



ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

WILLIAM F. LANE  
*General Counsel*

TO: The Coastal Resources Commission

FROM: Drew Hargorve, DEQ Assistant General Counsel  
Christine A. Goebel, DEQ Assistant General Counsel

DATE: March 28, 2018 (for the April 10-11, 2018 CRC Meeting)

RE: **Variance Request by Dean R. Sackett (CRC-VR-18-03)**

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Petitioner Dean R. Sackett (“Petitioner”) owns a residence at 9131 South Old Oregon Inlet Road (the “Site”) in the South Nags Head area of the Town of Nags Head. The property is located within the Commission’s Ocean Hazard Area of Environmental Concern (“AEC”). This area of Nags Head is subject to a “static line” following a large-scale beach nourishment project in 2011.

In February of 2018, Petitioner filed a CAMA Minor Permit application seeking to construct a 72.33 square foot addition to the bottom floor of the piling-supported residence under an existing covered porch. On February 23, 2018, the Town of Nags Head’s Coastal Area Management Act (“CAMA”) Local Permitting Officer (“LPO”) denied Petitioner’s CAMA Minor Permit application as the proposed addition does not meet the applicable 105’ setback from the static line. On February 28, 2018, Petitioner, through counsel, filed this variance petition to request the Commission vary the oceanfront setback rules so it can develop the 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.): Charles D. Evans, Esq., Petitioner’s Counsel, electronically  
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically  
Kelly Wyatt, Town of Nags Head CAMA LPO, 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 determined as follows:

(a) a 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 60; 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 120 feet landward from the first line of stable 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 "2011 Long-Term Average Annual Shoreline Rate Update" and approved by the Coastal Resources Commission on May 5, 2011 (except as such rates may be varied in individual contested cases, 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>; and (b) a distance landward from the recession line established in Sub-Item (1)(a) of this Rule to the recession line that would be generated by a storm having a one percent chance of being equaled or exceeded in any given year.

**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.

(2) In areas with a development line, the ocean hazard setback line shall be set at a distance in accordance with Subparagraphs (a)(3) through (9) of this Rule. In no case shall new development be sited seaward of the development line.

(3) In no case shall a development line be created or established below the mean high water line.

(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. Dean R. Sackett (“Petitioner”) and his wife Marie-Elise M. Sackett own property at 9131 South Old Oregon Inlet Road (“Site”) in the Town of Nags Head (“Town”), Dare County, North Carolina. Petitioner is represented in this variance by Charles D. Evans, Esq. of Kellogg and Evans, P.A. in Manteo.
2. Petitioner obtained the Site, known as Lot 1, Block 10, Section 2 of Hollywood Beach through an October 18, 2017 deed from Acquiror, Inc., recorded at Book 2199, Page 260 of the Dare County Registry, a copy of which is attached. The Site is shown on a Plat of Hollywood Beach dated April 17, 1952 and recorded at Map Book 1, Page 78 of the Dare County Registry, a copy of which is attached.
3. As part of the permit review, Petitioner provided a copy of an October 2, 2017 survey of the Site by W.L. Norris, Jr., P.L.S. of Mesa Professional Corporation, a copy of which is attached. This survey showed the location of the Static Line, incorrectly omits the location of the FLSNV (at that time), and incorrectly shows the setback as being 90’ (instead of the applicable 105’).
4. The Site is currently developed with a 1,432 square foot two-story piling-supported single-family residence. The house is a three-bed, two-bath house based on the tax card, attached. The house is serviced by septic and by city water. Photographs of the existing residence are attached as part of the stipulated PowerPoint presentation.
5. The Dare County Tax Card indicates that the home on the Site was built in 1984, a copy of which is attached. The original house has not been enlarged and the covered porch where the bathroom would be added is original.
6. The Site is located within the Ocean Erodible portion of the Ocean Hazard Area of Environmental Concern (“AEC”). The applicable erosion rate at the Site is 3.5’/year, and so the applicable setback for this “Development” under 5,000 square feet Total Floor Area (TFA) is 105’ landward of the static line.
7. The Town of Nags Head funded its first large-scale nourishment project resulting in sand being placed during the summer of 2011 at the Site. Before the project began, the existing first line of stable and natural vegetation was surveyed, and is shown on DCM’s GIS mapping tool, copies of which (showing the Site on 1998 and 2016 aerial photography) are attached.
8. The location of the “actual” first line vegetation at the time of permit review is not shown on the survey, but according to the LPO, was located just waterward of the static line. Therefore, the 105’ setback was measured landward from the static line per the Commission’s rules.
9. Pursuant to N.C.G.S. § 113A-118, proposed development requires authorization though the issuance of a CAMA permit as the entire existing house is located waterward of the applicable 105’ ocean erosion setback.

10. At the Site, the waters of the Atlantic Ocean are classified as SB waters, open to the harvest of shellfish.
11. The portion of the Site where development is proposed is located has a Base Flood Elevation of 11 feet NAVD 1988 and is located within a VE-11 Flood Zone, based on the November 30, 2017 Elevation Certificate, a copy of which is attached as a stipulated exhibit.
12. On or about February 7, 2018, Petitioner (through Petitioner's Authorized CAMA Agent Robert Lawson of R. Lawson Construction Co., Inc.), applied for a CAMA Minor Development Permit with the Town of Nags Head Local Permit Officer ("LPO") seeking to create a new bathroom by enclosing an area 9'4" x 7'9" or 72.33 square feet currently used as a covered porch. The added enclosed Total Floor Area ("TFA") is proposed to be located on the lower level, underneath an existing covered porch on the rear (landward side) of the house, so the footprint of the residence will remain the same. A copy of Petitioner's CAMA permit application materials are included as stipulated exhibits.
13. The 72.33 square foot addition to the currently 1,432 square foot residence represents a 5% increase in area compared to the current area.
14. The applicable 105' setback from the applicable static vegetation line results in the setback line falling landward of Petitioner's existing house, near the end of the existing gravel drive. This setback was omitted on the survey provided by Petitioner, and had to be approximated and hand-drawn onto the 2017 Survey by the LPO not to scale, a copy of which is attached. The proposed development was proposed to be approximately 45-50 feet behind the static line.
15. At the time of Petitioner's permit application in 2018, Petitioner sent notice of the proposed addition to its two adjacent riparian owners (Howard at Lot 2, Block 1 and Town of Nags Head as owner of Indigo Street). The Town of Nags Head received no objections to this application from adjacent property owners or any member of the public.
16. By letter dated February 23, 2018, the Nags Head CAMA LPO denied Petitioner's proposed addition as the structural addition was not landward of the applicable 105' setback from the static vegetation line. A copy of the denial letter is attached as a stipulated exhibit.
17. On February 28, 2018, Petitioner, through counsel Charles D. Evans, submitted the attached variance petition, seeking a variance from the Commission to the ocean erosion setback rules, to construct the bathroom addition as proposed.
18. Petitioner did not seek a variance from local setbacks as he proposes to build under the existing covered porch on the rear of the residence.
19. Adjacent riparian property owners were sent notice of this variance request. Copies of the notice and the certified mailing information are attached as stipulated exhibits. If any comments are received by the time of the Commission Meeting, they will be shared with the Commission at that time.

20. CAMA Major Permit No. 45-10 was originally issued in 2010 to place 4.6 mcy from Blackmon Street to McCall Street in Nags Head (includes the Site). On February 12, 2018, DCM issued a major modification to 45-10 authorizing the placement of approximately 4 mcy of sand over the 10 miles of beach from Bonnett Street to the Northern boundary of the National Seashore beach ramp off South Old Oregon inlet Road (includes the Site). A statement from the Town Manger describing the project is attached.

21. For purposes of this Variance Request, Petitioner stipulates that it's proposed addition constitutes development that is inconsistent with the CAMA setback rules specified in 15A NCAC 7H .0306.

22. After the filing of this variance, a strong nor'easter impacted the Site. The LPO marked the new "actual" FLSNV on March 12, 2018, and that line was surveyed and shown on a revised survey of the Site, a copy of which is attached. This revised survey also shows the location of the proposed addition in a hatch-marked area. This revised survey also correctly shows the 105' setback being pulled landward from the new "actual" FLSNV and the static line, whichever is more restrictive. As seen on the revised survey, the "actual" FLSNV follows the static line on the south side of the Site, and then curves landward as it moves to the north side of the Site. Based on this revised survey, Petitioner is still seeking a variance from the setback, in that the area for proposed addition is located approximately 50' - 55' waterward of the 105' setback.

23. A PowerPoint is attached which shows the Site in aerial and ground-level photographs over time.

#### Stipulated Exhibits:

- A. 2017 Sackett Deed 2199/260
- B. 1952 Plat Map 1/78
- C. Site Survey- October 2, 2017 (with incorrect setback)
- D. Site Survey- with LPO's hand-written notes and corrected setback approximated
- E. Site Survey- updated to show location of March 12, 2018 FLSNV
- F. Dare County Tax Card for the Site
- G. Site overlain on 1998 and 2016 aerial photography
- H. November 30, 2017 Flood Elevation Certificate
- I. CAMA Minor Permit Application Materials, including interior view and side view
- J. Notice of CAMA Permit application to adjacent riparian owners
- K. February 23, 2018 Denial Letter
- L. Notice of CAMA Variance request to adjacent riparian owners
- M. Letter from Town Manager re: nourishment
- N. PowerPoint Presentation with ground & aerial Site Photos

**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.**

Yes, because without the permit we cannot add another working bathroom within the existing structure and under the existing screened porch. An additional bathroom would be very desirable. The proximity of the existing bathroom and the proposed changes make it conclusive to add a much smaller separate bathroom and the proposed changes make it conducive to add a much smaller separate bathroom adjacent to the existing bathroom for the persons staying in that bedroom, which would then not require them to share the handicapped bathroom. The expansion is modest and based on the square footage requested, the increase is only approximately five (5%) percent of the existing, already small structure, as compared to the structures around it. The additional square footage would also remain within the footprint of the existing house, as it would fill in space below a covered porch adjacent to and below the bedroom on the upper level and would become a part of the first floor and would therefore, remain above the pilings already in place. Similarly, since it would fit beneath the existing main level floor space, it would not require any alterations to the roof. From an appearance perspective, it would look as though it should have been part of the home in its original construction, and had it been included then, it would have been no issue with it.

**Staff's Position: No.**

Staff disagree 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 5% where the house is within the setback (waterward of the applicable 105' setback from the Static Line). This area has a high rate of average annual erosion at 3.5'/year, and the home is located only 50'-55' behind the first line as delineated in early-March. While the Town's planned nourishment (which may not happen until 2019) may temporarily slow erosion and allow the landward movement of the vegetation line in this area, there is still a significant risk of this structure becoming "imminently threatened" and on the dry-sand public beach. While the increase is 72.33 square feet and being built under the existing covered porch, it still represents a 5% increase of total floor area and the associated materials could add to future storm debris. The Commission's rules regarding the Ocean Hazard AEC acknowledge that shoreline erosion is part of the oceanfront system, and the intent of the rules is "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" (15A NCAC 07H



.0303(b)). Staff see no unnecessary hardships from not being able to add additional total floor area within the setback given the significant oceanfront erosion oceanward of the Site.

**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.**

Yes, because the lot is in an ocean hazard area and due to the erosion that has occurred over time since the house was built in 1984, it no longer meets the setback rules that apply today for any additional development. The Town of Nags Head completed its first Beach Nourishment Project in 2011. The existing setback line could change again based on upon the pending beach replenishment plan by the Town of Nags Head. With regard to the physical size of the house, it should be noted that when it was built in 1984, the typical floor plan sometimes consisted of bathroom areas separated from the adjacent bedroom. Through no fault of the developer, builder or ourselves upon purchase, the design is reflective of its time. Adding a connecting bathroom to the master bedroom would greatly enhance the use and flexibility of the existing structure.

**Staff's Position: No.**

Staff disagree that Petitioner's location within an Ocean Hazard AEC is unusual, nor that the 3.5'/year average annual erosion rate at the site is unusual along the high energy northern beaches. The high erosion rate in this area does not justify the granting of a variance to increase the total floor area of a structure. Staff also note that floorplan design is not a "condition peculiar to the Petitioner's property, such as location, size or topography of the property" and so should not be considered by the Commission for this statutory factor.

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

**Petitioners' Position: No.**

No. The hardships are specific and peculiar to the property over which the petitioner has had no control. Again, the property lies within an ocean hazard area which is ever changing and is being taken into account. All aspects of the proposed changes have taken into consideration the intent of the law that exists to protect these land areas. The proposed bathroom expansion will require no additional pilings, the structure will remain exactly as is and there will be no adverse environmental impacts.

**Staff's Position: Yes.**

While Staff agree that Petitioners did not cause the erosion of the vegetation line and dune system landward of their lot, and acknowledge that the proposed addition will not require new pilings or a new roof, Petitioners may have the option to re-work their existing interior space without the need for a variance or increasing the size of the structure by 5% in a highly erosive area. Staff contend that the addition of 72.33 square feet of new floor area to the structure waterward of the setback is a hardship caused by Petitioners' choice of design and the structure's location.

- 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.**

**Petitioners' Position: Yes.**

Yes. Consistent with the Management Objective of Estuarian [sic] Ocean Systems in 15ANCAC [sic]07H.0203, the proposed structure would not impact any biological, social, economic or aesthetic values, based on the physical properties of the structure as previously described, in that it does not increase the footprint, add pilings, impact adversely any environmental issues surrounding it (as it is contained under an existing covered porch), would remain above flood level and does not change the height of the existing structure. Furthermore, the proposed changes would actually enhance the use of the property, making it more livable and usable. The fact that additional time and care would be spend enjoying and maintaining the home perpetuates the conservation of the entire area and minimizes the likelihood of significant loss of private property and public resources. Maintenance of the structure and the enjoyment of the surrounding natural habitat and environment would be our priority.

2. Similarly, as described above, it would preserve and enhance public safety, in that it does not adversely impact the property or the rights of anyone else.

3. Preserving substantial justice is a unique situation, in that changes or modifications would be specific to accommodating and enhancing use by the occupants or guests and would allow the property to be more useable and therefore maintained on a regular basis and would not create any know injustice as it would have no adverse impacts on any surrounding properties. In summary, what is being proposed is unique to this property, will promise additional use of the property and will not create any known adverse circumstances and should be allowed by granting the variance requested.

