

ROY COOPER  
Governor  
ELIZABETH S. BISER  
Secretary  
WILLIAM F. LANE  
General Counsel



TO: The Coastal Resources Commission  
FROM: Christine A. Goebel, DEQ Assistant General Counsel  
DATE: May 27, 2022 (for the June 8, 2022 WebEx CRC Meeting)  
RE: Variance Request by Palm Cove HOA (CRC-VR-22-04)

Petitioner Palm Cove HOA (“HOA” or “Petitioner”) and its owners own a 10-lot subdivision and common area property. Five of the ten lots are developed with homes, and there is an access road built in 2005 bisecting the ten lots. The property is located at the east end of the Town of Sunset Beach. Erosion has taken place along the northern shoreline of the project area, especially in the past few years. In early 2020, a 6’ x 20’ sandbag structure approximately 1000’ linear feet long was permitted and developed along this shoreline. In September of 2021, Petitioner applied for a CAMA Major Permit to add sandbags to the existing structure having a maximum width of 25’ and additional 6’ in height to a new height of 12’ above MHW. On December 14, 2021, DCM denied Petitioner’s application as the proposed “supersized” sandbag structure was larger than a 6’ by 20’ structure prescribed by 15A NCAC 7H .0308(a)(2)(L). Petitioner now seeks a variance to allow the proposed sandbags to be authorized as proposed.

The following additional information is attached to this memorandum:

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

cc(w/enc.): Todd Roessler, Petitioner’s counsel, electronically  
Mary Lucasse, Special Deputy AG and CRC Counsel, electronically  
Katie Atkins, Sunset Beach CAMA LPO, electronically



**RELEVANT STATUTES OR RULES**

**ATTACHMENT A**

**15A NCAC 07H .0301 OCEAN HAZARD CATEGORIES**

The Ocean Hazard categories of AECs encompass the natural hazard areas along the Atlantic Ocean shoreline where, because of their vulnerability to erosion or other adverse effects of sand, wind, and water, uncontrolled or incompatible development could endanger life or property. Ocean hazard areas include beaches, frontal dunes, inlet lands, and other areas in which geologic, vegetative and soil conditions may subject the area to erosion or flood damage.

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

(a) Hazards associated with ocean shorelines are due to 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 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 due to both the severity of the hazards and the intensity of interest in these 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 siting of development on and near these landforms shall be subject to the provisions in this Section in order to avoid their loss or damage. The flexible nature of these landforms presents hazards to development situated immediately on them and 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. Development shall not diminish the energy dissipation and sand storage capacities of the landforms essential to the maintenance of the landforms' protective function.

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

(a) Hazards associated with ocean shorelines are due to 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 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 due to both the severity of the hazards and the intensity of interest in these areas.

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

(a) The CRC recognizes that absolute safety from the destructive forces of the Atlantic Ocean 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 that development in ocean hazard areas shall be sited to minimize 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 rules set forth in this Section shall further the goals set out in G.S. 113A-102(b), to minimize losses to life and property resulting from storms and long-term erosion, prevent encroachment of permanent structures on public beach areas, preserve the natural ecological conditions of the barrier dune and beach systems, and reduce the public costs of development within ocean hazard areas, and protect common-law and statutory public rights of access to and use of the lands and waters of the coastal area.

**15A NCAC 07H .0308 SPECIFIC USE STANDARDS FOR OCEAN HAZARD AREAS**

(a) Ocean Shoreline Erosion Control Activities:

(1) Use Standards Applicable to all Erosion Control Activities:

(A) All oceanfront erosion response activities shall be consistent with the general policy statements in 15A NCAC 07M .0200.

(B) Permanent erosion control structures may cause significant adverse impacts on the value and enjoyment of adjacent properties or public access to and use of the ocean beach, and, therefore, unless specifically authorized under the Coastal Area Management Act, are prohibited. Such structures include bulkheads, seawalls, revetments, jetties, groins and breakwaters.

(C) Rules concerning the use of oceanfront erosion response measures apply to all oceanfront properties without regard to the size of the structure on the property or the date of its

construction.

(D) Shoreline erosion response projects shall not be constructed in beach or estuarine areas that sustain substantial habitat for fish and wildlife species, as identified by natural resource agencies during project review, unless mitigation measures are incorporated into project design, as set forth in Rule .0306(h) of this Section.

(E) Project construction shall be timed to minimize adverse effects on biological activity.

(F) Prior to completing any erosion response project, all exposed remnants of or debris from failed erosion control structures must be removed by the permittee.

(G) Permanent erosion control structures that would otherwise be prohibited by these standards may be permitted on finding by the Division that:

(i) the erosion control structure is necessary to protect a bridge that provides the only existing road access on a barrier island, that is vital to public safety, and is imminently threatened by erosion as defined in Part (a)(2)(B) of this Rule;

(ii) the erosion response measures of relocation, beach nourishment or temporary stabilization are not adequate to protect public health and safety; and

(iii) the proposed erosion control structure will have no adverse impacts on adjacent properties in private ownership or on public use of the beach.

