



TO: The Coastal Resources Commission

FROM: Christine A. Goebel, DEQ Assistant General Counsel

DATE: September 3, 2021 (for the September 15, 2021 CRC Meeting)

RE: **Variance Request by Karen Sanders (CRC-VR-21-03)**

Petitioner Karen Sanders (“Petitioner”) owns a residence at 705 N. Anderson Blvd. (the “Site”) in the Town of Topsail Beach. The property is located within the Commission’s Ocean Hazard Area of Environmental Concern (“AEC”).

In June of 2021, Petitioner filed a CAMA Minor Permit application seeking to convert her street-side roofed porch and unconditioned utility closet/laundry into conditioned Total Floor Area on her one-story home. On July 22, 2021, DCM denied Petitioner’s CAMA Minor Permit application as the proposed addition does not meet the applicable setback rules from the vegetation line. While the porch proposed to be enclosed is landward of the 60’ setback, the Commission’s rules prohibit enlargements to non-conforming structures. On July 27, 2021, Petitioner filed this variance petition to request the Commission vary the oceanfront setback rules so she can develop the 92.5 square foot addition as proposed.

The following additional information is attached to this memorandum:

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

cc(w/enc.): Karen Sanders, Petitioner, electronically
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically
Stephanie Moore, Town of Topsail Beach Planner, electronically

RELEVANT STATUTES OR RULES**APPENDIX A****15A NCAC 07H .0301 OCEAN HAZARD CATEGORIES**

The next broad grouping is composed of those AECs that are considered natural hazard areas along the Atlantic Ocean shoreline where, because of their special vulnerability to erosion or other adverse effects of sand, wind, and water, uncontrolled or incompatible development could unreasonably endanger life or property. Ocean hazard areas include beaches, frontal dunes, inlet lands, and other areas in which geologic, vegetative and soil conditions indicate a substantial possibility of excessive erosion or flood damage.

15A NCAC 07H .0302 SIGNIFICANCE OF THE OCEAN HAZARD CATEGORY

(a) The primary causes of the hazards peculiar to the Atlantic shoreline are the constant forces exerted by waves, winds, and currents upon the unstable sands that form the shore. During storms, these forces are intensified and can cause significant changes in the bordering landforms and to structures located on them. Ocean hazard area property is in the ownership of a large number of private individuals as well as several public agencies and is used by a vast number of visitors to the coast. Ocean hazard areas are critical, therefore, because of both the severity of the hazards and the intensity of interest in the areas.

(b) The location and form of the various hazard area landforms, in particular the beaches, dunes, and inlets, are in a permanent state of flux, responding to meteorologically induced changes in the wave climate. For this reason, **the appropriate location of structures on and near these landforms must be reviewed carefully in order to avoid their loss or damage. As a whole, the same flexible nature of these landforms which presents hazards to development situated immediately on them offers protection to the land, water, and structures located landward of them.** The value of each landform lies in the particular role it plays in affording protection to life and property. (The role of each landform is described in detail in Technical Appendix 2 in terms of the physical processes most important to each.) Overall, however, the energy dissipation and sand storage capacities of the landforms are most essential for the maintenance of the landforms' protective function.

15A NCAC 07H .0303 MANAGEMENT OBJECTIVE OF OCEAN HAZARD AREAS

(a) The CRC recognizes that absolute safety from the destructive forces indigenous to the Atlantic shoreline is an impossibility for development located adjacent to the coast. The loss of life and property to these forces, however, can be greatly reduced by the proper location and design of structures and by care taken in prevention of damage to natural protective features particularly primary and frontal dunes. Therefore, it is the CRC's objective to provide management policies and standards for ocean hazard areas that serve to eliminate unreasonable danger to life and property and achieve a balance between the financial, safety, and social factors that are involved in hazard area development.

(b) The purpose of these Rules shall be to further the goals set out in G.S. 113A-102(b), with particular attention to minimizing losses to life and property resulting from storms and long-term erosion, preventing encroachment of permanent structures on public beach areas, preserving the natural ecological conditions of the barrier dune and beach systems, and reducing the public costs of inappropriately sited development. Furthermore, it is the objective of the Coastal Resources Commission to protect present common-law and statutory public rights of access to and use of the lands and waters of the coastal area.

15A NCAC 07H .0304 AECS WITHIN OCEAN HAZARD AREAS

The ocean hazard AECs contain all of the following areas:

(1) Ocean Erodible Area. This is the area where there exists a substantial possibility of excessive erosion and significant shoreline fluctuation. The oceanward boundary of this area is the mean low water line. The landward extent of this area is the distance landward from the first line of stable and natural vegetation as defined in 15A NCAC 07H .0305(a)(5) to the recession line established by multiplying the long term annual erosion rate times 90; provided that, where there has been no long term erosion or the rate is less than two feet per year, this distance shall be set at 180 feet landward from the first line of stable and natural vegetation. For the purposes of this Rule, the erosion rates are the long-term average based on available historical data. The current long-term average erosion rate data for each segment of the North Carolina coast is depicted on maps entitled "North Carolina 2019 Oceanfront Setback Factors & Long-Term Average Annual Erosion Rate Update Study" and approved by the Coastal Resources Commission on February 28, 2019 (except as such rates may be varied in individual contested cases or in declaratory or interpretive rulings). In all cases, the rate of shoreline change shall be no less than two feet of erosion per year. The maps are available without cost from any Local Permit Officer or the Division of Coastal Management on the internet at <http://www.nccoastalmanagement.net>.

15A NCAC 07H .0306 GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS

(a) In order to protect life and property, all development not otherwise specifically exempted or allowed by law or elsewhere in the Coastal Resources Commission's rules shall be located according to whichever of the following is applicable:

(1) The ocean hazard setback for development is measured in a landward direction from the vegetation line, the static vegetation line, or the measurement line, whichever is applicable.

(4) The setback distance shall be determined by both the size of development and the shoreline long term erosion rate as defined in Rule .0304 of this Section. "Development size" is defined by total floor area for structures and buildings or total area of footprint for development other than structures and buildings. Total floor area includes the following:

(A) The total square footage of heated or air-conditioned living space;

(B) The total square footage of parking elevated above ground level; and

(C) The total square footage of non-heated or non-air-conditioned areas elevated above ground level, excluding attic space that is not designed to be load-bearing.

Decks, roof-covered porches, and walkways are not included in the total floor area unless they are enclosed with material other than screen mesh or are being converted into an enclosed space with material other than screen mesh.

(5) With the exception of those types of development defined in 15A NCAC 07H .0309, no development, including any portion of a building or structure, shall extend oceanward of the ocean hazard setback distance. This includes roof overhangs and elevated structural components that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings. The ocean hazard setback is established based on the following criteria:

(A) A building or other structure less than 5,000 square feet requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater;

STIPULATED FACTS**ATTACHMENT B**

1. Petitioner is Karen K. Sanders, who owns property as Trustee of the Karen K. Sanders Revocable Trust. Petitioner has owned the property since January 5, 2021, when she took title through a deed recorded at Book 4353, Page 186, a copy of which is attached. The oceanfront property is located at 405 N. Anderson Blvd in Topsail Beach, Pender County, North Carolina (the “Site”). The Site is shown as Lot 1 of the W Z Fields recorded at Map Book 3, Page 100, a copy of which is attached. The Site is approximately 0.27 Acres in area.
2. The Site is bordered by North Anderson Boulevard (NC Hwy 50) to the west, the Atlantic Ocean to the east, a lot owned by McIntyres to the south, and to the north—Public Beach Access #1 and then Lot 2 (owned by Mr. Bell). The tax card, a copy of which is attached, indicates that the Site is developed with an 864 square foot single-story home, first constructed in 1954. Also on the Site are a 198 square foot oceanfront porch, a 48 square foot utility room, a 66 square foot street-side porch and a 24 square foot utility/laundry room which opens to the street-side porch.
3. Petitioner indicates that she plans to maintain this as a personal home and not a rental property.
4. The Site is located within the Ocean Erodible Area of Environmental Concern (“AEC”), adjacent to the Atlantic Ocean. The setback for this proposed development under 5,000 square feet is 60’. In this case, there are two lines on the Site, including the FLSNV and a Static Vegetation Line, which was established prior to the Town’s first large-scale project implemented in 2010. The FLSNV is landward of the Static Line, and so the FLSNV is the line from which setbacks are measured. Both the FLSNV delineated by DCM staff and the 60’ setback are shown on the survey which was part of the permit application.
5. The portion of the Site where development is proposed is located within a VE 14 Flood Zone. A copy of the 2013 Elevation Certificate provided by the previous owner (and which expired in 2015) is attached. The 2021 Survey indicates that the Site is located within the VE Flood Zone.
6. Pursuant to N.C.G.S. 113A-118, the proposed development requires the issuance of a CAMA permit.
7. Topsail Beach does not have an authorized CAMA Minor Development Permit program, so Petitioner’s application was processed by DCM’s Wilmington Regional Office Staff.
8. On or about July 14, 2021, Petitioner, through her authorized agent Channel Marker Builders, LLC, applied for a CAMA Minor Development Permit proposing to convert 92.5 square feet of currently roofed street-side porch and unconditioned utility room (15’2”x6’1” on the survey) to conditioned living space/Total Floor Area. The unconditioned utility room will become additional TFA once connected to other conditioned space (ie the porch enclosure proposed). Petitioner also proposes interior renovations which are not part of this variance. A copy of Petitioners’ CAMA Minor Development Permit Application with site plans is attached as a stipulated exhibit.

9. As indicated on the attached survey, DCM Field Representative Jason Dail staked the FLSNV on June 10, 2021, and that line, and the resulting 60' ocean erosion setback is shown on the survey. The FLSNV bisects the house. The proposed 92.5 square foot addition (where the street-side porch is currently located) is approximately 75-80 feet landward of the FLSNV.

10. The adjacent riparian property owners are Mr. Bell to the north at 403 N. Anderson Blvd, and the McIntyres to the south at 407 N. Anderson Blvd. Both adjacent riparian property owners received certified mail notice of Petitioner's Minor Development CAMA permit application, on July 10, 2021 and June 30, 2021 respectively. Copies of the certified mail receipts and the USPS tracking information are attached as stipulated exhibits.

11. Petitioner is not aware of any objections from adjacent property owners or any member of the public. DCM Staff have received no objections related to this project.

12. On July 22, 2021, DCM denied Petitioner's permit application as the proposed development was inconsistent with the Commission's oceanfront erosion setback rules. While the location of the addition is landward of the 60' setback line, it would enlarge a non-conforming structure where the setback line bisects the home, contrary to 15A NCAC 7H .0306(a)(5) which states in relevant part, "with the exception of those types of development defined in 15A NCAC 07H .0309, no development, including any portion of a building or structure, shall extend oceanward of the ocean hazard setback." Also, 15A NCAC 7H .0306(a) states "Structural additions or increases in the footprint or total floor area of a building or structure represent expansions to the total floor area and shall meet the setback requirements established in this Rule and 15A NCAC 07H .0309(a). New development landward of the applicable setback may be cosmetically, but shall not be structurally, attached to an existing structure that does not conform with current setback requirements." A copy of the denial letter is attached as a stipulated exhibit.

13. On July 27, 2021, Petitioner filed this Variance Request requesting a variance from the 60-foot setback requirement defined in 07H.0306(a)(9) with regard to the 92.5 square foot addition as proposed in Petitioner's CAMA permit application materials.

14. Petitioner is representing herself. DCM is represented by DEQ Asst. General Counsel Christine Goebel.

15. The Petitioner recognizes and stipulates that the proposed development is inconsistent with the rules as set forth in the denial letter.

16. A power point presentation agreed to by DCM and Petitioner will be presented to the Commission and is attached as a stipulated exhibit.

Stipulated Exhibits:

- | | |
|---|-------------------------------|
| 1. Deed at Book 4353, Page 186 | 2. Map Book 3, Page 100 |
| 3. Pender County Tax Card for the Site | 4. 2013 Elevation Certificate |
| 5. CAMA Minor Permit Application, including form, survey, floor plan adjacent owner notice, and project narrative | |
| 6. July 22, 2021 Denial Letter | |
| 7. 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.

- a.* Security: Am unable to see what is happening on the front of residence because everything on the front is covered with fixed shutters. As a single female, this is not desirable. Intend to add two windows on the porch facade allowing a visual of the front.