**Staff's Position: No.**

Staff notes that Petitioner is seeking a variance from the oceanfront erosion setback rules found at 15A NCAC 7H .0306 and not the rules for the Estuarine Shorelines which Petitioner cites. The Commission's rules have provided an oceanfront erosion setback since 1979, where structures are required to meet a setback landward of the FLSNV or the Static Line as the case may be (here, the "actual" first line staked in March is near or slightly landward of the location of the Static Line). In this case, there is a high average erosion rate of 3.5'/year, which results in a setback from the State Line of 105-feet. The Commission's rules for the Ocean Hazard AEC include 7H .0303(b), which notes that 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.

Staff contend that granting a variance to the oceanfront erosion setback rule in this highly erosive area would not be within the spirit of the setback rules. While this Site was nourished in 2011, there has not been any improvement in the vegetation line, as the 2011 static line location is in the same place as the "actual" vegetation today. While this may improve with the proposed 2018 (or more likely 2019) nourishment cycle, Staff believe that at this time, a variance would not be within the spirit of the setback rules, given the potential for increased property losses, both direct and indirect as a result of additional storm debris. Allowing this variance would therefore not secure public safety and welfare or substantial justice.

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

## KELLOGG AND EVANS, P.A.

ATTORNEYS AT LAW

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February 27, 2018

To: Division of Coastal Management  
 Director  
 400 Commerce Avenue  
 Morehead City, NC 28557  
 Attn: Angela Willis, Assistant to the Director  
 (transmitted via email only: [angela.willis@ncdenr.gov](mailto:angela.willis@ncdenr.gov))

Re: **CAMA Variance Request Form**  
**April 10-11, 2018 CRC Meeting**

Dear Ms. Willis:

Enclosed with this letter please find the completed CAMA Variance Request Form, signed and dated by myself, Charles D. Evans, as the Petitioner's Attorney. Also enclosed, please find the additional information required for submission with the said Form.

On behalf of my client, the Petitioner, I am respectfully requesting that the enclosed Request Form and attachments and exhibits be considered at the CRC Meeting scheduled to be held on April 10 - 11, 2018 in Manteo, NC.

After your review of the enclosed documents, if you determine that any supplemental materials are necessary, please let me know and I will provide them promptly. I greatly appreciate your continued assistance and guidance with this matter. Thank you for your acceptance of the enclosed Form on behalf of the Director of the Division of Coastal Management.

Best regards,



Charles D. Evans  
 CDE/cab  
 Enclosures

**CAMA VARIANCE REQUEST FORM****DCM FORM 11****DCM FILE No.:** \_\_\_\_\_

PETITIONER'S NAME Dean R. Sackett, III & Marie-Elise M. Sackett  
 COUNTY WHERE THE DEVELOPMENT IS PROPOSED Dave

Pursuant to N.C.G.S. § 113A120.1 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](http://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*

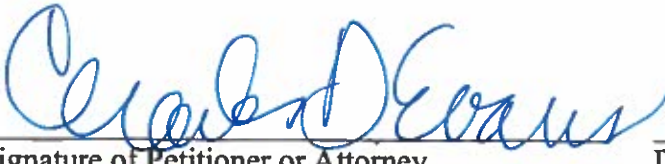
*contractors, representing others in quasi-judicial proceedings through written or oral argument, may be considered the practice of law. Before you proceed with this variance request, you may wish to seek the advice of counsel before having a non-lawyer represent your interests through preparation of 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. 07J .0701(c)(7);
- Proof that a variance was sought from the local government per 15A N.C.A.C. 07J .0701(a), if applicable; *Denial letter attached.*
- Petitioner's written reasons and arguments about why the Petitioner meets the four variance criteria, listed above;
- A draft set of proposed stipulated facts and stipulated exhibits. Please make these verifiable facts free from argument. Arguments or characterizations about the facts should be included in the written responses to the four variance criteria instead of being included in the facts.
- This form completed, dated, and signed by the Petitioner or Petitioner's Attorney.

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

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

  
 Signature of Petitioner or Attorney \_\_\_\_\_ Date February 27, 2018

Charles D. Evans  
 Printed Name of Petitioner or Attorney \_\_\_\_\_ Email address of Petitioner or Attorney Charles.e. Kellogg and Evans.com

P.O. Box 189  
 Mailing Address \_\_\_\_\_ Telephone Number of Petitioner or Attorney (252) 473-2171

Manteo, NC 27954  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Fax Number of Petitioner or Attorney (252) 473-1214

### DELIVERY OF THIS HEARING REQUEST

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

Contact Information for DCM:

**By mail, express mail or hand delivery:**

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

**By Fax:**  
 (252) 247-3330

**By Email:**

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

Contact Information for Attorney General's Office:

**By mail:**

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

**By express mail:**

Environmental Division  
 114 W. Edenton Street  
 Raleigh, NC 27603

**By Fax:**

(919) 716-6767



**Petitioners Answer re: Hardship and Establishing a Variance 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.

Yes, because without the permit we cannot add another working bathroom within the existing structure and under the existing screened porch. An additional bathroom would be very desirable. The proximity of the existing bathroom and the proposed changes make it conducive to add a much smaller separate bathroom adjacent to the existing bathroom for the persons staying in that bedroom, which would then not require them to share the handicapped bathroom.

The expansion is modest and based on the square footage requested, the increase is only approximately five (5%) percent of the existing, already small structure, as compared to the structures around it.

The additional square footage would also remain within the footprint of the existing house, as it would fill in space below a covered porch adjacent to and below the bedroom on the upper level and would become a part of the first floor and would therefore, remain above the pilings already in place. Similarly, since it would fit beneath the existing main level floor space, it would not require

any alterations to the roof. From an appearance perspective, it would look as though it should have been part of the home in its original construction, and had it been included then, there would not have been any issue with it.

(b) DO SUCH HARDSHIPS RESULT FROM CONDITIONS PECULIAR TO THE PETITIONER'S PROPERTY SUCH AS THE LOCATION, SIZE OR TOPOGRAPHY OF THE PROPERTY? EXPLAIN.

Yes, because the lot is in an ocean hazard area and due to the erosion that has occurred over time since the house was built in 1984, it no longer meets the setback rules that apply today for any additional development .

The Town of Nags Head completed its first Beach Nourishment Project in 2011. The existing setback line could change again based upon the pending beach replenishment plan by the Town of Nags Head.

With regard to the physical size of the house, it should be noted that when it was built in 1984, the typical floor plan sometimes consisted of bathroom areas separated from the adjacent bedroom. Through no fault of the developer, builder or ourselves upon purchase, the design is reflective of its time. Adding a connecting bathroom to the master bedroom would greatly enhance the use and flexibility of the existing structure.

(c) DO THE HARDSHIPS RESULT FROM ACTIONS TAKEN BY THE PETITIONER? EXPLAIN.

No. The hardships are specific and peculiar to the property over which the petitioner has had no control. Again, the property lies within an ocean hazard area which is ever changing and is being taken into account. All aspects of the proposed changes have taken into consideration the intent of the law that exists to protect these land areas.

The proposed bathroom expansion will require no additional pilings, the structure will remain above the flood plain, the roof will remain exactly as is and there will be no adverse environmental impacts.

(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.

1. Yes. Consistent with the Management Objective of Estuarian Ocean Systems in 15ANCACo7H.0203, the proposed structure would not impact any biological, social, economic or aesthetic values, based on the physical properties of the structure as previously described, in that it does not increase the footprint, add pilings, impact adversely any environmental issues surrounding it

(as it is contained under an existing covered porch), would remain above flood level and does not change the height of the existing structure. Furthermore, the proposed changes would actually enhance the use of the property, making it more livable and usable. The fact that additional time and care would be spent enjoying and maintaining the home perpetuates the conservation of the entire area and minimizes the likelihood of significant loss of private property and public resources. Maintenance of the structure and the enjoyment of the surrounding natural habitat and environment would be our priority.

2. Similarly, as described above, it would preserve and enhance public safety, in that it does not adversely impact the property or the rights of anyone else.

3. Preserving substantial justice is a unique situation, in that changes or modifications would be specific to accommodating and enhancing use by the occupants or guests and would allow the property to be more useable and therefore maintained on a regular basis and would not create any known injustice as it would have no adverse impacts on any surrounding properties.

In summary, what is being proposed is unique to this property, will promise additional enhanced use of the property and will not create any known adverse circumstances and should be allowed by granting the variance requested.

### **Closing**

On behalf of the Applicant, I submit that the proposed development does not thwart the Management Objective of the Estuarine Ocean System and carries forward the objectives of the Coastal Resources Commission to conserve and manage estuarine waters, coastal wetlands, public trust areas and estuarine and public trust shorelines, as an interrelated group of AEC's so as to safeguard and perpetuate their biological, social, economic and aesthetic values and to ensure that development occurring within these AEC's is compatible with natural characteristics so as to minimize the likelihood of significant loss of private property and public resources. And the proposed development is consistent with the objectives of CAMA and the Coastal Resources Commission to protect present common law and statutory public rights of access to our lands and waters within in the coastal area.

**ATTACHMENT E:  
STIPULATED EXHIBITS**

- A. 2017 Sackett Deed 2199/260
- B. 1952 Plat Map 1/78
- C. Site Survey- October 2, 2017 (with incorrect setback)
- D. Site Survey- with LPO's hand-written notes and corrected setback approximated
- E. Site Survey- updated to show location of March 12, 2018 FLSNV
- F. Dare County Tax Card for the Site
- G. Site overlain on 1998 and 2016 aerial photography
- H. November 30, 2017 Flood Elevation Certificate
- I. CAMA Minor Permit Application Materials, including interior view and side view
- J. Notice of CAMA Permit application to adjacent riparian owners
- K. February 23, 2018 Denial Letter
- L. Notice of CAMA Variance request to adjacent riparian owners
- M. Letter from Town Manager re: nourishment
- N. PowerPoint Presentation with ground & aerial Site Photos

UNOFFICIAL  
DARE COUNTY



REAL ESTATE  
TRANSFER TAX

LT 3690-17 \$6500.00

APPROVED  
DARE COUNTY TAX  
COLLECTOR

NO. 3690-17 \$6500.00

Recorded: 10/18/2017 05:10:51 PM  
BY: CLAUDIA HARRINGTON  
Vanzola McMurran, Register of Deeds  
Dare County, NC

Fee Amt: \$28.00 NC Excise Tax: \$1,300.00

BOOK 2199 PAGE 260 (2)

700044956



NORTH CAROLINA GENERAL WARRANTY DEED

LT# \$6500.00 Revenue Stamps \$1300.00 007226000 CCV  
Tax Lot No. Parcel Identifier No. 007226000  
Verified by County on the day of  
by

Mail after recording to Sharp, Graham, Baker & Varnell, PLLC, P.O. Box 127, Kitty Hawk, NC 27949  
This instrument was prepared by Starkey Sharp, Attorney at Law

Brief Description for the index

Lot 1, Block 10, Hollywood Beach

RE21137TB

THIS DEED made October 17, 2017, by and between

GRANTOR

GRANTEE

Acquiror, Inc.

Dean R. Sackett, III and wife,  
Marie-Elise M. Sackett

2227 Donato Drive  
Belleair Beach, FL 33786

8541 Riverside Road  
Alexandria, VA 22308

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

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

Being Lot Number One (1) of Block Ten (10), Section Two (2), of Hollywood Beach, map or plat thereof made by David H. Lawrence, Registered Surveyor, dated April 17, 1952, and duly recorded in Map Book 1, Page 78, office of the Register of Deeds, Dare County, NC, reference to which is hereby made for a more particular description of the lands conveyed.

If checked, the property includes the primary residence of at least one of the Grantors. (NC GS § 105-317.2)

This instrument prepared by Starkey Sharp, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceed

Unofficial Document

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1810, Page 210, Dare Registry.

A map showing the above described property is recorded in Map Book 1, Page 78, Dare Registry.

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

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

Title to the property hereinabove described is subject to the following exceptions:

Easements and restrictions of record, if any, in the Dare County Registry.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

ACQUIROR, Inc.

By Larry Fentress, Vice-President

(SEAL)

James Fonten Chairman

STATE OF Florida  
COUNTY OF Pinellas

I, a Notary Public of the County and state aforesaid, certify that Larry Fentress personally appeared before me this day and acknowledged that he/she is an officer of Acquiror, Inc., a corporation, to wit its Vice-President and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by him/her in that capacity. Witness my hand and official stamp or seal, this 9 day of October, 2017. By Lauren Fentress

My commission expires: 07/06/2021

Crystal Steele Notary Public

(Place Seal or Stamp Here)



Unofficial Document



B: 1810 P: 210 Doc Id: 6263524  
08/20/2009 04:04 PM Receipt # 09-11562  
Doc Code: DEED NCExcise Tax pd. \$0.00  
Vanolia McHurren, Register of Deeds Dare CO, NC

UNOFFICIAL DOCUMENT

EXEMPT  
DARE COUNTY TAX  
COLLECTOR

NO. 2637-19

Excise Tax \$ Recording Time, Book and Page:

Parcel No. 007226000 & 007477000

Mail after recording to: Brumsey and Brumsey, PLLC, PO Box 100, Currituck, NC 27929

This instrument was prepared by: William Brumsey, IV/mnm File no. 09 B 41018

Brief Description for Index:

Nags Township

**NORTH CAROLINA GENERAL WARRANTY DEED**

This DEED, made this 18 day of August 2009 by and between

GRANTOR

GRANTEE

LARRY FENTRISS, unmarried

ACQUIROR, INC.

This is a Deed of Gift

409 Cratan Road  
Virginia Beach, VA 23451

Enter in appropriate block for each party: name, 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 all of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the said Grantees in fee simple, all that certain lot or parcel of land situated in, Nags Head Township, Dare County, North Carolina, more particularly described as follows:

See attached Exhibit "A"

This instrument prepared by William Brumsey, IV, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.



The property hereinabove described was acquired by Grantor by instrument recorded in Book 1796 Page 317

A map showing the above described property is recorded in Plat Book 1 Page 78

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

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

Title to the property hereinabove described is subject to the following exceptions:

Reservations, Restrictions and Easements of record. Restrictive Covenants recorded in Deed Book 247, Page 325, Book 244, Page 452 (Tract One)

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name) LARRY FENTRISS (SEAL)

By \_\_\_\_\_ (SEAL)

President ATTEST: \_\_\_\_\_ (SEAL)

Secretary (Corporate Seal) \_\_\_\_\_ (SEAL)

STATE OF Virginia, COUNTY/CITY OF Norfolk

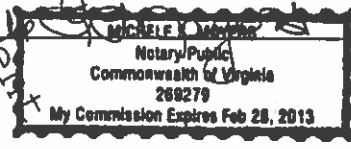
I, Michele S. Moyers, a Notary Public do hereby certify That LARRY FENTRISS personally

Appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and official stamp or seal this 18<sup>th</sup> day of Aug. 2009.