(H) Structures that would otherwise be prohibited by these standards may also be permitted on finding by the Division that:

(i) the structure is necessary to protect a state or federally registered historic site that is imminently threatened by shoreline erosion as defined in Part (a)(2)(B) of this Rule;

(ii) the erosion response measures of relocation, beach nourishment or temporary stabilization are not adequate and practicable to protect the site;

(iii) the structure is limited in extent and scope to that necessary to protect the site; and

(iv) a permit for a structure under this Part may be issued only to a sponsoring public agency for projects where the public benefits outweigh the significant adverse impacts. Additionally, the permit shall include conditions providing for mitigation or minimization by that agency of significant adverse impacts on adjoining properties and on public access to and use of the beach.

(I) Structures that would otherwise be prohibited by these standards may also be permitted on finding by the Division that:

(i) the structure is necessary to maintain an existing commercial navigation channel of regional significance within federally authorized limits;

(ii) dredging alone is not practicable to maintain safe access to the affected channel;

(iii) the structure is limited in extent and scope to that necessary to maintain the channel;

(iv) the structure shall not have significant adverse impacts on fisheries or other public trust resources; and

(v) a permit for a structure under this Part may be issued only to a sponsoring public agency for projects where the public benefits outweigh the significant adverse impacts. Additionally, the permit shall include conditions providing for mitigation or minimization by that agency of any significant adverse impacts on adjoining properties and on public access to and use of the beach.

(J) The Commission may renew a permit for an erosion control structure issued pursuant to a variance granted by the Commission prior to 1 July 1995. The Commission may authorize the replacement of a permanent erosion control structure that was permitted by the Commission pursuant to a variance granted by the Commission prior to 1 July 1995 if the Commission finds that:

(i) the structure will not be enlarged beyond the dimensions set out in the permit;

(ii) there is no practical alternative to replacing the structure that will provide the same or similar benefits; and

(iii) the replacement structure will comply with all applicable laws and with all rules, other than the rule or rules with respect to which the Commission granted the variance, that are in effect at the time the structure is replaced.

(K) Proposed erosion response measures using innovative technology or design shall be considered as experimental and shall be evaluated on a case-by-case basis to determine consistency with 15A NCAC 07M .0200 and general and specific use standards within this Section.

(2) Temporary Erosion Control Structures:

(A) Permittable temporary erosion control structures shall be limited to sandbags placed landward of mean high water and parallel to the shore.

(B) Temporary erosion control structures as defined in Part (A) of this Subparagraph may be used to protect only imminently threatened roads and associated right of ways, and buildings and their associated septic systems. A structure is considered imminently threatened if its foundation, septic system, or right-of-way in the case of roads, is less than 20 feet away from the erosion scarp. Buildings and roads located more than 20 feet from the erosion scarp or in areas where there is no obvious erosion scarp may also be found to be imminently threatened when site conditions, such as a flat beach profile or accelerated erosion, increase the risk of imminent damage to the structure.

(C) Temporary erosion control structures shall be used to protect only the principal structure and its associated septic system, but not appurtenances such as pools, gazebos, decks or any amenity that is allowed under Rule .0309 of this Section as an exception to the erosion setback requirement.

(D) Temporary erosion control structures may be placed waterward of a septic system when there is no alternative to relocate it on the same or adjoining lot so that it is landward of or in line with the structure being protected.

(E) Temporary erosion control structures shall not extend more than 20 feet past the sides of the structure to be protected except to align with temporary erosion control structures on

adjacent properties, where the Division has determined that gaps between adjacent erosion control structures may result in an increased risk of damage to the structure to be protected. The landward side of such temporary erosion control structures shall not be located more than 20 feet waterward of the structure to be protected, or the right-of-way in the case of roads. If a building or road is found to be imminently threatened and at an increased risk of imminent damage due to site conditions such as a flat beach profile or accelerated erosion, temporary erosion control structures may be located more than 20 feet waterward of the structure being protected. In cases of increased risk of imminent damage, the location of the temporary erosion control structures shall be determined by the Director of the Division of Coastal Management or the Director's designee in accordance with Part (A) of this Subparagraph.

(F) Temporary erosion control structures may remain in place for up to eight years for a building and its associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period.

(G) An imminently threatened structure or property may be protected only once, regardless of ownership, unless the threatened structure or property is located in a community that is actively pursuing a beach nourishment project, or an inlet relocation or stabilization project in accordance with Part (H) of this Subparagraph. Existing temporary erosion control structures may be permitted for additional eight-year periods provided that the structure or property being protected is still imminently threatened, the temporary erosion control structure is in compliance with requirements of this Subchapter, and the community in which it is located is actively pursuing a beach nourishment or an inlet relocation or stabilization project in accordance with Part (H) of this Subparagraph. In the case of a building, a temporary erosion control structure may be extended, or new segments constructed, if additional areas of the building become imminently threatened. Where temporary structures are installed or extended incrementally, the time period for removal under Part (F) or (H) of this Subparagraph shall begin at the time the initial erosion control structure was installed. For the purpose of this Rule:

(i) a building and its septic system shall be considered separate structures,  
(ii) a road or highway may be incrementally protected as sections become imminently threatened. The time period for removal of each contiguous section of temporary erosion control structure shall begin at the time that the initial section was installed, in accordance with Part (F) of this Subparagraph.