Currently have two front doors ... storm door onto the porch and house entry right there, resulting in much chaos between dogs and groceries. Add inclement weather, and we really have a party. Plan to replace the storm /front doors with a single, more secure door – less havoc.

- b.* Existing washer/dryer and hot water heater are in unconditioned utility room on this porch. Want to add mop sink in this location versus using kitchen/bath sinks. Completing household chores in the extreme heat and cold have been quite unpleasant.

I worry about pipes freezing in winter. Personally intend is to use this property year round (non-rental). Do not wish to shut down when away.

I have a genuine phobia about “roaches”. Given this space is open to the outside, I am terrified of what I may run into ... especially after dark (i.e., roaches, spiders, rats, etc. etc. etc.)!!!

- c.* Layout of kitchen is awkward. Dishwasher is directly below only cabinet suitable for storing dishes. This would be resolved by relocating dishwasher on other side of kitchen sink facilitated by the proposed door changes.

Staff's Position: Yes.

Staff agrees that a strict application of the oceanfront erosion setback rules cause Petitioner an unnecessary hardship where Petitioner has an existing structure and wishes to increase the size of the structure by 93 square feet (which is an increase of about 10% of TFA) by enclosing the street-side porch under the existing porch roof. The porch meets the 60' setback but about half of the house does not meet the setback, and enlargement of the partially non-conforming structure is not allowed by rule. The proposed addition is de minimis in nature as to the amount of possible additional structure that could become storm debris, and is located on the landward side of the existing house, and under an existing roof line.

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

Petitioner's Position: Yes.

Given the small size of the property, there are limited options for achieving improved functionality/efficiencies. Also, the fixed shutters on the porch/inside windows restrict visibility.

Staff's Position: No.

Staff find no peculiarities with the size, location or topography of the property which cause any hardships to Petitioner. While the 60' setback line from the FLSNV bisects the house where the proposed enclosure meets the setback, the Commission's rules contemplate this where they specifically include increases of structural TFA, and specifically provide some relief where the rules allow "New development landward of the applicable setback may be cosmetically, but shall not be structurally, attached to an existing structure that does not conform with current setback requirements."

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

Petitioner's Position: No.

Having just taken possession of property January 5, 2021, feel I have in no way contributed to these hardships.

Staff's Position: Yes.

Staff agrees that Petitioner did not cause the erosion of the vegetation line and dune system landward of her lot. However, Petitioner has the option to re-work her existing interior space without the need for a variance or increasing the size of the structure, or as contemplated by rule, create a structurally separate but cosmetically attached addition. Staff contend that the addition of 93 square feet of new floor area to the structure is a hardship caused by Petitioners' choice of design. Staff acknowledges that the proposed addition is de minimis in nature and is both on the landward side of her home landward of the setback and is enclosing space under the existing porch roof.

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

Petitioner's Position: Yes.

The small amount of additional living space (93 sq. ft.) sought to be authorized by this variance request is located on the street side of the house, furthest from the ocean, and under existing roof line. Estimate that this area is approximately 70 feet landward of the FLSNV as flagged by Jason Dail of DCM.

As the petitioner, I have genuine concern about not doing anything that will be detrimental to our beaches as I love them so. I have full respect and appreciation for what the Commission is charged with. I understand that converting the porch to "conditioned space" is considered a change in footprint. However, the function of this space would remain the same. I truly believe there would be no adverse effects to the environment from this project. Finally, a vote in favor of my variance would truly be justice – ha!

Staff's Position: Yes

Staff agrees that the proposed 93 square foot addition of Total Floor Area will have only a minimis impact on storm debris. The proposed addition is on the street-side of the existing house, small in size, and within the existing roofline. Staff contend that this small addition will have no impact on public safety and welfare, or on preserving substantial justice.

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

CAMA VARIANCE REQUEST FORM**DCMFORMII****DCM FILE No.: TB21-19**PETITIONER'S NAME: Karen K. SandersCOUNTY WHERE THE DEVELOPMENT IS PROPOSED: PENDER

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

VARIANCE HEARING PROCEDURES

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

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

VARIANCE CRITERIA

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

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

Please make your written arguments that Petitioner meets these criteria on a separate piece of paper. The Commission notes that there are some opinions of the State Bar which indicate that non-attorneys may not represent others at quasi-judicial proceedings such as a variance hearing before the

Commission. These opinions note that the practice of professionals, such as engineers, surveyors or contractors, representing others in quasi-judicial proceedings through written or oral argument, may be considered the practice of law. Before you proceed with this variance request, you may wish to seek the advice of counsel before having a non-lawyer represent your interests through preparation of this Petition.

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

- The name and location of the development as identified on the permit application;
- A copy of the permit decision for the development in question;
- A copy of the deed to the property on which the proposed development would be located;
- A complete description of the proposed development including a site plan;
- A stipulation that the proposed development is inconsistent with the rule at issue;
- Proof that notice was sent to adjacent owners and objectors, as required by 15A N.C.A.C. 071 .0701(c)(7);
- N/A Proof that a variance was sought from the local government per 15A N.C.A.C. 071 .070I(a), if applicable;
- Petitioner's written reasons and arguments about why the Petitioner meets the four variance criteria, listed above;
- A draft set of proposed stipulated facts and stipulated exhibits. Please make these verifiable facts free from argument. Arguments or characterizations about the facts should be included in the written responses to the four variance criteria instead of being included in the facts.
- This form completed, dated, and signed by the Petitioner.

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

<u>Karen K. Sanders</u>			<u>July 27, 2021</u>
Signature of Petitioner or Attorney			Date
<u>KAREN K.SANDERS</u>			<u>sanderskk@comcast.net</u>
Printed Name of Petitioner or Attorney			Email address of Petitioner or Attorney
<u>325 Coventry Park Lane</u>			<u>(336) 306-0575</u>
Mailing Address			Telephone Number of Petitioner or Attorney
<u>Winston-Salem, NC 27104-3677</u>			<u>N/A</u>
City	State	Zip	Fax Number of Petitioner or Attorney

DELIVERY OF THIS HEARING REQUEST

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

Contact Information for DCM:

By mail, express mail or hand delivery:

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

By Fax:
(252) 247-3330

By Email:

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

Contact Information for Attorney General's Office:

By mail:

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

By express mail:

Environmental Division
114 W. Edenton Street
Raleigh, NC 27603

By Fax:

(919) 716-6767

TB21-19: PETITIONER'S POSITIONS

I. Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? If so, the petitioner must identify the hardships.

Petitioner's Position: Yes.

- a. Security: Am unable to see what is happening on the front of residence because everything on the front is covered with fixed shutters. As a single female, this is not desirable. Intend to add two windows on the porch facade allowing a visual of the front.

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I worry about pipes freezing in winter. Personally intend is to use this property year round (non-rental). Do not wish to shut down when away.

I have a genuine phobia about “roaches”. Given this space is open to the outside, I am terrified of what I may run into ... especially after dark (i.e., roaches, spiders, rats, etc. etc. etc.)!!!

- c. Layout of kitchen is awkward. Dishwasher is directly below only cabinet suitable for storing dishes. This would be resolved by relocating dishwasher on other side of kitchen sink facilitated by the proposed door changes.

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

Petitioner's Position: Yes.

Given the small size of the property, there are limited options for achieving improved functionality/efficiencies. Also, the fixed shutters on the porch/inside windows restrict visibility.

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

Petitioner's Position: No.

Having just taken possession of property January 5, 2021, feel I have in no way contributed to these hardships.

TB21-19: PETITIONER'S POSITIONS (Cont. P2)

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

Petitioner's Position: Yes.

The small amount of additional living space (93 sq. ft.) sought to be authorized by this variance request is located on the street side of the house, furthest from the ocean, and under existing roof line. Estimate that this area is approximately 70 feet landward of the FLSNV as flagged by Jason Dail of DCM.

As the petitioner, I have genuine concern about not doing anything that will be detrimental to our beaches as I love them so. I have full respect and appreciation for what the Commission is charged with. I understand that converting the porch to "conditioned space" is considered a change in footprint. However, the function of this space would remain the same. I truly believe there would be no adverse effects to the environment from this project. Finally, a vote in favor of my variance would truly be justice – ha!

**ATTACHMENT E:
STIPULATED EXHIBITS**

1. Deed at Book 4353, Page 186
2. Map Book 3, Page 100
3. Pender County Tax Card for the Site
4. 2013 Elevation Certificate
5. CAMA Minor Permit Application, including form, survey, floor plan, adjacent owner notice and project narrative
6. July 22, 2021 Denial Letter
7. Powerpoint Presentation

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$1,160.00

Parcel Identifier No. 4223-36-4123-0000 Verified by _____ County on the _____ day of _____,

20____

By: _____

Mail/Box to: Watson Legal, PLLC, 200 Valencia Drive, Suite 162, Jacksonville, NC 28546

This instrument was prepared by: Watson Legal, PLLC, 200 Valencia Drive, Suite 162, Jacksonville, NC 28546

Brief description for the Index: L1 W Z FIELDS MAP BOOK 3 AT PAGE 100

THIS DEED made this 21st day of December, 2020, by and between

GRANTOR

GRANTEE

Mary C Bowman and Peter Poling
130 Seminole Rd
Atlantic Beach, FL 32233

Karen K. Sanders, as trustee of the Karen K Sanders Revocable
Trust Dated 07/20/2011
405 N Anderson Blvd
Topsail Beach, NC 28445

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

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

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

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 4353 page 186.

All or a portion of the property herein conveyed _____ includes or does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book 3 page 100.

Submitted electronically by "Watson Legal, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Pender County Register of Deeds.

NORTH CAROLINA GENERAL WARRANTY DEED

018

Excise Tax: \$1,160.00

Parcel Identifier No. 4223-36-4123-0000 Verified by _____ County on the ____ day of _____, 20__

By: _____

Mail/Box to: Watson Legal, PLLC, 200 Valencia Drive, Suite 162, Jacksonville, NC 28546

This instrument was prepared by: Watson Legal, PLLC, 200 Valencia Drive, Suite 162, Jacksonville, NC 28546

Brief description for the Index: L1 W Z FIELDS MAP BOOK 3 AT PAGE 100

THIS DEED made this 21st day of December, 2020, by and between

GRANTOR

GRANTEE

Mary C Bowman and Peter Poling
130 Seminole Rd
Atlantic Beach, FL 32233

Karen K. Sanders, as trustee of the Karen K Sanders Revocable
Trust Dated 07/20/2011
405 N Anderson Blvd
Topsail Beach, NC 28445

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

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

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

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 4353 page 186.

All or a portion of the property herein conveyed _____ includes or does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book 3 page 100.

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

019

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

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

(Entity Name) Mary C Bowman (SEAL)
Print/Type Name: Mary C Bowman

By: _____ (SEAL)
Print/Type Name & Title: _____
Print/Type Name: Peter Poling

By: _____ (SEAL)
Print/Type Name & Title: _____
Print/Type Name: _____

By: _____ (SEAL)
Print/Type Name & Title: _____
Print/Type Name: _____

State of North Carolina – County of Onslow

I, the undersigned Notary Public of the County and State aforesaid, certify that Mary C Bowman and Peter Poling personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 22nd day of December, 2020.

My Commission Expires: 11 June 2023



Sarah Koltvedt
Notary Public

State of North Carolina – County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that _____ he is the _____ of _____, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, _____ he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 20_____.

My Commission Expires: _____
Notary Public

State of North Carolina – County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____

Witness my hand and Notarial stamp or seal, this _____ day of _____, 20_____.

My Commission Expires: _____
Notary Public

The foregoing Certificate(s) of _____
is/are certified to be correct. This instrument and this certificate **020** duly registered at the date and time and in the Book and Page
shown on the first page hereof.