AFFIX NOTARY SEAL

My commission expires: 2.28.2013



STATE OF NORTH CAROLINA, COUNTY/CITY OF \_\_\_\_\_

I, \_\_\_\_\_ A Notary Public do hereby certify that he is

Secretary of \_\_\_\_\_ a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its \_\_\_\_\_ President, sealed with its corporate seal and attested by \_\_\_\_\_ as its Secretary.

Witness my hand and official stamp or seal this \_\_\_\_\_ day of \_\_\_\_\_ 20 07.

AFFIX NOTARY SEAL

My commission expires: \_\_\_\_\_ North Carolina, Dare County

The foregoing certificate(s) of \_\_\_\_\_ is certified to be correct. This instrument was presented for registrations this \_\_\_\_\_ day of \_\_\_\_\_ 2009, at \_\_\_\_\_ M., and duly recorded in the Office of the Register of Deeds for Dare County, North Carolina, in Book \_\_\_\_\_ at Page \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Dare County Register of Deeds

By: \_\_\_\_\_

Exhibit "A"

Tract One:

Lot 45 of the subdivision known as Goose Wing, as shown on a map or plat thereof made by Rose & Purcell, Inc., Engineers, dated January 1977, and recorded in Map Book 9, page 57, Public Registry of Dare County, North Carolina.

The Grantees herein shall have the right of access to the Atlantic Ocean and State Road 1243, over and across the area designated "Access Area", which said is to be held in common with each owner in the subdivision.

Tract Two:

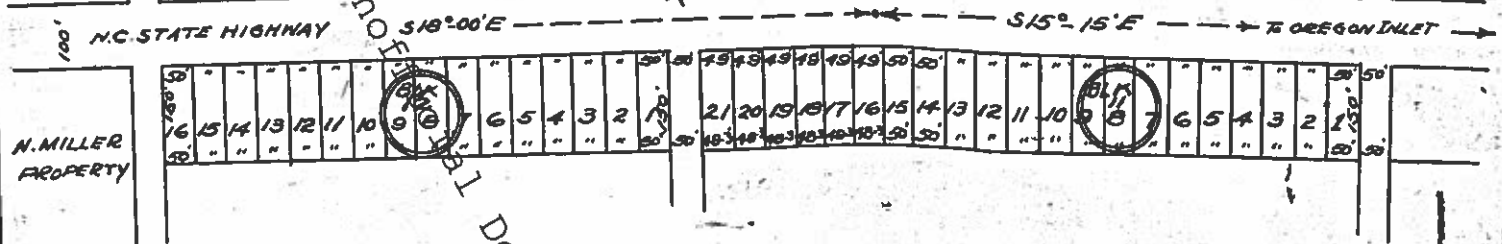
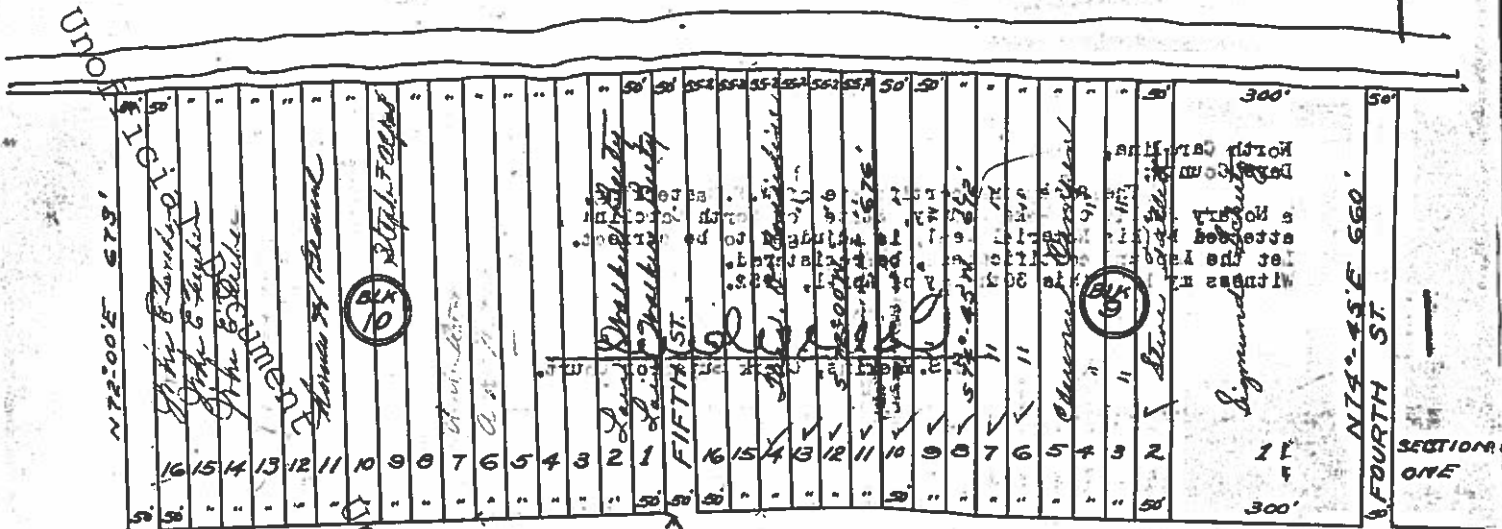
Being Lot Number One (1) of Block Ten (10), Section Two (2), of Hollywood Beach, map or plat thereof made by David H. Lawrence, Registered Surveyor, dated April 17, 1952, and duly recorded in Map Book 1, Page 78, office of the Register of Deeds, Dare County, NC, reference to which is hereby made for a more particular description of the lands conveyed.

Initials

*[Handwritten initials]*

Unofficial Document  
Unofficial Document  
Unofficial Document

ATLANTIC OCEAN



PLAT OF USECTION TWO HOLLYWOOD BEACH

DARE COUNTY, N.C.

I, D.H. LAWRENCE, REGISTERED SURVEYOR, DO HEREBY CERTIFY THAT I AM THE MAKER OF THIS SUBDIVISION BY ACTUAL SURVEY ON THE LOCATION, & THAT IT IS CORRECT TO THE BEST OF MY KNOWLEDGE & BELIEF.

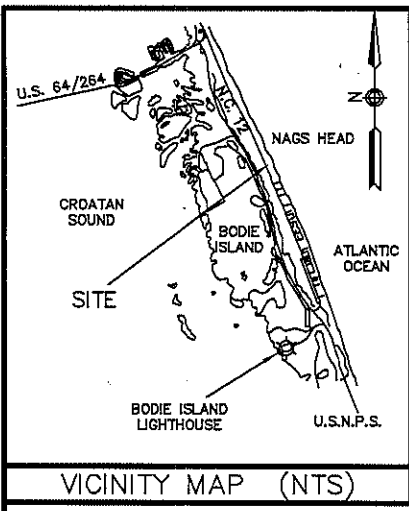
*D.H. Lawrence - Reg. Surveyor*

SUBSCRIBED TO & SWORN TO BEFORE ME THIS 26<sup>th</sup> DAY OF APRIL, 1952

MY COMM. EXPIRES: OCT. 8, 1953

*W. H. ...*  
NOTARY PUBLIC

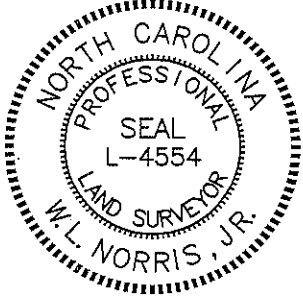
SCALE - 1 INCH = 200'  
APRIL 7, 1952



VICINITY MAP (NTS)

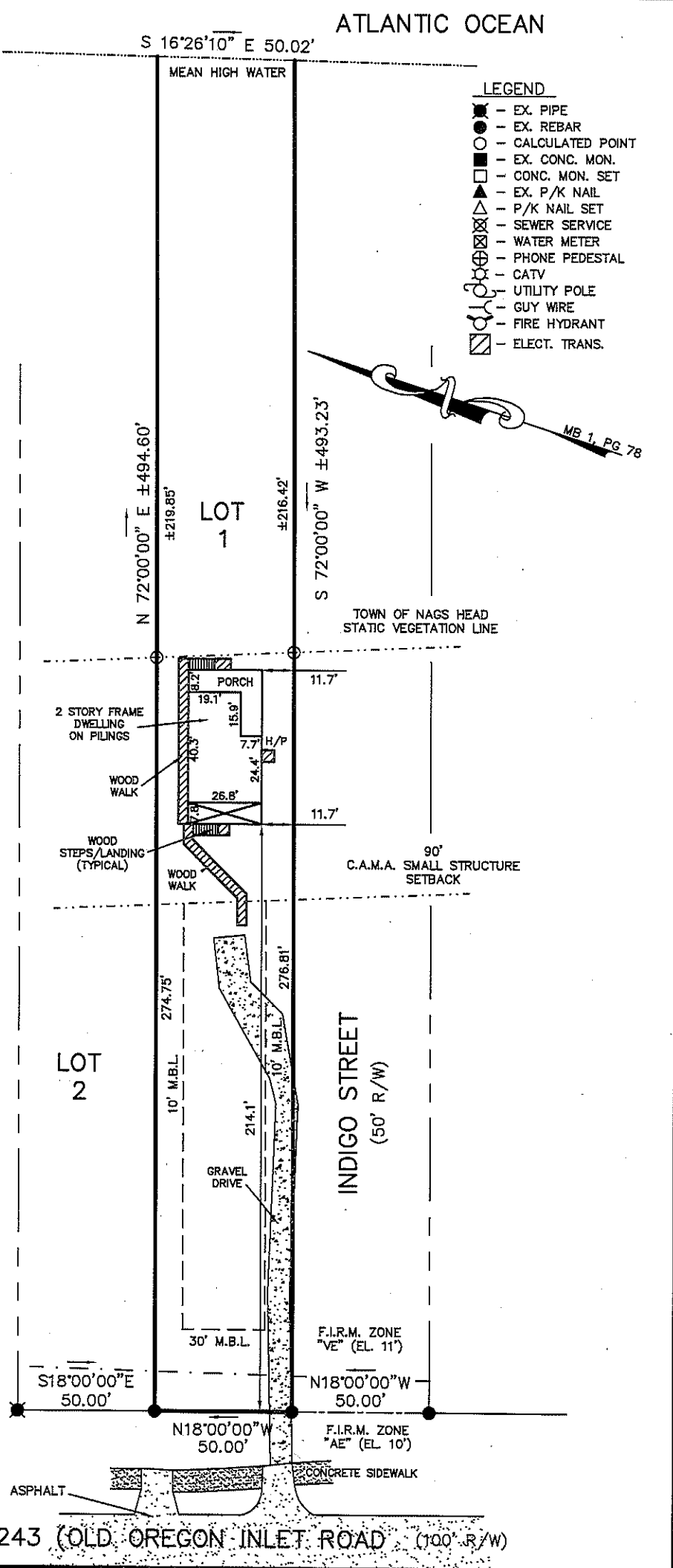
**NOTES:**

1. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
2. AREA BY COORDINATE COMPUTATION = ±24,696 S.F.
3. F.I.R.M. ZONE: AS SHOWN
4. PIN NO.: 14 071918 32 1312
5. RECORDED REFERENCE: MB 1, PG 78
6. MINIMUM BUILDING LINES (MBL) SHOWN HEREON ARE PER THE CURRENT LOCAL ZONING REGULATIONS. OTHER SETBACKS AND/OR RESTRICTIONS MAY APPLY AND MUST BE VERIFIED PRIOR TO CONSTRUCTION.
7. ELEVATIONS (NAVD 1988): N/A



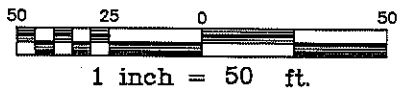
I, W.L. NORRIS, JR., P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY UNDER MY SUPERVISION. PLAT RECORDED IN MB 1, PG 78 THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN MB 1, PG 78 IN THE DARE COUNTY REGISTRY OF DEEDS; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; AND THAT THIS PLAT MEETS THE REQUIREMENTS OF "THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56 .1600)"

DATE 10/02/17  
L-4554

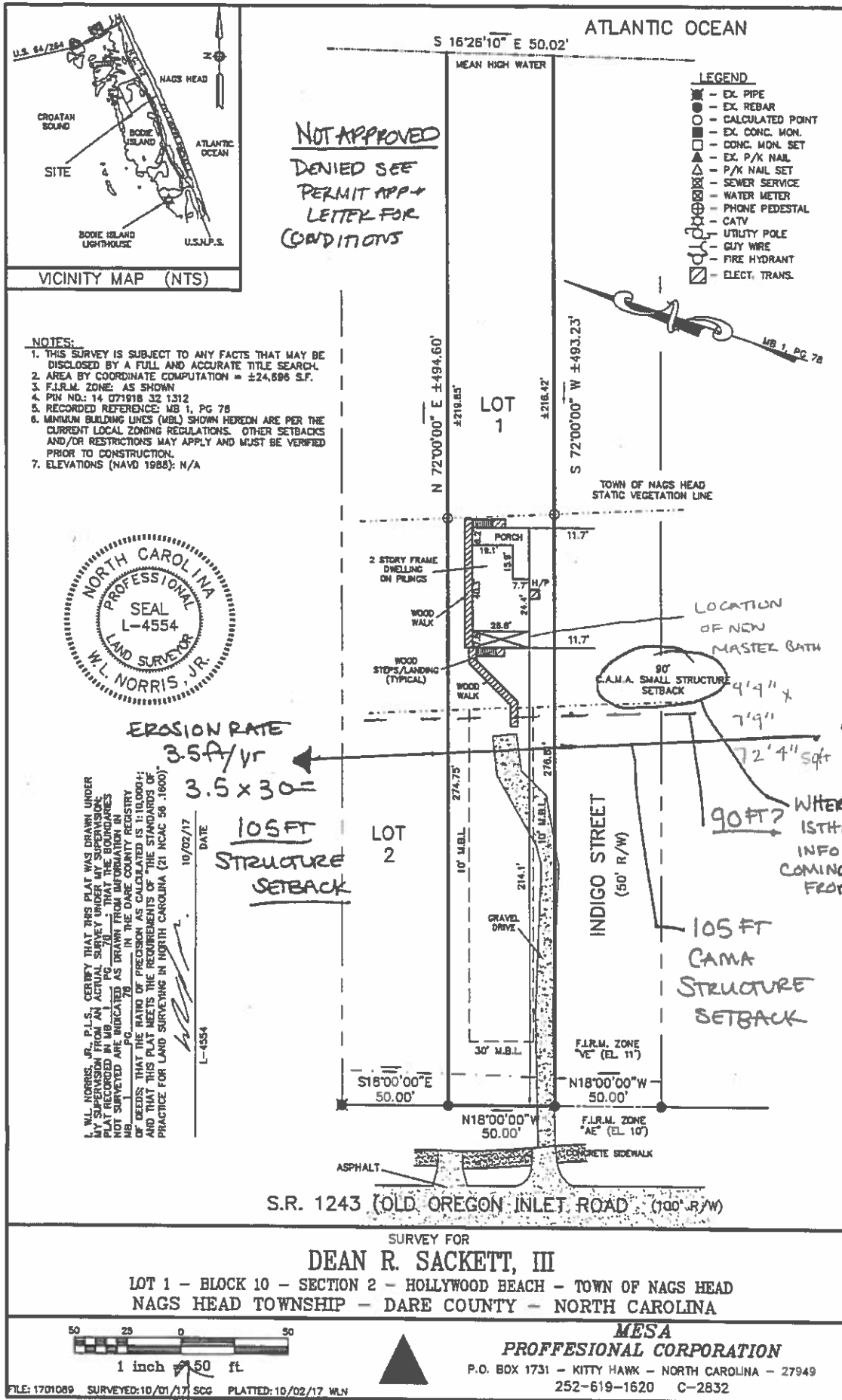


S.R. 1243 (OLD OREGON INLET ROAD) (100' R/W)

