



ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

WILLIAM F. LANE
General Counsel

TO: The Coastal Resources Commission

FROM: Christine A. Goebel, DEQ Assistant General Counsel

DATE: January 31, 2018 (for the February 13-14, 2018 CRC Meeting)

RE: **Variance Request by Sandy Court Beach, LLC/Fohs (CRC-VR-18-01)**

Petitioner Sandy Beach Court, LLC (c/o Member/Manager John Fohs) (“Petitioner”) owns a residence at 9913 Sand Court (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 November of 2014, Petitioner filed a CAMA Minor Permit application seeking to construct an addition to the bottom floor of the piling-supported residence underneath a “bump out” which currently exists on the top floor. On December 11, 2014, 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 150’ setback from the static line. In January of 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. Petitioner is Sandy Court Beach, LLC a Maryland Limited Liability Company (“Petitioner” or “SCB, LLC”). Based on the Operating Agreement of SCB, LLC, John J. Fohs (“Fohs”) and Donna H. Fohs are the Member-managers of SCB, LLC. Charles D. Evans, Esq is the registered agent according to the State of North Carolina Designation of Registered Agent Form, a copy of which is attached and which is in process with the NC Secretary of State’s office. Petitioner is also represented by Mr. Evans in this variance proceeding.
2. Petitioner obtained property known as Lot 8 of Limulus, part of the High Dunes South Subdivision (the “Site”), though an October 18, 2006 deed recorded at Book 1556, Page 271 of the Dare County Registry, a copy of which is attached. The Site is shown on a survey of High Dunes South dated January 23, 1976 and recorded at Map Book 8, Page 66 of the Dare County Registry, a copy of which is attached. The Site is also known as 9913 Sand Court, Nags Head, North Carolina in Dare County.
3. Petitioner obtained the Site from John J. Fohs and Donna H. Fohs, who had owned the Site since they took title through an August 22, 1997 deed recorded at Book 1130, Page 275 of the Dare County Registry, a copy of which is attached.
4. Petitioner has provided a copy of a December 15, 2014 survey of the Site by Manson Ray Meekins, P.L.S., a copy of which is attached.
5. The Site is currently developed with an 1,848 square foot two-story piling-supported single-family residence. The house is a four-bed, three-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.
6. The Dare County Tax Card indicates that the home on the Site was built in 1985, a copy of which is attached. Petitioner believes that the bump-out at issue was original to the cottage.
7. The Site is located within the Ocean Erodible portion of the Ocean Hazard Area of Environmental Concern (“AEC”), and is currently a second-row home (it is shown as a third-row home on the 1976 plat, attached). The applicable erosion rate at the Site is 5’/year, and so the applicable setback for this “Development” under 5,000 square feet Total Floor Area (TFA) is 150’ landward of the static line.
9. 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 1993 and 2016 aerial photography) are attached.
10. The location of the static line and the “actual” vegetation is essentially the same, based on a recent site visit by staff and a review of the static line location.

11. Pursuant to N.C.G.S. § 113A-118, the proposed development requires authorization through the issuance of a CAMA permit.
12. At the Site, the waters of the Atlantic Ocean are classified as SB waters, open to the harvest of shellfish.
13. 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 July 31, 2015 Elevation Certificate, a copy of which is attached as a stipulated exhibit.
14. On or about November 11, 2014, Fohs (and Petitioner's Authorized CAMA Agent Sam Moor of Soundside Construction), on behalf of Petitioner, applied for a CAMA Minor Development Permit with the Town of Nags Head Local Permit Officer ("LPO") seeking to renovate an existing bathroom and create a new bathroom by enclosing an area 8' x 16' or 128 square feet. The added Total Floor Area ("TFA") is proposed to be located on the lower level, underneath an existing bump-out on the top floor, so the footprint of the residence will remain the same. A copy of Petitioner's CAMA permit application materials are included as stipulated exhibits.
15. The bump-out where the addition is proposed is on the west side of the residence, and faces the driveway. The bump-out can be seen in site photos which are part of the stipulated PowerPoint presentation.
16. The 128-square foot addition to the currently 1,848 square foot residence represents a 7% increase in area compared to the current area.
17. The applicable 150' setback from the applicable static vegetation line results in the setback line falling landward of the existing residence, and is shown on the 2015 Meekins Survey as the "150' CAMA Minimum Structure Setback (2011)."
18. At the time of Petitioner's permit application in 2014, Petitioner sent notice of the proposed addition to its four adjacent riparian owners (Lots 7, 9, 27, 28 on the 2015 Meekins Survey). Notice was also given to the public through publication and on-site posting. The Town of Nags Head received no objections from adjacent property owners or any member of the public.
19. By letter dated December 11, 2014, the Nags Head CAMA LPO denied Petitioner's proposed addition as the structural addition was not landward of the applicable 150' setback from the static vegetation line. A copy of the denial letter is attached as a stipulated exhibit.
20. On January 3, 2018, Petitioner, through counsel Charles 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.
21. Petitioner did not seek a variance from local setbacks as he proposes to build under the existing bump-out on the rear of the residence.

22. 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.
23. The Town has a CAMA Major Permit application pending with DCM Staff. The Town has submitted a statement regarding this nourishment cycle, attached as a stipulated exhibit.
24. 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.

Stipulated Exhibits:

1. NC SOS's office Designation of Registered Agent Form for SCB, LLC
2. Deed to SCB, LLC from Fohs 1556/271
3. High Dunes Map at Map Book 8, Page 66
4. Deed to Fohs 1130/275
5. 2014 Meekins Survey
6. Tax Card
7. 2011 Static Line overlain on 1993 and 2016 aerial photography
8. 2015 Elevation Certificate for the Site
9. 2014 CAMA Minor Permit Application Form
10. 2014 Notice of CAMA Permit Application sent to neighbors
11. 2014 Denial Letter
12. 2018 Notice of CAMA Variance sent to neighbors
13. Official Statement from Town of NH re: another nourishment
14. PowerPoint Presentation including ground level and aerial photography of the Site

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 and expand/enhance an existing bathroom to be handicapped accessible. The proximity of the existing bathroom and the proposed changes make it conclusive 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 seven (7%) 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 an 8'x16' room on the upper level and would become part of the bedroom level 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 7% where the house is within the setback (waterward of the applicable 150' setback from the Static Line). This area has a high rate of average annual erosion at 5'/year, and while Petitioner's home is not yet oceanfront, the "actual" vegetation is behind the first-row house. While the Town's planned nourishment may temporarily slow erosion and the landward movement of the vegetation line in this area, there is still a significant risk of this structure being located on the first row, and then on the dry-sand public beach. While the increase is 128 square feet and being built under the existing bump-out, it still represents a significant increase of total floor area and the associated structure which could become 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 1985, it no longer meets the setback rules that apply today. It is important to note that the house is not oceanfront and lies behind a row of existing houses, As a result, any erosion issue that may occur on the properties to the east of us (oceanfront), cannot be controlled or managed by us. For example, we do not have the luxury or the right to aid our situation by moving sand, enhancing the dunes, adding sand fencing or sandbags to manage the erosion. (Please note the ever-change vegetation lines here and how they could change again based on pending beach replenishment 2017-2018.) With regard to the physical size of the house, it should be noted that when it was built in 1985, the typical floor plan consisted of long narrow hallways and tight doorways, bedroom and bathroom spaces. The floor plan is inherently restrictive of anyone with limited mobility or in need of accommodations, Through no fault of the developer, builder or ourselves upon purchase, the design is reflective of its time. Today, however, meeting the needs of a wider range of individuals in building is widely accepted, applauded and even mandated in some cases. It is an important advancement which we would like to further in order to provide handicapped accessible facilities.

Staff's Position: No.

Staff disagree that Petitioner's location within an Ocean Hazard AEC is not unusual for second row houses when they are located in areas with high average annual erosion rates, as the erosion rate is the multiplier used to define the AEC jurisdiction and can result in a larger AEC area. 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. For example, there will be 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.

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 have the option to re-work their existing interior space without the need for a variance or increasing the size of the structure by 7% in a highly erosive area. Staff contend that the addition of 128 square feet of new floor area to the structure waterward of the setback is a hardship caused by Petitioners' choice of design.

- 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 overhanging space), 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 handicapped accessible, therefore better accommodating the owners and increasing the time 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 any handicapped occupants or guests and would allow the property to be more accessible and useable and therefore maintained on a regular bases 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 by handicapped individuals and will not create any known adverse circumstances and should be allowed for the good of the community.

Staff's Position: No.

Staff notes that the rule which Petitioner is seeking a variance from are 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 oceanfront erosion setback 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 is in approximately the same location as the Static Line). In this case, there is a high average erosion rate of 5'/year, which results in a setback from the State Line of 150-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 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

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
 courtneyb@kelloggandevans.com
 creecyr@kelloggandevans.com
 meghana@kelloggandevans.com

January 3, 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)

Re: **CAMA Variance Request Form**
February 13-14, 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 February 13-14 in Sunset Beach.

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/
 Enclosures

CAMA VARIANCE REQUEST FORM

DCM FORM 11

DCM FILE No.: _____

PETITIONER'S NAME

Sandy Court Beach, LLC a Maryland limited liability company
John J. Fohs, managing member

COUNTY WHERE THE DEVELOPMENT IS PROPOSED

Dare

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

VARIANCE HEARING PROCEDURES

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

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

VARIANCE CRITERIA

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

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

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

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; *(Town of Morehead)*
- 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); *(Town of NH)*
- Proof that a variance was sought from the local government per 15A N.C.A.C. 07J .0701(a), if applicable;
- Petitioner's written reasons and arguments about why the Petitioner meets the four variance criteria, listed above;
- A draft set of proposed stipulated facts and stipulated exhibits. Please make these verifiable facts free from argument. Arguments or characterizations about the facts should be included in the written responses to the four variance criteria instead of being included in the facts.
- This form completed, dated, and signed by the Petitioner or Petitioner's Attorney.

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

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 and expand/enhance an existing bathroom to be handicapped accessible. The proximity of the existing bathroom and the proposed changes make it conclusive 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 seven (7%) 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 an 8'x16' room on the upper level and would become a part of the bedroom level 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.

(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 1985, it no longer meets the setback rules that apply today. It is important to note that the house is not oceanfront and lies behind a row of existing houses. As a result, any erosion issues that may occur on the properties to the east of us (oceanfront), cannot be controlled or managed by us.

For example, we do not have the luxury or the right to aid our situation by moving sand, enhancing the dunes, adding sand fencing or sandbags, to manage the erosion. (Please note the ever-changing vegetation lines here and how they could change again based on pending beach replenishment 2017-2018.)

With regard to the physical size of the house, it should be noted that when it was built in 1985, the typical floor plan consisted of long narrow hallways and tight doorways, bedroom and bathroom spaces. The floor plan is inherently restrictive of anyone with limited mobility or in need of accommodations. Through no fault of the developer, builder or ourselves upon purchase, the design is

reflective of its time. Today, however, meeting the needs of a wider range of individuals in building is widely accepted, applauded and even mandated in some cases. It is an important advancement which we would like to further in order to provide handicapped accessible facilities.

(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.

For example, there will be 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 overhanging space), 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 handicapped accessible, therefore better accommodating the owners and increasing the time spent enjoying and maintaining the home now that it is no longer on the rental market. 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 any

handicapped occupants or guests and would allow the property to be more accessible and 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 use of the property by handicapped individuals and will not create any known adverse circumstances and should be allowed for the good of the community.

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.

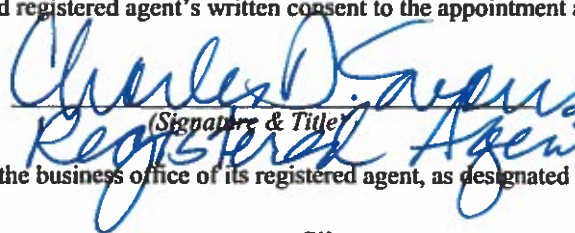
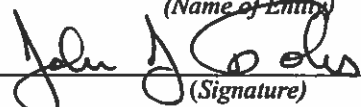
ATTACHMENT E:
STIPULATED EXHIBITS

1. NC SOS's office Designation of Registered Agent Form for SCB, LLC
2. Deed to SCB, LLC from Fohs 1556/271
3. High Dunes Map at Map Book 8, Page 66
4. Deed to Fohs 1130/275
5. 2014 Meekins Survey
6. Tax Card
7. 2011 Static Line overlain on 1993 and 2016 aerial photography
8. 2015 Elevation Certificate for the Site
9. 2014 CAMA Minor Permit Application Form
10. 2014 Notice of CAMA Permit Application sent to neighbors
11. 2014 Denial Letter
12. 2018 Notice of CAMA Variance sent to neighbors
13. Official Statement from Town of NH re: another nourishment
14. PowerPoint Presentation including ground level and aerial photography of the Site

STATE OF NORTH CAROLINA
Department of the Secretary of State

**DESIGNATION OF REGISTERED OFFICE ADDRESS
AND/OR REGISTERED AGENT**

Pursuant to §55D-30 and §55D-31 of the General Statutes of North Carolina, the undersigned entity submits the following for the purpose of designating a registered office and/or registered agent in the State of North Carolina.