_____ Register of Deeds for _____ County
By: _____ Deputy/Assistant - Register of Deeds

EXHIBIT "A"

021

Lying and being in Topsail Township, Pender County, North Carolina and more particularly described as follows:

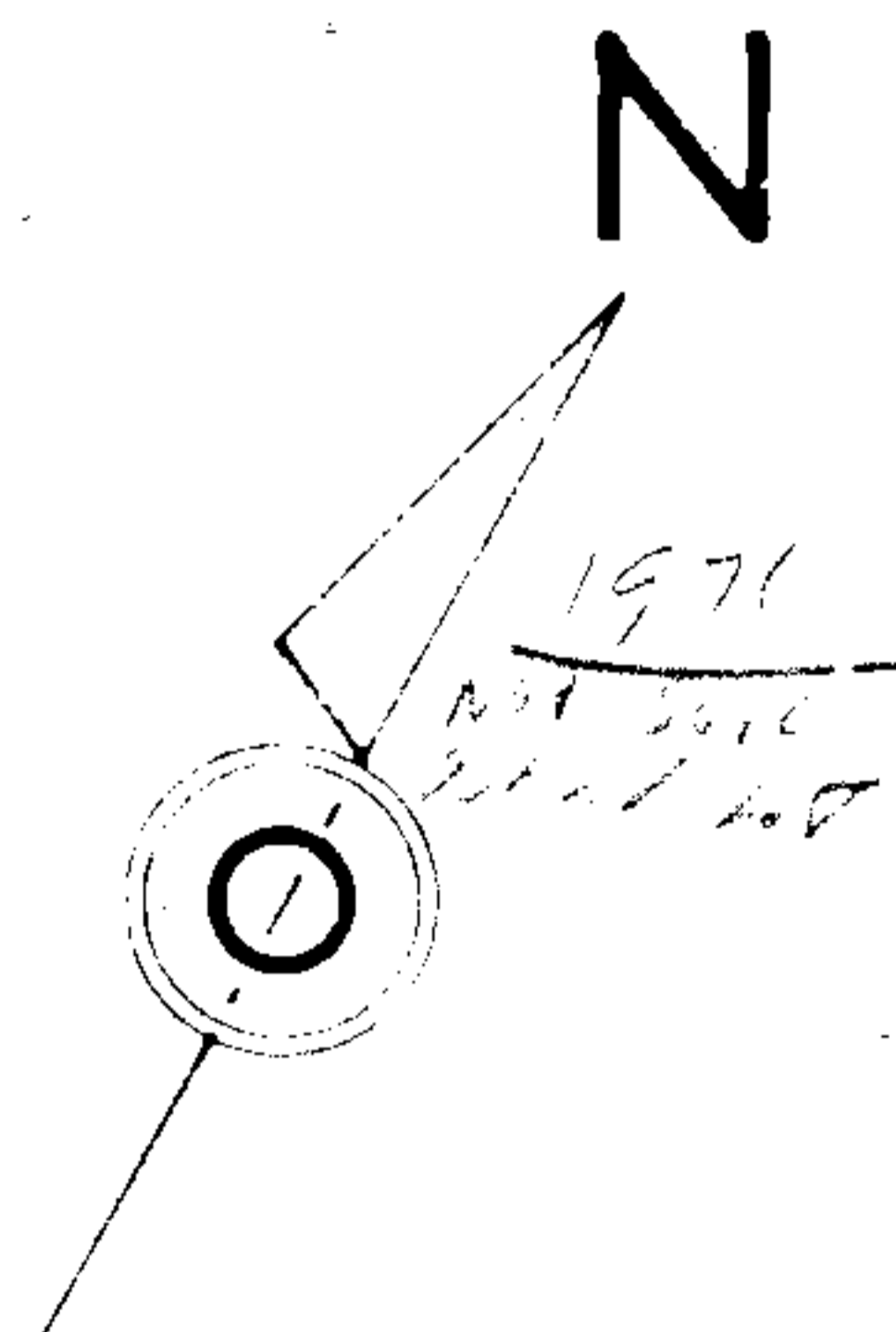
Being all of Lot 1 as shown on map entitled "Plot for W.Z. Fields" recorded in Map Book 3 at Page 100 of the Pender County Registry, reference to which map is hereby made for a more particular description.

Commonly Known As: 405 N Anderson Blvd, Topsail Beach, NC 28445

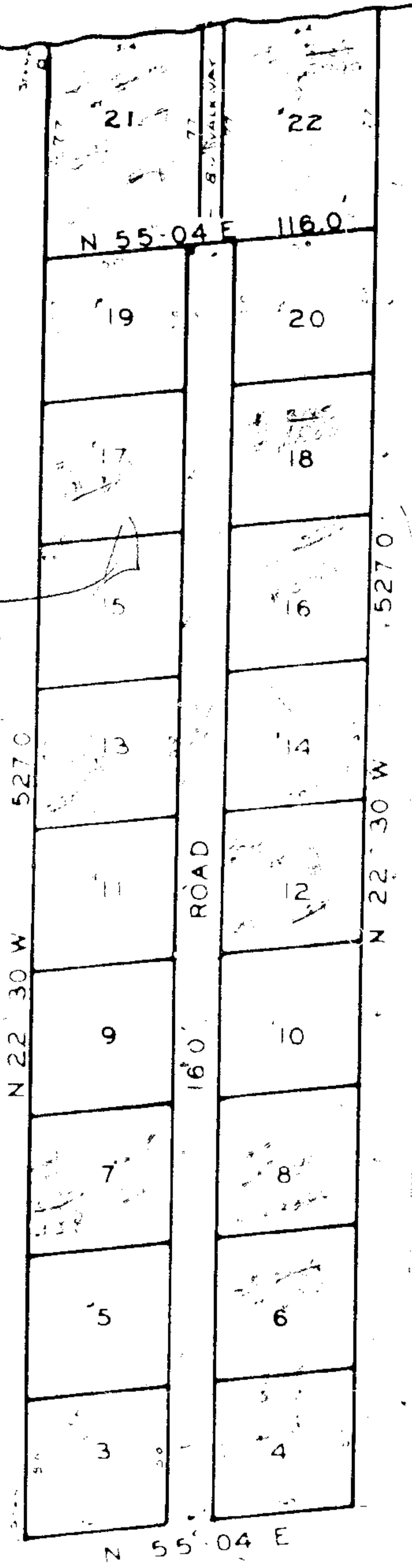
BANKS OF CHANNEL
OR
TOPSAIL SOUND

Filed for registration on the 18th day of
MAY 1951
Registered in the office of the Register of Deeds
for Pender County in Book No. 3 Page 144

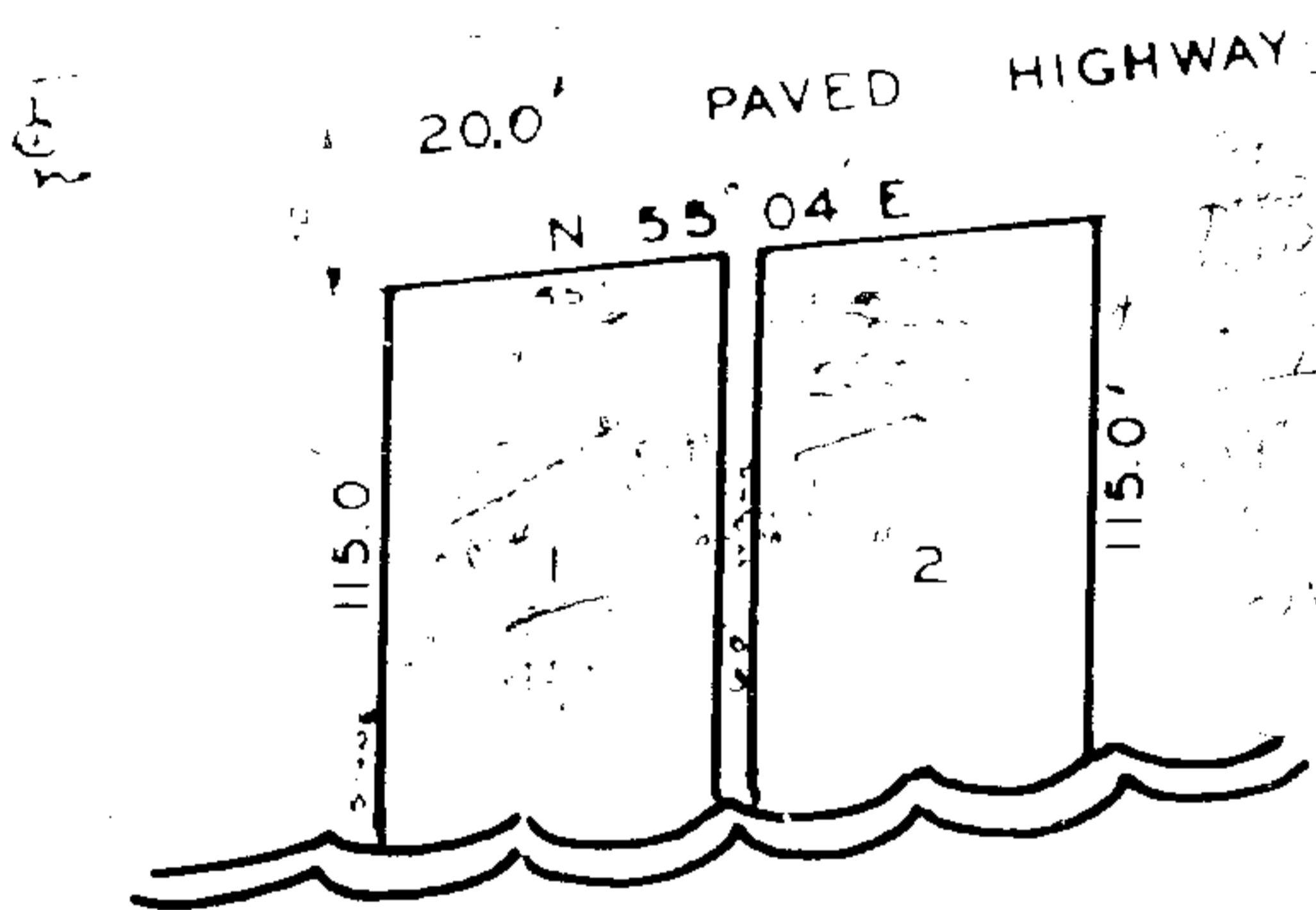
Register of Deeds for
PENDER COUNTY



STATE OF NORTH CAROLINA - Pender County
The foregoing plat was prepared by
E. M. SEARS, JR., Registered Professional Surveyor
under the provisions of Chapter 42, General Statutes
of North Carolina, and is hereby certified to be correct
this 18th day of May, 1951.



T. B. AUSTIN
Especially authorized before me by the Register of Deeds
of Pender County, North Carolina, to certify to the
correctness of the foregoing plat, which is the true and
correct copy of the original plat as filed for
registration on the 18th day of May, 1951, and
made by him.



ATLANTIC OCEAN

PLOT FOR

W. Z. FIELDS

DATE: MAY 18, 1951

SCALE: 1" = 500'



E. M. SEARS, JR. - REG. SURV.

PLAT 3 Page 144

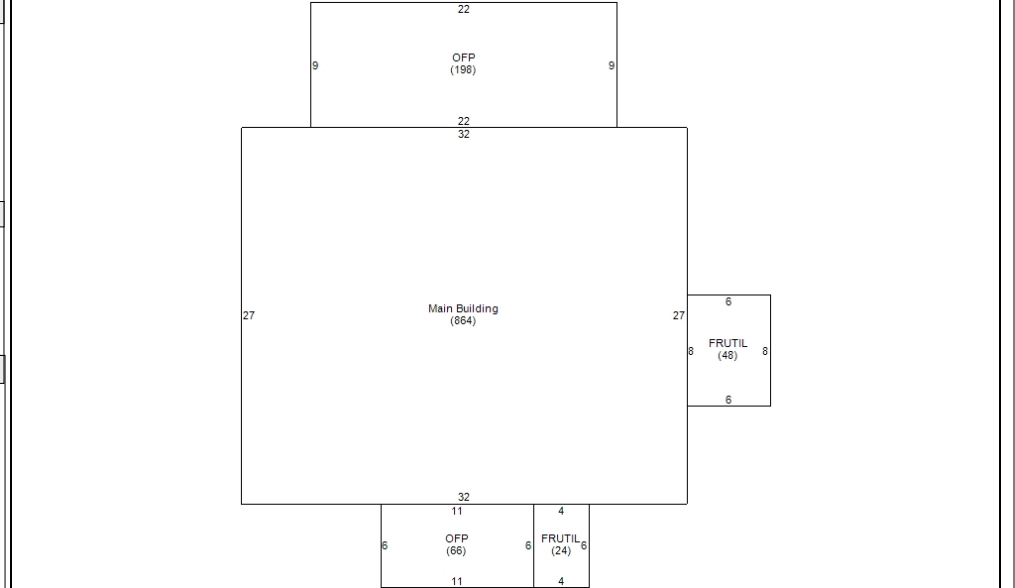
PIN #: PENDER CO NC - Property Card Printed: 11/13/19 Card: 1 of 1 Appraiser: BJS