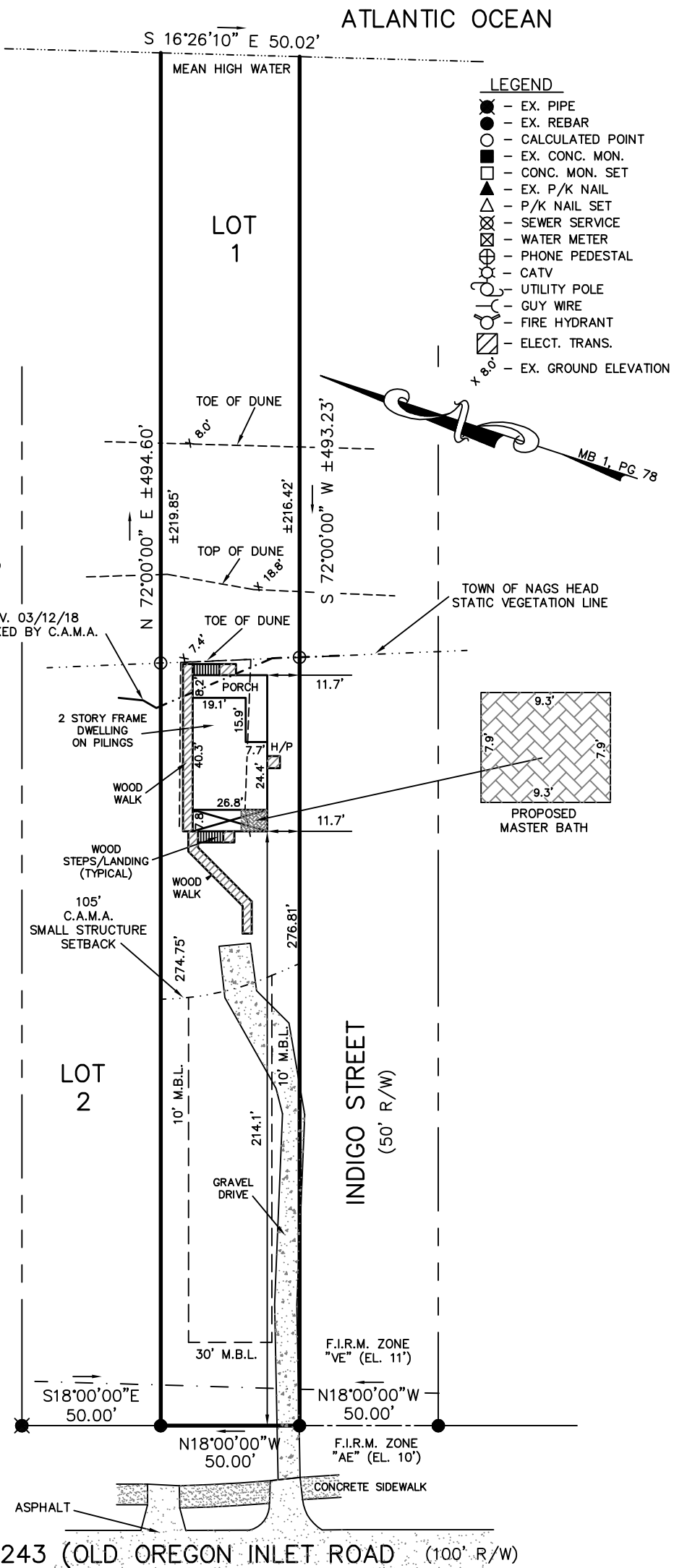
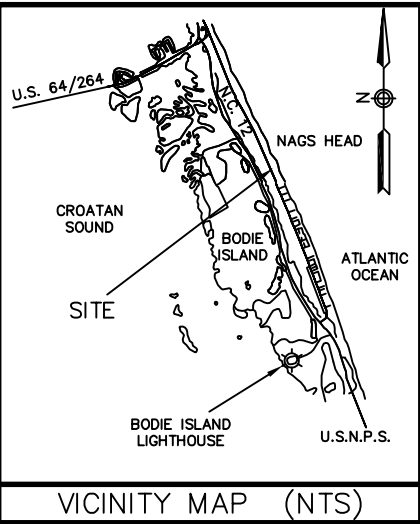
SURVEY FOR  
**DEAN R. SACKETT, III**  
LOT 1 - BLOCK 10 - SECTION 2 - HOLLYWOOD BEACH - TOWN OF NAGS HEAD  
NAGS HEAD TOWNSHIP - DARE COUNTY - NORTH CAROLINA



**MESA**  
**PROFFESIONAL CORPORATION**  
P.O. BOX 1731 - KITTY HAWK - NORTH CAROLINA - 27949  
252-619-1620 C-2832



\* NOT TO SCALE SEE RED WHEN SCALED OUT



**LEGEND**

- - EX. PIPE
- - EX. REBAR
- - CALCULATED POINT
- - EX. CONC. MON.
- - CONC. MON. SET
- ▲ - EX. P/K NAIL
- △ - P/K NAIL SET
- ⊗ - SEWER SERVICE
- ⊗ - WATER METER
- ⊗ - PHONE PEDESTAL
- ⊗ - CATV
- ⊗ - UTILITY POLE
- ⊗ - GUY WIRE
- ⊗ - FIRE HYDRANT
- ⊗ - ELECT. TRANS.
- ⊗ - EX. GROUND ELEVATION

- NOTES:**
1. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
  2. AREA BY COORDINATE COMPUTATION = ±24,696 S.F.
  3. F.I.R.M. ZONE: AS SHOWN
  4. PIN NO.: 14 071918 32 1312
  5. RECORDED REFERENCE: MB 1, PG 78
  6. MINIMUM BUILDING LINES (MBL) SHOWN HEREON ARE PER THE CURRENT LOCAL ZONING REGULATIONS. OTHER SETBACKS AND/OR RESTRICTIONS MAY APPLY AND MUST BE VERIFIED PRIOR TO CONSTRUCTION.
  7. ELEVATIONS (NAVD 1988): AS SHOWN



I, W.L. NORRIS, JR., P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY UNDER MY SUPERVISION; PLAT RECORDED IN MB 1, PG 78; THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN MB 1, PG 78 IN THE DARE COUNTY REGISTRY OF DEEDS; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; AND THAT THIS PLAT MEETS THE REQUIREMENTS OF "THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56 .1600)"

10/02/17  
DATE

L-4554

S.R. 1243 (OLD OREGON INLET ROAD) (100' R/W)

**SURVEY FOR**  
**DEAN R. SACKETT, III**

LOT 1 - BLOCK 10 - SECTION 2 - HOLLYWOOD BEACH - TOWN OF NAGS HEAD  
NAGS HEAD TOWNSHIP - DARE COUNTY - NORTH CAROLINA



1 inch = 50 ft.

REV. 03/12/18 (PER CRC PERMIT)



**MESA**  
**PROFFESIONAL CORPORATION**

P.O. BOX 1731 - KITTY HAWK - NORTH CAROLINA - 27949  
252-619-1620 C-2832

County of Dare, North Carolina

\*Owner and Parcel Information is based on current data on file and was last updated on February 09 2018

**Primary (100%) Owner Information:**

SACKETT, DEAN R III EUX  
 SACKETT, MARIE-ELISE M EUX  
 8541 RIVERSIDE RD  
 ALEXANDRIA VA 22308

**Parcel Information:**

Parcel: 007226000 PIN: 071918321312  
 District: 14- NAGS HEAD  
 Subdivision: HOLLYWOOD BEACH SEC 2  
 LotBlkSect: LOT: 1 BLK: 10 SEC: 2  
 Multiple Lots: -  
 PlatCabSlide: PL: 1 SL: 78 Units: 1  
 Deed Date: 10/18/2017  
 BkPg: 2199/0260  
 Parcel Status: ACTIVE



Property Use: RESIDENTIAL

9131 S OLD OREGON INLET RD

<b>BUILDING USE &amp; FEATURES</b>	<b>Tax Year Bldg Value: \$117,300</b>	<b>Next Year Bldg Value: \$117,300</b>
Building Use:	CAPE COD	
Exterior Walls:	MODERN FRAME	Actual Year Built: 1984
Full Baths:	2 Half Baths: 0	
Bedrooms:	3	
Heat-Fuel:	3 - ELECTRIC	
Heat-Type:	2 - FORCED AIR	Finished sqft for building 1: 1432
Air Conditioning:	4 -CENTRAL W/AC	Total Finished SqFt for all bldgs: 1432

Disclaimer: In instances where a dwelling contains unfinished living area, the square footage of that area is included in the total finished sqft on this record. However, the assessed value for finish has been removed.

<b>MISCELLANEOUS USE</b>	<b>Tax Year Misc Value: \$0</b>	<b>Next Year Misc Value: \$0</b>
--------------------------	---------------------------------	----------------------------------

<b>LAND USE</b>	<b>Tax Year Land Value: \$447,300</b>	<b>Next Year Land Value: \$447,300</b>
-----------------	---------------------------------------	--

Land Description : 14-Ocean front

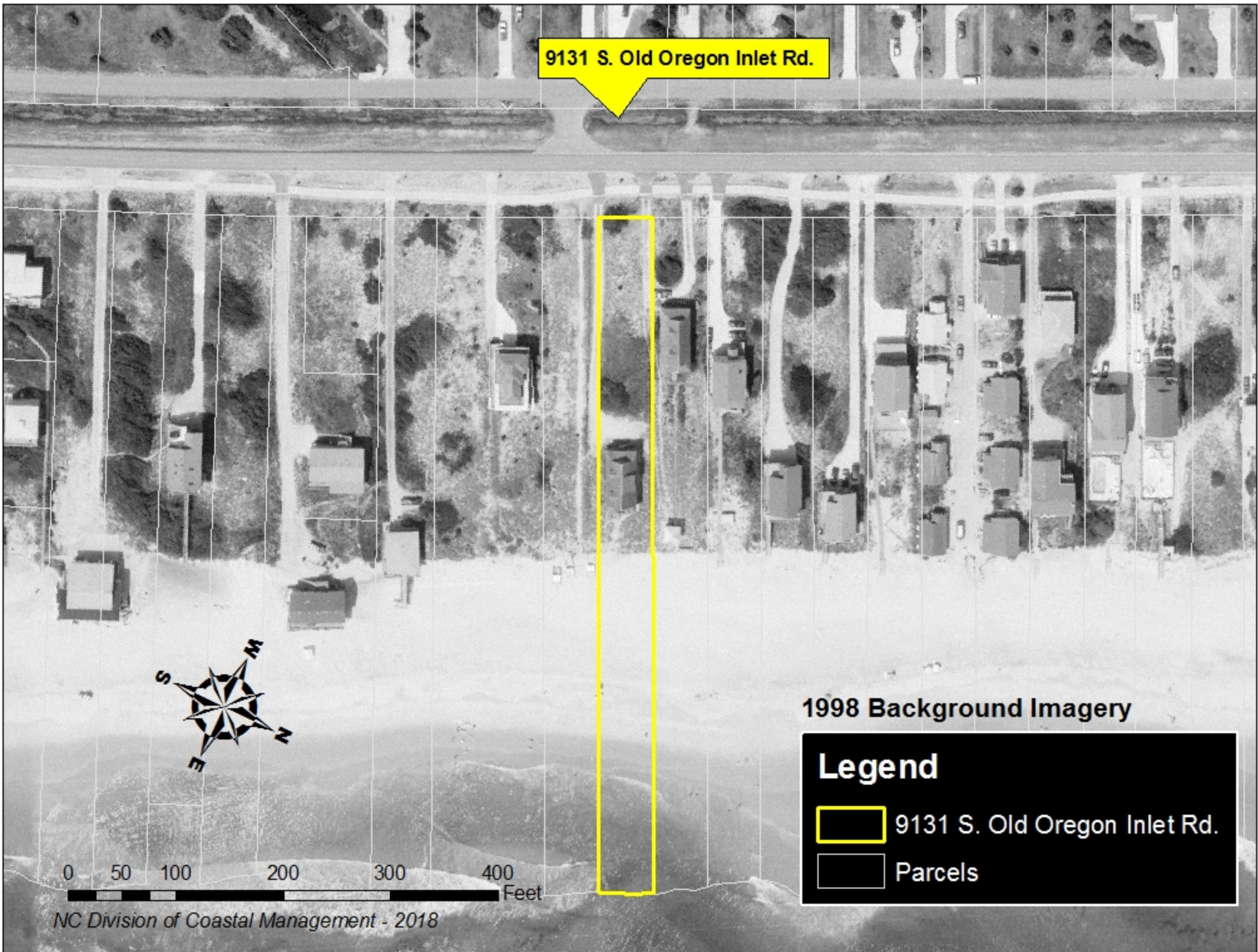
TOTAL LAND AREA: 13000 square feet

<b>Tax Year Total Value: \$564,600</b>	<b>Next Year Total Value: \$564,600</b>
--	---

