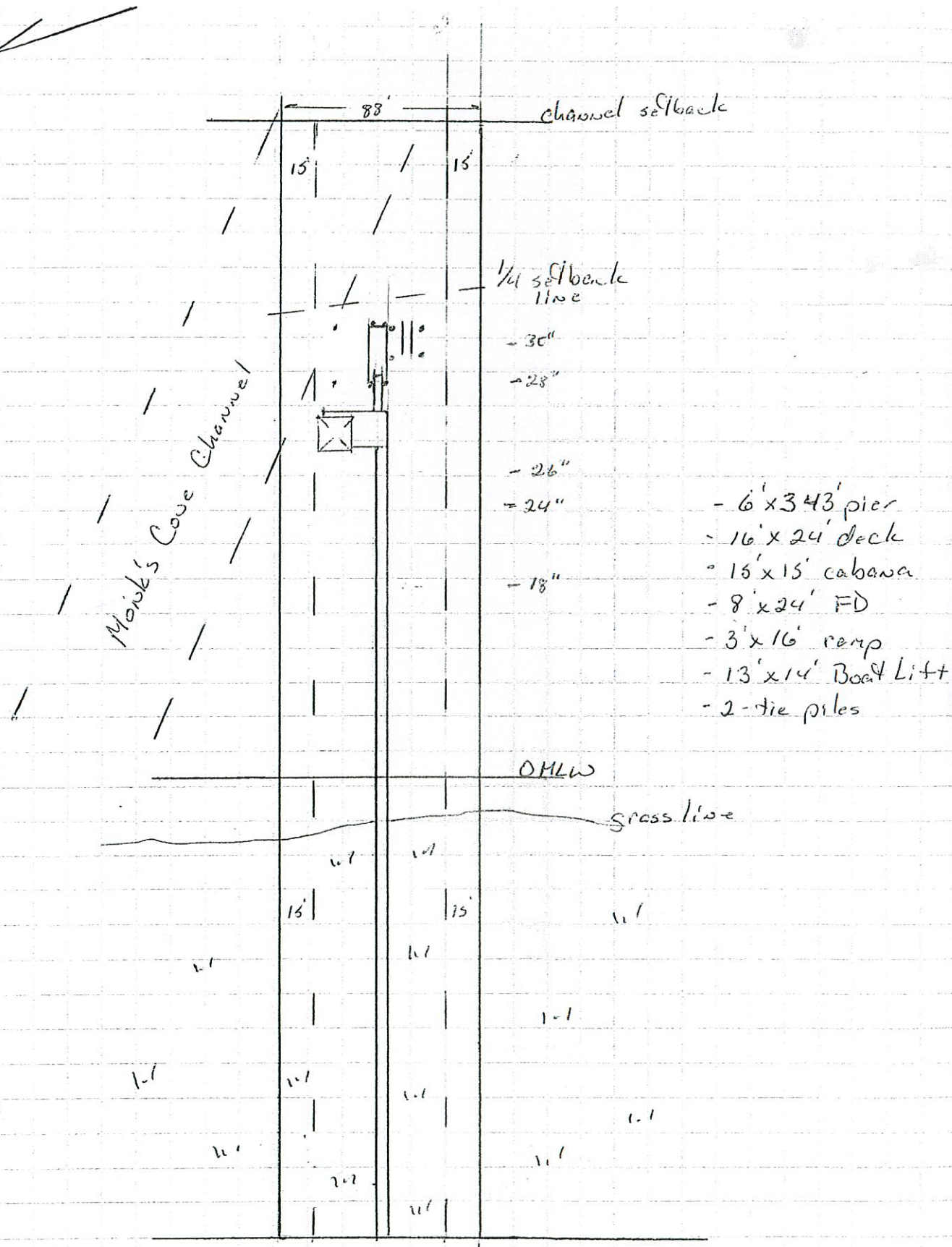
Signature Robb Nairns

Application Fee(s) \$200 1 of 2 20063

Issuing Date 5/25/16 Expiration Date 9/25/16

Check # _____

1CWAW



- 6' x 34 1/2' pier
- 16' x 24' deck
- 15' x 15' cabana
- 8' x 24' FD
- 3' x 16' ramp
- 13' x 14' Boat Lift
- 2 tie piles

Mildred Buskirk
 354 Friendly Lane
 Wilmington, N.C. 28405



LMG
LAND MANAGEMENT GROUP INC.
Environmental Consultants

March 29, 2016

Mr. Robb Mairs
Division of Coastal Management
127 Cardinal Drive Extension
Wilmington, NC 28405

Re: CAMA Major Permit Application
115 & 125 Hollis Lane; Wilmington (New Hanover County), NC
Nicholas Nixon III, Applicant

Dear Robb:

On behalf of Nicholas Nixon III, LLC, please find enclosed the application materials for a CAMA Major Permit. The applicant proposes to construct a single-family home on pilings, driveway, and a pier with a floating dock and two boat lifts within the above-referenced project area. For purposes of review and permit processing, please find the attached information:

1. Project Narrative
2. Forms DCM MP-1, 2, 3, and 4
3. Sheet 1: Vicinity Map
4. Sheet 2: Site plan showing proposed development landward of NHWL
5. Sheets 3-4: Plan view and cross section of proposed development waterward of NHWL
6. Sheet 5: Survey of property showing AIWW Channel line and setbacks
7. Permit Fee check in the amount of \$400.00
8. Signed Agent Authorization
9. Property Deed

Please note that the MP-4 form and Sheets 3-5 were prepared by Mr. Jimmy North. Adjacent riparian notifications, including copies of Items 1-6 listed above, will be mailed via USPS as soon as I receive confirmation from you that the application is complete. Thank you for your assistance with this project, please contact me if you have any questions.

Sincerely,

Kim Williams
Environmental Scientist

Enclosures

Cc: Nicholas Nixon III

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AUG 01 2016

DCM- MHD CITY

**CAMA MAJOR PERMIT APPLICATION
Project Narrative**

**Nicholas Nixon III
115 & 125 Hollis Lane
Wilmington, NC (New Hanover County)**

Nicholas Nixon III proposes to construct a single-family home on pilings, driveway, and a pier with a floating dock and two boat lifts within a project area located at 115 and 125 Hollis Lane in Wilmington, NC (New Hanover County). The site abuts Masonboro Sound and is located within an Area of Environmental Concern.

Existing Conditions

The project area is 3.2 acres in size and consists of two tracts (R07200-008-041-002 & R07200-008-041-004) located at 115 and 125 Hollis Lane in Wilmington, NC. The site is adjacent to Masonboro Sound, which is classified as SA and ORW. This waterbody is also a Primary Nursery Area (PNA). The site is located within the VE flood zone (VE-15, VE-16, and VE-17) and is within the White Oak River Basin (HUC 03030007). Wetlands within the site were delineated by Land Management Group, Inc. Freshwater and coastal wetlands are located adjacent to Masonboro Sound on the eastern part of the site. Freshwater wetlands contain *Nyssa sylvatica*, *Magnolia virginiana*, *Pinus taeda*, *Morella cerifera*, and *Juncus effusus*. Coastal wetlands support *Iva frutescens*, *Spartina alterniflora*, and *Distichlis spicata*. Uplands within the site support *Pinus taeda*, *Quercus virginiana*, *Ilex vomitoria*, *Morella cerifera*, and *Quercus falcata*. The 404 wetland line was approved by Mr. John Policarpo the US Army Corps of Engineers and the coastal wetland line was approved by Mr. Robb Mairs of the Division of Coastal Management on January 28th, 2016. The normal high water line was established by Ms. Patricia Roberts with New Hanover County. The existing land use map in the CAMA Land Use Plan for the City of Wilmington (2006) classifies this site as Conservation Area since it is adjacent to Masonboro Sound, a waterbody classified as Outstanding Resource Waters (ORW). The lot is zoned R-15 by New Hanover County. The R-15 Residential District is established as a district in which the principal use of land is for residential purposes and to insure that residential development not having access to public water and dependent upon septic tanks for sewage disposal will occur at sufficiently low densities to insure a healthful environment.

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Proposed Project

The applicant proposes to construct a single-family home, driveway, detached garage/shed, septic field, and pier with a floating dock and two boat lifts within the project area. The two-story home will be constructed on pilings and the total floor area will be 2,450 sf. The total area of disturbance within the site will be approximately 18,000 square feet (~12,900 sf in AEC) and the overall impervious area will be 13,700 square feet (~12,900 sf in AEC). The applicant proposes to fill a total of 0.01 acre (436 sf) of freshwater wetlands in order to construct a driveway. The applicant will utilize an on-site wastewater treatment system for septic and a well for water supply. Standard construction methods will be used during construction.

The proposed pier will span approximately 385 feet into the water and will be 6' in width. Two platforms and three slips are proposed at the end of the structure. Two boatlifts are also proposed, both of which will be 13' x 12'.

The proposed pier length exceeds the ¼-width of the water body in this location and is needed to obtain adequate water depths. Water depths at the 1/4 width are approximately 1 to 1.5 feet. Water depths at the proposed terminus (approximately 1/3 the width of the water body) average 4'. The proposed pier will extend out to the neighbor's existing dock to the south and inshore of the channel mark pilings to the north. It appears that the land on the other side of Masonboro Sound is owned by the State of North Carolina and is unlikely to be developed. Extending the pier out to this location will also prevent scouring of the substrate during boat use.