(H) For purposes of this Rule, a community is considered to be actively pursuing a beach nourishment or an inlet relocation or stabilization project in accordance with G.S. 113A 115.1 if it:

(i) has been issued an active CAMA permit, where necessary, approving such project; or  
(ii) has been identified by a U.S. Army Corps of Engineers' Beach Nourishment

Reconnaissance Study, General Reevaluation Report, Coastal Storm Damage Reduction Study, or an ongoing feasibility study by the U.S. Army Corps of Engineers and a commitment of local or federal money, when necessary; or (iii) has received a favorable economic evaluation report on a federal project; or (iv) is in the planning stages of a project designed by the U.S. Army Corps of Engineers or persons meeting applicable State occupational licensing requirements and initiated by a local government or community with a commitment of local or state funds to construct the project or the identification of the financial resources or funding bases necessary to fund the beach nourishment, inlet relocation or stabilization project.

If beach nourishment, inlet relocation or stabilization is rejected by the sponsoring agency or community, or ceases to be actively planned for a section of shoreline, the time extension is void for that section of beach or community and existing sandbags are subject to all applicable time limits set forth in Part (F) of this Subparagraph.

(I) Once a temporary erosion control structure is determined by the Division of Coastal Management to be unnecessary due to relocation or removal of the threatened structure, it shall be removed to the maximum extent practicable by the property owner within 30 days of official notification from the Division of Coastal Management regardless of the time limit placed on the temporary erosion control structure. If the temporary erosion control structure is determined by the Division of Coastal Management to be unnecessary due to the completion of a storm protection project constructed by the U.S. Army Corps of Engineers, a large-scale beach nourishment project, or an inlet relocation or stabilization project, any portion of the temporary erosion control structure exposed above grade shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management regardless of the time limit placed on the temporary erosion control structure.

(J) Removal of temporary erosion control structures is not required if they are covered by sand. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

(K) The property owner shall be responsible for the removal of remnants of all portions of any damaged temporary erosion control structure.

**(L) Sandbags used to construct temporary erosion control structures shall be tan in color and three to five feet wide and seven to 15 feet long when measured flat. Base width of the temporary erosion control structure shall not exceed 20 feet, and the total height shall not exceed six feet, as measured from the bottom of the lowest bag.**

(M) Soldier pilings and other types of devices to anchor sandbags shall not be allowed.

(N) Existing sandbag structures may be repaired or replaced within their originally permitted dimensions during the time period allowed under Part (F) or (G) of this Subparagraph.

**15A NCAC 07M .0201 DECLARATION OF GENERAL POLICY**

It is hereby declared that the general welfare and public interest require that development along the ocean and estuarine shorelines be conducted in a manner that avoids loss of life, property and amenities. It is also declared that protection of the recreational use of the shorelines of the state is in the public interest. In order to accomplish these public purposes, the planning of future land uses, reasonable rules and public expenditures should be created or accomplished in a coordinated manner so as to minimize the likelihood of damage to private and public resources resulting from recognized coastal hazards.

**15A NCAC 07M .0202 POLICY STATEMENTS**

(a) Pursuant to Section 5, Article 14 of the North Carolina Constitution, proposals for shoreline erosion response projects shall avoid losses to North Carolina's natural heritage. All means should be taken to identify and develop response measures that will not adversely affect estuarine and marine productivity. The public right to use and enjoy the ocean beaches must be protected. The protected uses include traditional recreational uses (such as walking, swimming, surf-fishing, and sunbathing) as well as commercial fishing and emergency access for beach rescue services. Private property rights to oceanfront properties including the right to protect that property in ways that are consistent with public rights should be protected.

(b) Erosion response measures designed to minimize the loss of private and public resources to erosion should be economically, socially, and environmentally justified. Preferred response measures for shoreline erosion shall include but not be limited to AEC rules, land use planning and land classification, establishment of building setback lines, building relocation, subdivision regulations and management of vegetation.

(c) The replenishment of sand on ocean beaches can provide storm protection and a viable alternative to allowing the ocean shoreline to migrate landward threatening to degrade public beaches and cause the loss of public facilities and private property. Experience in North Carolina and other states has shown that beach restoration projects can present a feasible alternative to the loss or massive relocation of oceanfront development. In light of this experience, beach restoration and sand renourishment and disposal projects may be allowed when:

- (1) Erosion threatens to degrade public beaches and to damage public and private properties;
- (2) Beach restoration, renourishment or sand disposal projects are determined to be socially and economically feasible and cause no significant adverse environmental impacts;
- (3) The project is determined to be consistent with state policies for shoreline erosion response and state use standards for Ocean hazard and Public Trust Waters Areas of Environmental Concern and the relevant rules and guidelines of state and federal review agencies.