\*Values shown are on file as of February 09 2018




9131 S. Old Oregon Inlet Rd.



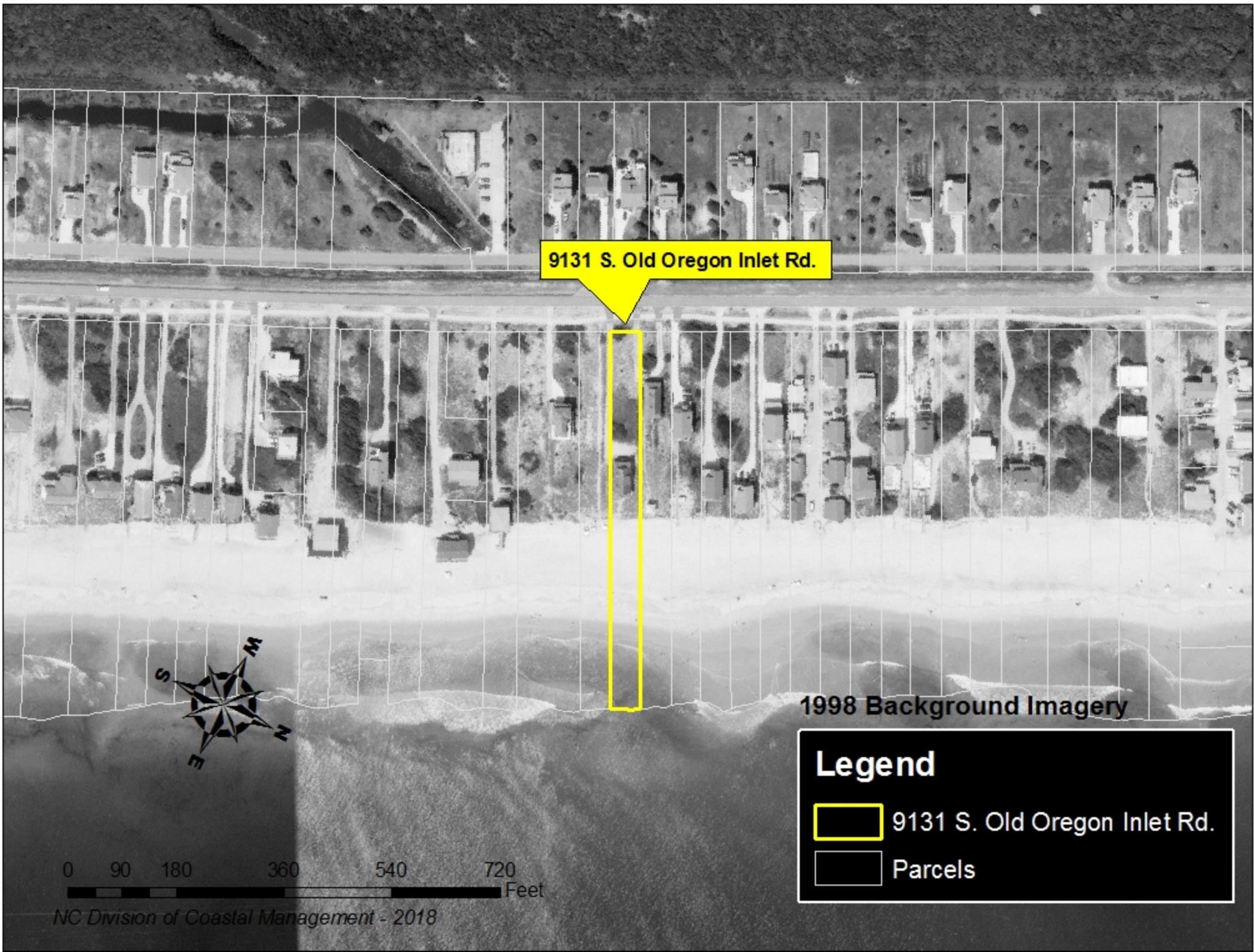
1998 Background Imagery

**Legend**

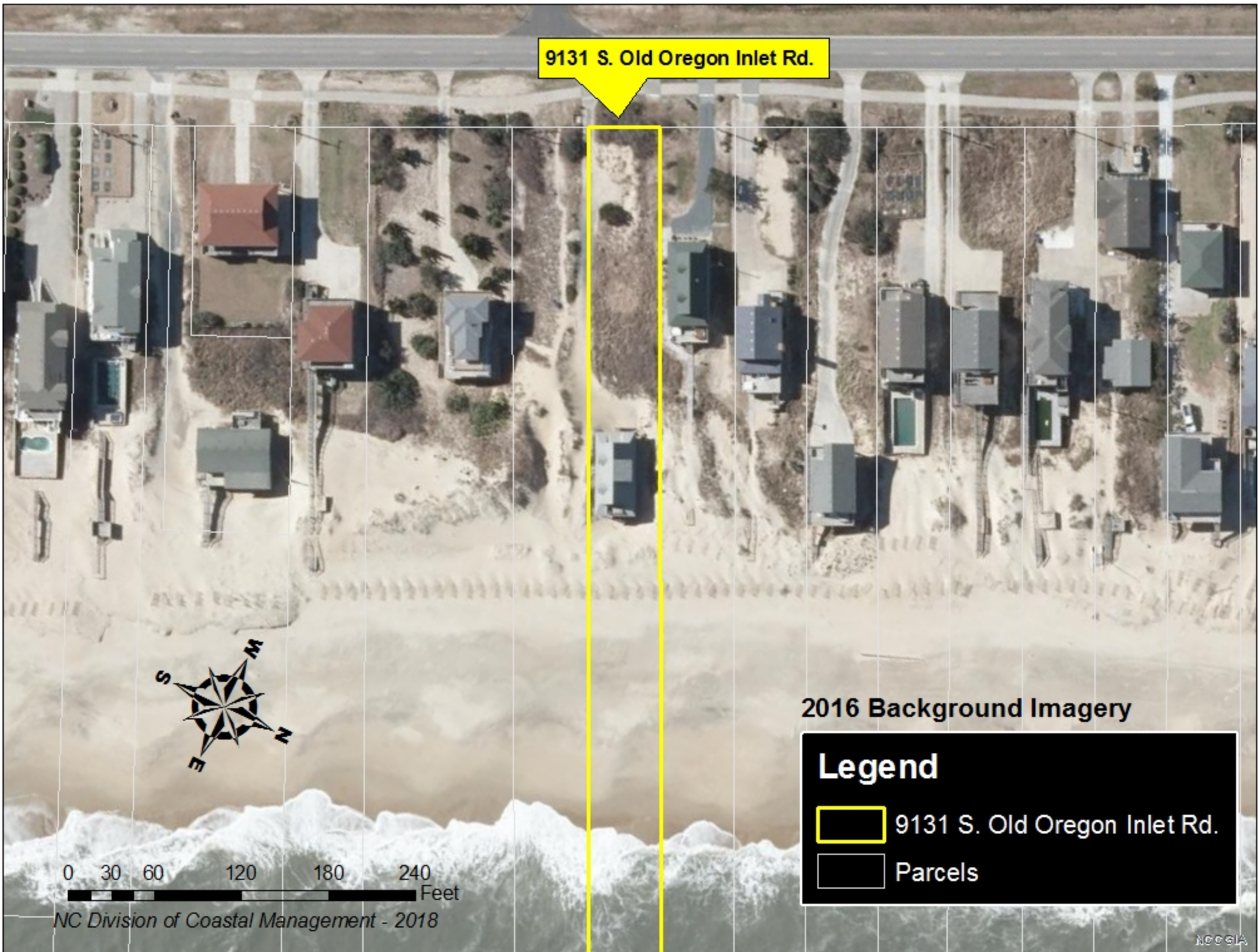
 9131 S. Old Oregon Inlet Rd.

 Parcels

0 50 100 200 300 400 Feet




9131 S. Old Oregon Inlet Rd.



2016 Background Imagery

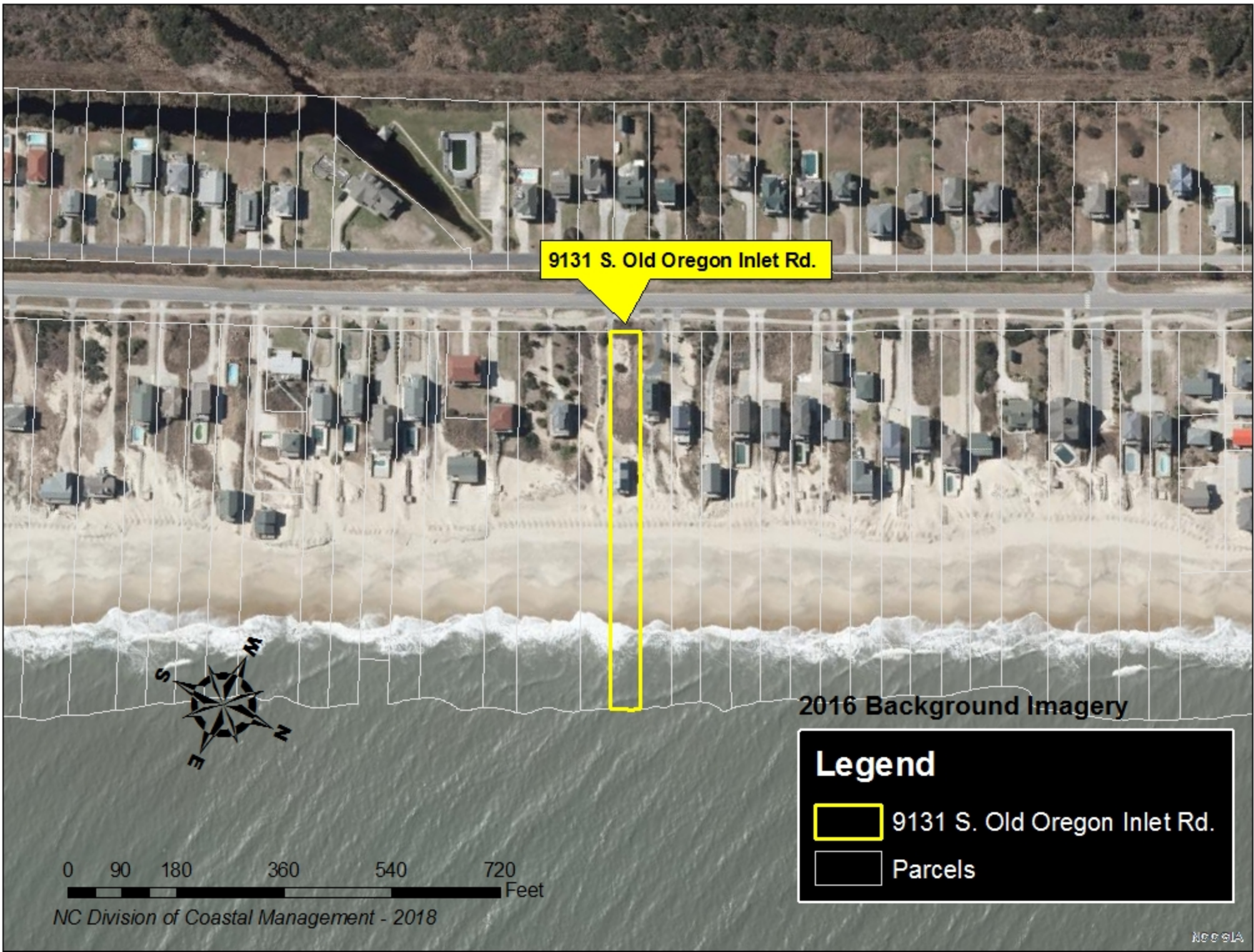
**Legend**

 9131 S. Old Oregon Inlet Rd.

 Parcels

0 30 60 120 180 240 Feet



NC Division of Coastal Management - 2018



9131 S. Old Oregon Inlet Rd.

2016 Background Imagery

**Legend**

-  9131 S. Old Oregon Inlet Rd.
-  Parcels

0 90 180 360 540 720 Feet

NC Division of Coastal Management - 2018

## ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

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

SECTION A - PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name Dean R. Sackett, III				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 9131 S. Old Oregon Inlet Road				Company NAIC Number:	
City Nags Head		State North Carolina		ZIP Code 27959	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Lot 1 - Block 10 - Section 2 - Hollywood Beach					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Residential</u>					
A5. Latitude/Longitude: Lat. <u>35.87891</u> Long. <u>75.57976</u> Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> 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 <u>5</u>					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) <u>0</u> sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A8.b <u>0</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
A9. For a building with an attached garage:					
a) Square footage of attached garage <u>0</u> sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>0</u>					
c) Total net area of flood openings in A9.b <u>0</u> sq in					
d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number Town of Nags Head - 375356			B2. County Name Dare County		B3. State North Carolina
B4. Map/Panel Number 3730071900	B5. Suffix J	B6. FIRM Index Date 09/20/2006	B7. FIRM Panel Effective/ Revised Date 09/20/2006	B8. Flood Zone(s) VE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 11'
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input checked="" type="checkbox"/> CBRS <input type="checkbox"/> OPA					

## ELEVATION CERTIFICATE

OMB No. 1660-0008  
Expiration Date: November 30, 2018

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>			<b>FOR INSURANCE COMPANY USE</b>
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 9131 S. Old Oregon Inlet Road			Policy Number:
City Nags Head	State North Carolina	ZIP Code 27959	Company NAIC Number

## 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: N.G.S. "V-168" Vertical Datum: NAVD 1988

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)   | <u>18.13</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| b) Top of the next higher floor   | <u>N/A</u>   | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (V Zones only)   | <u>16.13</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| d) Attached garage (top of slab)  | <u>N/A</u>   | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| e) Lowest elevation of machinery or equipment servicing the building<br>(Describe type of equipment and location in Comments) | <u>16.63</u> | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| f) Lowest adjacent (finished) grade next to building (LAG)  | <u>7.4</u>   | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| g) Highest adjacent (finished) grade next to building (HAG)   | <u>13.1</u>  | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support                                  | <u>7.4</u>   | <input checked="" type="checkbox"/> feet | <input type="checkbox"/> 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.

Were latitude and longitude in Section A provided by a licensed land surveyor?  Yes  No  Check here if attachments.