1. The name of the entity is: Sandy Court Beach, LLC
2. (Check if applicable). The entity currently has no registered office on file with the Secretary of State.
3. (Check if applicable). The mailing address of the registered office is not on file with the Secretary of State.
4. The street address and county of the entity's designated registered office is:
Number and Street: 201 Ananias Dare Street
City: Manteo State: NC Zip Code: 27954 County: Dare
5. The mailing address *if different from the street address* of the designated registered office is:
Number and Street: P.O. Box 189
City: Manteo State: NC Zip Code: 27954 County: Dare
6. (Check if applicable). The entity currently has no registered agent on file with the Secretary of State.
7. The name of the designated registered agent and the designated registered agent's written consent to the appointment appears below:
Charles D. Evans
(Type or Print Name of New Agent) 
(Signature & Title)
Registered Agent
8. The address of the entity's registered office and the address of the business office of its registered agent, as designated herein, will be identical.
9. This statement will be effective upon filing, unless a date and/or time is specified: upon filing
10. This is the day of January, 2018. Sandy Court Beach, LLC
(Name of Entity)

(Signature)
John J. Fohs, Member-Manager
(Type or Print Name and Title)

NOTES:

1. Filing fee is \$5.00. One executed statement must be filed with the Secretary of State.
 2. This form is for use by entities that have not filed the name of a registered agent or address of a registered office with the Business Registration Division.
- * Instead of signing here, the new registered agent may sign a separate written consent to the appointment, which must be attached to this statement.

Filed Book: 1656 Page: 271 Doc Id: 6182108
10/18/2005 04:32PM Receipt #: 152408
Doc Code: DEED
BARBARA M GRAY, REGISTER OF DEEDS DARE CO, NC



6182108
Page: 1 of 2
10/18/2005 04:32P

UNOFFICIAL DOCUMENT
EXEMPT
DARE COUNTY TAX
COLLECTOR
NO. 7067-05
70-

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: _____
Parcel Identifier No. 007200000 Verified by _____ County on the _____ day of _____, 20____
By: _____

Mail/Box to: Esther Street, Esq., 6411 Ivy Ln. Ste.200, Greenbelt, MD 20770

This instrument was prepared by: Betsy Butler, Attorney at Law

Brief description for the Index: Lot 8, Limulus / High Dunes South

THIS DEED made this 10th day of September, 2005, by and between

GRANTOR	GRANTEE
JOHN J. FOHS and wife, DONNA H. FOHS	SANDY COURT BEACH, LLC, a Maryland Limited Liability Company
10 Hunt Club Court Edgewater, MD 21037	10 Hunt Club Court Edgewater, MD 21037
This is a Deed of Gift	

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 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 City of Nags Head, Nags Head Township, Dare County, North Carolina and more particularly described as follows:

Being Lot Number 8 of the subdivision known as "Limulus" as shown on a map or plat entitled "High Dunes South" prepared by Quible & Associates, Inc., Consulting Engineers and Surveyors, dated January 23, 1976, and recorded in Map Book 8, Page 66 Public Registry of Dare County, North Carolina, and which has the address of 9913 Sandy Court, Limulus S/D, Nags Head, North Carolina 27959.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 1130 page 275.
A map showing the above described property is recorded in Plat Book _____ page _____.



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, other than the following exceptions:

Easements and restrictions of record

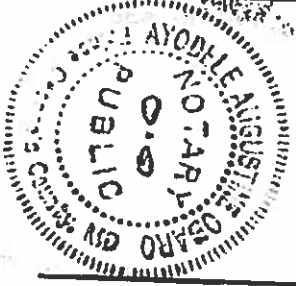
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

By: _____ (Entity Name)
Title: _____
By: _____
Title: _____
By: _____
Title: _____

John J. FOHS (SEAL)
Donna H. FOHS (SEAL)

_____ (SEAL)

USE BLACK INK ONLY



State of North Carolina - County of Anne Arundel
I, the undersigned Notary Public of the County and State aforesaid, certify that JOHN J. FOHS personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 7th day of October, 2005.
My Commission Expires: 07/01/2009

USE BLACK INK ONLY

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

USE BLACK INK ONLY

State of North Carolina - County of _____
I, the undersigned Notary Public of the County and State aforesaid, certify that _____
Witness my hand and Notarial stamp or seal this _____ day of _____, 20__.
My Commission Expires: _____

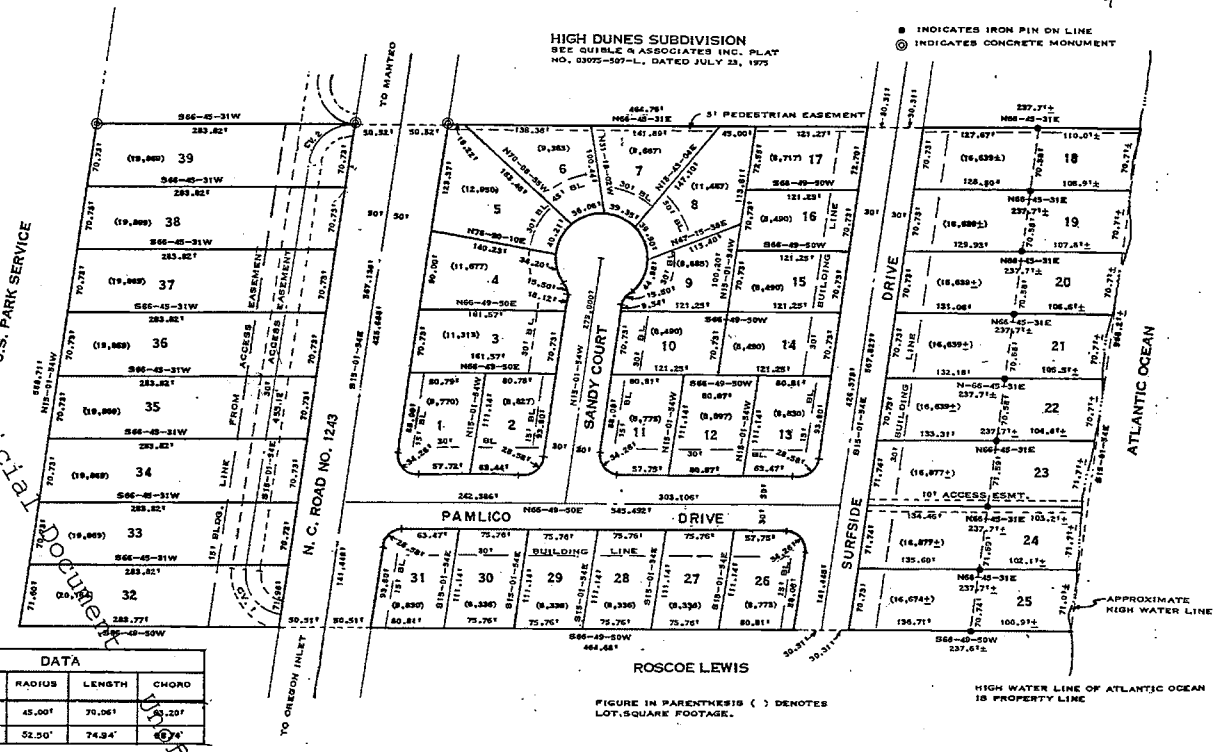
USE BLACK INK ONLY

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.
By: _____ Register of Deeds for _____ County
Deputy/Assistant - Register of Deeds

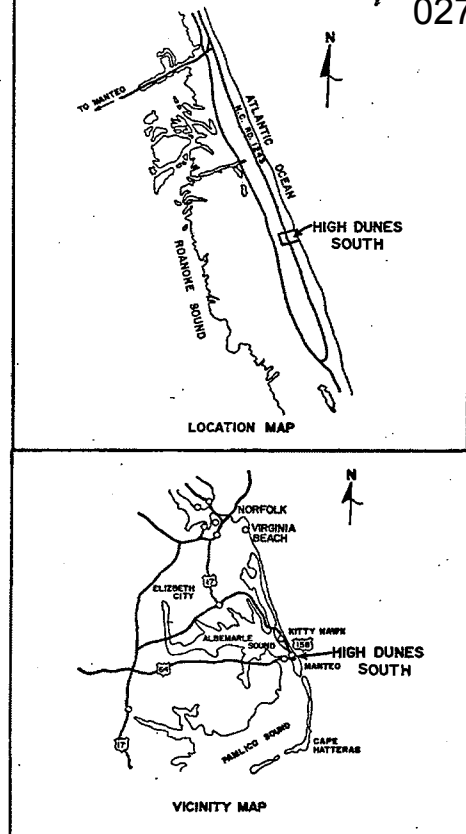
1960
Unofficial Document

3-8-76
4-10 P.M.

8/66
027



CURVE DATA				
CURVE NO.	DELTA	RADIUS	LENGTH	CHORD
1	89-12-24	45.00'	70.06'	20.20'
2	89-47-25	52.50'	74.84'	24.94'



CERTIFICATE OF OWNERSHIP AND DEDICATION
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT. FURTHER, I CERTIFY THE LAND AS SHOWN HEREON IS WITHIN THE PLATTING JURISDICTION OF THE TOWN OF NAGS HEAD.
 DATE Feb. 10, 1976 Pauline L. Sherman
 PAULINE L. SHERMAN

SANITARIANS CERTIFICATE
 I HEREBY CERTIFY THAT THE LOTS PROPOSED IN THIS MAP OF THE SUBDIVISION ENTITLED HIGH DUNES SOUTH, MEET THE REQUIREMENTS AS TO MINIMUM AREA FOR AN INDIVIDUAL SEWAGE DISPOSAL AND COMMUNITY WATER SUPPLY SYSTEM AS PROVIDED BY ORDINANCE OF THE DARE COUNTY BOARD OF HEALTH. (LOTS ARE EVALUATED SEPARATELY AS TO TOPOGRAPHY, DRAINAGE AND SOIL POROSITY.)
 DATE 3/8/76 Joseph P. ...
 SANITARIAN

SURVEYORS CERTIFICATE
 I, F. RICHARD GUILBE, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:11,500, THAT THE BOUNDARIES NOT ACTUALLY SURVEYED ARE SHOWN BY DASHED LINES PLOTTED FROM INFORMATION FOUND IN BOOK 573, PAGE 64, THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G. S. 17-37 AND 39-31.1 AS AMENDED AND THAT ALL MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON.
 WITNESS MY HAND AND SEAL THIS 23rd DAY OF Jan, A.D., 1976.
F.R.C. Guible
 F. RICHARD GUILBE
 REG. LAND SURVEYOR NO. L-1157

CERTIFICATE OF TOWN CLERK, TOWN OF NAGS HEAD
 I, Constance V. Harder, TOWN CLERK OF NAGS HEAD, NORTH CAROLINA, DO CERTIFY THAT ON THE 15th DAY OF March, 1976, THE TOWN OF NAGS HEAD APPROVED THIS PLAT FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS AND ACCEPTED THE OBLIGATION OF THE IMPROVEMENTS, LIMITED BY RESOLUTION OF THE BOARD OF COMMISSIONERS BUT ASSUME NO RESPONSIBILITY TO OPEN OR MAINTAIN THE SAME, UNTIL, IN THE OPINION OF THE BOARD OF COMMISSIONERS OF NAGS HEAD IT IS IN THE PUBLIC INTEREST TO DO SO.
 DATE 3/8/76 Constance V. Harder
 TOWN CLERK

PLANNING BOARD APPROVAL
 FINAL PLAT APPROVED - CONDITIONALLY APPROVED. (STRIKE ONE)
 DATE 3/8/76 Constance V. Harder
 SECRETARY OF PLANNING BOARD

MECKLENBURG COUNTY, VIRGINIA
Rebecca B. Hilligree, NOTARY PUBLIC OF MECKLENBURG COUNTY, VIRGINIA, DO HEREBY CERTIFY THAT F. RICHARD GUILBE, REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF SURVEYORS CERTIFICATE BEARING DATE OF Jan 23, 1976, APPEARING ON PLAT OF HIGH DUNES SOUTH.
 MY COMMISSION EXPIRES 4/24/77 Rebecca B. Hilligree
 NOTARY PUBLIC

NORTH CAROLINA, DARE COUNTY
 The foregoing certificate of F. R. Guible, R.L.S. and
Rebecca B. Hilligree, Notary Public
 are certified to be correct.
 Presented for registration this the 8 day of March, 1976, at 7:10 o'clock P. M., and recorded in this office in Book 8 Page 66.
Ernest B. DeLoach
 Register of Deeds

- NOTES**
- CURVES AT PROPERTY LINE INTERSECTIONS HAVE A RADIUS OF 30.00'
 - LOT FRONTS ON CURVES ARE ARC LENGTHS.
 - ALL CUL-DE-SACS HAVE A RADIUS OF 30.00' UNLESS OTHERWISE NOTED.
 - PAVING SHALL BE 20.00' WIDE WITH 4.00' SAND CLAY SHOULDERS ON EACH SIDE. DIAMETER OF PAVING AT CUL-DE-SAC WILL BE 30.00'
 - CURVES AT INTERSECTION OF ROAD PAVEMENT SHALL HAVE A RADIUS OF 30.00'
 - NO U.S.O.S. SURVEY MONUMENTS EXIST WITHIN 2,000' OF THIS PROPERTY.
 - THE DEVELOPER RESERVES RIGHTS-OF-WAY AND EASEMENTS FOR WATER, GAS, SEWERS, DRAINAGE PIPES, ELECTRIC AND TELEPHONE SERVICES, TOGETHER WITH AND ALL APPURTENANCES THEREON, ON, OVER, AND ACROSS EACH OF THE LOTS, AS SHOWN HEREON, AS WELL AS EASEMENTS 5' IN WIDTH CONTIGUOUS TO ALL SIDE LINES OF EACH LOT AND 15' CONTIGUOUS TO ALL REAR LOT LINES AND STREET FRONTS.
 - THERE WILL BE NO INDIVIDUAL DRIVEWAYS ENTERING ONTO N.C. ROUTE 123.
 - THE 30' ACCESS EASEMENT ON LOTS 31 THROUGH 39 IS TO BE THE LOCATION OF THE SERVICE ROAD FOR THE ABOVE STATED LOTS. THIS SERVICE ROAD IS TO BE OWNED AND MAINTAINED BY THE OWNERS OF THE SAID LOTS.
 - THESE STREETS SHOWN ON THE PLAT ARE DEDICATED AS PUBLIC STREETS; HOWEVER, THEY ARE PRIVATE STREETS ACCORDING TO G.S. 136-102.6.