Ownership: 961929
 BOWMAN, MARY C
 POLING, PETER
 130 SEMINOLE RD
 ATLANTIC BEACH FL 32233

SUBD: 2-262 W Z Fields Div
Nbhd: R2074

SITUS:
 405 N ANDERSON BLVD

Deeded Acres: 0
Legal Description:
 L1 Pb 3/100 W Z Fields
 On Ocean & Hwy 50



Parcel: 101 single family residence	Sale Dt	I	S	Price	Db/Pq	Valid. Code
Fronting: 4 residential street	12/02/13	WD		348,000	4353/186	
Location: OF ocean f	12/04/09	ADN			1A/12387	
Parking:	09/29/03	WD		392,000	2229/258	
Utility: 01 electricity; 03 water (pub)	No Valid Sale					
Zoning:						

Sketch Vectors

Vector
 A00CU27R32D27L32 A01U27R5CU9R22D9L22 A02R32U7CR6U8L6D8 A03R10CD6R11U6L11 A04R21CD6R4U6L4

Improvement Description: R beach cottage

Story: 1	FP Stacks:	Bsmt: perimeter foot	Phys Cond: A	% Complete:
Class: single family	Openings:	BSMT Gar: 0	CDU: AV	Grade: D
Ext Wall: alu/vinl	Prefab FP:	Attic:	Over Depr Tb:	C&D Fact:
Yr Blt: 1954	Rooms: 3	Baths: 2	Fnct Dep %:	C&D Desc:
Eff Year:	Bedrooms: 1	Half: 0	Fnct Desc:	TV/SF 481.79
Heating: heat pump	Unfin Area:	Extra Fixt: 0	Econ Dep%:	SP/SF 402.78
Fuel:	Fin Bsmt Area:	Misc 1:	Econ Desc:	RCN/SF 108.50
System:	Rec Room Area:	Misc 2:	N-Fact: 1.25	RCNLD/SF 54.25

Assessment: 2019

Land:	\$345,950	Excluded:
BLDG:	\$70,313	Ag Use:
Market:	\$416,263	
Deferred:	\$0	
Exempt:	\$0	
Taxable:	\$416,263	

D	L#	Low	1st	2nd	3rd	Description	Area	Value(RCN)	Yr Bt	EfYr Bt	Grd	CDU	%Gd	Table	% Cmp	RCNLD
	0					Beach Cottage	864	89,376	1954		D	AV		50		44,688
	1		11			Ofp Open Frame Porc	198	2,804	1954		D	AV		50		1,402
	2		14			Fr Ut Frame Util Bldg	48	422	1954		D	AV		50		211
	3		11			Ofp Open Frame Porc	66	935	1954		D	AV		50		468
	4		14			Fr Ut Frame Util Bldg	24	211	1954		D	AV		50		106

Entrances

Revisit:
 Reason:

Appr	Date	Code	Rev2

Building Permit

Date	Permit #	Permit \$	CO Date	Flg
07/30/2015	15023			:C

METER BASE

HSF: 864 **TSF:** 1,200 93,748 **Total:** 46,875

PIN #: **PENDER CO NC - Property Card** Printed: 11/13/19 Card: 1 of 1 Appraiser: BJS

Land Description: LUC: 101 NBHD: R2074						
N-Fact:		Topo1: level		Topo3:		Road 1: paved
Zoning:		Topo2:		Traffic:		Road 2: ocean f
L#	Typ	Code	Desc	Size	BaseRate	Adj
1	S	1	Homesite	7,405	39.027	39.027
						Value
						345,950
Total Parcel Size: AC 0.1700 Rate/AC 2,035,000.00 Value 345,950						

Ag Use	LN	Soil	Acres	Rate	Value
Value					

Comments:

#	Comment

OB&Y																
L#	Code	Yr Blt	Eff Yr	W x L	Area	Grd	Units	Mod Cd	Rate	Ovrld Rte	RCN	Cnd	Fnct	%Cmp	%Gd	RCNLD
				x												
				x												
				x												
				x												
				x												
Total:																

025
ELEVATION CERTIFICATE

Important: Read the instructions on pages 1-9.

OMB No. 1660-0008
 Expiration Date: July 31, 2015

SECTION A - PROPERTY INFORMATION

A1. Building Owner's Name **LEWIS LEMON**

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
405 NORTH ANDERSON BOULEVARD

City **TOPSAIL BEACH** State **NC** ZIP Code **28445**

FOR INSURANCE COMPANY USE

Policy Number:

Company NAIC Number:

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
LOT 1, MAP BOOK 3 PAGE 100 PENDER COUNTY REGISTRY

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) **RESIDENTIAL**

A5. Latitude/Longitude: Lat. **34°23.445' N** Long. **77°35.798' W**

Horizontal Datum: NAD 1927 NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number **5**

A8. For a building with a crawlspace or enclosure(s):

- a) Square footage of crawlspace or enclosure(s) **N.A.** sq ft
- b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade **N.A.**
- c) Total net area of flood openings in A8.b **N.A.** sq ft
- d) Engineered flood openings? Yes No

A9. For a building with an attached garage:

- a) Square footage of attached garage **N.A.** sq ft
- b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade **N.A.**
- c) Total net area of flood openings in A9.b **N.A.** sq ft
- d) Engineered flood openings? Yes No

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number TOWN OF TOPSAIL BEACH 370187		B2. County Name PENDER		B3. State NORTH CAROLINA	
B4. Map/Panel Number 3720422300	B5. Suffix J	B6. FIRM Index Date 2-26-2007	B7. FIRM Panel Effective/Revised Date 2-16-2007	B8. Flood Zone(s) VE	B9. Base Flood Elevation(s) (Zone AO, use base flood depth) 14.0'

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

- FIS Profile FIRM Community Determined Other/Source: _____

B11. Indicate elevation datum used for BFE in Item B9: NGVD 1929 NAVD 1988 Other/Source: _____

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

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

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

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

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: **LOCAL RM**

Vertical Datum: **NGVD 1929**

Indicate elevation datum used for the elevations in items a) through h) below. NGVD 1929 NAVD 1988 Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

- a) Top of bottom floor (including basement, crawlspace, or enclosure floor) **16.6** feet meters
- b) Top of the next higher floor **N.A.** feet meters
- c) Bottom of the lowest horizontal structural member (V Zones only) **15.4** feet meters
- d) Attached garage (top of slab) **N.A.** feet meters
- e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) **16.2** feet meters
- f) Lowest adjacent (finished) grade next to building (LAG) **13.8** feet meters
- g) Highest adjacent (finished) grade next to building (HAG) **14.7** feet meters
- h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support **14.7** feet meters

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

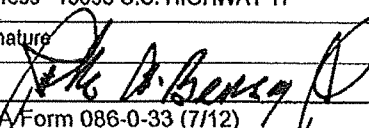
This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable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

- Check here if comments are provided on back of form. Were latitude and longitude in Section A provided by a licensed land surveyor? Yes No
- Check here if attachments.

Certifier's Name **JOHN A. BENSON, JR.** License Number **L-1217**

Title **P.L.S.** Company Name **JOHN BENSON SURVEYING**

Address **15696 U.S. HIGHWAY 17** City **HAMPSTEAD** State **NC** ZIP Code **28443**

Signature  Date **10-29-2013** Telephone **910 270 0840**

PLACE
SEAL
HERE

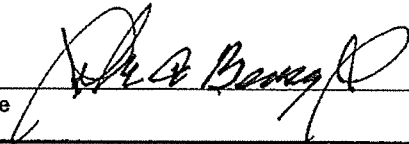
ELEVATION CERTIFICATE, page 2

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE	
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 405 NORTH ANDERSON BOULEVARD			Policy Number:	
City TOPSAIL BEACH	State NC	ZIP Code 28445	Company NAIC Number:	

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

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

Comments HVAC USED FOR C2e

Signature 

Date 10-29-2013

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

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
 - a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the HAG.
 - b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ feet meters above or below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 8–9 of instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ feet meters above or below the HAG.
- E3. Attached garage (top of slab) is _____ feet meters above or below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ feet meters above or below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown. The local official must certify this information in Section G.

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

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

Property Owner's or Owner's Authorized Representative's Name _____

Address _____ City _____ State _____ ZIP Code _____

Signature _____ Date _____ Telephone _____

Comments _____

Check here if attachments.

SECTION G – COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

- G1. The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number _____	G5. Date Permit Issued _____	G6. Date Certificate Of Compliance/Occupancy Issued _____
-------------------------	------------------------------	---

- G7. This permit has been issued for: New Construction Substantial Improvement
- G8. Elevation of as-built lowest floor (including basement) of the building: _____ feet meters Datum _____
- G9. BFE or (in Zone AO) depth of flooding at the building site: _____ feet meters Datum _____
- G10. Community's design flood elevation: _____ feet meters Datum _____

Local Official's Name _____ Title _____

Community Name _____ Telephone _____

Signature _____ Date _____

Comments _____

Check here if attachments.

Building Photographs

See Instructions for Item A6.

IMPORTANT: In these spaces, copy the corresponding information from Section A.

FOR INSURANCE COMPANY USE

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
405 NORTH ANDERSON BOULEVARD

Policy Number:

City TOPSAIL BEACH

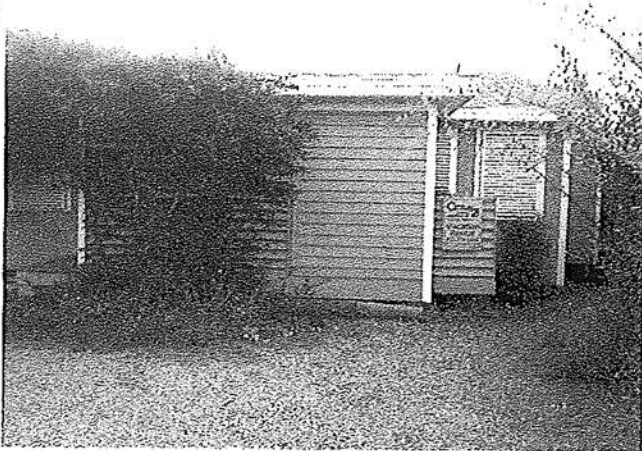
State NC

ZIP Code 28445

Company NAIC Number:

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.

FRONT



REAR



Building Photographs

Continuation Page

IMPORTANT: In these spaces, copy the corresponding information from Section A.