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AUG 01 2016

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APPLICATION for Major Development Permit

(last revised 12/27/06)



North Carolina DIVISION OF COASTAL MANAGEMENT

1. Primary Applicant/ Landowner Information			
Business Name		Project Name (if applicable) 115 and 125 Hollis Lane	
Applicant 1: First Name Nicholas	MI	Last Name Nixon III	
Applicant 2: First Name	MI	Last Name	
<i>If additional applicants, please attach an additional page(s) with names listed.</i>			
Mailing Address 111 Brookhaven Trail		PO Box	City Leland
		State NC	
ZIP 28451	Country USA	Phone No. 843 - 457 - 1974 ext.	FAX No. - -
Street Address (if different from above)		City	State
		ZIP -	
Email			

2. Agent/Contractor Information			
Business Name Land Management Group Inc.			
Agent/ Contractor 1: First Name Kim	MI C	Last Name Williams	
Agent/ Contractor 2: First Name	MI	Last Name	
Mailing Address 3805 Wrightsville Avenue; Suite 15		PO Box	City Wilmington
		State NC	
ZIP 28403		Phone No. 1 910 - 452 - 0001 ext.	Phone No. 2 - - ext.
FAX No. 910 452 0060	Contractor #		
Street Address (if different from above)		City	State
		ZIP -	
Email kwilliams@imgroup.net			

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3. Project Location			
County (can be multiple) New Hanover	Street Address 115 and 125 Hollis Lane	State Rd. #	
Subdivision Name	City Wilmington	State NC	Zip -
Phone No. - - ext.	Lot No.(s) (if many, attach additional page with list)		
a. In which NC river basin is the project located? White Oak	b. Name of body of water nearest to proposed project Masonboro Sound		
c. Is the water body identified in (b) above, natural or manmade? <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Manmade <input type="checkbox"/> Unknown	d. Name the closest major water body to the proposed project site. Masonboro Sound		
e. Is proposed work within city limits or planning jurisdiction? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	f. If applicable, list the planning jurisdiction or city limit the proposed work falls within. New Hanover County		

4. Site Description	
a. Total length of shoreline on the tract (ft.) 184	b. Size of entire tract (sq.ft.) 138,539
c. Size of individual lot(s) 99,930 sf, 38,609 sf, (If many lot sizes, please attach additional page with a list)	d. Approximate elevation of tract above NHW (normal high water) or NWL (normal water level) 5-10' <input checked="" type="checkbox"/> NHW or <input type="checkbox"/> NWL
e. Vegetation on tract Freshwater Wetlands: Nyssa sylvatica, Magnolia virginiana, Pinus taeda, Morella cerifera Uplands: Quercus virginiana, Pinus taeda, Morella cerifera, Ilex vomitoria	
f. Man-made features and uses now on tract Undeveloped and vegetated; No manmade features	
g. Identify and describe the existing land uses adjacent to the proposed project site. Undeveloped or residential	
h. How does local government zone the tract? Residential	i. Is the proposed project consistent with the applicable zoning? (Attach zoning compliance certificate, if applicable) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
j. Is the proposed activity part of an urban waterfront redevelopment proposal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
k. Has a professional archaeological assessment been done for the tract? If yes, attach a copy. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA If yes, by whom?	
l. Is the proposed project located in a National Registered Historic District or does it involve a National Register listed or eligible property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	

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m. (i) Are there wetlands on the site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(ii) Are there coastal wetlands on the site?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(iii) If yes to either (i) or (ii) above, has a delineation been conducted? (Attach documentation, if available)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
n. Describe existing wastewater treatment facilities. No existing wastewater treatment facilities on site.	
o. Describe existing drinking water supply source. None	
p. Describe existing storm water management or treatment systems. No existing stormwater treatment systems.	

5. Activities and Impacts	
a. Will the project be for commercial, public, or private use?	<input type="checkbox"/> Commercial <input type="checkbox"/> Public/Government <input checked="" type="checkbox"/> Private/Community
b. Give a brief description of purpose, use, and daily operations of the project when complete. The applicant plans to construct one single family home, driveway, septic field, pier with a floating dock and two boat lifts.	
c. Describe the proposed construction methodology, types of construction equipment to be used during construction, the number of each type of equipment and where it is to be stored. Driveway will be constructed first to provide access to site. Then fill material will be brought into site and grading activities will occur. Pilings will be installed; house will be constructed. Pier and dock construction will occur once access is in place and permits have been obtained. Standard marine construction equipment and methods will be used. Equipment to be stored on upland portion of property during construction.	
d. List all development activities you propose. To construct one single-family house, septic field, driveway, garage, and pier with a floating dock and two boat lifts.	
e. Are the proposed activities maintenance of an existing project, new work, or both?	New work
f. What is the approximate total disturbed land area resulting from the proposed project?	~ 0.42 <input type="checkbox"/> Sq.Ft or <input checked="" type="checkbox"/> Acres
g. Will the proposed project encroach on any public easement, public accessway or other area that the public has established use of?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
h. Describe location and type of existing and proposed discharges to waters of the state. The applicant proposes to fill a total of 436 sf of freshwater wetlands for the construction of a driveway. Stormwater runoff will be treated per County requirements.	
i. Will wastewater or stormwater be discharged into a wetland?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
If yes, will this discharged water be of the same salinity as the receiving water?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
j. Is there any mitigation proposed? If yes, attach a mitigation proposal.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA

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6. Additional Information

In addition to this completed application form, (MP-1) the following items below, if applicable, must be submitted in order for the application package to be complete. Items (a) - (f) are always applicable to any major development application. Please consult the application instruction booklet on how to properly prepare the required items below.

- a. A project narrative.
- b. An accurate, dated work plat (including plan view and cross-sectional drawings) drawn to scale. Please give the present status of the proposed project. Is any portion already complete? If previously authorized work, clearly indicate on maps, plats, drawings to distinguish between work completed and proposed.
- c. A site or location map that is sufficiently detailed to guide agency personnel unfamiliar with the area to the site.
- d. A copy of the deed (with state application only) or other instrument under which the applicant claims title to the affected properties.
- e. The appropriate application fee. Check or money order made payable to DENR.
- f. A list of the names and complete addresses of the adjacent waterfront (riparian) landowners and signed return receipts as proof that such owners have received a copy of the application and plats by certified mail. Such landowners must be advised that they have 30 days in which to submit comments on the proposed project to the Division of Coastal Management.

Name Robert Joseph Hollis Etal	Phone No.
Address 126 Hollis Lane; Wilmington, NC 28409	
Name Mildred Parker Bobbitt	Phone No.
Address 354 Friendly Lane; Wilmington, NC 28409	
Name	Phone No.
Address	
- g. A list of previous state or federal permits issued for work on the project tract. Include permit numbers, permittee, and issuing dates.
N/A
- h. Signed consultant or agent authorization form, if applicable.
- i. Wetland delineation, if necessary.
- j. A signed AEC hazard notice for projects in oceanfront and inlet areas. (Must be signed by property owner)
- k. A statement of compliance with the N.C. Environmental Policy Act (N.C.G.S. 113A 1-10), if necessary. If the project involves expenditure of public funds or use of public lands, attach a statement documenting compliance with the North Carolina Environmental Policy Act.

7. Certification and Permission to Enter on Land

I understand that any permit issued in response to this application will allow only the development described in the application. The project will be subject to the conditions and restrictions contained in the permit.

I certify that I am authorized to grant, and do in fact grant permission to representatives of state and federal review agencies to enter on the aforementioned lands in connection with evaluating information related to this permit application and follow-up monitoring of the project.

I further certify that the information provided in this application is truthful to the best of my knowledge.

Date 3/29/2016 Print Name Kim Williams
 Signature [Handwritten Signature] - Agent
 LAND MANAGEMENT GROUP, INC.

Please indicate application attachments pertaining to your proposed project.

- DCM MP-2 Excavation and Fill Information
- DCM MP-5 Bridges and Culverts
- DCM MP-3 Upland Development
- DCM MP-4 Structures Information

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Form DCM MP-2

EXCAVATION and FILL

(Except for bridges and culverts)

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.

Describe below the purpose of proposed excavation and/or fill activities. All values should be given in feet.

	Access Channel (NLW or NWL)	Canal	Boat Basin	Boat Ramp	Rock Groin	Rock Breakwater	Other (excluding shoreline stabilization)
Length							17'
Width							25'
Avg. Existing Depth					NA	NA	+8' above NHW
Final Project Depth					NA	NA	+8.5' above NHW

1. EXCAVATION

This section not applicable

- a. Amount of material to be excavated from below NHW or NWL in cubic yards.
- b. Type of material to be excavated.
- c. (i) Does the area to be excavated include 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
 (ii) Describe the purpose of the excavation in these areas:
- d. High-ground excavation in cubic yards.

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2. DISPOSAL OF EXCAVATED MATERIAL

This section not applicable

- a. Location of disposal area.
- b. Dimensions of disposal area.
- c. (i) Do you claim title to disposal area?
 Yes No NA
 (ii) If no, attach a letter granting permission from the owner.
- d. (i) Will a disposal area be available for future maintenance?
 Yes No NA
 (ii) If yes, where?
- e. (i) Does the disposal area include any 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
 (ii) Describe the purpose of disposal in these areas:
- f. (i) Does the disposal include any area in the water?
 Yes No NA
 (ii) If yes, how much water area is affected?

SHORELINE STABILIZATION

(If development is a wood groin, use MP-4 – Structures)

This section not applicable

- a. Type of shoreline stabilization:
 Bulkhead Riprap Breakwater/Sill Other: _____
- b. Length: _____
 Width: _____
- c. Average distance waterward of NHW or NWL:

- d. Maximum distance waterward of NHW or NWL:

- e. Type of stabilization material:

- f. (i) Has there been shoreline erosion during preceding 12 months?
 Yes No NA
 (ii) If yes, state amount of erosion and source of erosion amount information.

- g. Number of square feet of fill to be placed below water level.
 Bulkhead backfill _____ Riprap _____
 Breakwater/Sill _____ Other _____
- h. Type of fill material.