When the conditions set forth in this Paragraph can be met, the Coastal Resources Commission supports, within overall budgetary constraints, state financial participation in Beach Erosion Control and Hurricane Wave Protection projects that are cost-shared with the federal government

and affected local governments pursuant to the federal Water Resources Development Act of 1986 and the North Carolina Water Resources Development Program (G.S. 143-215.70-73).

(d) The following are required with state involvement (funding or sponsorship) in beach restoration and sand renourishment projects:

(1) The entire restored portion of the beach shall be in permanent public ownership;

(2) It shall be a local government responsibility to provide adequate parking, public access, and services for public recreational use of the restored beach.

(e) Temporary measures to counteract erosion, such as the use of sandbags and beach pushing, should be allowed, but only to the extent necessary to protect property for a short period of time until threatened structures may be relocated or until the effects of a short-term erosion event are reversed. In all cases, temporary stabilization measures must be compatible with public use and enjoyment of the beach.

(f) Efforts to permanently stabilize the location of the ocean shoreline with seawalls, groins, shoreline hardening, sand trapping or similar protection devices shall not be allowed except when the project meets one of the specific exceptions set out in 15A NCAC 7H .0308.

(g) The State of North Carolina will consider innovative institutional programs and scientific research that will provide for effective management of coastal shorelines. The development of innovative measures that will lessen or slow the effects of erosion while minimizing the adverse impacts on the public beach and on nearby properties is encouraged.

(h) The planning, development, and implementation of erosion control projects will be coordinated with appropriate planning agencies, affected governments and the interested public. Maximum efforts will be made by the state to accommodate the interest of each interested party consistent with the project's objectives. Local, state, and federal government activity in the coastal area should reflect an awareness of the natural dynamics of the ocean front. Government policies should not only address existing erosion problems but should aim toward minimizing future erosion problems. Actions required to deal with erosion problems are very expensive. In addition to the direct costs of erosion abatement measures, many other costs, such as maintenance of projects, disaster relief, and infrastructure repair will be borne by the public sector. Responses to the erosion should be designed to limit these public costs.

(i) The state will promote education of the public on the dynamic nature of the coastal zone and on effective measure to cope with our ever changing shorelines.

**STIPULATED FACTS**

**ATTACHMENT B**

1. Petitioner Palm Cove Owners Association, Inc. (“Palm Cove HOA”) is a North Carolina non-profit corporation charged with management of common areas within the Palm Cove Subdivision (the “Project Site” or “Palm Cove”), which located between 1830-1848 E. Main Street, adjacent to the Eastern Channel of Jinks Creek in the Town of Sunset Beach (the “Town”), Brunswick County. The Project Site was subdivided in 2004 pursuant to a subdivision plat map recorded on September 16, 2004 at Book 31, Page 40 of the Brunswick County Registry.
2. The Project Site consists of ten (10) lots (Lots 1-10), five of which have residential structures developed. Each of the ten lots is individually owned, measuring approximately 1-acre per lot with approximately 100 linear feet of shoreline. One road provides access to the Project Site. A copy of each of the deeds and the recorded plat map are attached as stipulated exhibits.
3. As documented in the Affidavit of Cynthia Rice-Levine, current Palm Cove HOA President, each of the property owners of Lots 1-10 supports this variance request. A copy of the Rice-Levine Affidavit is attached as a stipulated exhibit.
4. Each of the ten (10) Palm Cove lots are riparian lots which extend from the Atlantic Ocean across the island to Jinks Creek.
5. A single private road, constructed in 2005, provides access to the Project Site. The Palm Cove lots were platted and the residential structures and road were constructed prior to the Eastern Channel of Jinks Creek shoreline erosion rates increasing. As documented by Petitioner’s coastal engineer, Coastal Planning & Engineering (“CP&E”), between the period from 2003 to 2009, the data suggest the estuarine shoreline in front of Palm Cove receded at an annualized average rate of approximately two-feet per year. Between 2019 and 2020 this estuarine shoreline recession increased to an average of 29-feet per year. A copy of CP&E’s letter report is attached as a stipulated exhibit.
6. The Project Site is bordered by the Eastern Channel of Jinks Creek to the north, Tubbs Inlet to the east, the Atlantic Ocean to the south, and residential lots to the west. As documented in the Division of Coastal Management’s (“DCM”) Field Investigation Report dated September 29, 2001, no Coastal Wetlands were observed within the limits of the Project Site, and the current elevation of the Project Site ranges from 4-feet to 10-feet above Mean High Water (“MHW”). The annual erosion rate on the oceanward side of the project area is +3.5ft/year per the Division of Coastal Management’s 2020 Annual Erosion Rate maps. DCM shoreline erosion rates on the Eastern Channel of Jinks Creek side of the Project Site have not been determined, but, as documented in DCM’s Field Investigation Report, satellite imagery shows the pace of soundside erosion has increased with recent major hurricanes, including Florence, Dorian, and Isaias. A copy of DCM’s Field Investigation Report is attached as a stipulated exhibit, as are aerial photographs of the Project