Certifier's Name W.L. Norris, Jr.	License Number L-4554	
Title Professional Land Surveyor		
Company Name Mid-Eastern Surveyors & Associates, P.C.		
Address Post Office Box 1731		
City Kitty Hawk	State North Carolina	
Signature 	Date 11/30/2017	Telephone (252) 619-1620

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

Comments (including type of equipment and location, per C2(e), if applicable)

C2(e) - H.V.A.C. Stand

## ELEVATION CERTIFICATE

OMB No. 1660-0008  
Expiration Date: November 30, 2018

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>			<b>FOR INSURANCE COMPANY USE</b>		
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 9131 S. Old Oregon Inlet Road			Policy Number:		
City Nags Head	State North Carolina	ZIP Code 27959	Company NAIC Number		
<b>SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)</b>					
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		_____ . _____	<input type="checkbox"/> feet	<input type="checkbox"/> meters	<input type="checkbox"/> above or <input type="checkbox"/> below the HAG.
b) Top of bottom floor (including basement, crawlspace, or enclosure) is		_____ . _____	<input type="checkbox"/> feet	<input type="checkbox"/> meters	<input type="checkbox"/> above or <input type="checkbox"/> below the LAG.
E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is					
		_____ . _____	<input type="checkbox"/> feet	<input type="checkbox"/> meters	<input type="checkbox"/> above or <input type="checkbox"/> below the HAG.
E3. Attached garage (top of slab) is					
		_____ . _____	<input type="checkbox"/> feet	<input type="checkbox"/> meters	<input type="checkbox"/> above or <input type="checkbox"/> below the HAG.
E4. Top of platform of machinery and/or equipment servicing the building is					
		_____ . _____	<input type="checkbox"/> feet	<input type="checkbox"/> meters	<input type="checkbox"/> above or <input type="checkbox"/> 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? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown. The local official must certify this information in Section G.					
<b>SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION</b>					
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 or Owner's Authorized Representative's Name					
Address		City	State	ZIP Code	
Signature		Date	Telephone		
Comments					
<input type="checkbox"/> Check here if attachments.					

## ELEVATION CERTIFICATE

OMB No. 1660-0008  
Expiration Date: November 30, 2018

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>			<b>FOR INSURANCE COMPANY USE</b>
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 9131 S. Old Oregon Inlet Road			Policy Number:
City Nags Head	State North Carolina	ZIP Code 27959	Company NAIC Number
<b>SECTION G – COMMUNITY INFORMATION (OPTIONAL)</b>			
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. <input type="checkbox"/> 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. <input type="checkbox"/> 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. <input type="checkbox"/> 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: <input type="checkbox"/> New Construction <input type="checkbox"/> Substantial Improvement			
G8. Elevation of as-built lowest floor (including basement) of the building: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters    Datum _____			
G9. BFE or (in Zone AO) depth of flooding at the building site: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters    Datum _____			
G10. Community's design flood elevation: _____ <input type="checkbox"/> feet <input type="checkbox"/> meters    Datum _____			
Local Official's Name		Title	
Community Name		Telephone	
Signature		Date	
Comments (including type of equipment and location, per C2(e), if applicable)			
<input type="checkbox"/> Check here if attachments.			



**BUILDING PHOTOGRAPHS**

**ELEVATION CERTIFICATE**

See Instructions for Item A6.

OMB No. 1660-0008  
Expiration Date: November 30, 2018

<b>IMPORTANT: In these spaces, copy the corresponding information from Section A.</b>			<b>FOR INSURANCE COMPANY USE</b>
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 9131 S. Old Oregon Inlet Road			Policy Number:
City Nags Head	State North Carolina	ZIP Code 27959	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.



Photo One

Photo One Caption

Front View 11/30/17



Photo Two

Photo Two Caption

Rear View 11/30/17



Coastal Management ENVIRONMENTAL QUALITY

APPLICATION FOR CAMA MINOR DEVELOPMENT PERMIT

In 1974, the North Carolina General Assembly passed the Coastal Area Management Act (CAMA) and set the stage for guiding development in fragile and productive areas that border the state's sounds and oceanfront. Along with requiring special care by those who build and develop, the General Assembly directed the Coastal Resources Commission (CRC) to implement clear regulations that minimize the burden on the applicant.

This application for a minor development permit under CAMA is part of the Commission's effort to meet the spirit and intent of the General Assembly. It has been designed to be straightforward and require no more time or effort than necessary from the applicant. Please go over this folder with the Local Permit Officer (LPO) for the locality in which you plan to build to be certain that you understand what information he or she needs before you apply.

\* Under CAMA regulations, the minor permit is to be issued within 25 days once a complete application is in hand. Often less time is needed if the project is simple. The process generally takes about 18 days. You can speed the approval process by making certain that your application is complete and signed, that your drawing meets the specifications given inside and that your application fee is attached.

Other permits are sometimes required for development in the coastal area. While these are not CAMA-related, we urge you to check with the Local Permit Officer to determine which of these you may need. A list is included on page two of this folder.

We appreciate your cooperation with the North Carolina Coastal Management Program and your willingness to build in a way that protects the resources of our beautiful and productive coast.

Coastal Resources Commission Division of Coastal Management

APPLICATION:

Sackett

LOCALITY:

9131 Sboik

18-009

RECEIVED 2/13/2018 COMPLETE APPLICATION

# SITE DRAWING/APPLICATION CHECKLIST

Please make sure your site drawing includes the following information required for a CAMA minor development permit. The Local Permit Officer will help you, if requested.

*Q: Has Rob Newson Status addressed fees issue?*

## PHYSICAL DIMENSIONS

- Label roads
- Label highways right-of-ways
- Label local setback lines
- Label any and all structures and driveways currently existing on property
- Label adjacent waterbody

## PHYSICAL CHARACTERISTICS

- Draw and label normal high water line (contact LPO for assistance) ✓
- Draw location of on-site wastewater system - NOT SHOWN

If you will be working in the ocean hazard area:

*SEE SITE PLAN*

*3.5ft/yr X30 = 105ft*

- Draw and label dune ridges (include spot elevations) - NOT SHOWN
- Draw and label toe of dunes - NOT SHOWN
- Identify and locate first line of stable vegetation (contact LPO for assistance)
- Draw and label erosion setback line (contact LPO for assistance) -  $3.5ft/yr \times 30 = 105ft$
- Draw and label topographical features (optional) - NOT SHOWN

If you will be working in a coastal shoreline area:

- Show the roof overhang as a dotted line around the structure
- Draw and label landward limit of AEC
- Draw and label all wetland lines (contact LPO for assistance)
- Draw and label the 30-foot buffer line

## DEVELOPMENT PLANS

- Draw and label all proposed structures - DID NOT DRAW ON SITE PLAN - I HAD TO HIGHLIGHT AREA BASED UPON PLANS
- Draw and label areas that will be disturbed and/or landscaped
- Note size of piling and depth to be placed in ground
- Draw and label all areas to be paved or graveled
- Show all areas to be disturbed
- Show landscaping

## NOTE TO APPLICANT

Have you:

*ITE PLAN*

- completed all blanks and/or indicated if not applicable? TO EXTENT POSSIBLE YES
- notified and listed adjacent property owners?
- included your site drawing? DID NOT NOTE DRAWING WHERE MASTER BATH PROPOSED
- signed and dated the application?
- enclosed the \$100.00 fee? HAD TO COME IN + PAY - RENEE
- completed an AEC Hazard Notice, if necessary? (Must be signed by the property owner)

FOR STAFF USE		
Site Notice Posted _____	Final Inspection _____	Fee Received <input checked="" type="checkbox"/> 2/13/2018
Site Inspections		*SEE STAMPED INVOICE SUMMARY
Date of Action: Issued _____		Exempted <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Appeal Deadline (20 days from permit action) _____

Locality Nags Head Permit Number 18-009  
 Ocean Hazard  Estuarine Shoreline \_\_\_\_\_ ORW Shoreline \_\_\_\_\_ Public Trust Shoreline \_\_\_\_\_ Other \_\_\_\_\_  
 (For official use only)

**GENERAL INFORMATION**

**LAND OWNER - MAILING ADDRESS**

Name DEAN & ELISE SACKETT (Dean R. + Marie-Elise M. SACKETT III)  
 Address 8541 RIVERSIDE ROAD  
 City ALEXANDRIA State VA Zip 22308 Phone 703-980-9082  
 Email deansa@cox.net

**AUTHORIZED AGENT**

Name Robert Lawson - R. LAWSON CONSTRUCTION CO., INC.  
 Address 8443 Caratoke Hwy., Suite J  
 City Powells Point State NC Zip 27966 Phone 252-491-9993  
 Email ROB@RLCCI.COM

**LOCATION OF PROJECT:** (Address, street name and/or directions to site; name of the adjacent waterbody.)

9131 S. OLD OREGON INLET ROAD, NAGS HEAD, NC 27959

ATLANTIC OCEAN

**DESCRIPTION OF PROJECT:** (List all proposed construction and land disturbance.) ADDING NEW BATH

ROOM ON FIRST FLOOR

**SIZE OF LOT/PARCEL:** 24,696 square feet \_\_\_\_\_ 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: ~~211~~ 72'4" SF / 72.33 sqft 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: N/A 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 (DEMRLR)?

YES \_\_\_\_\_ NO x

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 DEAN & ELISE SACKETT *Dean R. Sackett III and wife Marie-Elise M. Sackett*  
see Deed Book 2199 page 0260 in the DARE 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:**

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) WALTER & LINDA HOWARD	3 HILLOCK WOODS, THE WOODLANDS, TX 77380
2) TOWN OF NAGS HEAD	P O BOX 99, NAGS HEAD, NC 27959
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.

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.

*Flawson* \_\_\_\_\_  
This the 7TH day of FEB, 20 18  
*Denise M. ...*  
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.

**AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION**

Name of Property Owner Requesting Permit: Dean & Lise Sackett

Mailing Address: 8541 Riverside Road  
Alexandria, VA 22308

Phone Number: (703) 980-9082

Email Address: deansa@cox.net

I certify that I have authorized Robert Lawson/ R. Lawson Construction Co., Inc.  
Agent / Contractor

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

at my property located at 9131 S Old Oregon Inlet Road  
in Dare County.

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

**Property Owner Information:**

  
Signature

Dean Sackett  
Print or Type Name

Owner  
Title

2 / 4 / 18  
Date

This certification is valid through 12 / 31 / 19



## BEFORE YOU BUILD

### Setting Back for Safety: A Guide to Wise Development Along the Oceanfront

When you build along the oceanfront, you take a calculated risk. Natural forces of water and wind collide with tons of force, even on calm days.

Man-made structures cannot be guaranteed to survive the force of a hurricane. Long-term erosion (or barrier island migration) may take from two to ten feet of the beach each year, and, sooner or later, will threaten oceanfront structures. These are the facts of life for oceanfront property owners.

The Coastal Resources Commission (CRC) has adopted rules for building along the oceanfront. The rules are intended to avoid an unreasonable risk to life and property, and to limit public and private losses from storm and long-term erosion. These rules lessen but do not eliminate the element of risk in oceanfront development.

As you consider building along the oceanfront, the CRC wants you to understand the rules and the risks. With this knowledge, you can make a more informed decision about where and how to build in the coastal area.

#### The Rules

When you build along the oceanfront, coastal management rules require that the structure be sited to fit safely into the beach environment.

Structures along the oceanfront, less than 5,000 square feet in size, must be behind the frontal dune, landward of the crest of the primary dune, and set back from the first line of stable natural vegetation a distance equal to 30 times the annual erosion rate (a minimum of 60 feet). The setback calculation increases as the size of the structure increases [15A NCAC 7H.0306(a)(2)]. For example: A structure between 5,000 and 10,000 square feet would require a setback from the first line of stable, natural vegetation to a distance equal to 60 times the annual erosion rate (a minimum of 120 feet). The graduated setback continues to increase through structure sizes greater than 100,000 square feet.

#### The Reasons

The beachfront is an ever-changing landform. The beach and the dunes are natural "shock absorbers," taking the beating of the wind and waves and protecting the inland areas. By incorporating building setbacks into the regulations, you have a good chance of enjoying the full life of the structure. At first, it seems very inviting to build your dream house as close to the beach as possible, but in five years you could find the dream has become a nightmare as high tides and storm tides threaten your investment.

#### The Exception

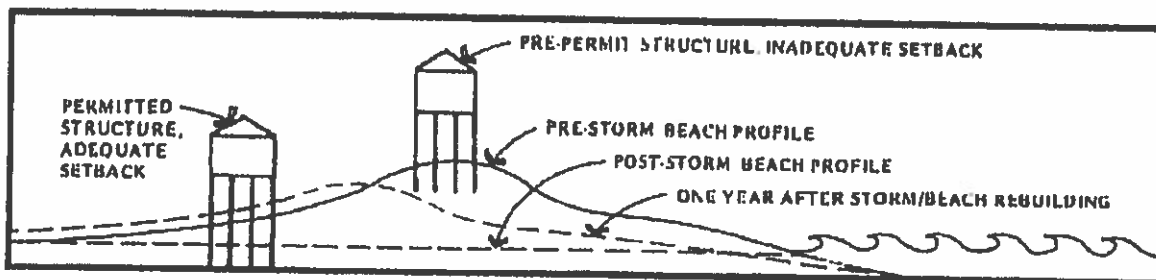
The Coastal Resources Commission recognized that these rules, initially passed in June 1979, might prove a hardship for some property owners. Therefore, they established an exception for lots that cannot meet the setback requirement. The exception allows buildings in front of the current setback, if the following conditions apply:

- 1) the lot must have been platted as of June 1, 1979, and is not capable of being enlarged by combining with adjoining land under the same ownership;
- 2) development must be constructed as far back on the property as possible and in no case less than 60 feet landward of the vegetation line;
- 3) no development can take place on the frontal dune;
- 4) special construction standards on piling depth and square footage must be met; and
- 5) all other CAMA, state and local regulations must be met.