- i. Source of fill material.

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4. OTHER FILL ACTIVITIES

(Excluding Shoreline Stabilization)

This section not applicable

- a. (i) Will fill material be brought to the site? Yes No NA
 If yes,
 (ii) Amount of material to be placed in the water None
 (iii) Dimensions of fill area Home pad: 2,450 sf. Driveway: 10,380 sf.
 (iv) Purpose of fill
 To level the site in order to construct a single-family home and driveway.

- b. (i) Will fill material be placed in 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 436 None
 (ii) Describe the purpose of the fill in these areas:
 To construct a driveway.

5. GENERAL

- a. How will excavated or fill material be kept on site and erosion controlled?
 Silt fencing will be used during construction.

- b. What type of construction equipment will be used (e.g., dragline, backhoe, or hydraulic dredge)?
 Pile driver; other standard construction equipment

- c. (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.

- d. (i) Will wetlands be crossed in transporting equipment to project site? Yes No NA
 (ii) If yes, explain steps that will be taken to avoid or minimize environmental impacts.
 Wetland crossing included in proposed impacts above.

3/29/2016
 Date
 115 and 125 Hollis Lane
 Project Name

Nicholas Nixon
 Applicant Name

 Applicant Signature

Form DCM MP-3

UPLAND DEVELOPMENT

(Construction and/or land disturbing activities)

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.

GENERAL UPLAND DEVELOPMENT

a. Type and number of buildings, facilities, units or structures proposed.

One single-family house on pilings, garage, driveway, and septic field

b. Number of lots or parcels.

2

c. Density (give the number of residential units and the units per acre).

one unit per 3.2 acres

d. Size of area to be graded, filled, or disturbed including roads, ditches, etc.

~ 18,000 sf

e. If the proposed project will disturb more than one acre of land, the Division of Land Resources must receive an erosion and sedimentation control plan at least 30 days before land-disturbing activity begins.

(i) If applicable, has a sedimentation and erosion control plan been submitted to the Division of Land Resources?

Yes No NA

(ii) If yes, list the date submitted:

f. List the materials (such as marl, paver stone, asphalt, or concrete) to be used for impervious surfaces.

Rock and concrete for the driveway; concrete for house pad; asphalt shingles for roof.

g. Give the percentage of the tract within the coastal shoreline AEC to be covered by impervious and/or built-upon surfaces, such as pavement, building, rooftops, or to be used for vehicular driveways or parking.

11%

h. Projects that require a CAMA Major Development Permit may also require a Stormwater Certification.

(i) Has a site development plan been submitted to the Division of Water Quality for review?

Yes No NA

(ii) If yes, list the date submitted:

i. Give the percentage of the entire tract to be covered by impervious and/or built-upon surfaces, such as pavement, building, rooftops, or to be used for vehicular driveways or parking.

10%

j. Describe proposed method of sewage disposal.

On-site wastewater treatment system

k. Have the facilities described in Item (i) received state or local approval?

Yes No NA

If yes, attach appropriate documentation.

l. Describe location and type of proposed discharges to waters of the state (e.g., surface runoff, sanitary wastewater, industrial/commercial effluent, "wash down" and residential discharges).

436 sf of 404 wetland impacts; stormwater runoff will be treated per New Hanover County requirements.

m. Does the proposed project include an innovative stormwater design?

Yes No NA

If yes, attach appropriate documentation.

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DCM MP-3 (Upland Development, Page 2 of 2)

Describe proposed drinking water supply source (e.g., well, community, public system, etc.)

New Hanover County water supply

- n. (i) Will water be impounded? Yes No NA
- (ii) If yes, how many acres? _____

o. When was the lot(s) platted and recorded?

July 1984

- p. If proposed development is a subdivision, will additional utilities be installed for this upland development? Yes No NA

3/29/2016

Date

115 and 125 Hollis Lane

Project Name

Nicholas Nixon III

Applicant Name

K. Will - LMG Agent

Applicant Signature

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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 385
(iv) Width 6'
(v) Floating Yes No

d. (i) Are Finger Piers included? Yes No
If yes:
(ii) Number _____
(iii) Length _____
(iv) Width _____
(v) Floating Yes No

e. (i) Are Platforms included? Yes No
If yes:
(ii) Number 1
(iii) Length 16' 13 1/2'
(iv) Width 16' 19'
(v) Floating Yes No

f. (i) Are Boatlifts included? Yes No
If yes:
(ii) Number 1 / 1
(iii) Length 13' / 12'
(iv) Width 13' / 12'

Note: Roofed areas are calculated from dripline dimensions.

g. (i) Number of slips proposed 3
(ii) Number of slips existing 0

h. Check all the types of services to be provided:
 Full service, including travel lift and/or fuel, 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:
None / private residential

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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 runabouts

k. Typical boat length: 26'

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

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: NA

Showers

Boatholding tank pumpout; Give type and location: _____

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

NA

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

NA

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

NA

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

NA

(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.

NA

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

NA

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

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

NA

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

NA

k. Describe design measures that promote boat basin flushing?

NA

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

NA

m. Is the marina/docking facility proposed within a primary or secondary nursery area?

Yes No

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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 _____

d. Description of buoy (color, inscription, size, anchor, etc.)

Note: This should be measured from marsh edge, if present.

e. Arc of the swing _____

7. GENERAL

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Proximity of structure(s) to adjacent riparian property lines

73' , 46'

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

c. Width of water body

913'

b. Proximity of structure(s) to adjacent docking facilities.

9' > 200 (100' to channel/pillars)

d. Water depth at waterward end of structure at NLW or NWL

4'

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.

8. OTHER

This section not applicable

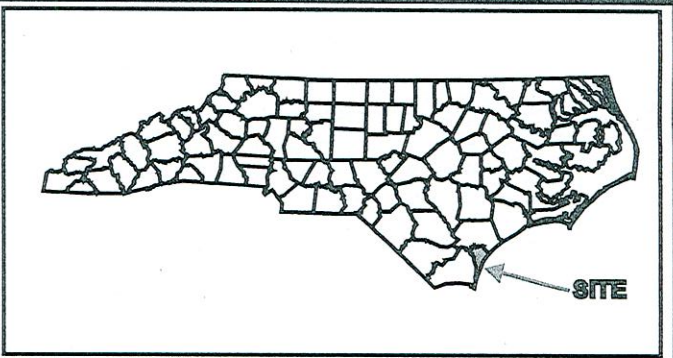
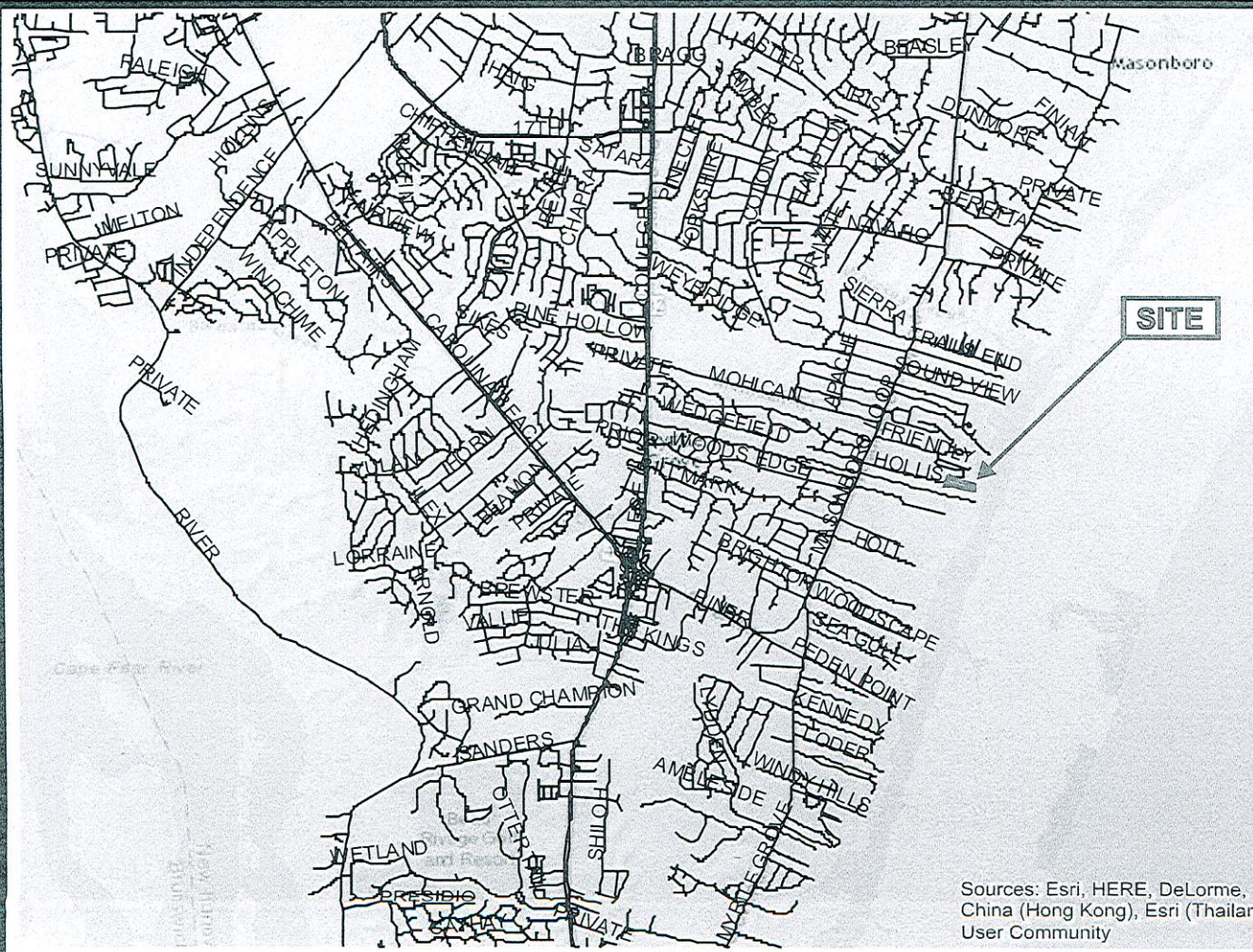
a. Give complete description:

Date	<u>8/13/16</u>
Project Name	<u>277 - 277 - 277 - 277</u>
Applicant Name	<u>[Signature]</u>
Applicant Signature	<u>[Signature]</u>

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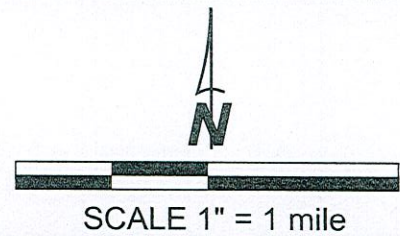
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Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

*Boundaries are approximate and are not meant to be absolute.