HIGH DUNES SOUTH

Town of Nags Head-Dare Co., N.C.

LOTS 1 THROUGH 39

OWNED BY PAULINE L. SHERMAN

Quible and Associates
 INCORPORATED
 CONSULTING ENGINEERS & LAND SURVEYORS
 CHASE CITY, VIRGINIA

DARE COUNTY REAL ESTATE TRANSFER TAX
L-5014-97 \$1,680.00



DARE COUNTY NC 08/22/97
\$336.00



Real Estate Excise Tax

Book Page
1130 0275

FILED
DARE COUNTY NC
08/22/97 4:10 PM
DORRIS A. FRY
Register Of Deeds

Document #
000058
Recording Book and Page

\$1680.00
T# 5014-97 Excise Tax \$336.00

Tax Lot No. Parcel Identifier No.
Verified by County on the day of 19
by

Mail after recording to AYCOCK, SPENCE AND BUTLER
Post Office Box 117, Nags Head, NC 27959

This instrument was prepared by Robert L. Outten, Attorney at Law

Brief description for the Index
LOT 8, LIMULUS -HIGH DUNES SOUTH

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 12th day of August, 1997, by and between

GRANTOR
EVA JO KELLY, unmarried

GRANTEE
JOHN J. FOHS AND WIFE, DONNA H. FOHS

24 Lakeside Drive
Greenbelt, MD 20770

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 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 City of Nags Head, Atlantic Township, Dare County, North Carolina and more particularly described as follows:

Being Lot Number 8 of the subdivision known as "Limulus" as shown on a map or plat entitled "High Dunes South" prepared by Quible & Associates, Inc., Consulting Engineers and Surveyors, dated January 23, 1976, and recorded in Map Book 8, Page 66, Public Registry of Dare County, North Carolina, and which has the address of 9913 Sandy Court, Limulus S/D, Nags Head, North Carolina 27959.

Book 1130 Page 0276

The property hereinabove described was acquired by Grantor by instrument recorded in Book 761, Page 803

A map showing the above described property is recorded in Map Book 8 page 66

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:

All restrictions and easements of record, Dare County Public 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 and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

(Corporate Name)

By: President

ATTEST: Secretary (Corporate Seal)

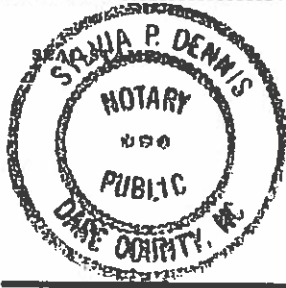
USE BLACK INK ONLY

Eva Jo Kelly (SEAL)

(SEAL)

(SEAL)

(SEAL)



NORTH CAROLINA, DARE County.

I, a Notary Public of the County and State aforesaid, certify that Eva Jo Kelly Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 20th day of August, 1997.

My commission expires: May 7, 2001 Sylvia P. Dennis Notary Public

SEAL-STAMP

NORTH CAROLINA, County.

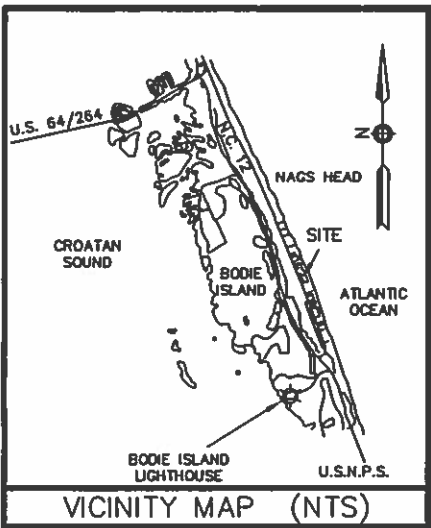
I, a Notary Public of the County and State aforesaid, certify that he is Secretary of a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by as its Secretary. Witness my hand and official stamp or seal, this day of, 19.

My commission expires: Notary Public

The foregoing Certificate(s) of Sylvia P. Dennis a Notary Public of Dare Co., NC

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By Vanzella M. Walcott REGISTER OF DEEDS FOR Dare COUNTY Deputy/Assistant - Register of Deeds



N/F
LOT 27 - HIGH DUNES
 (MB 8, PG 58)

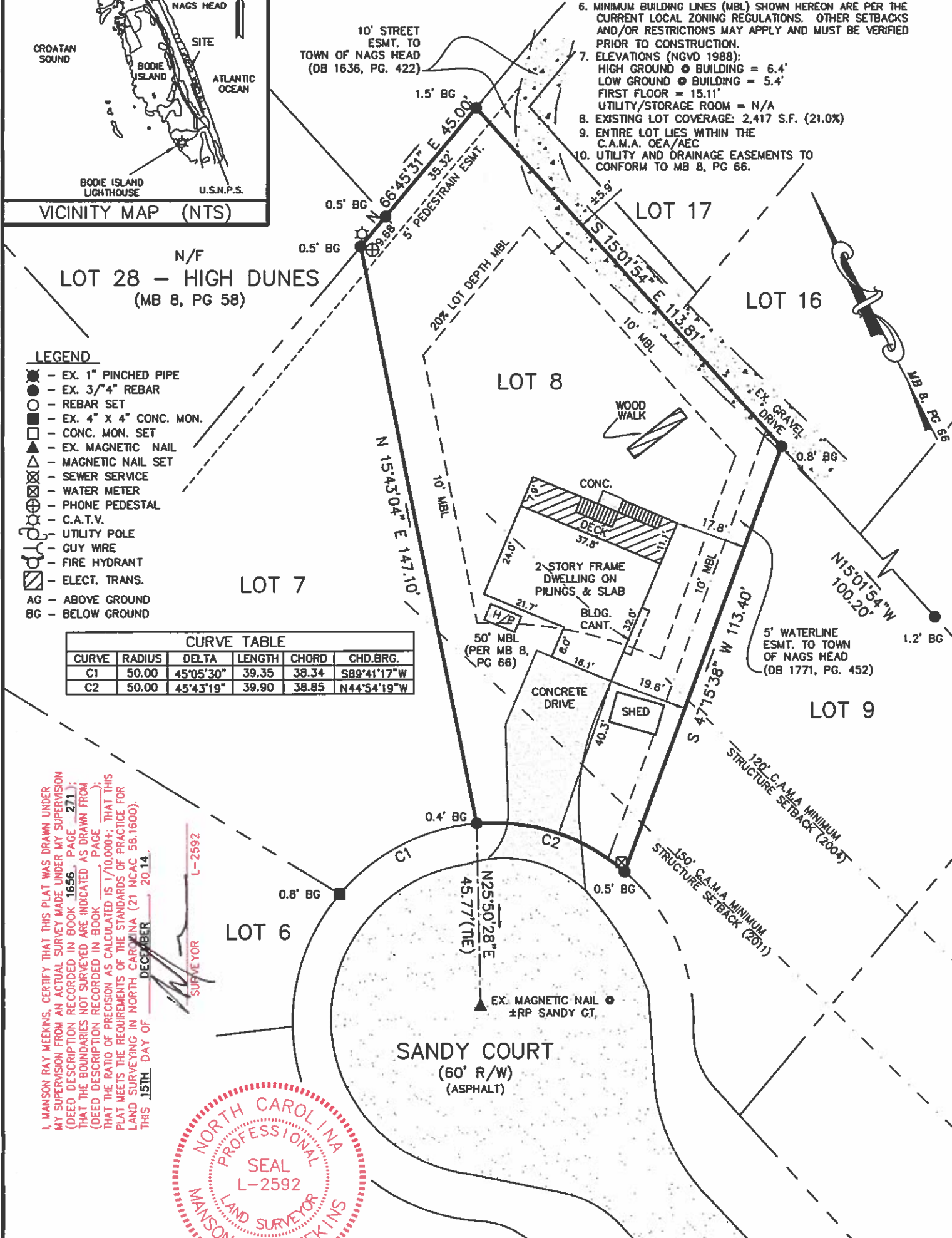
- NOTES:**
1. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
 2. AREA BY COORDINATE COMPUTATION = 11,487 S.F.
 3. F.I.R.M. ZONE: "VE" (EL. 11') (PER F.I.R.M.) + 1.0' FREEBOARD
 4. PIN NO.: 14 071811 56 7187
 5. RECORDED REFERENCE: MB 8, SL 66; DB 1656, PG. 271
 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 (NGVD 1988):
 HIGH GROUND @ BUILDING = 6.4'
 LOW GROUND @ BUILDING = 5.4'
 FIRST FLOOR = 15.11'
 UTILITY/STORAGE ROOM = N/A
 8. EXISTING LOT COVERAGE: 2,417 S.F. (21.0%)
 9. ENTIRE LOT LIES WITHIN THE C.A.M.A. OEA/AEC
 10. UTILITY AND DRAINAGE EASEMENTS TO CONFORM TO MB 8, PG 66.

N/F
LOT 28 - HIGH DUNES
 (MB 8, PG 58)

- LEGEND**
- - EX. 1" PINCHED PIPE
 - - EX. 3/4" REBAR
 - - REBAR SET
 - - EX. 4" X 4" CONC. MON.
 - ▣ - CONC. MON. SET
 - ▲ - EX. MAGNETIC NAIL
 - △ - MAGNETIC NAIL SET
 - ⊗ - SEWER SERVICE
 - ⊕ - WATER METER
 - ⊙ - PHONE PEDESTAL
 - ⊠ - C.A.T.V.
 - ⊡ - UTILITY POLE
 - ⊢ - GUY WIRE
 - ⊣ - FIRE HYDRANT
 - ⊤ - ELECT. TRANS.
 - AG - ABOVE GROUND
 - BG - BELOW GROUND

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHD.BRG.
C1	50.00	45°05'30"	39.35	38.34	S89°41'17"W
C2	50.00	45°43'19"	39.90	38.85	N44°54'19"W

I, MANSON RAY MEEKINS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK PAGE 271); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM (DEED DESCRIPTION RECORDED IN BOOK PAGE 271); THAT THE RATIO OF PRECISION AS CALCULATED IS 1/10,000+; THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). THIS DAY OF DECEMBER 20, 2014



Parcel:

[Parcel Data](#)[Tax Bill](#)[Tax Certification](#)[GIS](#)[Quick Links](#)

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on January 12 2018

Primary (100%) Owner Information:

SANDY COURT BEACH, LLC

10 HUNT CLUB CT

EDGEWATER MD 21037

Parcel Information:

Parcel: 007390000 PIN: 071811567187

District: 14- NAGS HEAD

Subdivision: HIGH DUNES SOUTH
(LIMULUS)

LotBlkSect: LOT: 8 BLK: SEC:

Multiple Lots: -

PlatCabSlide: PL: 8 SL: 66 Units: 1

Deed Date: 10/18/2005

BkPg: [1656/0271](#)**Parcel Status:** ACTIVE

007390-000 14-071811-076 03/11

Property Use: RESIDENTIAL**9913 S SANDY CT****BUILDING USE & FEATURES**

Building Use:	BEACH BOX
Exterior Walls:	MODERN FRAME
Full Baths:	3 Half Baths: 0
Bedrooms:	4
Heat-Fuel:	3 - ELECTRIC
Heat-Type:	2 - FORCED AIR
Air Conditioning:	4 -CENTRAL W/AC

Tax Year Bldg Value: \$133,300**Next Year Bldg Value: \$133,300****Actual Year Built: 1985****Finished sqft for building 1: 1848
Total Finished SqFt for all bldgs:
1848**