Site over time, and DCM's map viewer showing erosion rates and historic shorelines in the Project Site

7. The waters of the Eastern Channel are classified SA by the Division of Water Quality and are not designated as a Primary Nursery Area ("PNA") by the N.C. Division of Marine Fisheries. These waters are open to the harvest of shellfish. Based on visual observations made by DCM staff during the September 2021 site visit and documented in the DCM Field Investigation Report attached, there appears to be no Submerged Aquatic Vegetation ("SAV") or live oyster beds in the surrounding waters.

8. The Project Site is located within the Public Trust Area, Estuarine Waters, and Ocean Hazard Areas of Environmental Concern ("AEC"). The Project Site is also located within the existing Inlet Hazard Area, and a portion of the Project Site is located within the proposed Inlet Hazard Area. Pursuant to N.C.G.S. 113A-118, the proposed enlargement of the sandbag revetment development requires a permit issued pursuant to the Coastal Area Management Act ("CAMA"). A copy of the Existing and Proposed Inlet Hazard Maps are attached as a stipulated exhibit.

9. As documented in the Affidavit of Karen Triplett, on or around December 27, 2019, representatives of Palm Cove HOA observed erosion on the Jinks Creek Eastern Channel shoreline in the vicinity of Lots 8 and 9, compromising a fire hydrant. A copy of the Triplett Affidavit and photos are attached as stipulated exhibits.

10. In early January 2020, Palm Cove HOA began working with outside experts and the representatives of DCM to gather information to address this erosion, as described in the Triplett Affidavit.

11. On January 16, 2020, Palm Cove HOA notified the Town Manager of the erosion and fire hydrant exposure, as described in the Triplett Affidavit.

12. On January 17, 2020, Brunswick County (the "County") Public Utilities staff attempted to remove the fire hydrant. During the process, Palm Cove HOA alleges that the County improperly capped the fire hydrant, creating a depression in the area and leaving this area more vulnerable to erosion, as described in the Triplett Affidavit and shown in photos attached as stipulated exhibits.

13. On or about January 19, 2020, riprap was placed along the road in an attempt to prevent the road from collapsing, as described in the Triplett Affidavit.

14. Following these measures, Palm Cove HOA pursued other options to protect the single access road, lots and structures, including seeking a CAMA Major Permit to install a temporary sandbag revetment along its estuarine shoreline. To protect the the only access road serving the Project Site, between February and April 2020, Petitioner installed a sandbag revetment measuring approximately 6-feet in height by 20-feet in width by 1,000-feet in length running east to west along

the Eastern Channel of Jinks Creek. The landward edge of the existing sandbag revetment follows the erosion escarpment except in areas where the right-of-way (“ROW”) had been compromised and had to be rebuilt to protect the access road. The sandbags were permitted to protect the roadROW in order to repair the roadway that was also impacted by erosion as documented by the CP&E report, attached. The existing sandbags were authorized under 10 separate CAMA General Permits (GP#76201D - #76210D) on February 13, 2020. Minor permits SB#20-03 and SB#20-04 were issued to backfill sandbags and restore the ROW on February 28, 2020 and April 22, 2020, respectively. Re-issued CAMA General Permits (GP#75848D - #7585D) were authorized for sandbags on Lots 1-3 on April 8, 2020. Approximately 10 permit exemptions have been issued to repair the existing sandbag structures as sandbags become torn or fall out of the authorized footprint. The sandbag removal forms which are required of the applicant as part of the permitting process state that the existing temporary sandbag revetment will need to be removed or covered and vegetated by 2028. Copies of these permits are attached as stipulated exhibits.

15. According to CP&E and described in their report, attached, possibly as a result of tidal hydraulics within Jinks Creek and the channel to Tubbs Inlet, erosion along the Palm Cove shoreline has increased over the last several years. The trend of recession climaxed between 2019 and 2020, during which time the estuarine shoreline receded an average distance of 29 feet. Overall, the data indicate that between 2016 and 2020 the estuarine shoreline within the Project Area receded at an average annual rate of approximately 16 feet per year.

16. In 1970, Tubbs Inlet was relocated 3,200 feet eastward. Around this time, feeder channels behind both sides of the inlet were altered by dredging for land development; other sections of the channels connecting to the AIWW shoaled. In 1980, dual navigation jetties were installed at Little River Inlet. In 1997, Mad Inlet, a former inlet located 3.5 miles to the west of Tubbs Inlet, naturally closed.