Map Source: ArcGIS World Street Map



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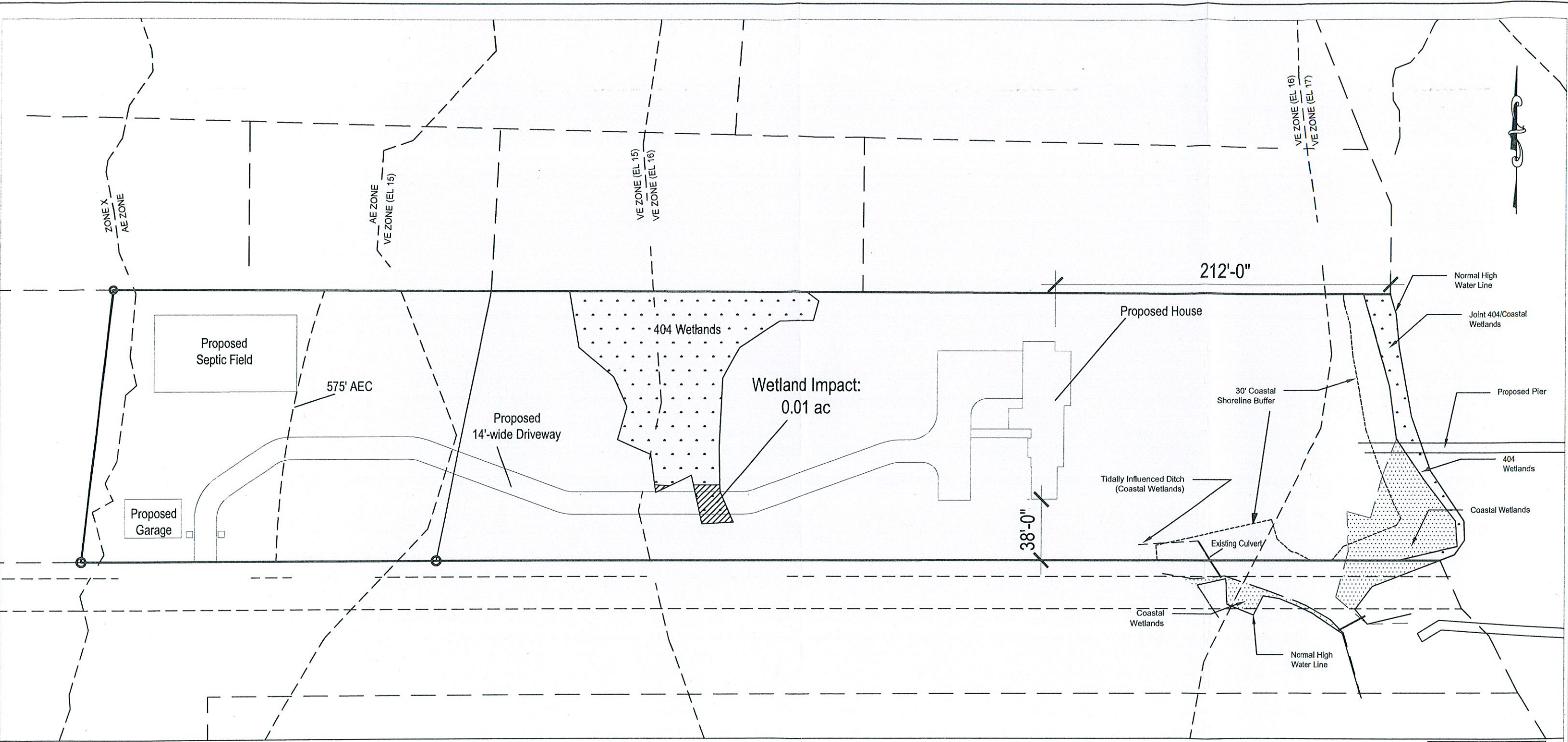
115 & 125 Hollis Lane
New Hanover County, NC
Mr. Nicholas Nixon III

March 2016
LMG # 40-15-241W



www.lmggroup.net
3805 Wrightsville Avenue
Wilmington, NC 28403
Phone: 910.452.0001 Fax: 910.452.0060

Sheet 1 of 5
Vicinity Map



PRELIMINARY; NOT FOR CONSTRUCTION
FOR ENVIRONMENTAL PERMITTING ONLY

TOTAL PROPOSED AREA OF DISTURBANCE WITHIN AEC: ~ 12,900 SF

SURVEY INFORMATION FROM:
PATRICK BRISTOW LAND SURVEYING
 4113-A Oleander Drive
 WILMINGTON, NC 28403
 910-791-1500

DESIGN INFORMATION FROM:
Little Architecture and Design, Inc.
 614 Market St.
 Wilmington, NC 28401
 (910) 783-6033

LAND MANAGEMENT IS NOT
 RESPONSIBLE FOR THE ACCURACY
 OF THIS INFORMATION.
DCM WILMINGTON, NC

Legend

- Property Line
- Coastal Wetland Line
- 404 Wetland
- NHW Line
- 30' Buffer
- 575' AEC Line

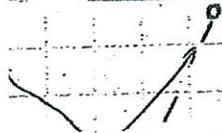


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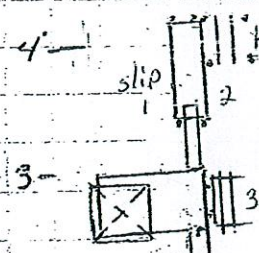
Project:	115 and 125 Hollis Lane	Date:	3/23/16	Revision Date:	NA
Title:	Site Plan	Scale:	1"=60'	Job Number:	40-15-241
		Drawn By:		Sheet Number:	2 of 5

16' W

80' channel setback line



channel markers
for
Lank's
Cove
channel

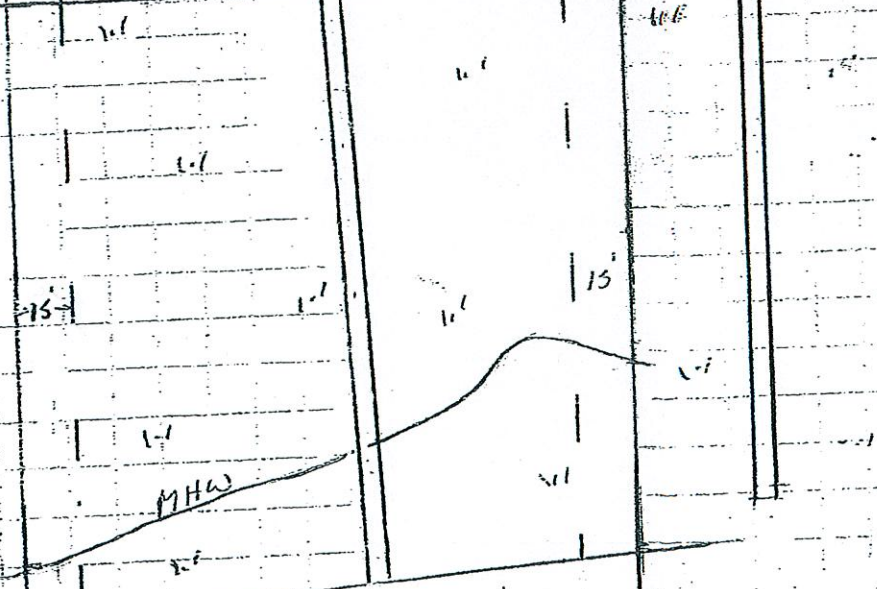


waterward end
of existing
dockage
facility

Distance of
water body 918'

0 MLW

waterward edge of
grass line



Nic Nixon
drawn by
J. North
2/15/15
50 scale

Pete
Buskirk

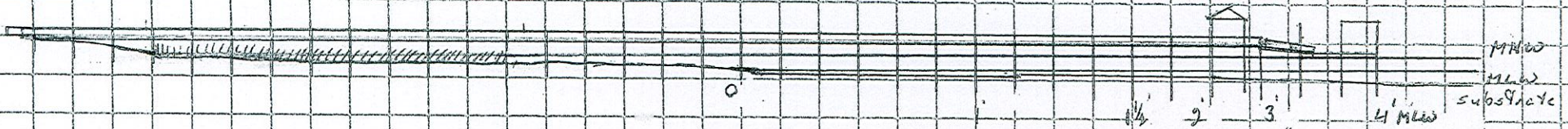
Nic Nixon
115 Hollis Lane
Wilmington, N.C.

Rob Hollis

Sheet 3 of 5

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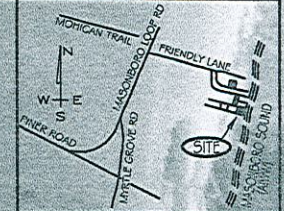
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 DGM WILMINGTON, NC WILMINGTON, NC
 MAR 31 2016 MAR 30 2016

Nic Nixon
 115 Hollis Lane
 drawn by T. North
 2/13/15

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 14TH DAY OF DECEMBER, A.D. 2015.