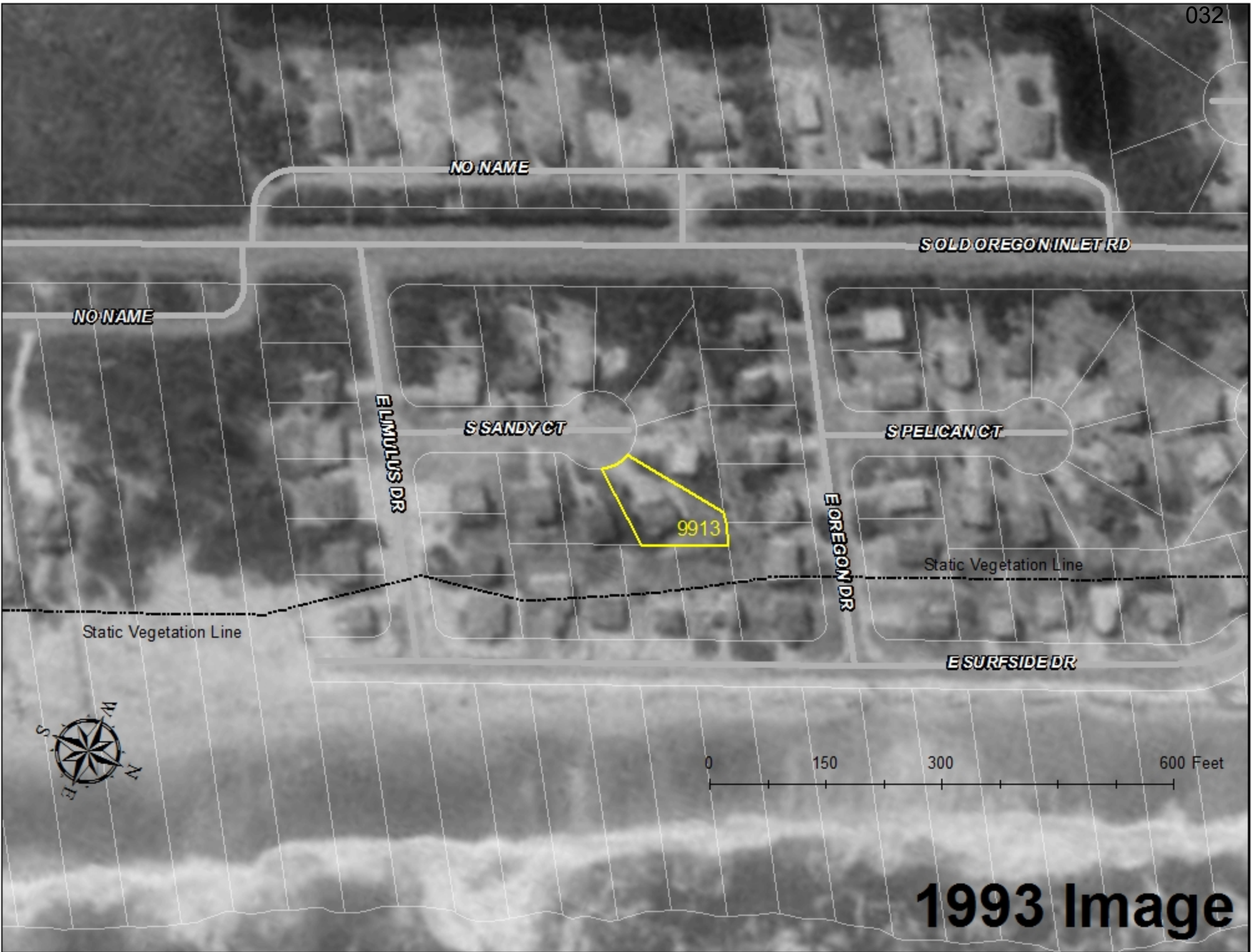
Disclaimer: In instances where a dwelling contains unfinished living area, the square footage of that area is included in the total finished sqft on this record. However, the assessed value for finish has been removed.

MISCELLANEOUS USE Tax Year Misc Value: \$0**Next Year Misc Value: \$0****LAND USE****Tax Year Land Value: \$216,200****Next Year Land Value: \$216,200**

Land Description : 14-Ocean Influence A

TOTAL LAND AREA: 11500 square feet**Tax Year Total Value: \$349,500****Next Year Total Value: \$349,500**

*Values shown are on file as of January 12 2018



NO NAME

SOLD OREGON INLET RD

NO NAME

E LUMULUS DR

S SANDY CT

SPELICAN CT

9913

E OREGON DR

Static Vegetation Line

Static Vegetation Line

E SURFSIDE DR

0 150 300 600 Feet

1993 Image



NO NAME

SOLD OREGON INLET RD

NO NAME

E MIMULUS DR

S SANDY CT

S PELICAN CT

E OREGON DR

9913

Static Vegetation Line

Static Vegetation Line

E SURFSIDE DR

0 150 300 600 Feet

2006 Image

ELEVATION CERTIFICATE

OMB No. 1660-0008 **034**
 Expiration Date: July 31, 2015

Important: Read the instructions on pages 1-9.

SECTION A - PROPERTY INFORMATION

FOR INSURANCE COMPANY USE

A1. Building Owner's Name **Sandy Court Beach, LLC (SSP File:0704838)**

Policy Number:

A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
9913 S. Sandy Ct.

Company NAIC Number:

City **Nags Head**

State **NC**

ZIP Code **27959**

A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)
Lot 8, High Dunes South

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

A5. Latitude/Longitude: Lat. 35-51-42.6 Long. -75-34-16.7 Horizontal Datum: NAD 1927 NAD 1983

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

A7. Building Diagram Number **5**

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

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

A9. For a building with an attached garage:

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

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number
Nags Head 375356

B2. County Name
Dare

B3. State
NC

B4. Map/Panel Number
3730 0718 00

B5. Suffix
J

B6. FIRM index Date
9/20/2006

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)
11.0'

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

- FIS Profile FIRM Community Determined Other/Source: _____

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

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

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

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

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

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

Benchmark Utilized: **Y-168**

Vertical Datum: **NAVD 88**

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) 15.1 feet meters
- b) Top of the next higher floor 24.2 feet meters
- c) Bottom of the lowest horizontal structural member (V Zones only) 13.5 feet meters
- d) Attached garage (top of slab) N/A feet meters
- e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) 13.4 feet meters
- f) Lowest adjacent (finished) grade next to building (LAG) 5.4 feet meters
- g) Highest adjacent (finished) grade next to building (HAG) 6.4 feet meters
- h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support 5.5 feet meters

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

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

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

Certifier's Name **Manson Ray Meekins**

License Number **L-2592**

Title **PLS**

Company Name **Seaboard Surveying & Planning, Inc.**

Address **103F West Wood Hill Dr.**

City **Nags Head**

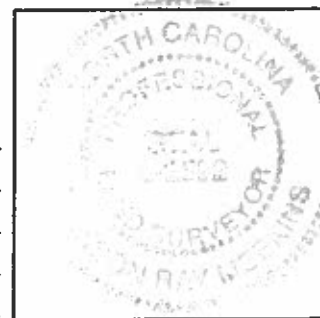
State **NC**

ZIP Code **27959**

Signature 

Date **8/20/15**

Telephone **252-480-9998**



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

FOR INSURANCE COMPANY USE

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
9913 S. Sandy Ct.

Policy Number:

City Nags Head

State NC

ZIP Code 27959

Company NAIC Number:

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

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

Comments (C-1536);(SSP File: 0704838); municipality requires one foot freeboard above B.F.E.; C2e refers to heat pump (lowest elec. outlet: 9.8')

Signature

Date 8/20/15

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

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

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

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

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

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

Address City State ZIP Code

Signature Date Telephone

Comments

Check here if attachments.

SECTION G – COMMUNITY INFORMATION (OPTIONAL)

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

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

Table with 3 columns: G4. Permit Number, G5. Date Permit Issued, G6. Date Certificate Of Compliance/Occupancy Issued

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

Local Official's Name Title

Community Name Telephone

Signature Date

Comments

Check here if attachments.

See Instructions for Item A6.

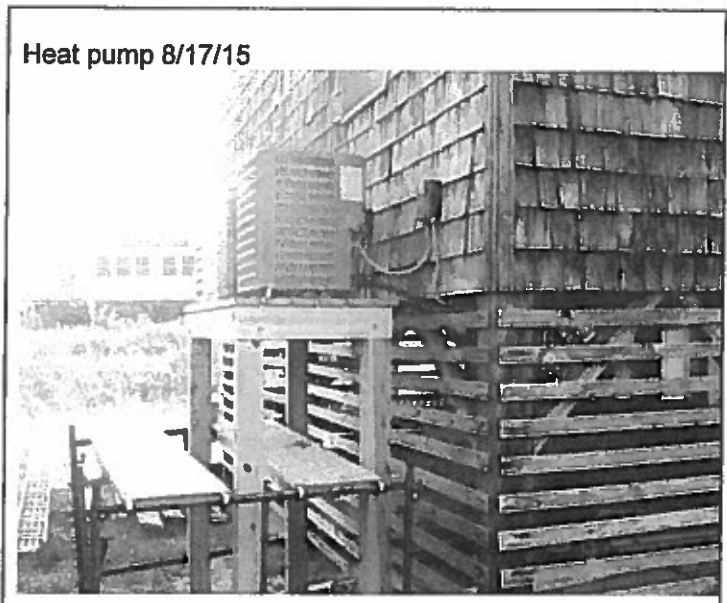
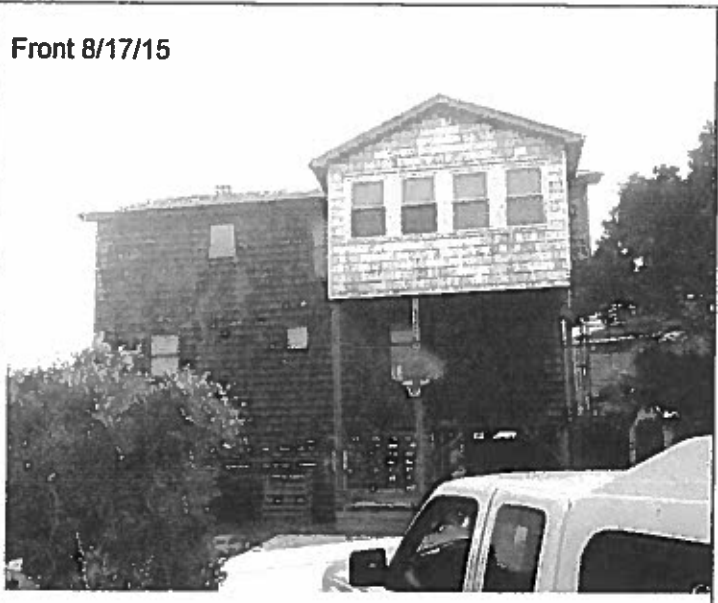
IMPORTANT: In these spaces, copy the corresponding information from Section A.

FOR INSURANCE COMPANY USE

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 9913 S. Sandy Ct.		
City Nags Head	State NC	ZIP Code 27959

Policy Number:
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.



[Handwritten Signature]
8/25/15

Building Photographs

See instructions for Item A6.

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

FOR INSURANCE COMPANY USE

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
9913 S. Sandy Ct.

Policy Number:

City Nags Head

State NC

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.

Front 1/26/15



NORTH CAROLINA
 PROFESSIONAL
 SEAL
 L-2302
 LAND SURVEYOR
 MANSON RAY MEEKINS
 1/29/15

Rear 1/26/15



Locality NAGS HEAD Permit Number 14-52
 Ocean Hazard Estuarine Shoreline _____ ORW Shoreline _____ Public Trust Shoreline _____ Other _____
 (For official use only) DEC 2 2014

GENERAL INFORMATION

LAND OWNER
 Name JOHN J. FOHS - SANDY CT. BEACH LLC
 Address 9913 SANDY CT
 City NAGS HEAD State NC Zip 27959 Phone 301 502-4279
 Email jay.fohs@gmail.com

AUTHORIZED AGENT
 Name SAM MOORE - SOUND SIDE CONSTRUCTION
 Address P.O. Box 956
 City MANTEO State NC Zip 27954 Phone 252-305-2526
 Email Sam@MooreIslandProperties.com

LOCATION OF PROJECT: (Address, street name and/or directions to site. If not oceanfront, what is the name of the adjacent waterbody.) 9913 SANDY CT

DESCRIPTION OF PROJECT: (List all proposed construction and land disturbance.) Add 250 sq ft of living space
SIZE OF LOT/PARCEL: _____ 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: 1,016 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: 1,016 square feet (includes the area of the roof/drip line 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 Water Quality?
 YES _____ NO

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

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

STATEMENT OF OWNERSHIP:

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

an owner or record title, Title is vested in Sandy Court Beach see Deed Book 1656 page 271 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 PROPERTY OWNERS:

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

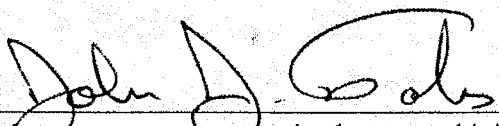
- | (Name) | (Address) |
|-----------------------------|---|
| (1) <u>KEN KOOCHER</u> | <u>100 TURKEY HILL RD NEWBURYPORT, MA</u> |
| (2) <u>GEORGE GUNLOCK</u> | <u>18755 LACROSSE AVE SOUTHFIELD MI</u> |
| (3) <u>BEACH GLASS, LLC</u> | <u>2028 PUNGU RIDGE CT VIRGINIA BEACH, VA</u> |
| (4) <u>ROBERT PHILLIPS</u> | <u>6691 GIVENS POND LN LAUREL, DE</u> |

ACKNOWLEDGEMENTS:

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

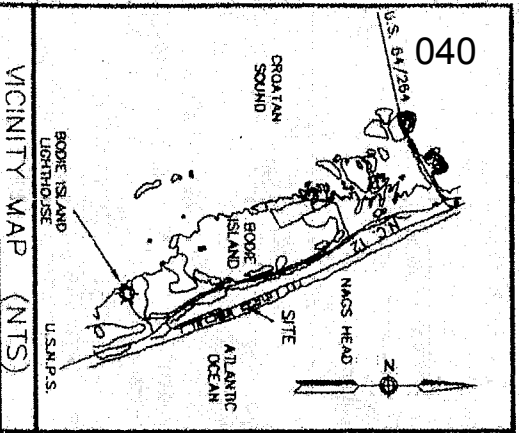
I furthermore certify that I am authorized to grant, and do in fact grant, permission to Division of Coastal Management staff, the Local Permit Officer and their agents to enter on the aforementioned lands in connection with evaluating information related to this permit application.