FOR INSURANCE COMPANY USE

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
405 NORTH ANDERSON BOULEVARD

Policy Number:

City TOPSAIL BEACH

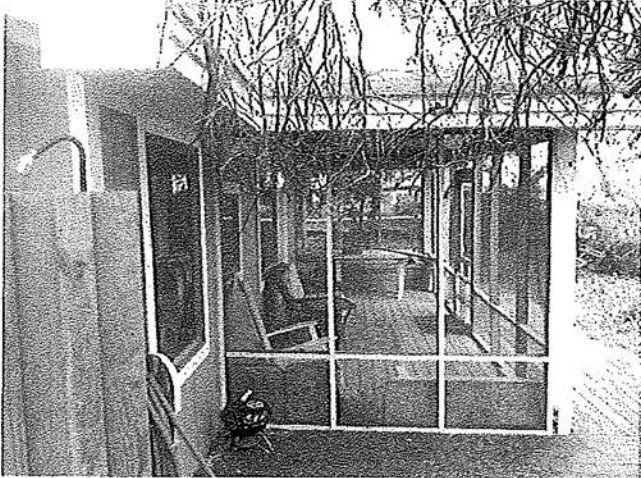
State NC

ZIP Code 28445

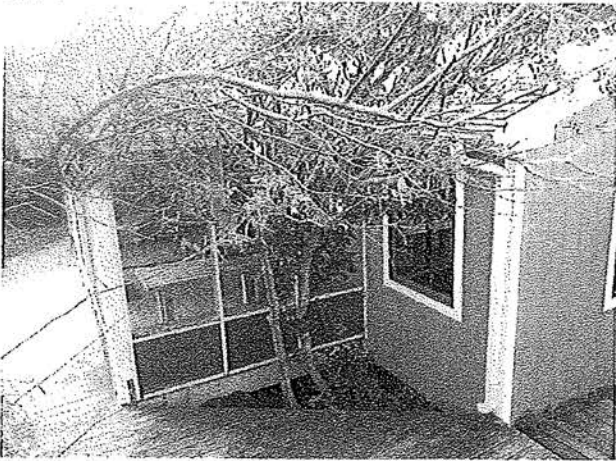
Company NAIC Number:

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

RIGHT



LEFT



Locality _____ Permit Number _____

Ocean Hazard _____ Estuarine Shoreline _____ ORW Shoreline _____ Public Trust Shoreline _____ Other _____

(For official use only)

GENERAL INFORMATION**LAND OWNER - MAILING ADDRESS**Name KAREN K SANDERSAddress 325 COVENTRY PARK LNCity WINSTON-SALEM State NC Zip 27104 Phone 336-306-0515Email sanderskk@comcast.net**AUTHORIZED AGENT**Name CHANNEL MARKER BUILDERS LLCAddress 1294 HWY 172, SUITE 1City HOLLY RIDGE State NC Zip 28445 Phone 910-741-6113 910-886-6111Email charlie@channelmarkerbuilders.com**LOCATION OF PROJECT:** (Address, street name and/or directions to site; name of the adjacent waterbody.)405 N ANDERSON BLVD TOPSAIL BEACH NC 28445ATLANTIC OCEAN**DESCRIPTION OF PROJECT:** (List all proposed construction and land disturbance.) REMOVE INSIDE WALL BETWEEN KITCHEN + FRONT PORCH TO MAKE PORCH CONDITIONED SPACE. UPDATE KITCHEN INCLUDING NEW CABINETS. REPLACE TILE FLOORS THROUGHOUT RESIDENCE WITH LAMINATED VINYL PLANKING.**SIZE OF LOT/PARCEL:** 7405 square feet .17 acres**PROPOSED USE:** Residential (Single-family Multi-family) Commercial/Industrial Other **COMPLETE EITHER (1) OR (2) BELOW** (Contact your Local Permit Officer if you are not sure which AEC applies to your property):**(1) OCEAN HAZARD AECs:** TOTAL FLOOR AREA OF PROPOSED STRUCTURE: 1008 square feet (includes air conditioned living space, parking elevated above ground level, non-conditioned space elevated above ground level but excluding non-load-bearing attic space)**(2) COASTAL SHORELINE AECs:** SIZE OF BUILDING FOOTPRINT AND OTHER IMPERVIOUS OR BUILT UPON SURFACES: _____ square feet (includes the area of the foundation of all buildings, driveways, covered decks, concrete or masonry patios, etc. that are within the applicable AEC. Attach your calculations with the project drawing.)**STATE STORMWATER MANAGEMENT PERMIT:** Is the project located in an area subject to a State Stormwater Management Permit issued by the NC Division of Energy, Mineral and Land Resources (DEMLR)?YES _____ NO

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

OTHER PERMITS MAY BE REQUIRED: The activity you are planning may require permits other than the CAMA minor development permit, including, but not limited to: Drinking Water Well, Septic Tank (or other sanitary waste treatment system), Building, Electrical, Plumbing, Heating and Air Conditioning, Insulation and Energy Conservation, FIA Certification, Sand Dune, Sediment Control, Subdivision Approval, Mobile Home Park Approval, Highway Connection, and others. Check with your Local Permit Officer for more information.

STATEMENT OF OWNERSHIP:

I, the undersigned, an applicant for a CAMA minor development permit, being either the owner of property in an AEC or a person authorized to act as an agent for purposes of applying for a CAMA minor development permit, certify that the person listed as landowner on this application has a significant interest in the real property described therein. This interest can be described as: (check one)

an owner or record title. Title is vested in name of KAREN K SANDERS, as trustee of the KAREN K SANDERS REVOCABLE TRUST see Deed Book 4737 Doc# 20075459 page 3-6 (4) in the PENDER County Registry of Deeds.

an owner by virtue of inheritance. Applicant is an heir to the estate of _____; probate was in _____ County.

if other interest, such as written contract or lease, explain below or use a separate sheet & attach to this application.

NOTIFICATION OF ADJACENT RIPARIAN PROPERTY OWNERS:

I furthermore certify that the following persons are owners of properties adjoining this property. I affirm that I have given **ACTUAL NOTICE** to each of them concerning my intent to develop this property and to apply for a CAMA permit.

- | (Name) | (Address) |
|---------------------------------|---|
| (1) <u>ANDY + ANGI MCINTYRE</u> | <u>407 N ANDERSON BLVD TOPSAIL BEACH NC 28445</u> |
| (2) <u>KENNETH PATRICK BELL</u> | <u>POBOX 231 KENWANSVILLE, NC 28439</u> |
| (3) _____ | _____ |
| (4) _____ | _____ |

ACKNOWLEDGEMENTS:

I, the undersigned, acknowledge that the land owner is aware that the proposed development is planned for an area which may be susceptible to erosion and/or flooding. I acknowledge that the Local Permit Officer has explained to me the particular hazard problems associated with this lot. This explanation was accompanied by recommendations concerning stabilization and floodproofing techniques.

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

This the 11 day of JUNE, 20 21

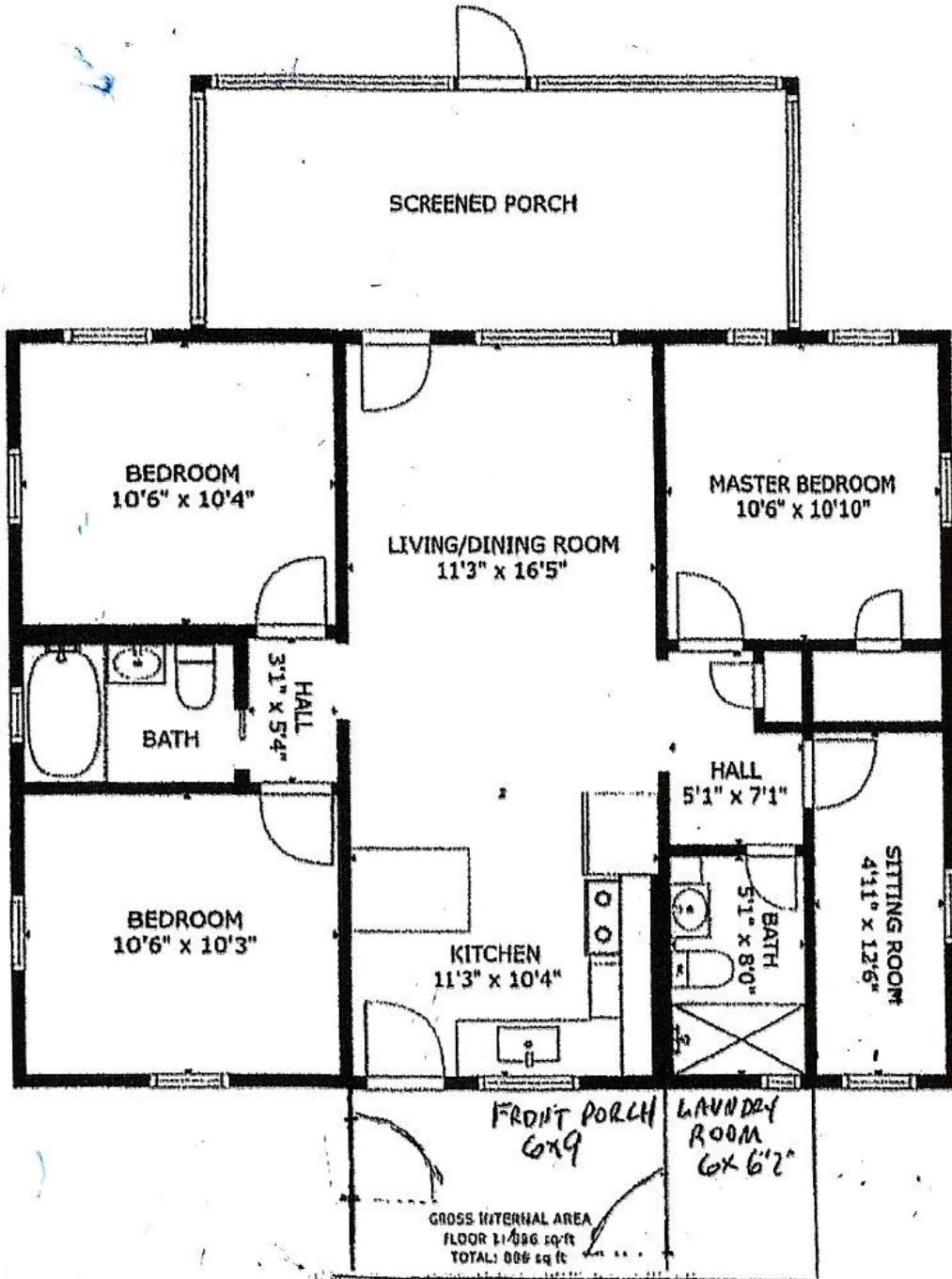


Landowner or person authorized to act as his/her agent for purpose of filing a CAMA permit application

This application includes: general information (this form), a site drawing as described on the back of this application, the ownership statement, the Ocean Hazard AEC Notice where necessary, a check for \$100.00 made payable to the locality, and any information as may be provided orally by the applicant. The details of the application as described by these sources are incorporated without reference in any permit which may be issued. Deviation from these details will constitute a violation of any permit. Any person developing in an AEC without permit is subject to civil, criminal and administrative action.

TB21-19 FLOOR PLAN

405 N. Anderson Blvd 28445



PROJECT DETAILS

Front Porch -Make front porch and laundry room a conditioned space area. (Use current front door as door to laundry) – New subfloor, ceiling, drywall/painted as needed.

Install new water heater - (Client provides)

Install food disposal (Client provides)

Remove wall / door/ window connecting the porch area to the kitchen following proper Asbestos guidelines.

Follow Engineer letter from SeaCoast Engineering on specific framing requirements.

Install two windows - pre-tinted glass.

Install T-11 Natural wood siding and paint on front new conditioned space.

Install Front Door (impact door required)

HVAC- have HVAC contractor confirm that current unit can handle the load of the new conditioned area. Spray foam insulation should be able to lower the load. *This is for inspection only, if other work is necessary, additional cost might be added.

Electrical for remodel- add 2 electrical counter receptacles, replace 1 and add 2 additional kitchen GFCI devices, relocate front door switch box for opposite door swing, add two island pendant light wiring boxes and switch (one over island, one over dining room table by back window, with separate switches). Install 2 island pendant lights provided by Client. Add 1 island receptacle. Install dimmers. Install 3 art lights (face left kitchen wall, small wall between 2 bedrooms, wall behind recliners). Replace ceiling fans throughout (fan provided by client)

Electrical -home inspection report - Replace overhead electrical meter main combination panel due to corrosion, provide proper grounding , intersystem termination per NEC, facilitate utilities and inspections, replace 1 bathroom GFCI device (not functioning properly), replace 1 bedroom fan provided by Client. Replace 1 rear porch fan- Fan provided by Client. Crawl space attach box not secure to structure, replace box covers with signs of corrosion, secure loose wiring to structure where applicable, Install under cabinet lighting in kitchen

Remove plywood under home to allow Client to get spray foamed underneath.

Install LVP flooring throughout home to include new conditioned areas.

Install stain grade quarter round.

Outside Shed- Install new sub-floor, prepare to be insulated-

Tear down outdoor shower- drop faucet to lower position for future dog wash.

Remove and replace back door

Remove and replace shed door casing and door

Replace window controls - (client provided parts) (window controls have not been tested as the only reason windows cannot open per Inspection report)

Repair hole in wood panel with demo material (some cosmetic hole fills cannot be guaranteed. We will fill to our best possible ability.)

Screw/ fill small gaps from wall to ceiling- in left bathroom and left front bedroom. Does not guarantee exact tightening, should be able to improve.

Install shelving in laundry room best way possible.