PRELIMINARY

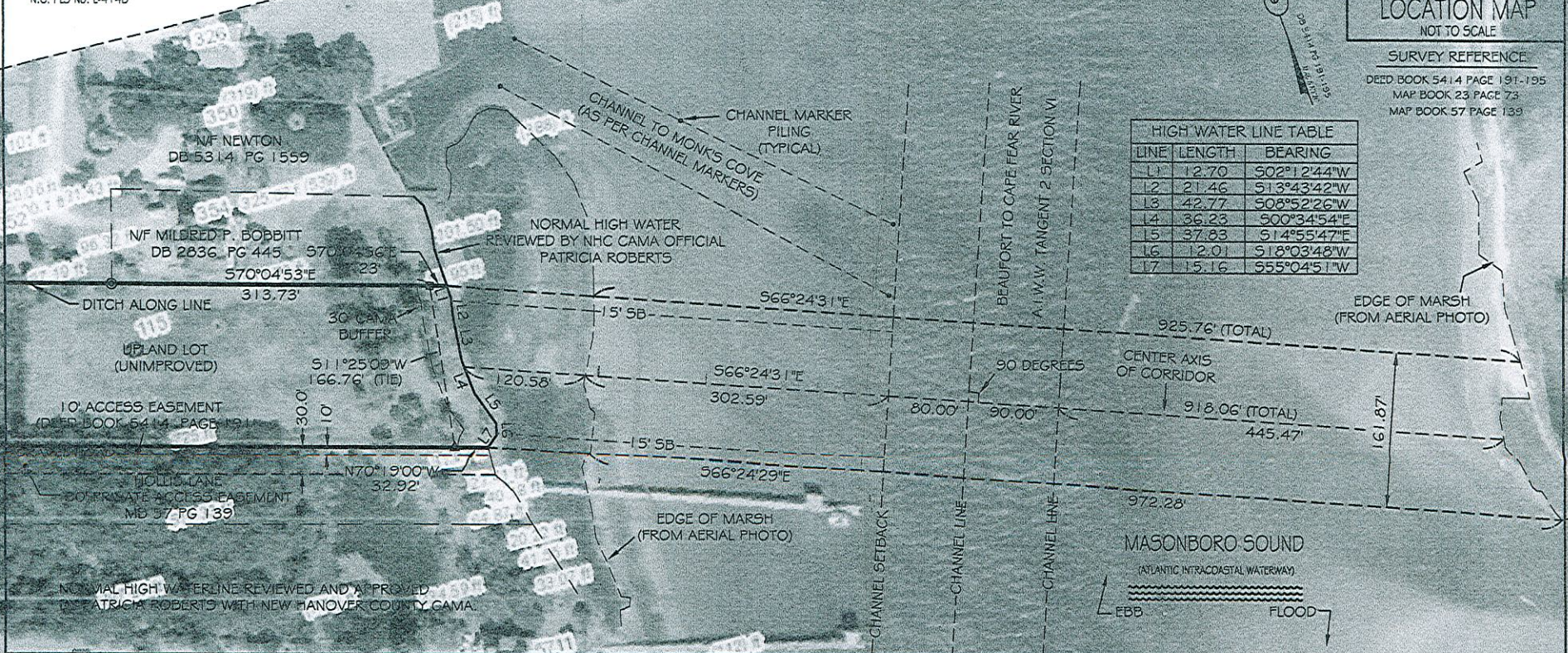
PATRICK C. BRISTOW
N.C. PL5 No. L-4148



LOCATION MAP NOT TO SCALE

SURVEY REFERENCE
DEED BOOK 5414 PAGE 191-195
MAP BOOK 23 PAGE 73
MAP BOOK 57 PAGE 139

HIGH WATER LINE TABLE		
LINE	LENGTH	BEARING
L1	12.70	S02°12'44"W
L2	21.46	S13°43'42"W
L3	42.77	S08°52'26"W
L4	36.23	S00°34'54"E
L5	37.83	S14°55'47"E
L6	12.01	S18°03'48"W
L7	15.16	S55°04'51"W



S:\LAND PROJECTS\115 HOLLIS LANE NIXON RIPARIAN.dwg
DECEMBER 14, 2015
100 0 50 100 200
1" = 100 FEET
PATRICK C. BRISTOW LAND SURVEYING, PC, DECEMBER 2015

SURVEY FOR
NICHOLAS FOY NIXON, III & CATHERINE ELIZABETH CONNELL
PARCEL ID # R07200-008-041-002 (115 HOLLIS LANE)
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) 791-1500 (FAX)
E-MAIL: pat@bristowland.com
FIRM LICENSE # 10000

RECEIVED
MAR 3 2016
MASONBORO TOWNSHIP, NC

Nic Nixon
Sheet
5 of 5

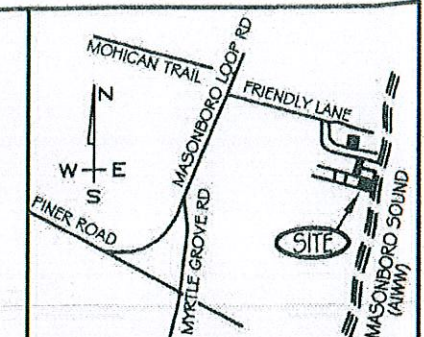
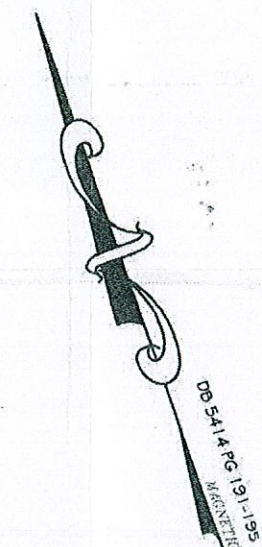
I, PATRICK C. BRISTOW, CERTIFY THAT THIS PROPERTY WAS SURVEYED AND MAP DRAWN UNDER MY SUPERVISION: DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT; RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED; 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 14TH DAY OF DECEMBER A.D. 2015.

Patrick C. Bristow

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

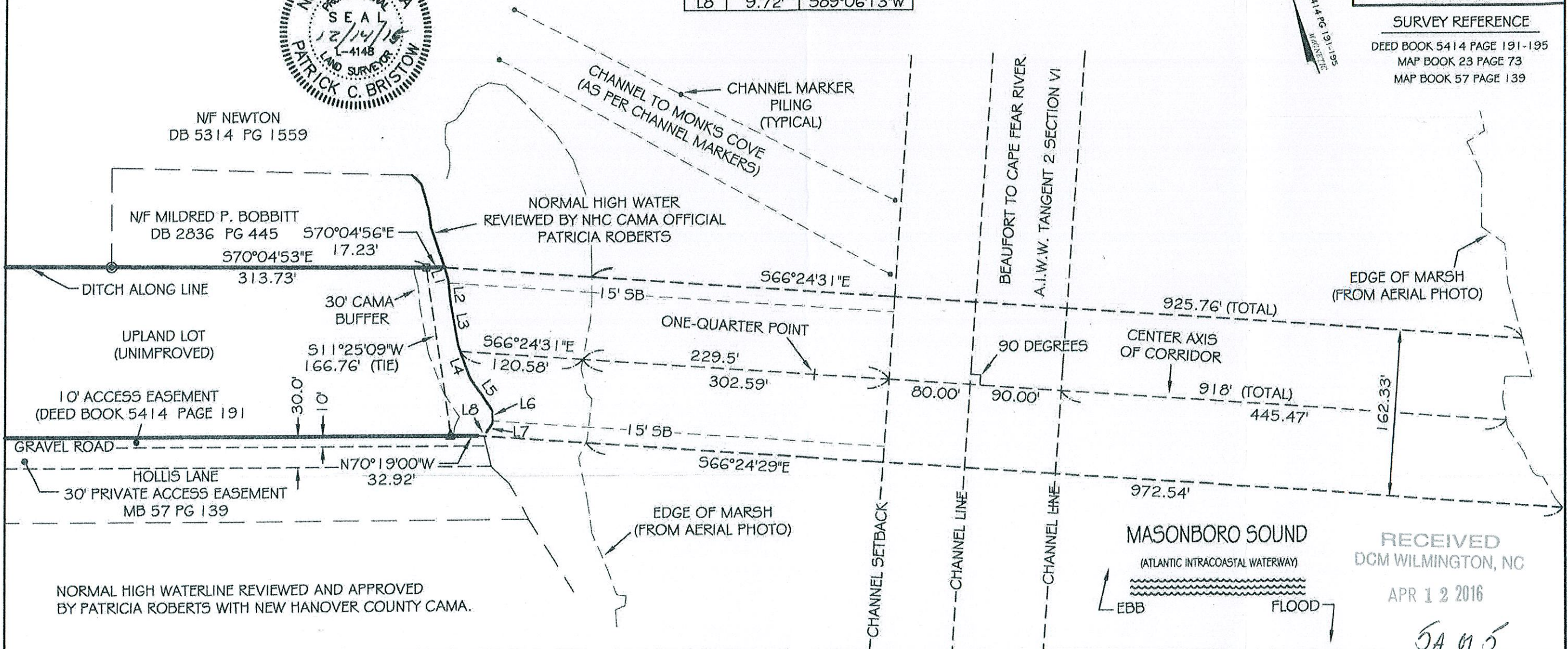


HIGH WATER LINE TABLE		
LINE	LENGTH	BEARING
L1	12.70	S02°12'44"W
L2	21.46	S13°43'42"W
L3	42.77	S08°52'26"W
L4	36.23	S00°34'54"E
L5	37.83	S14°55'47"E
L6	12.01	S18°03'48"W
L7	15.16	S55°04'51"W
L8	9.72'	S89°06'13"W



LOCATION MAP
NOT TO SCALE

SURVEY REFERENCE
DEED BOOK 5414 PAGE 191-195
MAP BOOK 23 PAGE 73
MAP BOOK 57 PAGE 139



S:\LAND PROJECTS\115 HOLLIS LANE NIXON RIPARIAN.dwg\115 RIPARIAN.dwg

DECEMBER 14, 2015

1 INCH = 100 FEET

© PATRICK C. BRISTOW LAND SURVEYING, PC DECEMBER 2015

RIPARIAN SURVEY FOR
NICHOLAS FOY NIXON, III & CATHERINE ELIZABETH CONNELL
PARCEL ID # RO7200-008-041-002 (115 HOLLIS LANE)
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

5A 95

North Carolina Department of Environment and Natural Resources

Division of Coastal Management

James H. Gregson

Director

Beverly Eaves Perdue
Governor

Dee Freeman
Secretary

AGENT AUTHORIZATION FORM

Date: 3-15-16

Name of Property Owner Applying for Permit:

Name of Authorized Agent for this project:

Nicholas Nixon III

Kim Williams; Land Management Group, Inc.