This the 11th day of Nov., 20 14



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

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



LOT 27 - HIGH DUNES
(MB 8, PG 58)

N/F

LOT 28 - HIGH DUNES
(MB 8, PG 58)

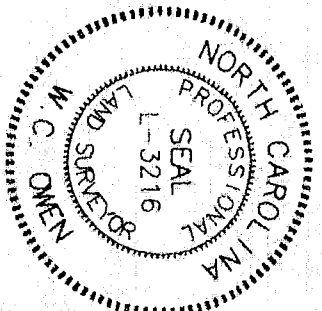
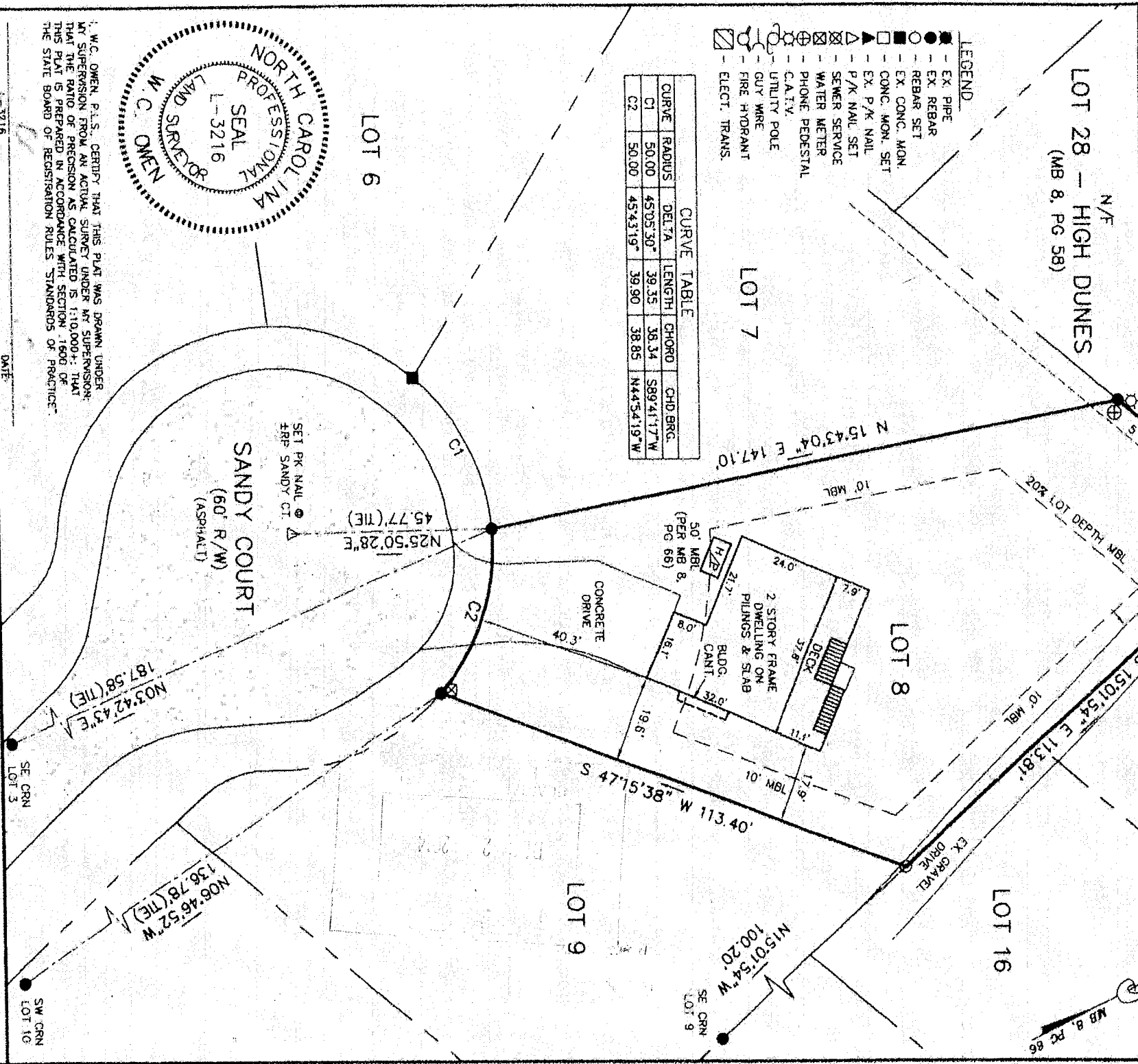
N/F

LEGEND

- - EX. PIPE
- - EX. REBAR
- ◻ - REBAR SET
- ◻ - EX. CONC. MON.
- ◻ - CONC. MON. SET
- ▲ - EX. P/K NAIL
- △ - P/K NAIL SET
- ⊗ - SEWER SERVICE
- ⊗ - WATER METER
- ⊗ - PHONE PEDESTAL
- ⊗ - C.A.T.V.
- ⊗ - UTILITY POLE
- ⊗ - GUY WIRE
- ⊗ - FIRE HYDRANT
- ⊗ - ELECT. TRANS.

CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD	CHD BRG.
C1	50.00	45°05'30"	39.35	38.34	S89°41'17"W
C2	50.00	45°43'19"	39.90	38.85	N44°54'19"W

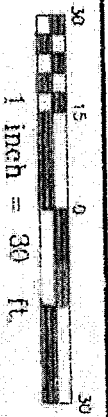


I, W.C. OWEN, P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY UNDER MY SUPERVISION, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000±; THAT THIS PLAT IS PREPARED IN ACCORDANCE WITH SECTION 1800 OF THE STATE BOARD OF REGISTRATION RULES "STANDARDS OF PRACTICE".

L-3216

DATE

PHYSICAL SURVEY FOR
SANDY COURT BEACH, LLC
LOT 8 - HIGH DUNES SOUTH - NAGS HEAD
NAGS HEAD TOWNSHIP - DARE COUNTY - NORTH CAROLINA

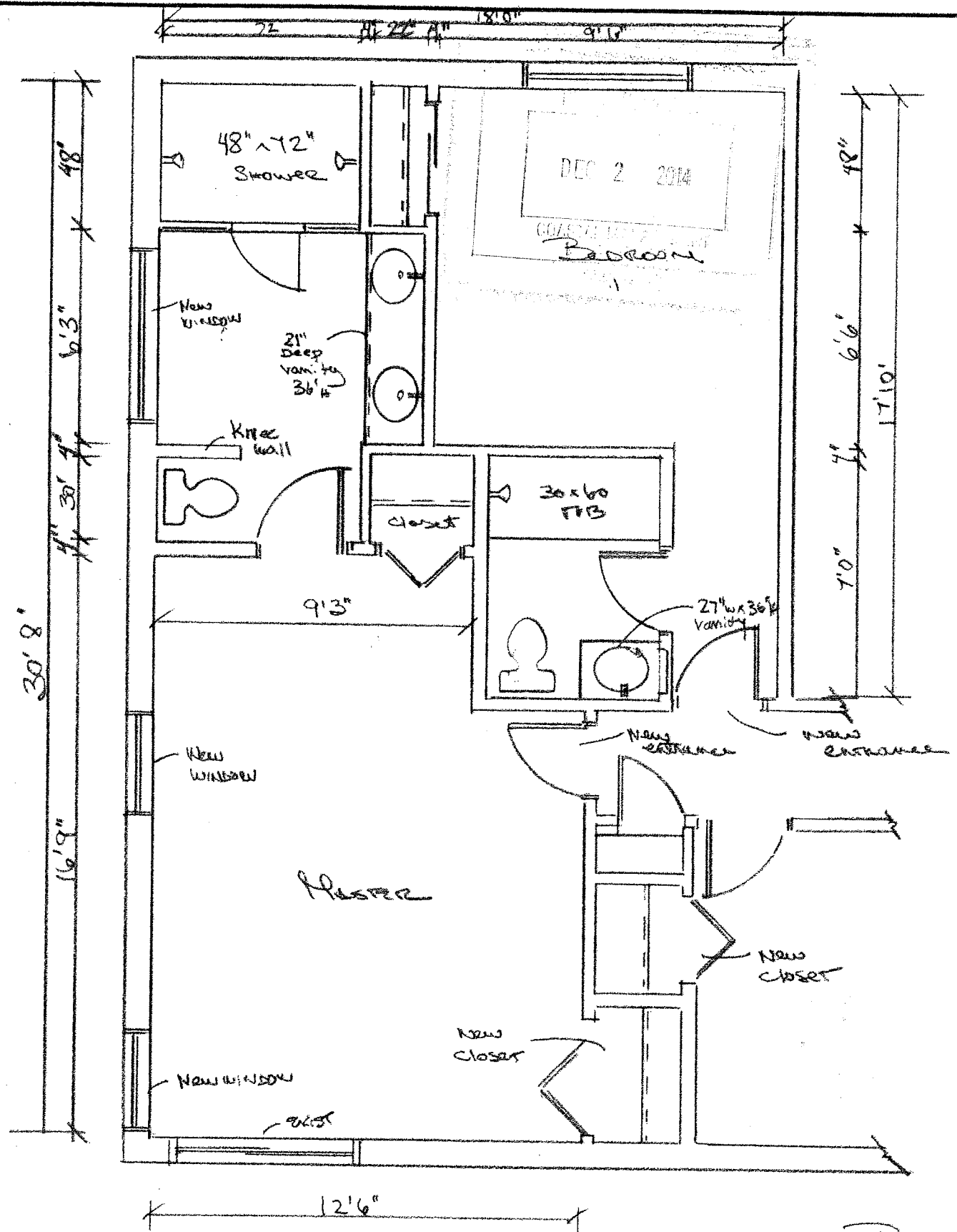


FILE: 0704838 SURVEYED: 10/23/07 PJM PLATTED: 10/29/07 TG



SEABOARD SURVEYING & PLANNING, INC.
103F W. WOOD HILL DR., P.O. BOX 58, NAGS HEAD, NC 27959
OFFICE: (252) 480-9998 FAX: (252) 480-0571

- 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 = 11,487 S.F.
 3. F.I.R.M. ZONE: "VE" (EL. 11') (PER F.I.R.M.)
 4. PIN NO.: 14 071811 56 7009
 5. RECORDED REFERENCE: MB 8, SL 66
 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 (NGVD 1989):
HIGH GROUND ● BUILDING = 6.4'
LOW GROUND ● BUILDING = 5.4'
FIRST FLOOR = 15.11'
 8. UTILITY AND DRAINAGE EASEMENTS TO CONFORM TO MB 8, PG 66.



Please note: Drawing is for design purposes only. All dimensions must be confirmed by builder.

Toms Residence Nails Head		
SCALE: 1/4" = 1'0"	APPROVED BY: [Signature]	DRAWN BY: HMA
DATE: 7/26/2012		REVISED:
PLAN - BUILDER'S		
Bedroom Level w/ New Bath		DRAWING NUMBER: 1

OCEAN HAZARD AEC NOTICE

Project is in an: Ocean Erodible Area High Hazard Flood Area Inlet Hazard Area

Property Owner: Sandy Court Beach LLC

Property Address: 9913 S Sandy Ct

Date Lot Was Platted: _____

This notice is intended to make you, the applicant, aware of the special risks and conditions associated with development in this area, which is subject to natural hazards such as storms, erosion and currents. The rules of the Coastal Resources Commission require that you receive an AEC Hazard Notice and acknowledge that notice in writing before a permit for development can be issued.

The Commission's rules on building standards, oceanfront setbacks and dune alterations are designed to minimize, but not eliminate, property loss from hazards. By granting permits, the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development. Permits issued in the Ocean Hazard Area of Environmental Concern include the condition that structures be relocated or dismantled if they become imminently threatened by changes in shoreline configuration. The structure(s) must be relocated or dismantled within two (2) years of becoming imminently threatened, and in any case upon its collapse or subsidence.

The best available information, as accepted by the Coastal Resources Commission, indicates that the annual long-term average ocean erosion rate for the area where your property is located is 2 feet per year.

The rate was established by careful analysis of aerial photographs of the coastline taken over the past 50 years.