17. In addition to the changes in the Tubbs Inlet complex and according to CP&E in their attached report, the Town’s recent dredging of South Jinks Creek from December 4, 2021 to March 31, 2022 also has the potential to influence the Palm Cove shoreline. The Town dredged a portion of Jinks Creek, including outside its permitted area, though no restoration was required as the dredging could have been permitted. Despite Palm Cove being located within the Town’s jurisdiction, the project stopped dredging at the edge of the Palm Cove shoreline. The Town’s CAMA permit authorizing the dredging does not contain a condition requiring the Town to conduct monitoring to determine the effects of its dredging on adjacent shorelines. Palm Cove has retained CP&E to evaluate the potential effects of the Town’s dredging on Palm Cove’s shoreline.

18. As a result of the shoreline erosion, the only access road and ROW in the Project Site are imminently threatened, as described in the CP&E report, attached.

19. According to the CP&E report, as a result of the shoreline erosion and despite the existing sandbag revetment, the road and right-of-way continue to be imminently threatened.

20. In response to the erosion and imminent threat, Palm Cove HOA pursued other alternatives, including installation of a sand fence to capture sand and establish vegetation and installation of a low-sill wall to try and create a natural estuary and lowland marsh. David Hancock (AAE PLLC Wilmington), a representative of Palm Cove HOA, discussed the low-sill alternative with representatives of DCM. After discussions with DCM, it is Mr. Hancock's understanding that the low-sill wall alternative is not a viable option. DCM has concerns about a low-sill wall on a shoreline in the Ocean Hazard and Inlet Hazard AEC without estuarine characteristics.

21. On or about September 29, 2021, Petitioner applied for a CAMA Major Permit seeking to enlarge the existing sandbag revetment by increasing the width on the landward side by five (5) feet (for a new width of 25-feet) and the height by six (6) feet (for a new height of 12-feet above MHW). A copy of the permit application materials is attached as a stipulated exhibit.

22. Petitioner's proposed enlargement of the existing sandbag revetment exceeds the dimension requirements set forth in 15A NCAC 7H .0308(a)(2)(L), which provides:

Sandbags used to construct temporary erosion control structures shall be tan in color and three to five feet wide and seven to 15 feet long when measured flat. Base width of the temporary erosion control structure shall not exceed 20 feet, and the total height shall not exceed six feet, as measured from the bottom of the lowest bag.

23. As part of the CAMA Major Permit process, DCM Field Representative Brendan Brock completed a Field Report for the proposed project, a copy of which is attached as a stipulated exhibit.

24. As part of the CAMA Major Permit Application process, adjacent riparian landowners were provided notice by certified mail about the proposed project. Copies of those notice letters and tracking information are attached. DCM did not receive any comments from the adjacent riparian property owners. The public was also provided notice of the Petitioner's CAMA Major Permit application through a newspaper notice, which ran on October 4, 2021 of the Wilmington StarNews as well as on-site posting. DCM staff did not receive any comments from the public.

25. Also as part of the CAMA Major Permit application process, the Petitioner's application, Field Report, and other materials were sent to resource agencies for comment. The N.C. Division of Marine Fisheries and the N.C. Wildlife Resources Commission provided comments, copies of which are attached. DMF raised concerns about the loss of intertidal habitat as well long-term impacts to fish and shellfish if the bags remain. WRC raised concerns about the larger structure becoming more permanent as well as loss of habitat where the structure is located.

26. In a letter dated December 14, 2021, DCM denied Petitioner's application for a CAMA Major Permit seeking the larger sandbag structure as proposed. A copy of the DCM denial letter is attached as a stipulated exhibit.

27. As observed by current Palm Cove HOA President Ms. Rice-Levine, in her attached affidavit, since approximately the beginning of 2022, water from the channel of Jinks Creek routinely flows over the top of the sandbags, causing erosion landward of the sandbag revetment and creating a channel.

28. Petitioner asserts that the proposed larger sand bag revetment is intended to protect the only access road serving the Project Site until a longer term solution can be implemented. Petitioner has retained CP&E to evaluate the feasibility of relocating the channel to provide a longer term solution. Relocating the channel is Petitioner's preferred alternative because it would address the likely underlying cause of the erosion. Other alternatives, including relocating the road between the shoreline and the homes, most likely would only serve as a temporary solution as the erosive pressure in the area would continue. Petitioner has retained CP&E to perform a feasibility of relocating the channel. A copy of the CP&E letter is attached as a stipulated exhibit.

29. As part of the CAMA variance process, notice to the adjacent riparian neighbors and anyone who commented on the application is required per 15A NCAC 7J .0701 (c)(7). See the attached notices of the variance request sent to the adjacent riparian owners and relevant agencies, and attached as stipulated exhibits. If any responses are received before the variance hearing, they will be shared with the Commission.

30. As part of the CAMA variance process, the Commission's rules require that "[b]efore filing a petition for a variance from a rule of the Commission, the person must seek relief from local requirements restricting use of the Property." 15A NCAC 7J .0701(a). In an email dated April 20, 2022, Petitioner's counsel reached out to the CAMA Local Permitting Officers to confirm that there are no applicable local requirements restricting use of the Property that would require a variance. Petitioner's counsel is not aware of any local requirements that would require a variance, and the Town's preliminary response confirms this position. Copies of these emails are attached as a stipulated exhibit.