Owner's Mailing Address:

Agent's Mailing Address:

111 Brookhaven Trail

3805 Wrightsville Avenue; Suite 15

Leland, NC 28451

Wilmington, NC 28403

Phone Number (843) 457-1974

Phone Number (910) 452-0001

I certify that I have authorized the agent listed above to act on my behalf, for the purpose of applying for and obtaining all CAMA Permits necessary to install or construct the following (activity):

One single-family home with driveway and septic field; floating dock structure

(my property located) at 115 and 125 Hollis Lane; Wilmington, NC

This certification is valid thru (date) 8-15-17



Property Owner Signature

3-15-16

Date

RECEIVED

AUG 01 2016

DCM- MHD CITY

**DIVISION OF COASTAL MANAGEMENT
FIELD INVESTIGATION REPORT**

- APPLICANT'S NAME:** Nicholas Nixon III c/o Land Management Group, Inc.
- LOCATION OF PROJECT SITE:** 115 and 125 Hollis Lane, adjacent to the AIWW and Masonboro Sound, New Hanover County.

Photo Index – 2006: 21-7384, 6, Q-S **2000:** 21-264, 5, Q-S **1995:** 21-247, 11, P-R
State Plane Coordinates - X: 2344576 **Y:** 146294
Latitude: 34°08'47.45"N **Longitude:** 77°51'41.21"W

- INVESTIGATION TYPE:** CAMA & D & F
- INVESTIGATIVE PROCEDURE:** **Dates of Site Visit – 03/15/2016**
 Was Applicant Present – Yes (agent)
- PROCESSING PROCEDURE:** **Application Received – 03/30/16 (Completed)**
 Office – Wilmington

6. SITE DESCRIPTION:

- (A) Local Land Use Plan -** New Hanover County
Land Classification From LUP - Resource Protection
- (B) AEC(s) Involved:** PT, EW, CW, ORW
- (C) Water Dependent:** Yes
- (D) Intended Use:** Private
- (E) Wastewater Treatment:** **Existing –** None
 Planned – Septic System
- (F) Type of Structures:** **Existing -** Vacant lots
 Planned - New residential dwelling, driveway and private docking facility
- (G) Estimated Annual Rate of Erosion:** N/A
Source - N/A

7. HABITAT DESCRIPTION:

	[AREA]		
	DREDGED	FILLED	OTHER
(A) Vegetated Wetlands (§ 404 wetlands and coastal wetlands)		436 sq. ft. (§ 404)	1,080 sq. ft. (shading)
(B) Non-Vegetated Wetlands (Open water)			1,828 sq. ft.
(C) Other (High Ground Disturbance)			18,000 sq. ft.

- (D) Total Area Disturbed:** 21,341 sq. ft. (0.48 acres)
- (E) Primary Nursery Area:** Yes
- (F) Water Classification:** SA-ORW **Open:** No

- PROJECT SUMMARY:** The applicant proposes to construct a single-family residence with associated § 404 Wetlands impact and a private docking facility.

9. PROJECT DESCRIPTION:

The applicant's properties are located at 115 and 125 Hollis Lane in New Hanover County. The proposed project is adjacent to the AIWW and Masonboro Sound. To find the properties one would travel south from Wilmington on South College Road (NC 132) to the intersection of South College, Carolina Beach Road (NC 421) and Piner Road. This intersection is known locally as Monkey Junction. Turn left onto Piner Road and travel approximately 0.75 miles and veer to the left onto Grissom Road. Continue heading north until Grissom Road merges into Masonboro Loop Road. Continue to head north on Masonboro Loop Road until you reach Hollis Lane, which will be on the right. Turn onto Hollis Lane and continue down the unimproved road until you reach the properties on the left.

The properties are contiguous residential lots approximately 3.2 acres combined. The lots are relatively flat and has an average elevation ranging approximately 5'-10' above normal high water (NHW). Located within the central portion of the project site and eastern end are areas of §404 Wetlands. There are no existing structures on the applicant's lots.

The waterfront lot has approximately 184' of frontage along the AIWW and Masonboro Sound. The application states this section of the waterway measures approximately 918' across the waterbody; however, based on a recent site visit and review of updated aerial photography, it appears the distance of the waterbody is approximately 890'. Along the applicant's shoreline is a border of coastal wetlands averaging approximately 180' in width. The upper portion of the coastal wetlands border, as it transitions from highground, is vegetated primarily with, Salt-meadow Grass (*Spartina patens*), and several shrub species, including: Southern Wax Myrtle (*Myrica cerifera*) and Yaupon Holly (*Ilex vomitoria*). Beyond is an approximately 150' wide border of Smooth Cordgrass (*Spartina alterniflora*) adjacent to open water.

There are existing private piers located to the south of the applicant's property along the same shoreline. The property directly to the south of the applicant's property, which currently has a private docking facility (R. Hollis) was authorized under CAMA General Permit No. 59107-D on December 16, 2011. The residential properties to the north off Friendly Lane, have a shared boat basin and an access channel to the AIWW with associated pilings as channel markers.

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

PROPOSED PROJECT:

The applicant proposes to construct a single-family residence with associated §404 Wetlands impact and a private docking facility. High ground development on the tract includes the construction of a single-family residence with a footprint of ~100' in length by 35' in width with associated 14' in width concrete driveway. The application states that the two-story home would be constructed on pilings and the total floor area would be approximately 2,450 sq. ft. The application states that the wastewater would be treated through a proposed septic system located on the most western end of the project site. The application states the proposed driveway would incorporate an area of 436 sq. ft. of jurisdictional §404 wetlands. All proposed upland development, outside the septic system would be located within the 575' Area of Environmental Concern (AEC). According to the application package, approximately 12,900 sq. ft. (11%) of impervious surface would cover the property. All proposed upland development would be located landward of the Coastal Shoreline 30' Buffer.

The applicant is also proposing to construct a private docking facility into Masonboro Sound/AIWW. An access pier, measuring approximately 385' in length by 6' in width would extend towards the east into Masonboro Sound. The access pier would lead onto a partially fixed covered platform, measuring approximately 14' in length by 19' in width, which would be oriented towards the north creating an "L-shape" configuration. Portions of the drip-line of the roof cover would extend approximately 2' outside the footprint of fixed platform.

An access ramp would then lead onto a floating dock, measuring approximately 25' in length by 8' in width, which would extend in the same alignment as the access pier. A boatlift, measuring approximately 13' in length by 13' in width would be located on the southern side of the floating dock. Another boatlift, measuring approximately 12' in length by 12' in width would be located on the southern side of the most waterward end of the access pier. The applicant states that the proposed docking facility would provide mooring for up to three (3) vessels within existing water depths in the vicinity ranging from approximately -2.5' to -4.0' @ NLW. As proposed and per the riparian survey, the proposed docking facility would be located within the established pier length, within the applicant's area of riparian access and would not encroach into the adjacent 15' riparian corridor setback area requirement. However, it appears the docking facility would exceed the current 1/4 distance rule where the existing water depths are approximately -1.0' to -1.5' @ NLW; however, the structures would not exceed the 1/3 of the distance of the waterbody.

10. ANTICIPATED IMPACTS:

The proposed upland development activities would result in the disturbance of approximately 18,000 sq. ft. of high ground and approximately 436 sq. ft. of § 404 wetlands (0.01 acres) for the construction of the single-family residence and associated driveway. All proposed upland development would be located landward of the Coastal Shoreline 30' Buffer. According to the application package, approximately 12,900 sq. ft. (11%) of impervious surface would cover the property within the 575' AEC.

The proposed access pier would shade approximately 1,080 sq. ft. of coastal wetlands would incorporate approximately 1,828 sq. ft. of Public Trust Area and Estuarine Waters. As proposed, the applicant's proposal would not encroach into the 80' federal setback requirement from the AIWW channel. Based on the provided riparian survey, the proposed structures would not encroach into the adjacent 15' riparian corridor setback area requirement. The proposed structures would allow the facility to accommodate up to three (3) vessels in water depths of approximately -2.5' to -4.0' @ NLW. The proposed structures would extend approximately 215' into a waterbody, which measures approximately 890' across. As proposed, the docking facility appears to exceed the 1/4 width rule where the existing water depths are approximately -1.0' to -1.5' @ NLW; however, it does not appear to exceed the 1/3 distance and the established pier length, aforementioned. Minor increases in turbidity should be expected during construction; however, no long term impacts are anticipated.