#### The exception is not available in the Inlet Hazard Area.

To determine eligibility for the exception the Local Permit Officer will make these measurements and observations:

- \_\_\_ required setback from vegetation line
- \_\_\_ exception setback (maximum feasible)
- \_\_\_ rear property line setback
- \_\_\_ max. allowable square footage on lowest floor



*After the storm, the house on the dune will be gone. The other house has a much better chance of survival.*



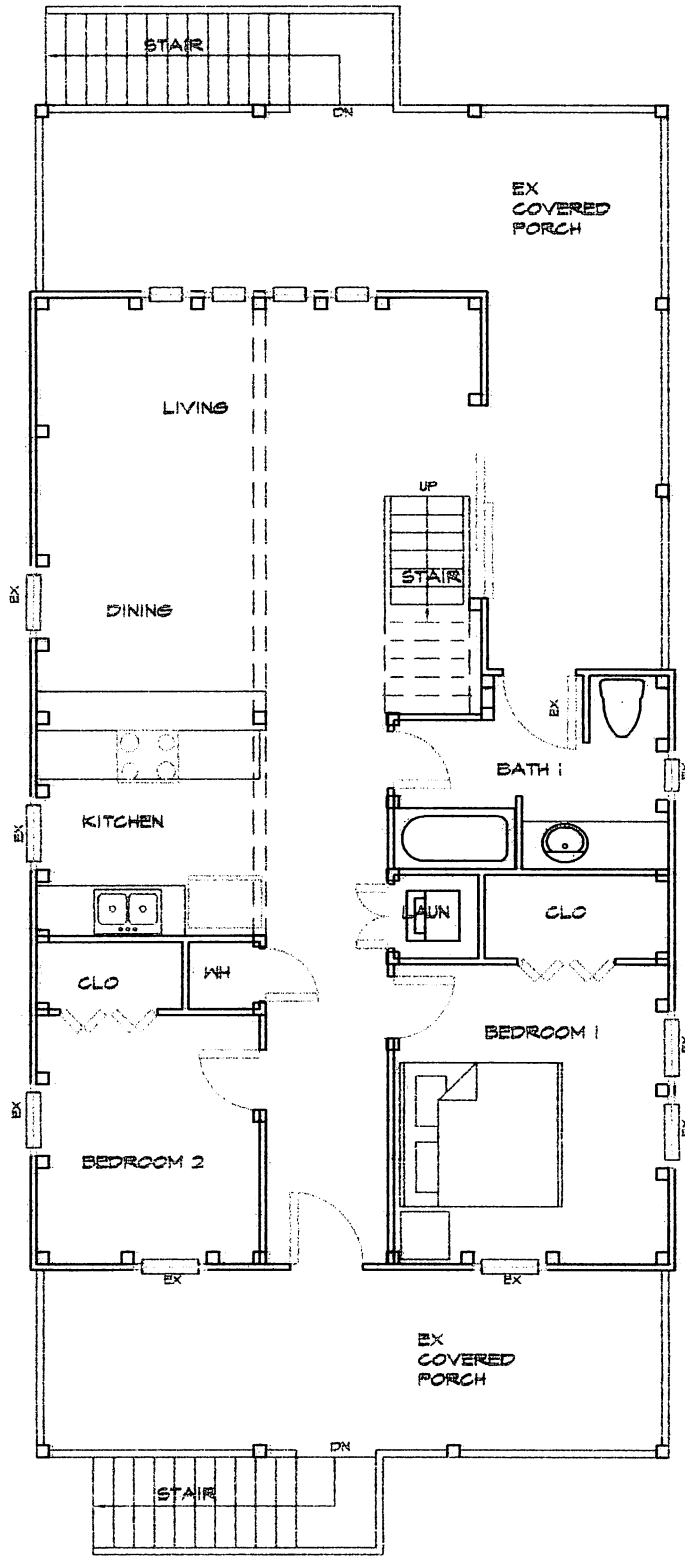


EXISTING WEST ELEVATION

1/4" = 1'-0"

MARIE-ELISE & DEAN SACKETT

9131 SOUTH OLD OREGON INLET ROAD  
NAGS HEAD, NORTH CAROLINA



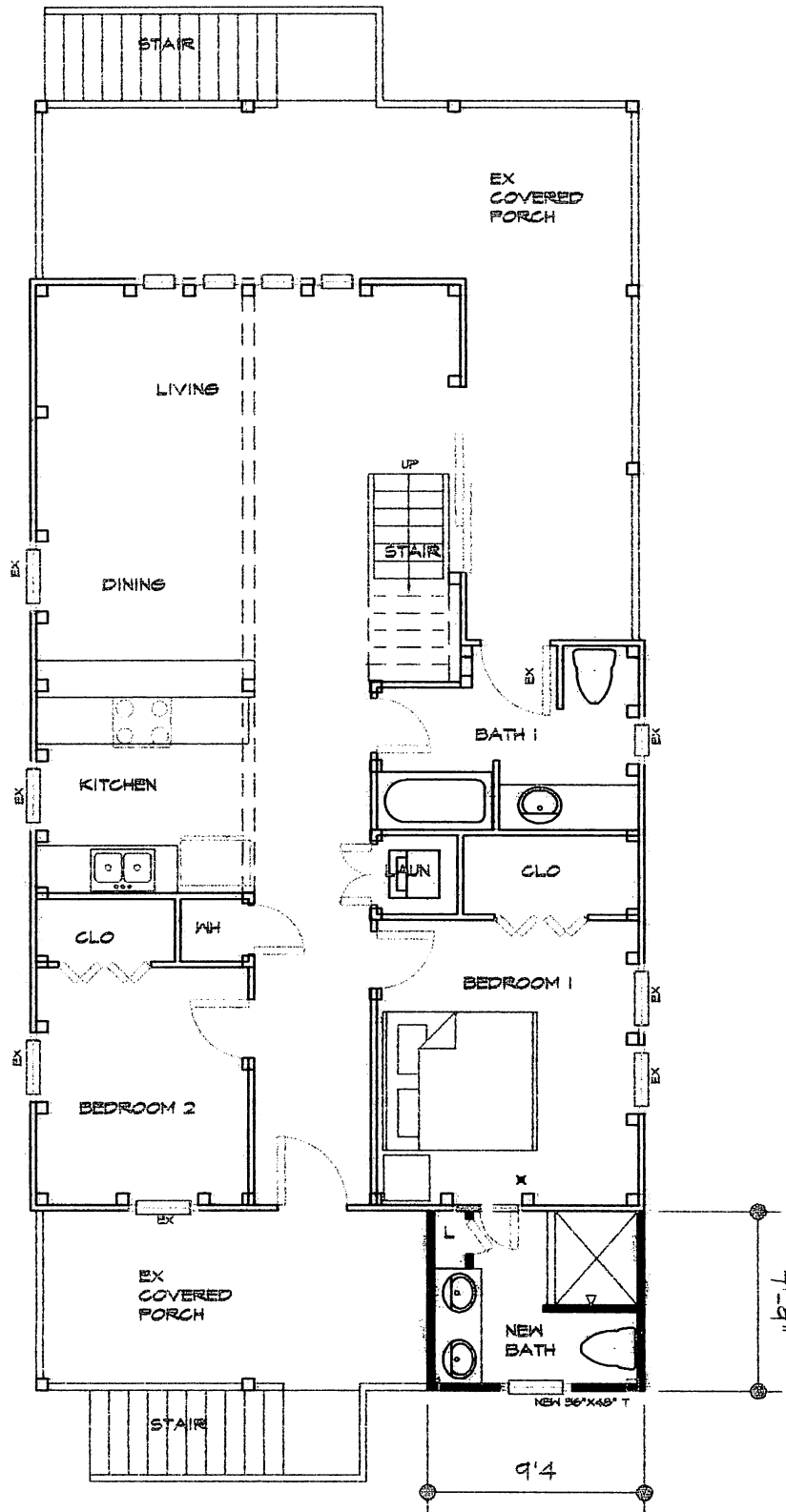
# EXISTING FIRST FLOOR PLAN

1/8" = 1'-0"

## MARIE-ELISE & DEAN SACKETT

9131 SOUTH OLD OREGON INLET ROAD  
NAGS HEAD, NORTH CAROLINA





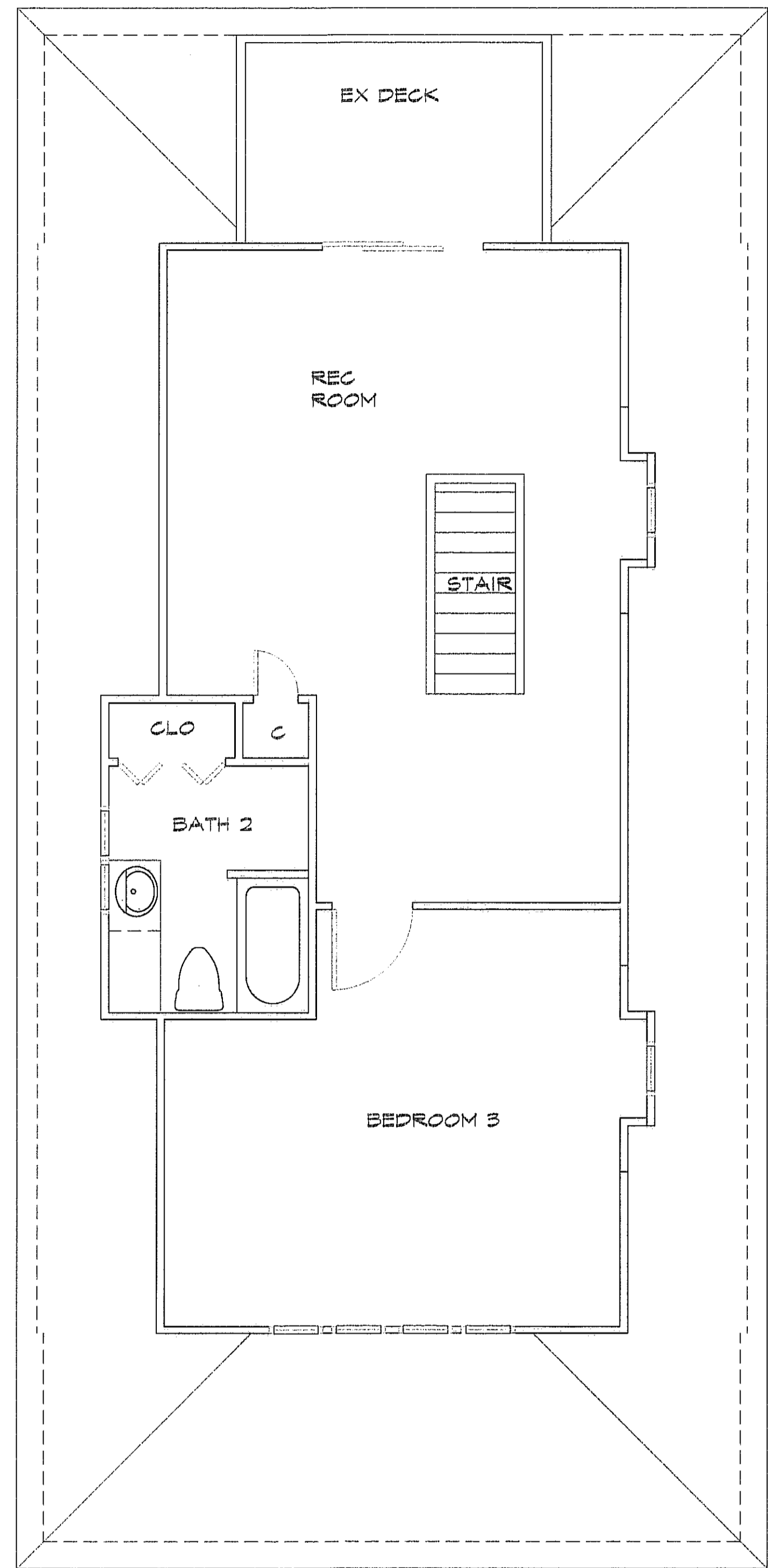
# FIRST FLOOR PLAN WITH ADDITION

1/8" = 1'-0"

## MARIE-ELISE & DEAN SACKETT

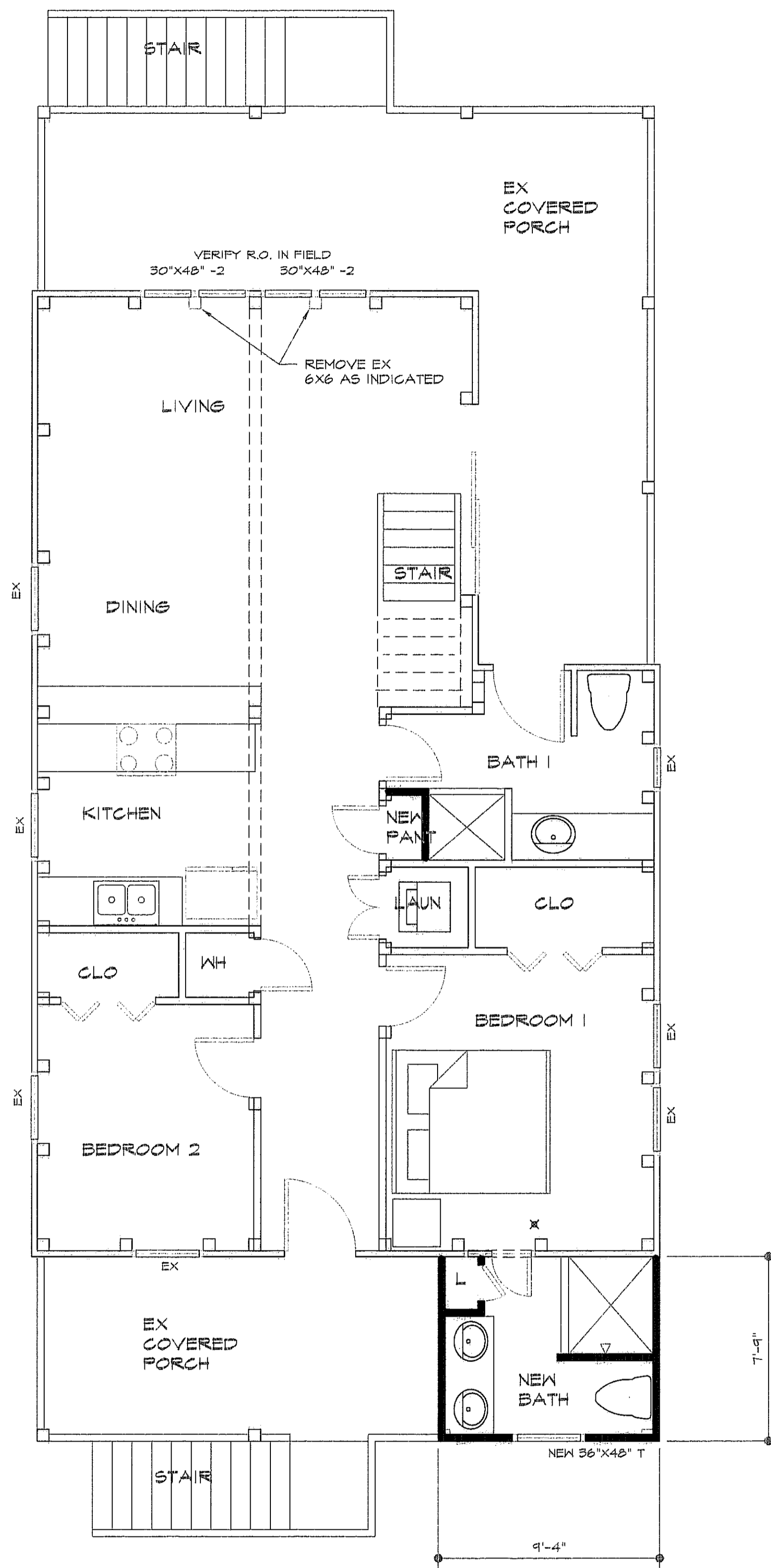
9131 SOUTH OLD OREGON INLET ROAD  
NAGS HEAD, NORTH CAROLINA

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SECOND FLOOR PLAN

1/4" = 1'-0"



FIRST FLOOR PLAN

1/4" = 1'-0"

REVISIONS	BY

**MAGNACORP DESIGNS**

P.O. BOX 5417 • KITTY HAWK, N.C. 27544 • (252) 261-4447

ADDITION FOR:  
**MARIE-ELISE & DEAN SACKETT**  
 9131 SOUTH OLD OREGON INLET ROAD  
 NAGS HEAD, NORTH CAROLINA

DATE	6/14/2017
FILE	SACKETT-1
DRAWN	M. MANSUM
JOB	1779
SHEET	02
OF # SHEETS	02

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED or HAND DELIVERED**

2/7/18

Date

TOWN OF NAGS HEAD  
Name of Adjacent Riparian Property Owner  
P O BOX 99  
Address  
NAGS HEAD, NC 27959  
City, State Zip

To Whom It May Concern:

This correspondence is to notify you as a riparian property owner that I am applying for a CAMA Minor permit to  
ADD A BATHROOM ON FIRST FLOOR

on my property at 9131 S. OLD OREGON INLET ROAD NAGS HEAD  
in DARE County, which is adjacent to your property. A copy of the application and project drawing is attached/enclosed for your review.