Cabinets- CABINETS: WAYPOINT 410F FINISH: MAPLE ESPRESSO

COUNTERTOPS: BLANCO CITY

BACKSPLASH **ONLY** FROM BACK OF SINK AREA UPTO RAISED BAR. **

RAISED BAR TO BE 14" DEEP

**THEY ALSO WANT TWO OUTLETS CUT IN THE QUARTZ BACKSPLASH AREA

SINGLE DRILL, UNDERMOUNT SINK PROVIDED BY HOMEOWNER *****

CLIENT WANTS 2.5" THICK COUNTERTOPS****

Back side of cabinets in the new conditioned space will be same color and material as cabinet

Pull Permit, work with City on 50% rule and safety items.

Provide dump trailer and remove trash.

405 N. ANDERSON BLVD, TOPSAIL BEACH NC 28445
CONSTRUCTION PROJECT

SCOPE AND RATIONALE

Overall scope is to remove inside wall between kitchen and front porch with intent to make porch conditioned space. No plan to change the function of this space as it will remain as the primary entry into the home with a utility room at the far end. Kitchen will be updated to include new cabinets. Tile floors throughout residence are to be replaced by laminated vinyl planking (LVP). All work is to be completed inside residence with no impact to external environment.

Rationale for conditioned porch are twofold:

Improved efficiency:

Existing washer/dryer and hot water heater are in unconditioned space. Inspection report suggested replacing the hot water heater given its appearance and age. Initially considered on-demand system but backed away given concerns for existing residence being able to support that. Then received a mailing from JOEMC recommending a hybrid system. Consequently, I have now purchased a hybrid hot water heater. Was not concerned about the environment it would have to function in because I thought it would be conditioned with foam insulation ... which would have also been beneficial for the washer/dryer. I was at my residence in January and must admit that it was not great fun going out on the cold porch to do laundry. I also worry about pipes freezing in those conditions as well. My desire is to use this property year round for personal use (not rental property), so I do not want to shut it down when temperatures are compromising.

Improved Security:

Currently, I am not able to see what is happening on the front of my residence because everything on the front is covered with fixed shutters. As a single female, this is not advantageous. My intent was to add two windows in the front entry allowing me a visual of the front. The existing front door also opens out, which is not the most expeditious way to enter the residence. I had planned to replace the storm door with a more secure door that would open inward, allow me a speedier entry after dark or during inclement weather.

Again, the function of this space would remain the same. There should be no adverse effects to the environment from this project. Planned changes could actually reduce current impact to our natural resources as a result of the improved efficiencies.

Receipts for
Certified Mail
 (Staple Here)

6/28/2021
 Date
ANDY + ANGI MCINTYRE
 Adjacent Property Owner
407 N ANDERSON BLVD
 Mailing Address
TOPSAIL BEACH, NC 28445
 City, State, Zip Code

Dear Adjacent Property:

This letter is to inform you that I, KAREN K SANDERS have applied for a CAMA Minor
 Property Owner

Permit on my property at 405 N ANDERSON BLVD, in Topsail Beach,
 Property Address

Pender County. As required by CAMA regulations, I have enclosed a copy of my permit application and
 project drawing(s) as notification of my proposed project. No action is required from you or you may sign and return
 the enclosed no objection form. If you have any questions or comments about my proposed project, please
 contact me at 336-306-0575, or by mail at the address listed below. If you wish to
 Applicant's Telephone

file written comments or objections with the CAMA Minor Permit Program, you may submit them to:

Jason Dail, DCM Field Representative
 LPO, Town of Topsail Beach
 NC DEQ / DCM
 127 Cardinal Drive Ext.
 Wilmington, NC 28405

KAREN K SANDERS
 Property Owner
325 COVENTRY PARK LN
 Mailing Address
WINSTON-SALEM NC 27104
 City, State, Zip Code

Receipts for
Certified Mail
 (Staple Here)

6/28/2021
 Date
Kenneth Patrick Bell
 Adjacent Property Owner
PO Box 231
 Mailing Address
Rennersville NC 28439
 City, State, Zip Code

Dear Adjacent Property:

This letter is to inform you that I, KAREN K SANDERS have applied for a CAMA Minor
 Property Owner

Permit on my property at 405 N ANDERSON BLVD, in Topsail Beach,
 Property Address

Pender County. As required by CAMA regulations, I have enclosed a copy of my permit application and
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Jason Dail, DCM Field Representative
 LPO, Town of Topsail Beach
 NC DEQ / DCM
 127 Cardinal Drive Ext.
 Wilmington, NC 28405

KAREN K SANDERS
 Property Owner
325 COVENTRY PARK LN
 Mailing Address
WINSTON - SALEM NC 27104
 City, State, Zip Code

7007 0220 0004 5072 2716

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only. No Insurance Coverage Provided)

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

Kennasville NC 28349

Postage	\$3.60	\$2.85
Certified Fee	\$0.00	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00	\$0.00
	\$0.75	
Total Postage & Fees	\$	\$7.20

0460
15

Postmark Here

06/28/2021

Sent To
 Kenneth Patrick Bell
 Street, Apt. No.,
 or PO Box No. PO Box 231
 City, State, ZIP+4
 Kennasville NC 28349

PS Form 3800, August 2006 See Reverse for Instructions

7007 0220 0004 5072 2709

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only. No Insurance Coverage Provided)

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

Holly Ridge NC 28445

Postage	\$3.60	\$2.85
Certified Fee	\$0.00	\$0.00
Return Receipt Fee (Endorsement Required)	\$0.00	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00	\$0.00
	\$0.75	
Total Postage & Fees	\$	\$7.20

0460
15

Postmark Here

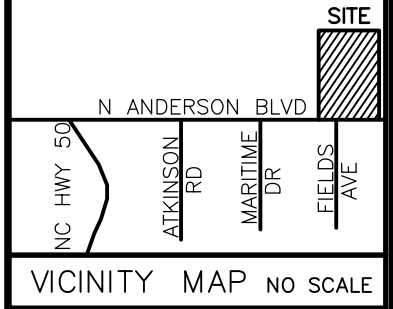
06/28/2021

Sent To
 ANDY & ANGI MCINTIRE
 Street, Apt. No.,
 or PO Box No. 4101 N. ANDERSON BLVD
 City, State, ZIP+4
 TOPSAIL BEACH, NC 28445

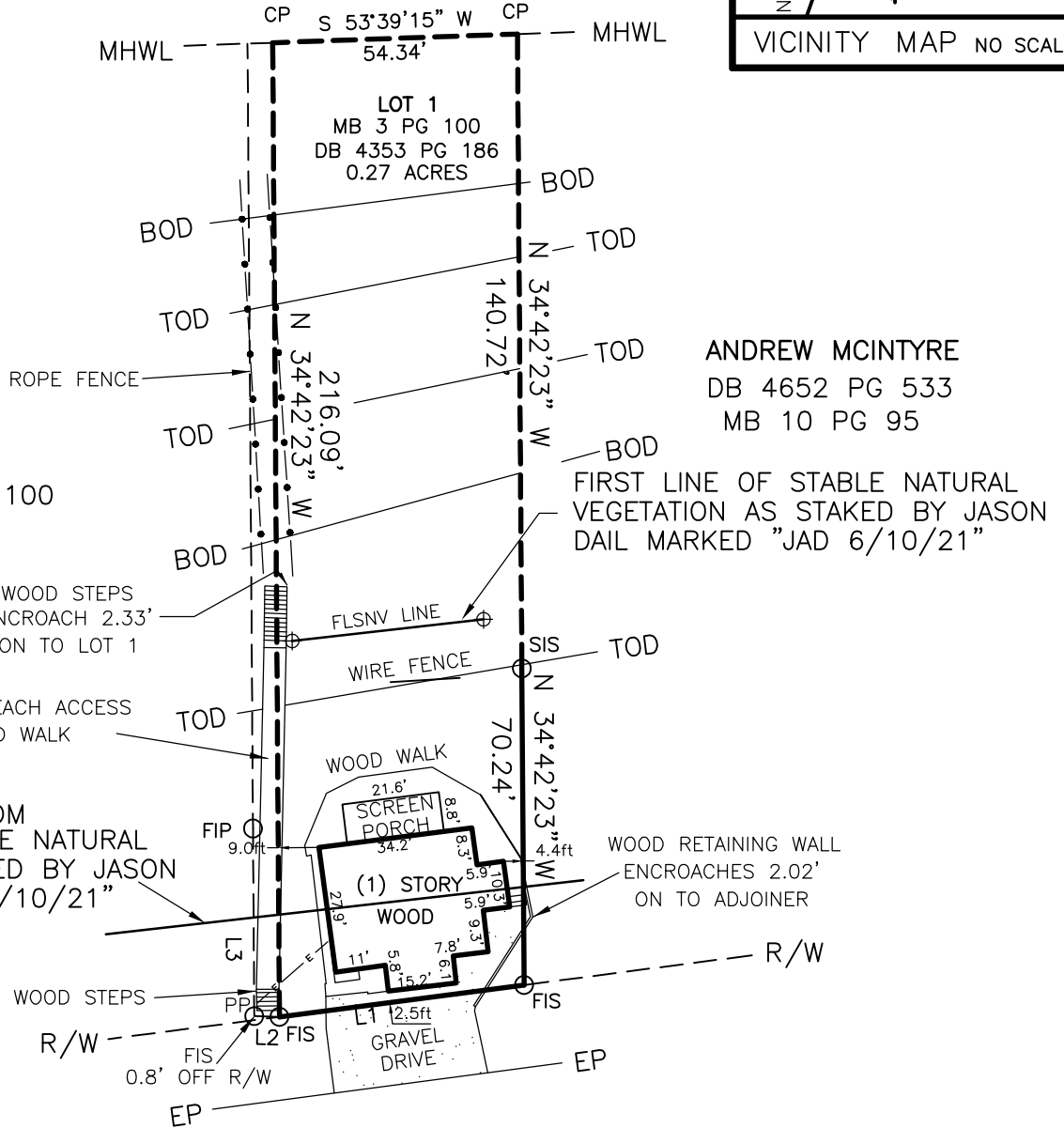
PS Form 3800, August 2006 See Reverse for Instructions

LINE	BEARING	DISTANCE
L1	N 48°16'09" E	54.73'
L2	N 57°28'33" E	5.59'
L3	S 34°42'23" E	41.61'

ATLANTIC OCEAN



ATLANTIC OCEAN



ANDREW MCINTYRE
DB 4652 PG 533
MB 10 PG 95

FIRST LINE OF STABLE NATURAL
VEGETATION AS STAKED BY JASON
DAIL MARKED "JAD 6/10/21"

60' OFFSET LINE FROM
FIRST LINE OF STABLE NATURAL
VEGETATION AS STAKED BY JASON
DAIL MARKED "JAD 6/10/21"

NORTH ANDERSON BOULEVARD (NC HWY 50)

100' PUBLIC R/W

405 NORTH ANDERSON BOULEVARD
PHYSICAL SURVEY

****FLOOD CERTIFICATION****

THIS IS TO CERTIFY THAT THIS PROPERTY IS
LOCATED IN FLOOD HAZARD ZONE "VE" PER
COMMUNITY # 370187 PANEL# 4223J

LOT 1
MB 3 PG 100
DB 4353 PG 186
0.27 ACRES

0' 40' 80' 120'

REVISED 7/12/21--ADDED FLSNV LINE AND 60' OFFSET

NOTES:

- TOD-- TOP OF DUNE
- BOD-- BOTTOM OF DUNE
- MHWL-- MEAN HIGH WATER LINE
- EP-- EDGE OF PAVEMENT

"I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER
MY SUPERVISION FROM A DEED RECORDED IN DEED
BOOK 4353 PAGE 186 OR OTHER REFERENCE SOURCE
(MB 3 PG 100); THAT THE BOUNDARIES NOT SURVEYED
ARE INDICATED AS DRAWN FROM INFORMATION IN
BOOK/N/A PAGE/N/A OR OTHER REFERENCE SOURCE
(N/A); THAT THE ACCURACY OF THIS MAP OR
POSITIONAL ACCURACY OF THIS MAP MEETS THE REQUIREMENTS AND
STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH
CAROLINA (21 NCAC51-100)." THIS 7/12/21