The total area of platform and floating dock were calculated as follows:

Shoreline length = 184 ft. x 8 sq. ft. = 1,472 sq. ft. allowable.

Platform = 19' x 14' = 266 sq. ft.

Roof dripline = 32' x 3' = 96 sq. ft.

Floating dock = 25' x 8' = 200 sq. ft.

Total = 562 sq. ft.

The construction would provide docking space for the total up to three (3) vessels. The proposed floating dock, platform, and boatlifts would be located entirely over open water; however, it appears the docking facility would be **INCONSISTENT** with NCAC 07H .0208(b)(6)(G)(iii) (1/4 distance rule). **If the applicant revises the proposed docking facility to conform to the 1/4 width distance, this office has no objections to the proposed work.**

It is the staff's recommendation that the proposed upland development appears to be **CONSISTENT** with the Rules of **15A NCAC 07H .0209 COASTAL SHORELINES** (d). This office has no objection to the proposed work, provided it is consistent with state and federal permitting requirements regarding the fill of §404 wetlands. If the project is determined to be consistent with **15A NCAC 07H .0209 COASTAL SHORELINES** (d) and built in accordance with NCAC 07H .0208(b)(6)(iii), this office has no objection to the proposed work, provided it is consistent with all other state and federal permitting requirements. Any permit issued should include standard conditions for upland and private docking facilities.

W



Coastal Management
ENVIRONMENTAL QUALITY

PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

BRAXTON DAVIS
Director

April 12, 2016

MEMORANDUM

TO: Gregg Bodnar
Fisheries Resource Specialist
DCM, Morehead City

FROM: Heather Coats, Assistant Major Permits Coordinator
NCDEQ – Division of Coastal Management
127 Cardinal Drive Ext., Wilm., NC 28405 heather.coats@ncdenr.gov
Fax: 395-3964 (Courier 04-16-33)

SUBJECT: CAMA / Dredge & Fill Application Review

Applicant: Nicholas Nixon III

Project Location: 115 & 125 Hollis Ln., adjacent to the AIWW and Masonboro Sound,
in Wilmington, New Hanover County

Proposed Project: to construct a SFR with associated §404 Wetlands impact, and
a private docking facility

RECEIVED

AUG 01 2016

DCM- MHD CITY

Please indicate below your agency's position or viewpoint on the proposed project and return this form to Heather Coats at the address above by **May 6, 2016**. If you have any questions regarding the proposed project, contact Robb Mairs 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.
 - 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.

If distances & depths identified in the application are not achieved, then additional review may be necessary.

SIGNED

DATE 5/2/16

RECEIVED

APR 13 2016

DCM- MHD CITY

ADJACENT RIPARIAN PROPERTY OWNER STATEMENT

I hereby certify that I own property adjacent to Nicholas Nixon's
(Name of Property Owner)
property located at 115 & 125 Hollis Lane
(Address, Lot, Block, Road, etc.)
on Masonboro Sound, in Wilmington, N.C.
(Nearest Waterbody) (City/Town and/or County)

The applicant has described to me, as shown below, the development proposed at the above location.

I have no objection to this proposal.

I have objections to this proposal.

DESCRIPTION AND/OR DRAWING OF PROPOSED DEVELOPMENT

(Individual proposing development must fill in description below or attach a site drawing)

Please see enclosed application materials.

WAIVER SECTION

I understand that a 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. (If you wish to waive the setback, you **must initial** the appropriate blank below.)

I do wish to waive the 15' setback requirement.

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

(Property Owner Information)

Signature
c/o Nick Nixon
Print or Type Name
111 Brookhaven Trail
Mailing Address
Leland, NC 28451
City/State/Zip
Telephone Number / email address
8 April 2016
Date

(Adjacent Property Owner Information)

MILDRED P. BUSKIRK
Signature*
Mildred P. Buskirk
Print or Type Name
354 FRIENDLY LN
Mailing Address
WILMINGTON, NC 28409
City/State/Zip
910-392-7303/PETE.BUSKIRK
Telephone Number / email address @GMAIL.COM
4/21/16
Date*

RECEIVED
DCM WILMINGTON, NC

(Revised Aug. 2014)

Valid for one calendar year after signature

APR 25 2016

ADJACENT RIPARIAN PROPERTY OWNER STATEMENT

I hereby certify that I own property adjacent to Nicholas Nixon's
(Name of Property Owner)
property located at 115 & 125 Hollis Lane
(Address, Lot, Block, Road, etc.)
on Masonboro Sound, in Wilmington, N.C.
(Nearest Waterbody) (City/Town and/or County)

The applicant has described to me, as shown below, the development proposed at the above location.

I have no objection to this proposal.

I have objections to this proposal.

DESCRIPTION AND/OR DRAWING OF PROPOSED DEVELOPMENT

(Individual proposing development must fill in description below or attach a site drawing)

Please see enclosed application materials.

WAIVER SECTION

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I do wish to waive the 15' setback requirement.

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

(Property Owner Information)

Signature
c/o Nick Nixon

Print or Type Name
111 Brookhaven Trail


Mailing Address
Leland, NC 28451

City/State/Zip

Telephone Number / email address
8 April 2016

Date

(Adjacent Property Owner Information)



Signature*
ROBERT HOWIS

Print or Type Name
126 Howis Lane

Mailing Address
Wilm NC 28409

City/State/Zip
910-251-5030

Telephone Number / email address
4/19/16

Date*

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DCM WILMINGTON, NC

APR 21 2016

(Revised Aug. 2014)

Valid for one calendar year after signature

Permit Class
NEW

Permit Number
67-16

STATE OF NORTH CAROLINA
Department of Environmental Quality
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 Nicholas Nixon, III, 111 Brookhaven Trail, Leland, NC 28451

Authorizing development in New Hanover County adj. to Masonboro Sound, at 115 & 125 Hollis Lane, Wilmington, as requested in the permittee's application dated 3/29/16 (MP-1, MP-2 & MP-3), and 2/13/16 (MP-4), incl. attached workplan drawing (1), 2 of 5 dated 3/23/16.

This permit, issued on June 17, 2016, 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.

- 1) The proposed docking facility exceeds the pier length allowance described in 15A NCAC 07H .0208(b)(6)(G)(iii). Accordingly, the proposed docking facility is not authorized by this permit.

Upland Development

- 2) Unless specifically altered herein, this permit authorizes the land disturbing activities associated with the development of the above referenced property, including the single-family residence, driveway, & garage, all as expressly and specifically set forth in the attached permit application and workplan drawing. 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.

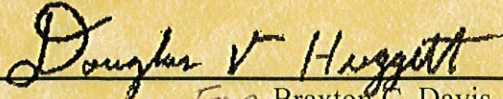
(See attached sheet for Additional Conditions)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date.

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

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.


FOR Braxton C. Davis, Director
Division of Coastal Management

All work must cease when the permit expires on

This permit and its conditions are hereby accepted.

December 31, 2019

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

Signature of Permittee

ADDITIONAL CONDITIONS

- 3) Any development or land disturbing activity that is considered non-water dependent is not authorized within 30 feet of the normal high water level unless specifically exempted by Coastal Resource Commission (CRC) regulations in place at the time of such development.
- 4) Any building constructed shall comply with the North Carolina Building Code and the local flood damage prevention ordinance as required by the National Flood Insurance Program.

Sedimentation and Erosion Control

NOTE: An Erosion and Sedimentation Control Plan will be required for this project. This plan must be filed at least thirty (30) days prior to the beginning of any land disturbing activity. Submit this plan to the Department of Environmental Quality, Land Quality Section, 127 Cardinal Drive Extension, Wilmington, NC 28405.

- 5) In order to protect water quality, runoff from the construction shall not visibly increase the amount of suspended sediments in adjacent waters.
- 6) Appropriate sedimentation and erosion control devices, measures or structures shall be implemented to ensure that eroded materials do not enter adjacent wetlands, watercourses and property (e.g. silt fence, diversion swales or berms, etc.).

Stormwater Management

- 7) A stormwater management permit from the Division of Energy, Mineral and Land Resources will be required for the authorized project. A copy of the stormwater management approval shall be obtained and a copy provided to the Division of Coastal Management prior to the initiation of any development activities authorized by this permit.

General

- 8) The permittee and/or his or her contractor shall meet with a representative of the Division prior to project initiation.
- 9) No fill material shall be placed at any time in any vegetated wetlands outside of the alignment of the fill area indicated on the workplan drawing.
- 10) No open water areas shall be excavated or filled.
- 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.

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

ADDITIONAL CONDITIONS

NOTE: An application processing fee of \$400 was received by DCM for this project. This fee also satisfied the Section 401 application processing fee requirements of the Division of Water Resources.

NOTE: The U.S. Army Corps of Engineers authorized the proposed project by way of General Permit 197800056 and Nationwide Permit 14 (Action ID No. SAW-2016-00987), which was issued on 6/3/16.

NOTE: The N.C. Division of Water Resources assigned the proposed project DWR Project No. DWR-16-0367.



LMG
LAND MANAGEMENT GROUP INC.
Environmental Consultants

April 8, 2016

TO: Robert Joseph Hollis Etal
126 Hollis Lane
Wilmington, NC 28409

RE: Required Notification
115 & 125 Hollis Lane; Wilmington (New Hanover County), NC
CAMA Major Permit Application

Dear Mr. Hollis:

This letter serves to notify you of a proposed project at 115 and 125 Hollis Lane in Wilmington, NC. Mr. Nicholas Nixon has submitted a CAMA Major Permit application to the NC Division of Coastal Management (DCM) requesting authorization to construct a single-family home on pilings, driveway, and a pier with a floating dock and two boat lifts within the above-referenced project area. As an adjacent riparian property owner to the project, you are required by the permit application process to be notified.