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

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

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

Sincerely, R. LAWSON, AGENT FOR DEAN & ELISE SACKETT

R. LAWSON CONSTRUCTION CO., INC.

252-491-9993

Property Owner's Name

Telephone Number

Address

City

State

Zip

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

Adjacent Riparian Signature

Print or Type Name

P O BOX 99

NAGS HEAD, NC

Address

City

7015 1730 0000 0027 5701

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Certified Mail Fee  
\$ 3.45  
Extra Services & Fees (check box, add fee as appropriate)  
 Return Receipt (hardcopy) \$ 2.75  
 Return Receipt (electronic) \$ \_\_\_\_\_  
 Certified Mail Restricted Delivery \$ \_\_\_\_\_  
 Adult Signature Required \$ \_\_\_\_\_  
 Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postage  
\$ .50  
Total Postage and Fees  
\$ 6.70

Sent to  
TOWN OF NAGS HEAD  
Street and Apt. No. or PO Box No.  
P O BOX 99  
City, State, ZIP+4®  
NAGS HEAD, NC 27959

EP  
2018  
11/18

CERTIFIED MAIL, RETURN RECEIPT REQUESTED or HAND DELIVERED

2/7/18

Date

WALTER & LINDA HOWARD

Name of Adjacent Riparian Property Owner  
3 HILLOCK WOODS

Address

THE WOODLANDS, TX 77380

City, State Zip

To Whom It May Concern:

This correspondence is to notify you as a riparian property owner that I am applying for a CAMA Minor permit to  
ADD A BATHROOM ON FIRST FLOOR

on my property at 9131 S. OLD OREGON INLET ROAD, NAGS HEAD

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(LOCAL PERMIT OFFICER, NAME OF LOCAL GOVERNMENT, MAILING ADDRESS CITY, STATE, ZIP CODE)

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

Sincerely, ROB LAWSON, AGENT FOR DEAN & ELISE SACKETT

R. LAWSON CONSTRUCTION CO., INC.

Property Owner's Name

252-491-9993

Telephone Number

8443 CARATOKE HWY, SUITE J

POWELLS POINT, NC 27966

Address

City

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

Adjacent Riparian Signature

WALTER & LINDA HOWARD

Print or Type Name

3 HILLOCK WOODS

THE WOODLANDS, TX

Address

City

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

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 3.45
Certified Fee	2.75
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.70

Mark  
7  
2018

Sent by WALTER & LINDA HOWARD  
Street, Apt. No., or PO Box No. 3 Hillock Woods  
City, State, ZIP+4 the Woodlands, TX 77380

CERTIFIED MAIL, RETURN RECEIPT REQUESTED or HAND DELIVERED

2/7/18

Date

TOWN OF NAGS HEAD

Name of Adjacent Riparian Property Owner  
P O BOX 99

Address

NAGS HEAD, NC 27959

City, State Zip

To Whom It May Concern:

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ADD A BATHROOM ON FIRST FLOOR

on my property at 9131 S. OLD OREGON INLET ROAD NAGS HEAD

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(LOCAL PERMIT OFFICER, NAME OF LOCAL GOVERNMENT, MAILING ADDRESS CITY, STATE, ZIP CODE)

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

Sincerely, R. LAWSON, AGENT FOR DEAN & ELISE SACKETT

R. LAWSON CONSTRUCTION CO., INC.

252-491-0993

Property Owner's Name

Telephone Number

Address

City

State

Zip

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

I have objection(s) to the project described in this correspondence.

Adjacent Riparian Signature

Date

Print or Type Name

Telephone Number

P O BOX 99

NAGS HEAD, NC

27959

Address

City

State

Zip



**AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION**

Name of Property Owner Requesting Permit: Dean & Lise Sackett

Mailing Address: 8541 Riverside Road  
Alexandria, VA 22308

Phone Number: (703) 980-9082

Email Address: deansa@cox.net

I certify that I have authorized Robert Lawson/ R. Lawson Construction Co., Inc.  
Agent / Contractor

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

at my property located at 9131 S Old Oregon Inlet Road

in Dare County.

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

**Property Owner Information:**

  
Signature

Dean Sackett  
Print or Type Name

Owner  
Title

2 / 4 / 18  
Date

This certification is valid through 12 / 31 / 19



## Town of Nags Head

Planning and Development  
Department

Post Office Box 99  
Nags Head, North Carolina 27959  
[www.nagsheadnc.gov](http://www.nagsheadnc.gov)

Telephone 252-441-7016  
FAX 252-441-4290

February 23, 2018

**CERTIFIED MAIL – 7016 0910 0000 6155 7039**  
**RETURN RECEIPT REQUESTED**

Dean R. Sackett III  
Marie-Elise M. Sackett  
8541 Riverside Road  
Alexandria, VA 22308

**RE: DENIAL OF CAMA MINOR DEVELOPMENT PERMIT**  
**APPLICATION NUMBER- # 18-009**  
**PROJECT ADDRESS- 9131 S. Old Oregon Inlet Road**

Dear Mr. and Mrs. Sackett:

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 and Local Land Use Plans. You have applied to increase the floor area of the existing structure, by adding 72.3 square feet of heated living on first floor for New Master Bath (9' 4" x 7' 9"= 72' 4"sqft), which is inconsistent with 15 NCAC 7H.0306(a)(1-5)(9), which states that: (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. (2) In areas with a development line, the ocean hazard setback line shall be set at a distance in accordance with Subparagraphs (a)(3) through (9) of this Rule. In no case shall new development be sited seaward of the development line. (3) In no case shall a development line be created or established below the mean high water line.(4) The setback distance shall be determined by both the size of development and the shoreline long term erosion rate (Erosion Rate 3.5 ft/ yr) 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 (3.5ft/yr x 30 = 105 ft), whichever is greater;.....(9) 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.

Addition of New Master Bath (72.3 sqft) proposed increases the total floor area of the building/structure is required to meet the 105 ft structure setback – in this case the entire building/structure is within the 105 ft structure setback.

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

OR: Should you wish to appeal my decision to the Coastal Resources Commission or request a Variance from that group, you must complete the enclosed DCM Form 11, CAMA Variance Request, and submit your request to the Division of Coastal Management office in Morehead City. Appeal notices must be received within twenty (20) days of the date of this letter in order to be considered.

Respectfully yours,



Margaux Kerr, LPO  
Town of Nags Head  
5401 S. Croatan Hwy  
P.O. Box 99  
Nags Head, NC 27959

cc: Yvonne Carver, DCM Elizabeth City, Field Representative  
Robert Lawson, R. Lawson Construction Co., Inc.

## KELLOGG AND EVANS, P.A.

ATTORNEYS AT LAW

CHARLES D. EVANS  
CREECY S. RICHARDSON  
MEGHAN E. ASHWORTH  
-----  
MARTIN KELLOGG, JR.  
1908-2001

P.O. BOX 189  
MANTEO, NC 27954

-----  
**DELIVERY ADDRESS:**  
201 ANANIAS DARE STREET  
MANTEO, N.C. 27954

TELEPHONE: (252) 473-2171  
FACSIMILE: (252) 473-1214

EMAIL ADDRESS:  
charlese@kelloggandevans.com  
creecyr@kelloggandevans.com  
meghana@kelloggandevans.com  
courtneyb@kelloggandevans.com

March 1, 2018

The Town of Nags Head  
P.O. Box 99  
Nags Head, NC 27959

To Whom It May Concern:


I am writing to you today on behalf of my clients, Dean and Marie-Elise Sackett, the record owner of the property located at 9131 S. Old Oregon Inlet Road, Nags Head, North Carolina 27959; the same subject property being that which is located adjacent to the property you own in Nags Head.

As you may know, the Sacketts are requesting a CAMA Variance in order to construct an addition to their home located at the address provided just above. Pursuant to N.C.G.S. sections 113A-120.1 and 15A N.C.A.C. 07J .0700 et seq., my clients are required to provide notice of their variance petition by certified mail to adjacent property owners.

Please review the enclosed copies of the Petition submitted February 27, 2018 to the Coastal Resources Commission for review prior to the scheduled hearing on April 10 and 11, 2018 at The Dare County Administration Building, 954 Marshal.

If you have any questions or comments regarding this letter and the enclosures, please do not hesitate to contact myself or a member of the Division of Coastal Management with comments or concerns (DCM, 401 S. Griffin St., Suite 300, Elizabeth City, 27909).

Best regards,



Charles D. Evans

CDE/cab

Enclosures

CC: Dean and Elise-Marie Sackett, III (transmitted via email only)

061

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:

The Town of Nags Head  
 P.O. Box 99  
 Nags Head, NC 27959

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
*xCrazel Little*  Address

B. Received by (Printed Name) C. Date of Delivery

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



- Certified Mail®  Priority Mail Express™
- Registered  Return Receipt for Merchandise
- Insured Mail  Collect on Delivery

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
 (Transfer from service label)

7008 2810 0000 5864 8388

PS Form 3811, July 2013

Domestic Return Receipt

## KELLOGG AND EVANS, P.A.

ATTORNEYS AT LAW

CHARLES D. EVANS  
 CREECY S. RICHARDSON  
 MEGHAN E. ASHWORTH  
 -----  
 MARTIN KELLOGG, JR.  
 1908-2001

P.O. BOX 189  
 MANTEO, NC 27954

-----  
**DELIVERY ADDRESS:**  
 201 ANANIAS DARE STREET  
 MANTEO, N.C. 27954

TELEPHONE: (252) 473-2171  
 FACSIMILE: (252) 473-1214

EMAIL ADDRESS:  
 charlese@kelloggandevans.com  
 creecyr@kelloggandevans.com  
 meghana@kelloggandevans.com  
 courtneyb@kelloggandevans.com

March 1, 2018

Walter and Linda Howard  
 3 Hillock Woods  
 The Woodlands, TX 77380

Dear Mr. and Mrs. Rice:

I am writing to you today on behalf of my clients, Dean and Marie-Elise Sackett, the record owner of the property located at 9131 S. Old Oregon Inlet Road, Nags Head, North Carolina 27959; the same subject property being that which is located adjacent to the property you own in Nags Head.

As you may know, the Sacketts are requesting a CAMA Variance in order to construct an addition to their home located at the address provided just above. Pursuant to N.C.G.S. sections 113A-120.1 and 15A N.C.A.C. 07J .0700 et seq., my clients are required to provide notice of their variance petition by certified mail to adjacent property owners.

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Charles D. Evans

CDE/cab  
 Enclosures  
 CC: Dean and Marie-Elise Sackett, III (transmitted via email only)

063

**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- 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:  
 Walter & Linda Howard  
 3 Hill oak woods  
 The Woodlands, TX 77580

2. Article Number  
 (Transfer from service label)

7008 2810 0000 5864 8395

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  X  Agent  
 Addressee  
 B. Received by (Printed Name) *Lynnda Howard* C. Date of Delivery *03/02/18*  
 D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No



3. Service  Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



**Ben Cahoon**  
Mayor

**Susie Walters**  
Mayor Pro Tem

**Cliff Ogburn**  
Town Manager

**Town of Nags Head**  
Post Office Box 99  
Nags Head, NC 27959  
Telephone 252-441-5508  
Fax 252-441-0776  
[www.nagsheadnc.gov](http://www.nagsheadnc.gov)

**M. Renée Cahoon**  
Commissioner

**J. Webb Fuller**  
Commissioner

**Michael Siers**  
Commissioner

January 22, 2018

I can confirm that the Town Nags Head has applied for the necessary permits for a beach re-nourishment construction project to take place either Spring of 2018 or 2019. We are waiting to determine if we will have the approval from FEMA to replace 1.4 mcy that was lost due to Hurricane Matthew before we know which year the project takes place. The town's place is to re-nourish the beach with 2.3 mcy in response to how the beach reacted to our 2011 project.

The town has made clear its intention to re-nourish its beach for as long as it is financially viable and for as long as there is a sand source to borrow from. The policy has been to re-nourish the beach after 50% of the volume is lost or six years after each project is complete – whichever comes last. Our long range comprehensive land use plan contains language committing to beach nourishment.

Cliff Ogburn, Town Manager  
Town of Nags Head

The State of North Carolina  
County of Dare

I Michelle H Gray, a Notary Public for Dare County and State of North Carolina, do hereby certify that Cliff Ogburn personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 22<sup>nd</sup> day of January 2018.

My commission expires October 4, 2020.

Michelle H Gray, Notary