31. Petitioner is seeking a variance from the strict application of the Commission's temporary sandbag rule (15A NCAC 7H .0308(a)(2)(L)), limiting the height to 6-feet and the width to 20-feet, to the Project Site.

32. Petitioner contends that without a variance from the Commission of its temporary sandbag rule, the only road serving the Project Site will likely continue to suffer significant damage and will likely ultimately fail. Petitioner seeks this variance to allow time to evaluate the feasibility of relocating the channel, which would address the likely cause of the underlying erosion.

33. The Project Site is shown on aerial and ground-level photos of the site contained in a PowerPoint presentation, attached as a stipulated exhibit.

**Stipulated Exhibits**

1. 2004 Plat at 31/40
2. 10x current owner deeds
3. Affidavit of Cynthia Rice-Levine
4. Affidavit of Karen Triplett
5. Survey with Elevations
6. Historic Photos
7. IHA maps- current and proposed
8. 10x GPs for Sandbags
9. 2x Minors
10. Re-issued GPs
11. CP&E letter/photos
12. 9/29/21 CAMA Major Permit Application
13. DCM Field Report
14. Notice to Adjacent Riparian Owners and tracking info showing delivery
15. Newspaper notice info and Posting placard copy
16. WRC and DMF Comments
17. DCM Denial Letter
18. Notice of variance request and tracking
19. Local variance emails
20. Stipulation of inconsistency with rules
21. Powerpoint of site photos

**Petitioner and Staff Positions****ATTACHMENT C**

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

**Petitioner's Position: Yes.**

The Petitioner will suffer unnecessary hardship from strict application of the Coastal Resources Commission's (the "Commission") temporary sandbag rule (15A NCAC 7H .0308(a)(2)(L)) to the Palm Cove subdivision. If the Commission's temporary sandbag rule is strictly applied to the Petitioner's property, structures, including ten (10) residential lots, five (5) residential structures, and infrastructure, including the only road serving the community, will suffer significant damage and will likely ultimately fail. If the channel continues to erode the shoreline in this area, it may also hinder or prevent the proposed expansion of the existing sandbag structure.

As a likely result of tidal hydraulics within Jinks Creek and the channel to Tubbs Inlet, erosion along the Palm Cove shoreline has increased over the last several years. The trend of recession climaxed between 2019 and 2020, during which time the estuarine shoreline receded an average distance of 29 feet. Overall, the data indicate that between 2016 and 2020 the estuarine shoreline within the Project Area receded at an average annual rate of approximately 16 feet per year.

In addition to the changes in the Tubbs Inlet complex, the Town of Sunset Beach's (the "Town") recent dredging of south Jinks Creek from December 4, 2021 to March 31, 2022 also has the potential to influence the Palm Cove shoreline. The Town dredged a significant portion of the adjacent habitat along Jinks Creek, including outside its permitted area, and despite Palm Cove being located within the Town's jurisdiction, abruptly stopped dredging at the western edge of the Palm Cove shoreline. The Town's CAMA permit authorizing the dredging does not contain a condition requiring the Town to conduct monitoring to determine the effects of its dredging on adjacent shorelines in the vicinity of the Project Site. Palm Cove has retained Coastal Planning & Engineering ("CP&E") to evaluate the potential effects of the Town's dredging on Palm Cove's estuarine shoreline.

As a result of the shoreline erosion and despite the existing sandbag revement, the road and right-of-way are imminently threatened.

In response to the increased erosion and imminent threat, Palm Cove HOA pursued other alternatives, including installation of a sand fence to capture sand and establish vegetation, a low-sill wall to create a natural estuary and lowland marsh, and enlargement of the existing sandbag revetment. David Hancock (AAE PLLC Wilmington), a representative of Palm Cove HOA, discussed the low-sill alternative with representatives of DCM. After these discussions, it was Mr. Hancock's understanding that the low-sill wall is not a viable option.

The existing rules do not provide adequate protection. The existing sandbag revetment, measuring approximately 6-feet in height by 20-feet in width by 1000-feet in length, and the adjacent shoreline continue to experience ongoing damage and erosion from high tides and storm tides over washing the existing sandbags, which has resulted in erosion on the landward side of the sandbags and at times washing out sections of the existing road, especially the eastern portion, which is the only access to the ten lots. Beach bulldozing, the process of moving natural beach material from any point seaward of the first line of stable vegetation to provide protection, is another erosion control alternative permitted in inlet hazard areas, but is not a viable option in the project area because of the lack of available beach to bulldoze. Other alternatives, including relocating the road between the shoreline and the homes, would only serve as a temporary solution as the erosive pressure in the area would continue.