A copy of the CAMA permit application (narrative, application forms, and figures) as it has been submitted to NC DCM is enclosed. If you have no objections to the project, please indicate on the enclosed form and return to Mr. Robb Mairs, NC DCM, 127 Cardinal Drive Ext., Wilmington, NC, 28405. Any written objections can also be directed to Mr. Mairs, NC DCM, 127 Cardinal Drive Ext., Wilmington, NC, 28405. No comment within 30 days of receipt of this package indicates no objection. I am happy to answer any questions you may have regarding the enclosed materials and can be reached at 910-452-0001.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Williams", is written over a horizontal line.

Kim Williams
Land Management Group, Inc. (agent)

Encl.

cc: Robb Mairs, NC DCM

RECEIVED
DCM WILMINGTON, NC
APR 12 2016



LMG
LAND MANAGEMENT GROUP INC.
Environmental Consultants

April 8, 2016

TO: Ms. Mildred Parker Bobbitt
354 Friendly Lane
Wilmington, NC 28409

RE: Required Notification
115 & 125 Hollis Lane; Wilmington (New Hanover County), NC
CAMA Major Permit Application

Dear Ms. Bobbitt:

This letter serves to notify you of a proposed project at 115 and 125 Hollis Lane in Wilmington, NC. Mr. Nicholas Nixon has submitted a CAMA Major Permit application to the NC Division of Coastal Management (DCM) requesting authorization to construct a single-family home on pilings, driveway, and a pier with a floating dock and two boat lifts within the above-referenced project area. As an adjacent riparian property owner to the project, you are required by the permit application process to be notified.

A copy of the CAMA permit application (narrative, application forms, and figures) as it has been submitted to NC DCM is enclosed. If you have no objections to the project, please indicate on the enclosed form and return to Mr. Robb Mairs, NC DCM, 127 Cardinal Drive Ext., Wilmington, NC, 28405. Any written objections can also be directed to Mr. Mairs, NC DCM, 127 Cardinal Drive Ext., Wilmington, NC, 28405. No comment within 30 days of receipt of this package indicates no objection. I am happy to answer any questions you may have regarding the enclosed materials and can be reached at 910-452-0001.

Sincerely,

Kim Williams
Land Management Group, Inc. (agent)

Encl.

cc: Robb Mairs, NC DCM

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DCM WILMINGTON, NC
APR 12 2016

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Restricted Delivery Fee (Endorsement Required)	\$0.00	
Postmark Here		
Total Postage & Fees	\$7.10	04/12/2016

7005 2570 0000 5704 1645

Sent To: Mr. Rob Hobbs
 Street, Apt. No.: 126 Hobbs Lane
 or PO Box No.: Wilmington, NC 28409
 City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for Instructions

U.S. Postal ServiceSM
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Certified Fee	\$2.70	09
Return Receipt Fee (Endorsement Required)	\$0.00	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Postmark Here		
Total Postage & Fees	\$7.10	04/12/2016

7005 2570 0000 5703 9802

Sent To: Mrs. Mildred Parker
 Street, Apt. No.: 354 Friendly Lane
 or PO Box No.: Wilmington, NC 28409
 City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for Instructions

RECEIVED
 DCM WILMINGTON, NC

APR 12 2016

w/ Nixon NHT/C

3

1

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Robert Hollis
126 Hollis Lane
Wilmington, NC 28409



9590 9403 0119 5077 8253 21

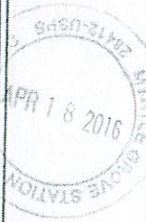
2. Article Number (Transfer from service label)

7005 2570 0000 5704 1645

PS Form 3811, April 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
- Elizabeth Hollis* Addressed
- B. Received by (Printed Name) Date of Delivery
- Elizabeth Hollis* *4/16/16*
- D. Is delivery address different from item 1? Yes No
- If YES, enter delivery address below:



3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Collect on Delivery Restricted Delivery \$500⁺
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

RECEIVED
WILMINGTON, NC
MAY 17 2016

W

Tracking Number: 70052570000057039802



In-Transit

Expected Delivery Day: Thursday, April 14, 2016

Product & Tracking Information

Available Actions

Postal Product:
First-Class Mail®

Features:
Certified Mail™ Return Receipt

See tracking for related item: 9590940301195077825314

DATE & TIME	STATUS OF ITEM	LOCATION
April 14, 2016 , 12:54 pm	Notice Left (No Authorized Recipient Available)	WILMINGTON, NC 28409
<p>We attempted to deliver your item at 12:54 pm on April 14, 2016 in WILMINGTON, NC 28409 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or calling 800-ASK-USPS , or may pick up the item at the Post Office indicated on the notice. If this item is unclaimed by April 29, 2016 then it will be returned to sender.</p>		
April 13, 2016 , 7:00 pm	Departed USPS Facility	FAYETTEVILLE, NC 28302
April 13, 2016 , 9:27 am	Arrived at USPS Facility	FAYETTEVILLE, NC 28302
April 13, 2016 , 1:01 am	Departed USPS Facility	CHARLOTTE, NC 28228
April 13, 2016 , 12:22 am	Arrived at USPS Facility	CHARLOTTE, NC 28228
April 12, 2016 , 6:32 pm	Departed Post Office	WILMINGTON, NC 28403
April 12, 2016 , 11:06 am	Acceptance	WILMINGTON, NC 28403

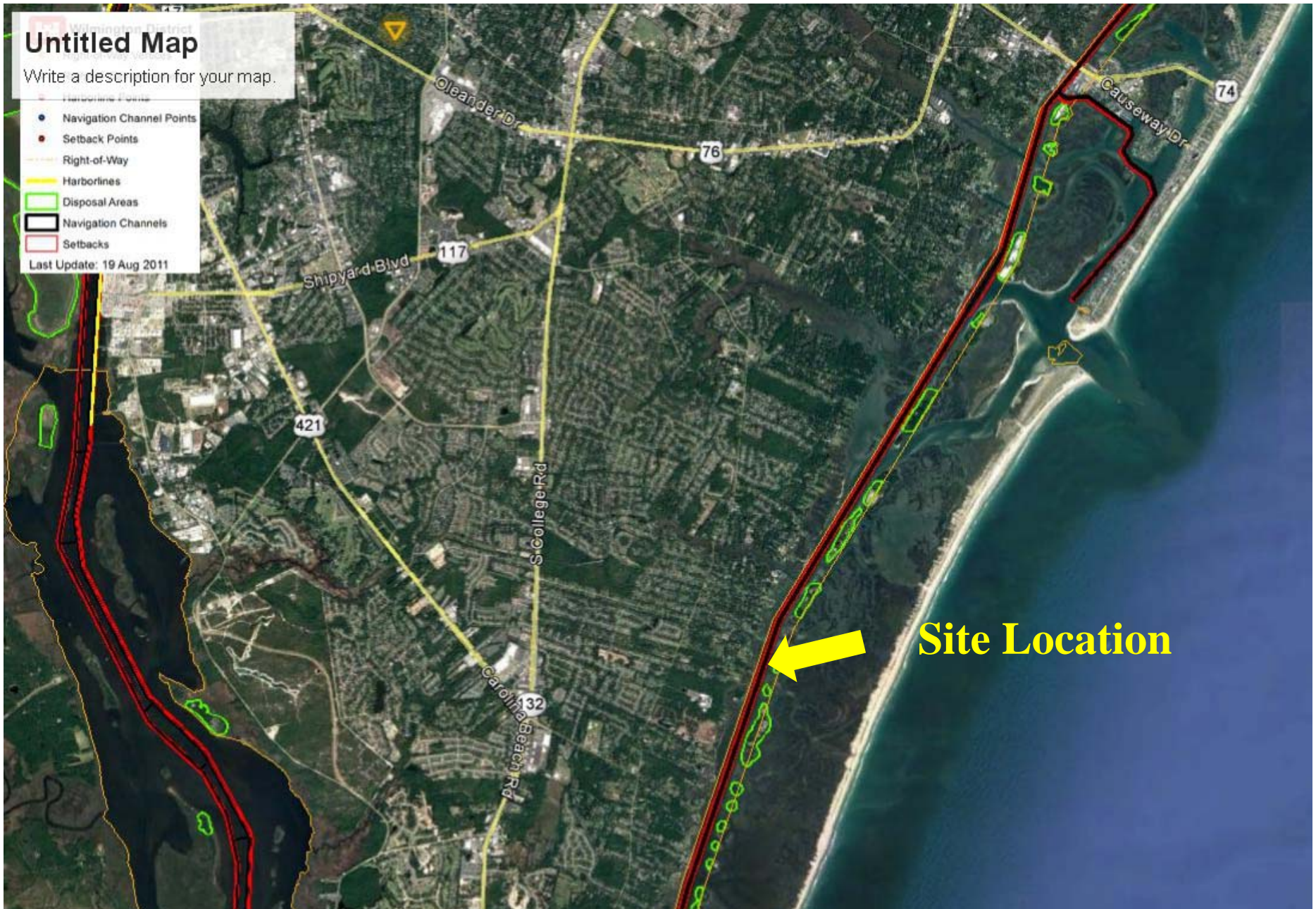
Nixon and Connell Variance Request

September 13, 2016



Department of Environmental Quality





Department of Environmental Quality



Department of Environmental Quality



Department of Environmental Quality



Department of Environmental Quality

**View From Project Site Facing East
Photo: NC DCM On-Site
Photography Dated 8.8.2016**



Department of Environmental Quality



Department of Environmental Quality



<p>dwg</p>	<p>PARCEL ID # RO7200-008-041-002 (115 HOLLIS LANE) MASONBORO TOWNSHIP NEW HANOVER COUNTY, N.C.</p>		<p>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</p>
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