- A.L.--AREA LIGHT
- CB--CABLE BOX
- CH--CHIMNEY
- C/L--CENTERLINE
- CONC--CONCRETE
- CP--COMPUTED POINT
- DB--DEED BOOK
- D&UE--DRAINAGE & UTILITY EASEMENT
- FCM--FOUND CONCRETE MONUMENT
- FMN--FOUND MAG NAIL
- FIP--FOUND IRON PIPE
- FIS--FOUND IRON STAKE
- FPK--FOUND PK NAIL
- LP--LIGHT POLE
- MB--MAP BOOK
- MBL--MINIMUM BUILDING LINE
- OHEL--OVERHEAD ELECTRIC LINE
- PG--PAGE
- PP--POWER POLE
- R/W--RIGHT OF WAY
- SD--SATELLITE DISH
- SIS--SET IRON STAKE
- AREAS COMPUTED BY COORDINATES
- SMN--SET MAG NAIL
- SPK--SET PK NAIL
- TP--TELEPHONE PEDESTAL
- TF--TRANSFORMER
- WM--WATER METER

*****LEGEND*****

SURVEY FOR: KAREN SANDERS

SUBDIVISION: W.Z FIELDS

LOT #: 1 BLOCK: N/A SECTION: N/A

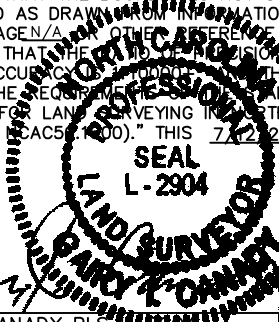
PENDER COUNTY TOPSAIL TOWNSHIP

REVISED 7/12/21
DATE: 12/1/20 SCALE: 1"=40' FB 305 PG 3

CADFILE: SANDERSKAREN DWG. 405NORTH

GAIRY CANADY SURVEYING

P.O. BOX: 915
2780 KINSTON HIGHWAY
RICHLANDS, NC 28574
OFFICE: (910)324-4616
FAX: (910)324-8430
MOBILE: (910)389-8460
gairycanady@gmail.com



GAIRY I. CANADY PLS L-2904

040



Front of porch from street – no view from inside



Front porch entry – much to navigate

041



Front porch entry – tight between both doors



Front porch entry – unconditioned entry to utility room



Dishwasher inconveniently located under prime cabinet



Updated kitchen with no door would facilitate relocation of dishwasher



**Views of nourishment project underway at Topsail Beach
from residence**



ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
BRAXTON DAVIS
Director



NORTH CAROLINA
Environmental Quality

July 22, 2021

CERTIFIED MAIL - 7010 0290 0003 0834 5251
RETURN RECEIPT REQUESTED

Karen Sanders
325 Coventry Park Lane
Winston-Salem NC 27104

RE: DENIAL OF CAMA MINOR DEVELOPMENT
PERMIT APPLICATION NUMBER- TB21-19
PROJECT ADDRESS- 405 N Anderson Boulevard, Topsail Beach, NC

Dear Ms. Sanders:

After reviewing your application in conjunction with the development standards required by the Coastal Area Management Act (CAMA) and our locally adopted Land Use Plan and Ordinances, it is my determination that no permit may be granted for the project which you have proposed.

This decision is based on my findings that your request violates NCGS 113A-120(a)(8) which requires that all applications be denied which are inconsistent with CAMA guidelines. Specifically, the development for which you applied consisted of the expansion/enlargement of an existing non-conforming structure(s) within the minimum development setback (measured 60 feet from the First Line of Stable Natural Vegetation (FLSNV) and/or static vegetation line, or 30 times the shoreline erosion rate of 2 feet/year, whichever is greater).

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

15A NCAC 07H .0306 (a)(5) - *"With the exception of those types of development defined in 15A NCAC 07H .0309, no development, including any portion of a building or structure, shall extend oceanward of the ocean hazard setback. This includes roof overhangs and elevated structural components that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings. The ocean hazard setback shall be established based on the following criteria:..."*

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OFFICIAL USE

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Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Karen Sanders
Street, Apt. No., or PO Box No. 325 Coventry Park Ln.
City, State, ZIP+4 Winston-Salem, NC 27104
PS Form 3800, August 2006 See Reverse for Instructions

7525 4890 6000 0834 5251
7010 0290 0003 0834 5251



Karen Sanders

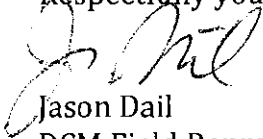
Page two

TB21-19

15A NCAC 07H .0306(9) which states: *"Structural additions or increases in the footprint or total floor area of a building or structure represent expansions to the total floor area and shall meet the setback requirements established in this Rule and 15A NCAC 07H .0309(a). New development landward of the applicable setback may be cosmetically, but shall not be structurally, attached to an existing structure that does not conform with current setback requirements."*

Should you wish to appeal my decision to the Coastal Resource Commission or request a variance from the Commission, please contact me so I can provide you with the proper forms and any other information you may require. The Division of Coastal Management in Morehead City must receive appeal notices within twenty (20) days of the date of this letter in order to be considered.

Respectfully yours,



Jason Dail

DCM Field Representative and Local Permit Officer



NC COASTAL RESOURCES COMMISSION MEETING

September 15, 2021

**KAREN SANDERS
(CRC-VR-21-03)**

TOPSAIL BEACH, OCEANFRONT SETBACK

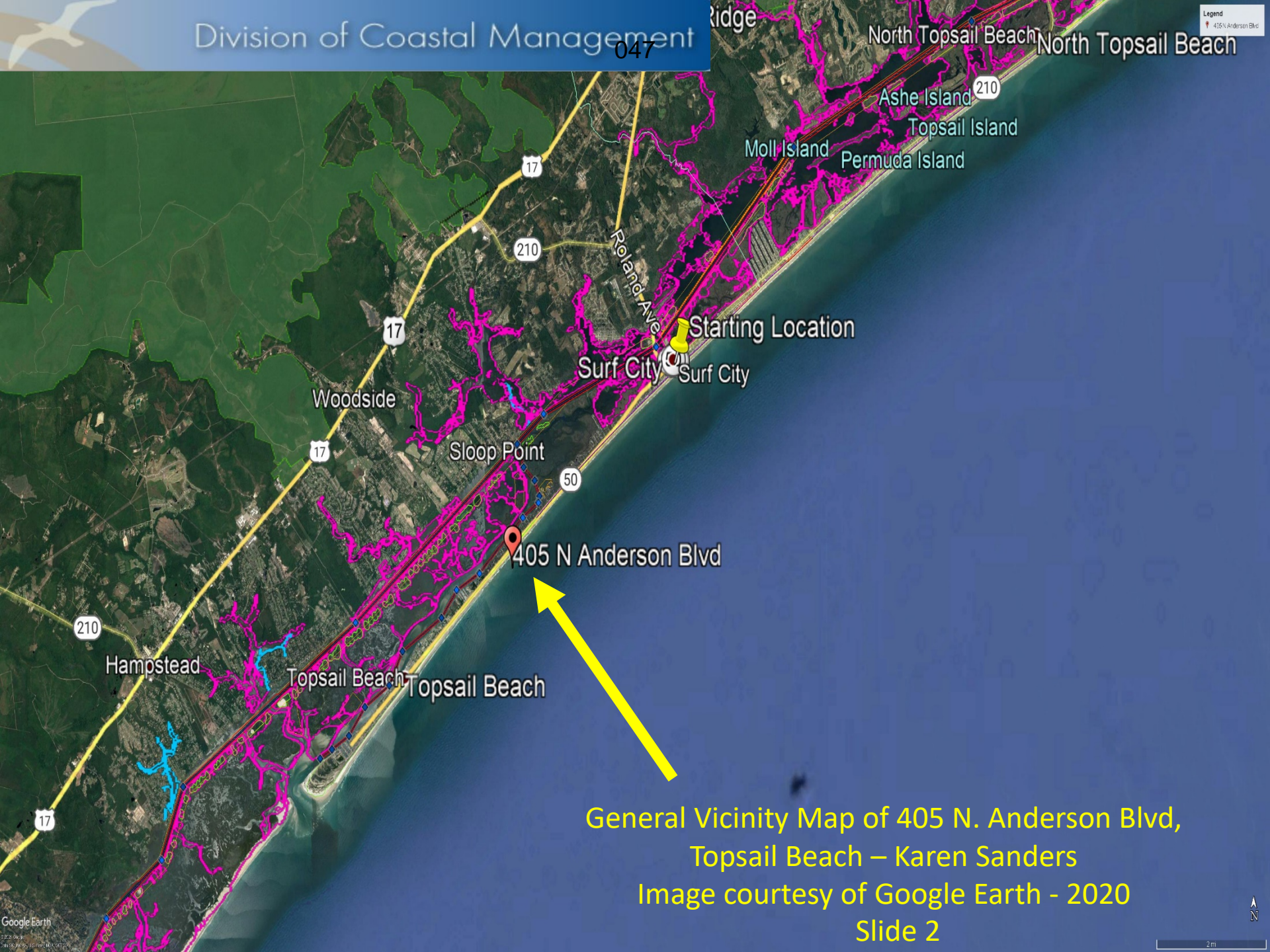


**NORTH CAROLINA
*Environmental Quality***

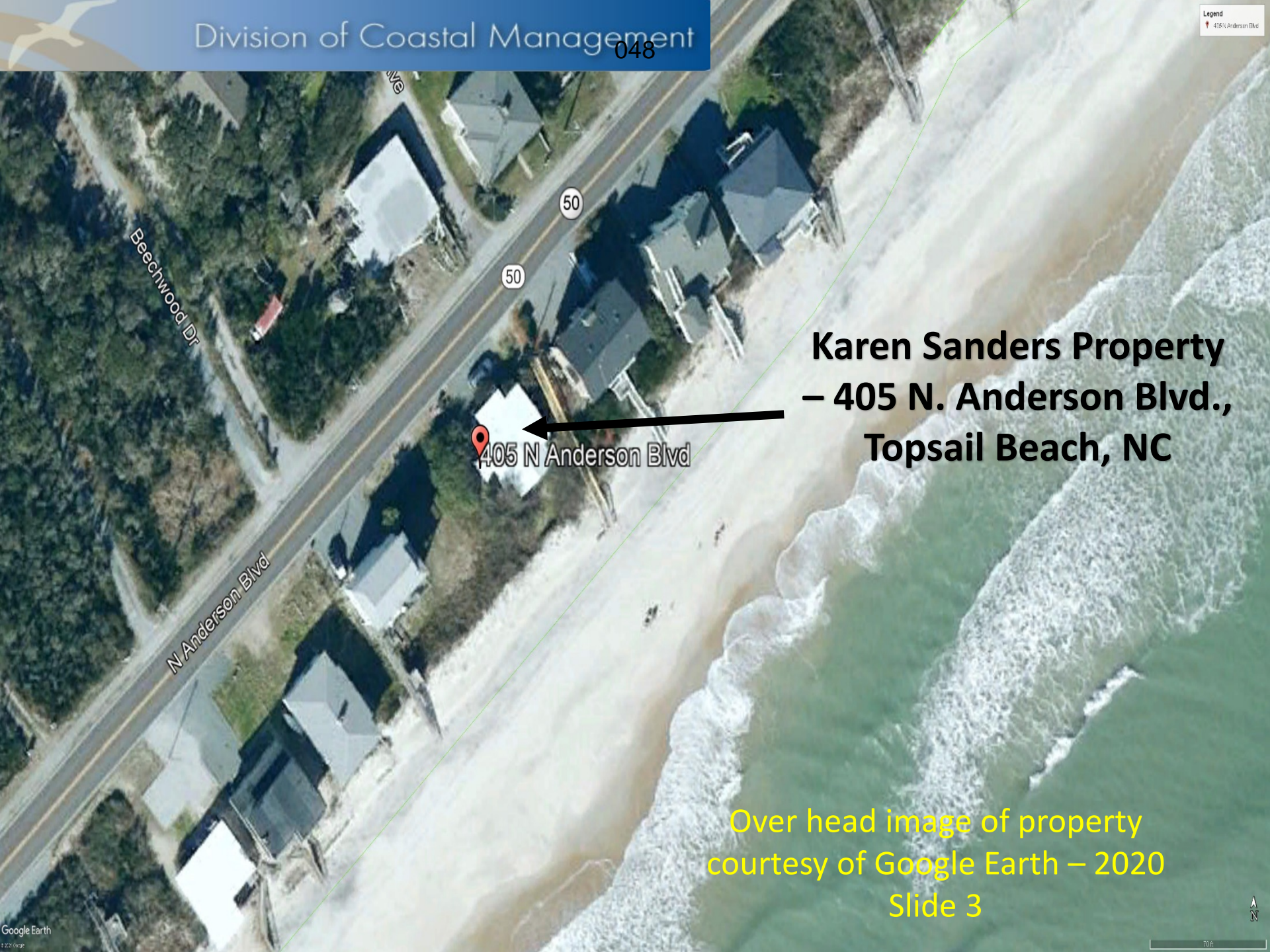
**Tara MacPherson, District Manager
Jason Dail, Field Representative
Wilmington Regional Office**

047

Legend
405 N Anderson Blvd



General Vicinity Map of 405 N. Anderson Blvd,
Topsail Beach – Karen Sanders
Image courtesy of Google Earth - 2020
Slide 2



**Karen Sanders Property
– 405 N. Anderson Blvd.,
Topsail Beach, NC**

Over head image of property
courtesy of Google Earth – 2020
Slide 3



**Karen Sanders Property –
405 N. Anderson Blvd.
Topsail Beach, NC**

**Over head view of property showing
approximate property lines (highlighted in Pink).
Image courtesy of Google Earth – 2020
Slide 4**

Proposed expansion/enclosure under roof 6' x 15' (90 sq. ft.)