Studies also indicate that the shoreline could move as much as 25 feet landward in a major storm.

The flood waters in a major storm are predicted to be about 11 feet deep in this area.

Preferred oceanfront protection measures are beach nourishment and relocation of threatened structures. Hard erosion control structures such as bulkheads, seawalls, revetments, groins, jetties and breakwaters are prohibited. Temporary sand bags may be authorized under certain conditions.

The applicant must acknowledge this information and requirements by signing this notice in the space below. Without the proper signature, the application will not be complete.

[Signature]
Property Owner Signature Date

SPECIAL NOTE: This hazard notice is required for development in areas subject to sudden and massive storms and erosion. Permits issued for development in this area expire on December 31 of the third year following the year in which the permit was issued. Shortly before work begins on the project site, the Local Permit Officer must be contacted to determine the vegetation line and setback distance at your site. If the property has seen little change since the time of permit issuance, and the proposed development can still meet the setback requirement, the LPO will inform you that you may begin work. Substantial progress on the project must be made within 60 days of this setback determination, or the setback must be remeasured. Also, the occurrence of a major shoreline change as the result of a storm within the 60-day period will necessitate remeasurement of the setback. It is important that you check with the LPO before the permit expires for official approval to continue the work after the permit has expired. Generally, if foundation pilings have been placed and substantial progress is continuing, permit renewal can be authorized. It is unlawful to continue work after permit expiration.

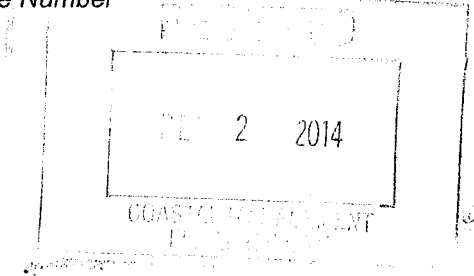
For more information, contact:

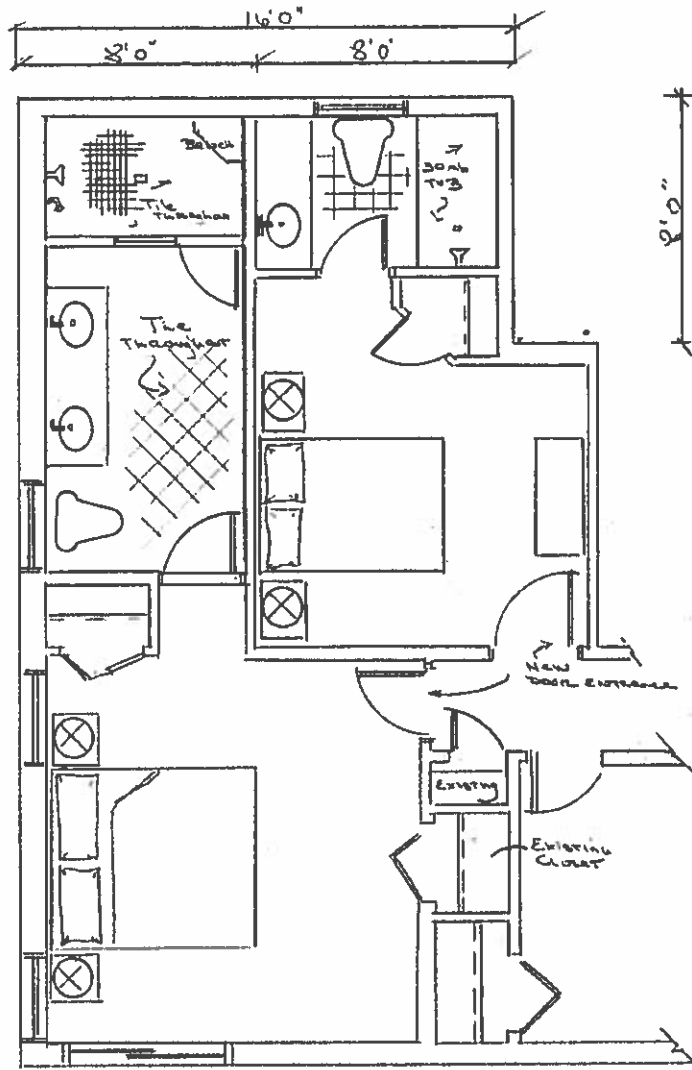
Kim Allen
Local Permit Officer

PO Box 99
Address

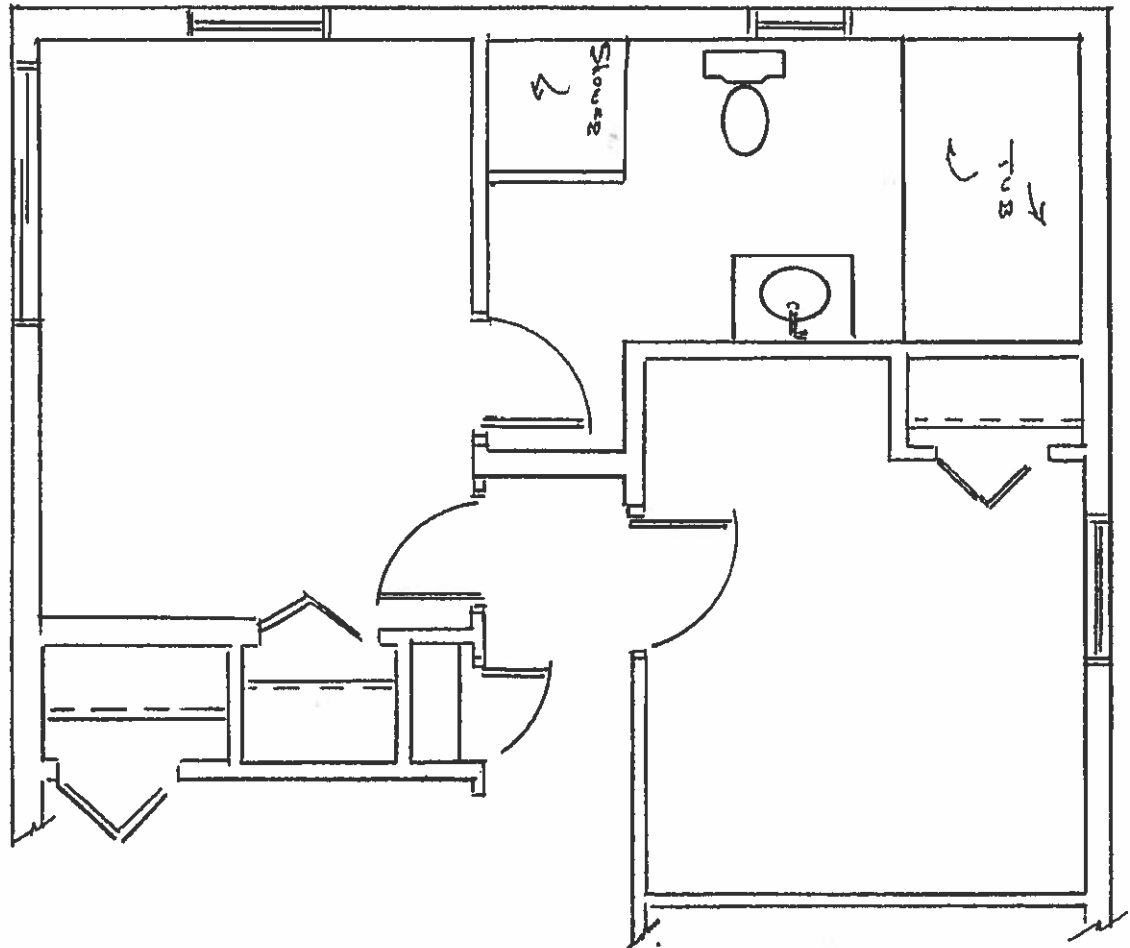
Nags Head NC 27959
Locality

(252) 441-7016
Phone Number





TOMAS RESIDENCE		MRS MITCHELL INTERIORS	
HALES HEAD, NC		APPROVED BY:	DRAWN BY: <i>NOR</i>
SCALE: 1/4" = 1'-0"	DATE: 8/29/07	REVISD	
BEDROOM / BATH			
PLAN			DRAWING NUMBER 1.0



TOM'S RESIDENCE		
NABS HEAD, NC		MES MITCHELL INTERIORS
SCALE: 1/4" = 1'0"	APPROVED BY:	DRAWN BY: <i>MM</i>
DATE: 8/29/2011		REVISED
BEDROOM / BATH		
EXISTING PLAN		DRAWING NUMBER 1.1

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

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

LAUREL DE 19956

OFFICIAL USE

Postage	\$ 10.49	0237
Certified Fee	\$ 3.30	05
Return Receipt Fee (Endorsement Required)	\$ 0.00	
Restricted Delivery Fee (Endorsement Required)	\$ 0.00	
Total Postage & Fees	\$ 13.79	

Postmark Here
 EDGEWATER, MD 21037
 NOV 07 2004
 USPS

Sent To
 PHILLIPS
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

7013 1710 0000 6815 5476

Date 11/5/14
 Adjacent Property Owner ROBERT PHILLIPS
 Mailing Address 6691 GIVENS POND LN
 City, State, Zip Code LAUREL, DE 19956

Dear Adjacent Property:

This letter is to inform you that I, JOHN J. FOHS have applied for a CAMA Minor Property Owner

Permit on my property at 9913 SANDY CT in Nags Head Property Address

As required by CAMA regulations, I have enclosed a copy of my permit application and project drawing(s) as notification of my proposed project. No action is required from you or you may sign and return the enclosed no objection form. If you have any questions or comments about my proposed project, please contact me at 301 502-4279 or by mail at the address listed below. If you wish to

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

Local Permit Officer
Town of Nags Head
PO Box 99
Nags Head NC 27959

Sincerely,
[Signature]
Property Owner

Mailing Address 10 HUNT CLUB CT
EDGEWATER, MD 21037
City, State, Zip Code

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

046

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

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

OFFICIAL USE

Postage	\$ 0.47	0257
Certified Fee	\$3.30	05
Return Receipt Fee (Endorsement Required)	\$0.00	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 4.77	

Postmark Here
NOV - 7 2014
11/07/2014

Sent To: Koocher

Street, Apt. No., or PO Box No. _____
City, State, ZIP+4 _____

PS Form 3800, August 2009 See Back for Instructions

0465
5795
0000
0170
7013

11/5/14
Date
KEN KOOSHER
Adjacent Property Owner
100 TURKEY HILL RD
Mailing Address
NEWBURYPORT, MA 01951
City, State, Zip Code

Dear Adjacent Property:

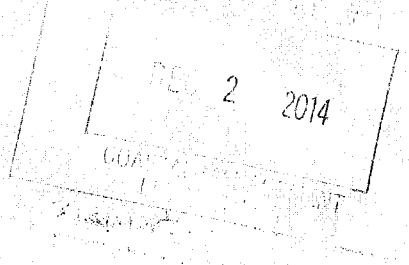
This letter is to inform you that I, JOHN J. FOHS have applied for a CAMA Minor
Property Owner

Permit on my property at 9913 SANDY CT in
Nags Head
Property Address

As required by CAMA regulations, I have enclosed a copy of my permit application and project drawing(s) as notification of my proposed project. No action is required from you or you may sign and return the enclosed no objection form. If you have any questions or comments about my proposed project, please contact me at 301 502-4279 or by mail at the address listed below. If you wish to
Applicant's Telephone

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

Local Permit Officer
Town of Nags Head
PO Box 99
Nags Head NC 27959



Sincerely,
[Signature]
Property Owner

10 HUNT CLUB CT
Mailing Address
EDGEWATER, MD 21037
City, State, Zip Code

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

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

8945 5189 0000 6815 5483
7170 0000 6815 5483

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

SOUTHFIELD MI 48076

OFFICIAL USE

11/5/14
Date
GEORGE GUNLOCK
Adjacent Property Owner
18755 LACROSSE AVE
Mailing Address
SOUTHFIELD MI 48076
City, State, Zip Code

Postage	\$ 0.49	0237
Certified Fee	\$3.30	
Return Receipt Fee (Endorsement Required)	\$0.00	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 3.79	

Sent To GUNLOCK
Street, Apt. No., or PO Box No.
City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

Dear Adjacent Property:

This letter is to inform you that I, JOHN J. FOHS have applied for a CAMA Minor
Property Owner

Permit on my property at 9913 SANDY CT in
Nags Head Property Address

As required by CAMA regulations, I have enclosed a copy of my permit application and project drawing(s) as notification of my proposed project. No action is required from you or you may sign and return the enclosed no objection form. If you have any questions or comments about my proposed project, please contact me at 301 502-4279 or by mail at the address listed below. If you wish to

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

Local Permit Officer
Town of Nags Head
PO Box 99
Nags Head NC 27959

Sincerely,
[Signature]
Property Owner

10 HUNT CLUB CT
Mailing Address
EDGEWATER, MD 21037
City, State, Zip Code

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

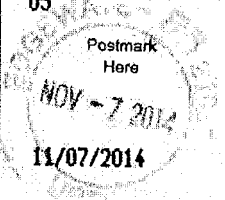
U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