Karen Sanders Property – 405 N. Anderson Blvd. Topsail Beach, NC

Approximate 60-foot setback from FLSNV

Approximate 60-foot setback from Static Line

Approximate FLSNV


Approximate Static Line

405 N Anderson Blvd

Over head view of property showing approximate Static Line, First Line of Stable Natural Vegetation (FLSNV) and corresponding 60-foot setbacks.

Image courtesy of Google Earth – 2020

Slide 5



Area of proposed enclosure
– 6' x 15' (90 sq. ft.)

View of 405 N. Anderson Blvd., Topsail Beach NC, looking east from western side of property. Photo taken by DCM staff on August 26, 2021
Slide 6



Proposed enclosure
6' x 15' (90 sq. ft.)

6 feet

15 feet

Karen Sanders property – 405 N. Anderson Blvd., Topsail Beach, NC.
View looking south from northern side of parking area.
Photo taken by DCM staff on August 26, 2021



Approximate Static Line

Approximate FLSNV

Approximately 27 feet

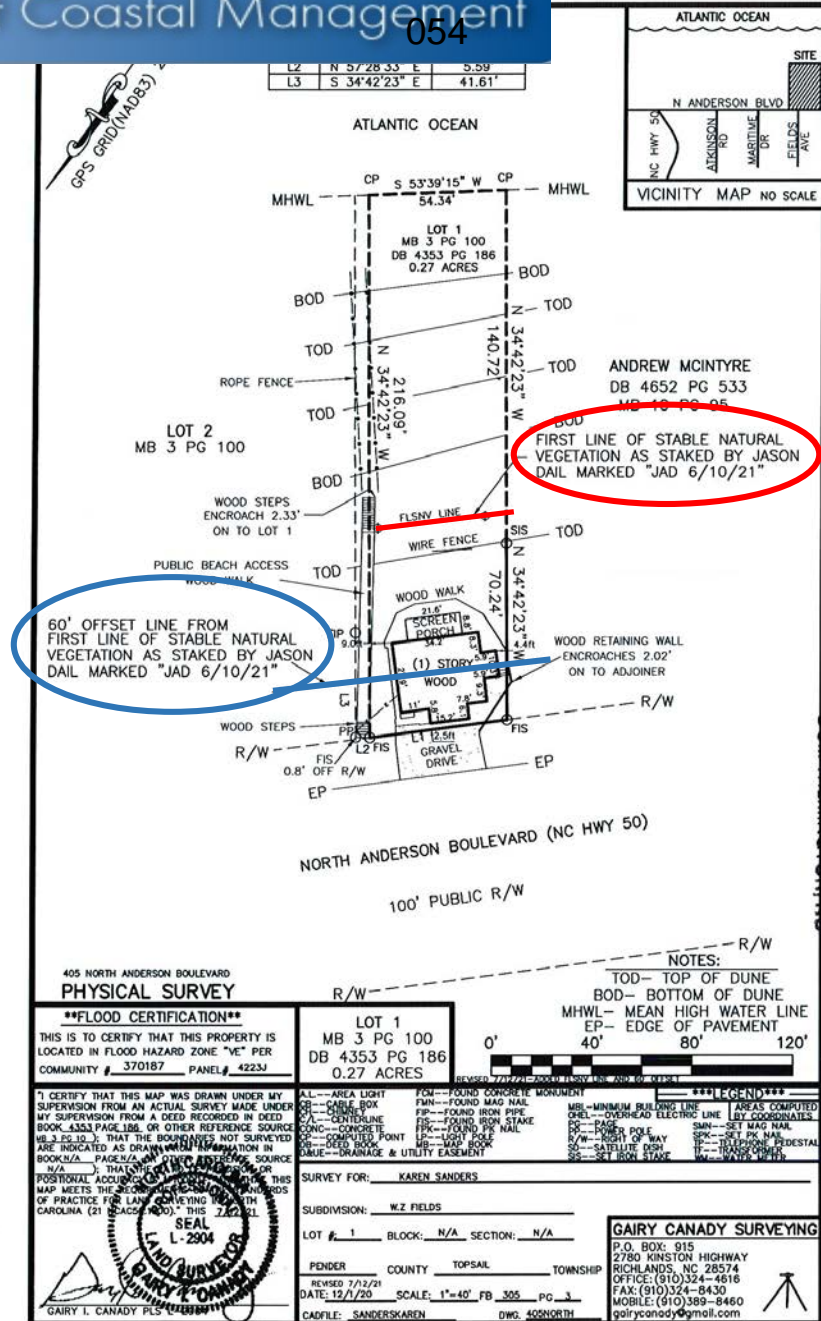
Approximately 34 feet

Karen Sanders property – 405 N. Anderson Blvd., Topsail Beach NC.
Ground view of property looking east from north side of residence
Photo taken by DCM staff on August 26, 2021

054

Survey of Karen Sanders property – 405 N. Anderson Blvd., Topsail Beach, NC.

The survey depicted was submitted with CAMA minor permit application TB21-19. Slide 9



RECEIVED
JUL 14 2021

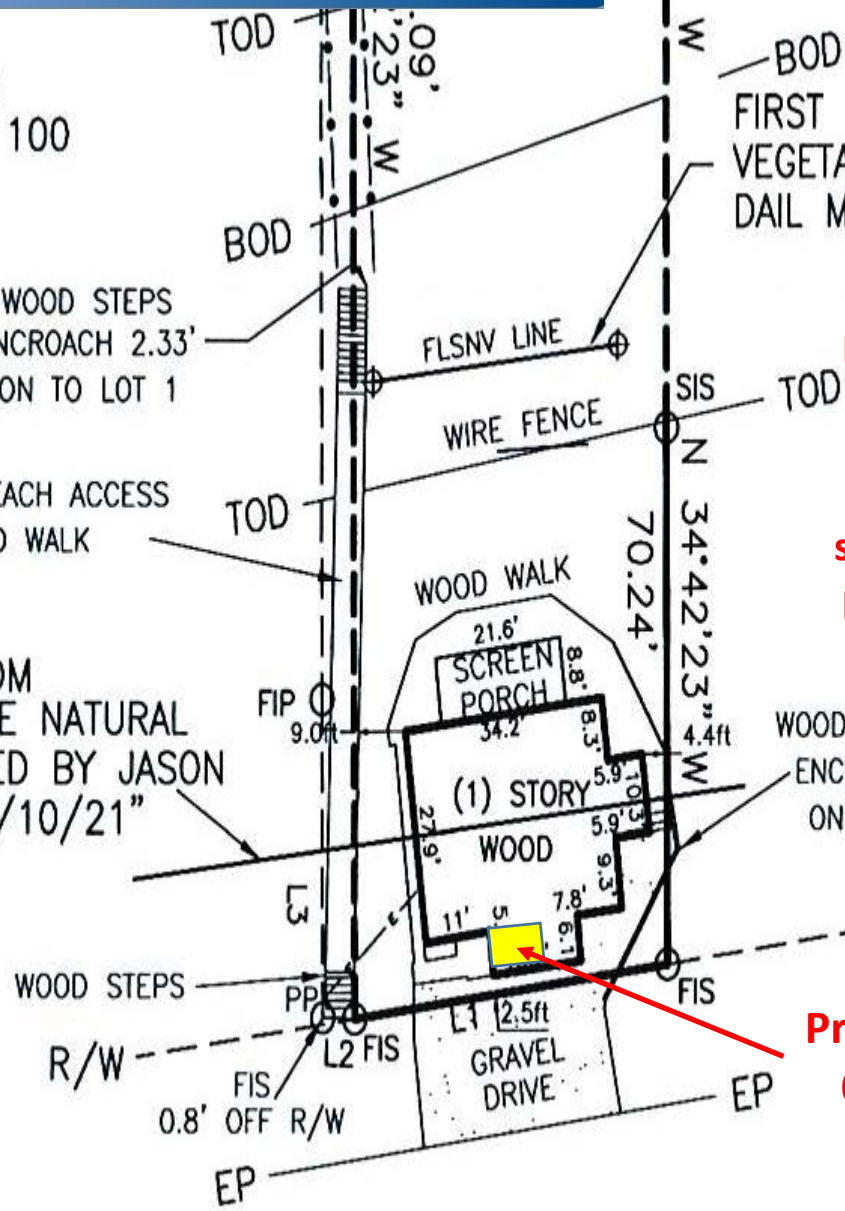
LOT 2
MB 3 PG 100

WOOD STEPS
ENCROACH 2.33'
ON TO LOT 1

PUBLIC BEACH ACCESS
WOOD WALK

60' OFFSET LINE FROM
FIRST LINE OF STABLE NATURAL
VEGETATION AS STAKED BY JASON
DAIL MARKED "JAD 6/10/21"

WOOD STEPS
R/W
FIS
L2 FIS
0.8' OFF R/W



FIRST LINE OF STABLE NATURAL
VEGETATION AS STAKED BY JASON
DAIL MARKED "JAD 6/10/21"

**Survey of Karen Sanders
property – 405 N. Anderson
Blvd., Topsail Beach, NC.**

**The survey depicted was
submitted with CAMA minor
permit application TB21-19.
Slide 10**

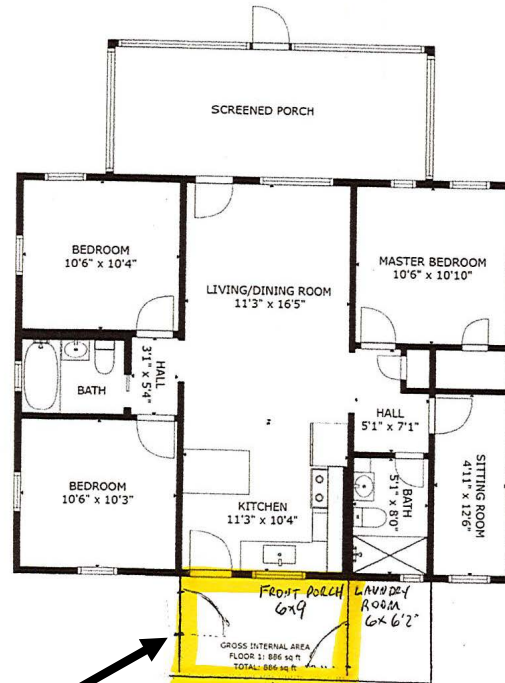
WOOD RETAINING WALL
ENCROACHES 2.02'
ON TO ADJOINER

**Proposed enclosure –
6' x 15' (90 sq. ft.)**

Site plan of Karen Sanders property – 405 N. Anderson Blvd., Topsail Beach, NC.

The site plan depicted was submitted with CAMA minor permit application TB21-19.

Slide 11



Proposed enclosure – 6' x 15' (90 sq. ft.)

*K. Sanders
405 N. Anderson Blvd.
Topsail Beach, NC*

057
**15A NCAC 07J .0703 PROCEDURES FOR DECIDING VARIANCE
PETITIONS**

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

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

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

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

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