9055 ST 89 0000 DT LT ET 02

OFFICIAL USE

Postage	\$	\$0.49	0237
Certified Fee		\$3.30	05
Return Receipt Fee (Endorsement Required)		\$0.00	
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$3.79	



11/5/14
Date
BEACH GLASS, LLC
Adjacent Property Owner
2028 PUNGO RIDGE CT
Mailing Address
VIRGINIA BEACH, VA 234
City, State, Zip Code

Sent To BEACH GLASS
Street, Apt. No., or PO Box No.
City, State, ZIP+4

PS Form 3870, August 2009 See Reverse for Instructions

Dear Adjacent Property:

This letter is to inform you that I, JOHN J. FOHS have applied for a CAMA Minor Property Owner

Permit on my property at 9913 SANDY CT in Property Address

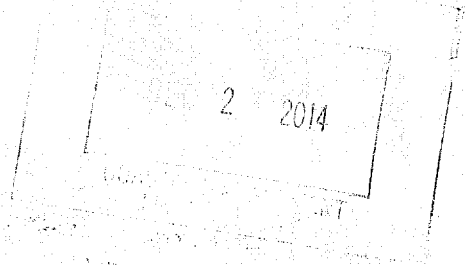
As required by CAMA regulations, I have enclosed a copy of my permit application and project drawing(s) as notification of my proposed project. No action is required from you or you may sign and return the enclosed no objection form. If you have any questions or comments about my proposed project, please contact me at 301 502-4279 or by mail at the address listed below. If you wish to

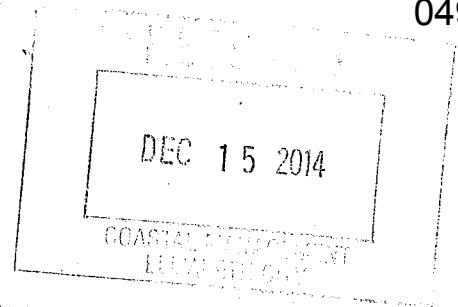
file written comments or objections with the Nags Head CAMA Minor Permit Program, you may submit them to:

Local Permit Officer
Town of Nags Head
PO Box 99
Nags Head NC 27959

Sincerely,
[Signature]
Property Owner

10 HUNT CLUB CT
Mailing Address
EDGEWATER, MD 21037
City, State, Zip Code





Town of Nags Head

Planning and Development
Department

Post Office Box 99
Nags Head, North Carolina 27959
www.townofnagshead.net

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

December 11, 2014

CERTIFIED MAIL – 7014 0150 0002 2518 0620
RETURN RECEIPT REQUESTED

Sandy Ct. Beach, LLC
Attn: John Fohs
10 Hunt Club Ct
Edgewater, MD 21037

RE: DENIAL OF CAMA MINOR DEVELOPMENT PERMIT
APPLICATION NUMBER- 14-52
PROJECT ADDRESS- 9913 Sandy Court

Dear Mr. Fohs:

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 construct a heated living space addition which is inconsistent with 15 NCAC 7H .306 (a)(6), which states that: *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).*

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. Please be aware that all work done in the Special Flood Hazard Area (SFHA) will also have to comply with NFIP Flood Regulations.

Respectfully yours,

Tiffany B. Sanders
Tiffany B. Sanders, LPO
Town of Nags Head
P.O. Box 99
Nags Head, NC 27959

cc: Kelly Russell, DCM
Sam Moore, Soundside Construction

Domestic Mail Only, No Insurance Coverage Provided
For delivery information visit our website at www.usps.com
OFFICIAL USE

Postage	\$ 1.82
Certified Fee	3.35
Return Receipt Fee (Endorsement Required)	2.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.92

Sent To **Ken Koocher**
 Street, Apt. No., or PO Box No. **100 Turkey Hill Road**
 City, State, ZIP+4 **Newburyport, MA 01950**

PS Form 3800, August 2006 See Reverse for Instructions

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

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

Postage	\$ 1.82
Certified Fee	3.35
Return Receipt Fee (Endorsement Required)	2.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.92

Sent To **Beach Glass, LLC**
 Street, Apt. No., or PO Box No. **2028 Kings Ridge Ct.**
 City, State, ZIP+4 **Virginia Beach, VA 23457**

PS Form 3800, August 2006 See Reverse for Instructions

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

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

Postage	\$ 1.82
Certified Fee	3.35
Return Receipt Fee (Endorsement Required)	2.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.92

Sent To **Robert W. Phillips, Jr**
 Street, Apt. No., or PO Box No. **6401 Oxbridge Dr.**
 City, State, ZIP+4 **Salisbury, MD 21801**

PS Form 3800, August 2006 See Reverse for Instructions

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

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

Postage	\$ 1.82
Certified Fee	3.35

Domestic Mail Only, No Insurance Coverage Provided
For delivery information visit our website at www.usps.com
OFFICIAL USE 050

Postage	\$ 1.82
Certified Fee	3.35
Return Receipt Fee (Endorsement Required)	2.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.92

Sent To **Brett & Angela Rice**
 Street, Apt. No., or PO Box No. **408 E. Alexandria Ave**
 City, State, ZIP+4 **Alexandria, VA 22301**

PS Form 3800, August 2006 See Reverse for Instructions

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

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

Postage	\$ 1.82
Certified Fee	3.35
Return Receipt Fee (Endorsement Required)	2.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.92

Sent To **George Quibick**
 Street, Apt. No., or PO Box No. **19755 Lacross Ave**
 City, State, ZIP+4 **Southfield, MI 48076**

PS Form 3800, August 2006 See Reverse for Instructions

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

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

Postage	\$ 1.82
Certified Fee	3.35
Return Receipt Fee (Endorsement Required)	2.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.92

Sent To **Phillip & Virginia Smith**
 Street, Apt. No., or PO Box No. **2445 Seastone Trce**
 City, State, ZIP+4 **Chesapeake, VA 23321**

PS Form 3800, August 2006 See Reverse for Instructions

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

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

Postage	\$ 1.82
Certified Fee	3.35

7008 2810 0000 5864 8357
 7008 2810 0000 5864 8272
 7008 2810 0000 5864 8357
 7008 2810 0000 5864 8272
 7008 2810 0000 5864 8357
 7008 2810 0000 5864 8272

5864 8357

USPS Tracking®

[FAQs > \(http://faq.usps.com/?articleId=220900\)](http://faq.usps.com/?articleId=220900)

Track Another Package +

Tracking Number: 70082810000058648296

Remove X

Expected Delivery on

SATURDAY

13

JANUARY
2018 ⓘ

by

8:00pm ⓘ

 **Delivered**

January 13, 2018 at 8:04 am
DELIVERED, LEFT WITH INDIVIDUAL
VIRGINIA BEACH, VA 23457

Get Updates ▾

Text & Email Updates



Tracking History



Product Information



See Less ^

Tracking Number: 70082810000058648302

Remove X

This is a reminder to arrange for redelivery of your item before January 26, 2018 or your item will be returned on January 27, 2018. You may arrange redelivery by using the Schedule a Redelivery feature on this page or may pick up the item at the Post Office indicated on the notice.

Delivery Attempt: Action Needed

REMINDER TO SCHEDULE REDELIVERY OF YOUR ITEM BEFORE JANUARY 26, 2018

[Get Updates](#) ✓

[Schedule Redelivery](#) ✓

[See More](#) ✓

Tracking Number: 70082810000058648364

[Remove](#) ✕

Expected Delivery on

WEDNESDAY

17

JANUARY
2018 ⓘ

by

8:00pm ⓘ

 **Delivered**

January 17, 2018 at 4:57 pm
DELIVERED, LEFT WITH INDIVIDUAL
NEWBURYPORT, MA 01950

[Get Updates](#) ✓

[See More](#) ✓

Tracking Number: 70082810000058648357

[Remove](#) ✕

The item is currently in transit to the destination as of January 16, 2018 at 12:53 pm. It is on its way to LATHRUP VILLAGE, MI 480762527.

In-Transit

January 16, 2018 at 12:53 pm
IN TRANSIT TO DESTINATION
On its way to LATHRUP VILLAGE, MI 480762527

[Get Updates](#) ✓

[See More](#) ✓

Tracking Number: 70082810000058648371

[Remove](#) ✕

Your item was delivered to an individual at the address at 4:07 pm on January 13, 2018 in SALISBURY, MD 21801.

✓ Delivered

January 13, 2018 at 4:07 pm
DELIVERED, LEFT WITH INDIVIDUAL
SALISBURY, MD 21801

[Get Updates](#) ✓

[See More](#) ✓

Tracking Number: 70082810000058648272

[Remove](#) ✕

Your item was delivered to an individual at the address at 5:40 pm on January 12, 2018 in CHESAPEAKE, VA 23321.

 **Delivered**

January 12, 2018 at 5:40 pm
DELIVERED, LEFT WITH INDIVIDUAL
CHESAPEAKE, VA 23321

Get Updates ▼

See More ▼

Tracking Number: 70082810000058648289

Remove ✕

Your item was delivered to an individual at the address at 11:20 am on January 16, 2018 in GLENSIDE, PA 19038.

 **Delivered**

January 16, 2018 at 11:20 am
DELIVERED, LEFT WITH INDIVIDUAL
GLENSIDE, PA 19038

Get Updates ▼

See More ▼

Can't find what you're looking for?

Go to our **FAQs** (<http://faq.usps.com/?articleId=220900>) section to find answers to your tracking questions.

70082810000058648289 - Jeffery Steigermann

70082810000058648275 - Phillip & Virginia Smith

70082810000058648371 - Robert W. Phillips, Jr.

70082810000058648357 - George Gunlock

70082810000058648364 - Ken Koocher

70082810000058648302 - Brett & Angela Rice

70082810000058648296 - Beach Glass, LLC

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY 056	
<ul style="list-style-type: none"> 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. 		A. Signature X <i>Robert W Phillips Jr</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Robert W. Phillips, Jr. 6401 OXBRIDGE DR. SALISBURY, MD 21861		B. Received by (Printed Name) C. Date of Delivery Robert W Phillips Jr 1-13-18	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No JAN 16 2018	
		3. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7008 2810 0000 5864 8371	
PS Form 3811, July 2013		Domestic Return Receipt	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 		A. Signature X <i>Phillip Smith</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Phillip & Virginia Smith 2145 Seastone Trce Chesapeake, Va 23321		B. Received by (Printed Name) C. Date of Delivery Phillip Smith	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7008 2810 0000 5864 8272	
PS Form 3811, July 2013		Domestic Return Receipt	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 		A. Signature X <i>Winn Koehler</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Ken Koehler 100 Turkey Hill Road Newburyport, MA 01950		B. Received by (Printed Name) C. Date of Delivery Diane Koehler 1/17/18	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7008 2810 0000 5864 8364	
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

January 9, 2018

Beach Glass, LLC
2028 Pungo Ridge Ct
Virginia Beach, VA 23457

Dear Beach Glass, LLC:

I am writing to you today on behalf of my clients, John and Donna Fohs, members of Sandy Court Beach, LLC, a Maryland limited liability company. Sandy Court Beach, LLC is the record owner of the property located at 9913 S. Sandy Court, 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 Fohs 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 last Wednesday, January 3, 2018 to the Coastal Resources Commission for review prior to the scheduled hearing on February 13 and 14, 2018.

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 Coastal Resources Commission, here in North Carolina.

Best regards,

Charles D. Evans

CDE/
Enclosures
CC: John and Donna Fohs (transmitted via email only)

KELLOGG AND EVANS, P.A.

ATTORNEYS AT LAW

CHARLES D. EVANS
CREECY S. RICHARDSONMEGHAN E. ASHWORTH

MARTIN KELLOGG, JR.
1908-2001P.O. BOX 189
MANTEO, NC 27954-----
DELIVERY ADDRESS:
201 ANANIAS DARE STREET
MANTEO, N.C. 27954TELEPHONE: (252) 473-2171
FACSIMILE: (252) 473-1214EMAIL ADDRESS:
charlese@kelloggandevans.com
creecyr@kelloggandevans.com
meghana@kelloggandevans.com
courtneyb@kelloggandevans.com

January 9, 2018

George Gunlock
18755 LaCross Ave
Southfield, MI 48076

Dear Mr. Gunlock:

I am writing to you today on behalf of my clients, John and Donna Fohs, members of Sandy Court Beach, LLC, a Maryland limited liability company. Sandy Court Beach, LLC is the record owner of the property located at 9913 S. Sandy Court, 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 Fohs 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 last Wednesday, January 3, 2018 to the Coastal Resources Commission for review prior to the scheduled hearing on February 13 and 14, 2018.

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 Coastal Resources Commission, here in North Carolina.

Best regards,

Charles D. Evans

CDE/
Enclosures
CC: John and Donna Fohs (transmitted via email only)

KELLOGG AND EVANS, P.A.

ATTORNEYS AT LAW

CHARLES D. EVANS
CREECY S. RICHARDSONMEGHAN E. ASHWORTH

MARTIN KELLOGG, JR.
1908-2001P.O. BOX 189
MANTEO, NC 27954-----
DELIVERY ADDRESS:
201 ANANIAS DARE STREET
MANTEO, N.C. 27954TELEPHONE: (252) 473-2171
FACSIMILE: (252) 473-1214EMAIL ADDRESS:
charlese@kelloggandevans.com
creecyr@kelloggandevans.com
meghana@kelloggandevans.com
courtneyb@kelloggandevans.com

January 9, 2018

Ken Koocher
100 Turkey Hill Road
Newburyport, MA 01950

Dear Mr. Koocher:

I am writing to you today on behalf of my clients, John and Donna Fohs, members of Sandy Court Beach, LLC, a Maryland limited liability company. Sandy Court Beach, LLC is the record owner of the property located at 9913 S. Sandy Court, 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 Fohs 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 last Wednesday, January 3, 2018 to the Coastal Resources Commission for review prior to the scheduled hearing on February 13 and 14, 2018.

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 Coastal Resources Commission, here in North Carolina.

Best regards,

Charles D. Evans

CDE/
Enclosures
CC: John and Donna Fohs (transmitted via email only)

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

January 9, 2018

Robert W. Phillips, Jr.
6410 Oxbridge Dr
Salisbury, MD 21801

Dear Mr. Phillips:

I am writing to you today on behalf of my clients, John and Donna Fohs, members of Sandy Court Beach, LLC, a Maryland limited liability company. Sandy Court Beach, LLC is the record owner of the property located at 9913 S. Sandy Court, 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 Fohs 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 last Wednesday, January 3, 2018 to the Coastal Resources Commission for review prior to the scheduled hearing on February 13 and 14, 2018.

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 Coastal Resources Commission, here in North Carolina.

Best regards,

Charles D. Evans

CDE/
Enclosures
CC: John and Donna Fohs (transmitted via email only)

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

January 9, 2018

Brett & Angela Rice
408 E Alexandria Ave
Alexandria, VA 22301

Dear Mr. and Mrs. Rice:

I am writing to you today on behalf of my clients, John and Donna Fohs, members of Sandy Court Beach, LLC, a Maryland limited liability company. Sandy Court Beach, LLC is the record owner of the property located at 9913 S. Sandy Court, 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 Fohs 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 last Wednesday, January 3, 2018 to the Coastal Resources Commission for review prior to the scheduled hearing on February 13 and 14, 2018.

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 Coastal Resources Commission, here in North Carolina.

Best regards,

Charles D. Evans

CDE/
Enclosures
CC: John and Donna Fohs (transmitted via email only)

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

January 9, 2018

Phillip & Virginia Smith
2145 Seastone Trce
Chesapeake, Va 23321

Dear Mr. and Mrs. Smith:

I am writing to you today on behalf of my clients, John and Donna Fohs, members of Sandy Court Beach, LLC, a Maryland limited liability company. Sandy Court Beach, LLC is the record owner of the property located at 9913 S. Sandy Court, 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 Fohs 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 last Wednesday, January 3, 2018 to the Coastal Resources Commission for review prior to the scheduled hearing on February 13 and 14, 2018.

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 Coastal Resources Commission, here in North Carolina.

Best regards,

Charles D. Evans

CDE/
Enclosures
CC: John and Donna Fohs (transmitted via email only)

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

January 9, 2018

Jeffrey J. Steigelmann
2750 Lineklin Pike
Glenside, PA 19038

Dear Mr. Steigelmann:

I am writing to you today on behalf of my clients, John and Donna Fohs, members of Sandy Court Beach, LLC, a Maryland limited liability company. Sandy Court Beach, LLC is the record owner of the property located at 9913 S. Sandy Court, 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 Fohs 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 last Wednesday, January 3, 2018 to the Coastal Resources Commission for review prior to the scheduled hearing on February 13 and 14, 2018.

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 Coastal Resources Commission, here in North Carolina.

Best regards,

Charles D. Evans

CDE/
Enclosures
CC: John and Donna Fohs (transmitted via email only)

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

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 22nd day of January 2018.

My commission expires October 4, 2020.

Michelle H Gray, Notary



Division of Coastal Management

NC COASTAL RESOURCES COMMISSION MEETING

February 13, 2018

**FOHS - SANDY COURT BEACH, LLS (CRC-VR-18-01)
NAGS HEAD, OCEANFRONT SETBACK**

Frank Jennings
District Manager
Northeastern District Office
Elizabeth City, NC



Nothing Compares
NORTH CAROLINA

Department of Environmental Quality

3/2017

PROJECT LOCATION: 9913 S. Sandy Ct

E Oregon Dr

E Limulus Dr

Cape Hatteras National Park Rd

1243
10209 E Seagull Dr

12

Google Earth

1993

Imagery Date: 3/24/2017 35°51'30.56" N 75°34'07.30" W elev 0 ft eye alt 5656



243

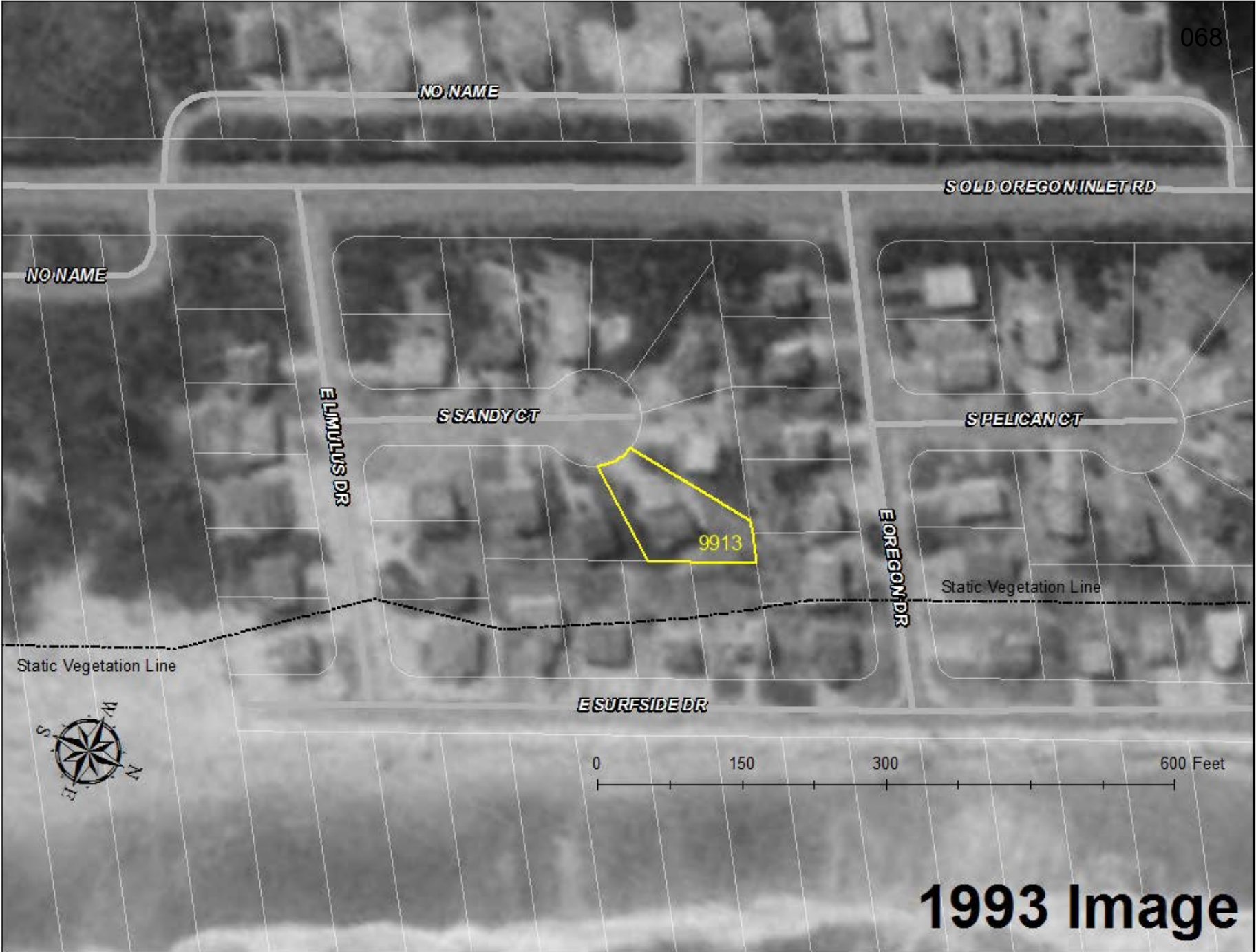
9913 S Sandy Ct

© 2018 Google

Google Earth

1993

Imagery Date: 3/24/2017 35°51'41.73" N 75°34'16.26" W elev 0 ft eye alt 1805 ft



NO NAME

SOLD OREGON INLET RD

NO NAME

E LUMULUS DR

S SANDY CT

S PELICAN CT

9913

E OREGON DR

Static Vegetation Line

Static Vegetation Line

E SURFSIDE DR



0 150 300 600 Feet

1993 Image



NO NAME

SOLD OREGON INLET RD

NO NAME

ELIMULUS DR

S SANDY CT

S PELICAN CT

OREGON DR

9913

Static Vegetation Line

Static Vegetation Line

ESURFSIDE DR

0 150 300 600 Feet

2016 Image

Photo taken on 070
01/19/2018 by
DCM Staff



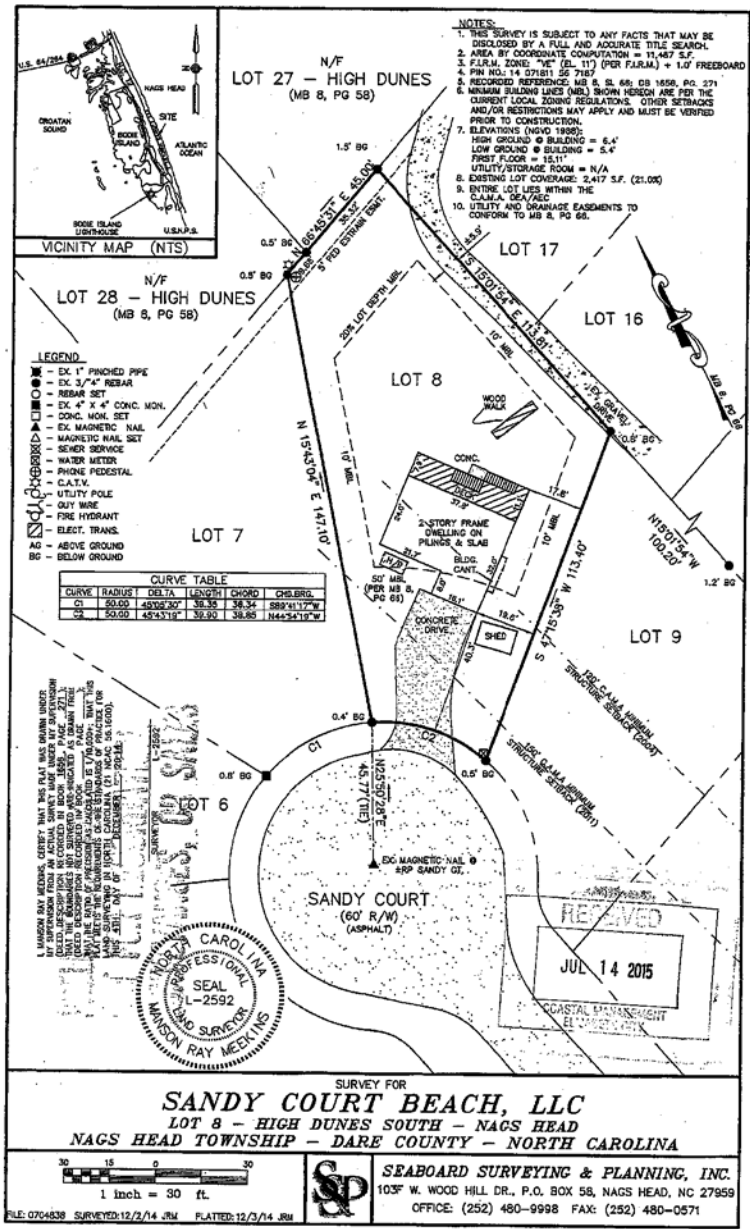


**Photo taken on
01/19/2018 by
DCM Staff**

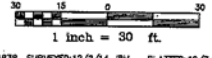
**Photo taken on
01/19/2018 by
DCM Staff**

072





SURVEY FOR
SANDY COURT BEACH, LLC
 LOT 8 - HIGH DUNES SOUTH - NAGS HEAD
 NAGS HEAD TOWNSHIP - DARE COUNTY - NORTH CAROLINA



SEABOARD SURVEYING & PLANNING, INC.
 103F W. WOOD HILL DR., P.O. BOX 58, NAGS HEAD, NC 27959
 OFFICE: (252) 480-9998 FAX: (252) 480-0571

FILE: 0704838 SURVEYED: 12/2/14 JRM PLATTED: 12/3/14 JRM

AREA OF PROPOSED
ADDITION



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

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

- (1) that unnecessary hardships would result from strict application of the development rules, standards, or orders issued by the Commission;
- (2) that such hardships result from conditions peculiar to the petitioner's property such as location, size, or topography;
- (3) that such hardships did not result from actions taken by the petitioner; and
- (4) that the requested variance is consistent with the spirit, purpose and intent of the Commission's rules, standards or orders; will secure the public safety and welfare; and will preserve substantial justice.