Based upon preliminary observations, it is CP&E's professional opinion that the erosion observed along the Palm Cove estuarine shoreline may be occurring as a result of the orientation of the channel that runs directly adjacent to the Palm Cove estuarine shoreline. This channel is a primary conduit for the exchange of tidal waters between Tubbs Inlet and Jinks Creek and appears to deliver swift moving waters that may be scouring the shoreline. Therefore, one potential solution to reduce or eliminate the rate of Palm Cove's estuarine shoreline erosion would be to relocate the channel to a more preferred orientation away from the Palm Cove properties. The Petitioner is pursuing a study to evaluate the feasibility of relocating the channel to provide a longer term solution. However, even if a realignment project is determined to be feasible, there is not adequate time to permit the project and for any benefits of the project to be realized.

**Staff's Position: Yes**

Staff acknowledge that in this case, a strict application of the Commission rule 15A NCAC 7H .0308(a)(2)(L) which limits sandbag structures to 6' x 20', will cause the Petitioner unnecessary hardships.

Since the 2004 platting of the subdivision and the 2005 construction of the road, the Jinks Creek Eastern Channel shoreline area of the Palm Cove property has experienced high rates of erosion. This significant erosion is not unexpected in an Inlet Hazard AEC such as the Project Area, especially next to a "primary conduit for the exchange of tidal waters between Tubbs Inlet and Jinks Creek" with "swift moving waters." However, Staff acknowledge strict application of the rule authorizing the usual 6' by 20' sandbags authorized to provide temporary protection for the access road and ROW until 2028 may cause Petitioner hardships where the existing sandbags are being overtopped, as seen in the attached photos. Due to the specific steps which the Petitioner is taking to explore possible channel realignment as a long-term solution to mitigate erosion in this area, Staff agree that disallowing a larger sandbag structure at this time causes Petitioner unnecessary hardships.

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

**Petitioner's Position: Yes.**

The unnecessary hardship results from conditions peculiar to Petitioner's property. The Petitioner's property is not only located in an existing inlet hazard area, it is further influenced by actions of third parties.

As discussed above, the project area is located in an existing inlet hazard area. As a result, the project area's shoreline is experiencing a rapid rate of erosion as the Eastern Channel of South Jinks Creek impinges on the shoreline in response to recent storms and changed inlet dynamics. Although inlet hazard areas are characterized by dynamic processes, the location, size, and topography of Petitioner's property is causing unnecessary hardship. First, Tubbs Inlet is heavily influenced by anthropogenic sources: it was relocated 3,200 feet eastward in 1970; around this time, feeder channels behind both sides of the inlet were altered by dredging for land development; other sections of the channels connecting to the AIWW shoaled and became hydraulically less efficient; in 1980, dual navigation jetties were installed at Little River Inlet; and, in 1997, Mad Inlet naturally closed. Second, the lots were platted and the road and houses were constructed prior to the accelerated shoreline erosion. Third, in January 2020, Brunswick County (the "County") Public Utilities attempted to remove a fire hydrant in the vicinity of Lots 8 and 9 that was exposed as a result of shoreline erosion. During the process, the County improperly capped the fire hydrant, creating a depression in the area and leaving this area more vulnerable to erosion. As a result, the depression in this area has created vulnerability in the sandbag revetment and potentially increased erosion. Fourth, the Town of Sunset Beach's (the "Town") recent dredging of south Jinks Creek also has the potential to influence the Palm Cove shoreline. The Town dredged a significant portion of the adjacent habitat along Jinks Creek and, despite Palm Cove being located within the Town's jurisdiction, abruptly stopped dredging at the western edge of the Palm Cove shoreline. Thus, it is not merely the project area's location near Tubbs Inlet and along South Jinks Creek that is causing the unnecessary hardship; rather, conditions peculiar to Petitioner's property cause unnecessary hardships.

**Staff's Position: Yes.**

Staff agrees that Petitioner's hardship is caused by conditions peculiar to the Project Area where the Project Area has been subject to an especially high rate of erosion over the past several years, eroding the shoreline an average of 29' during the period of 2019 and 2020 according to the CP&E report. Additionally, Petitioner's hardship is caused in part because of the extent to which the oceanfront characteristics wrap around the back side of the point within the IHA. This works to limit potential erosion control efforts to sandbags, sand fencing, or channel realignment as opposed to bulkheads, living shorelines and other shoreline protection measures available on estuarine shorelines.

Staff contend the Project Area's location within the designated Inlet Hazard AEC in and of itself is not a peculiarity causing Petitioner's hardship. The Commission's rules, specifically 7H .0304(s) make clear that Inlet Hazard AECs are known for their highly dynamic nature, noting

The inlet hazard areas are natural-hazard areas that are especially vulnerable to erosion, flooding, and other adverse effects of sand, wind, and water because of their proximity to dynamic ocean inlets. This area extends landward from the mean low water line a distance encompassing that area within which the inlet migrates, based on statistical analysis, and shall consider such factors as previous inlet territory, structurally weak areas near the inlet, and external influences such as jetties, terminal groins, and channelization.

Staff notes that much of the Project Area is also located within both the existing and proposed Inlet Hazard Area Boundary approved by the CRC in February 2019, which went to public hearing in April of this year. The new IHA boundaries and associated rules are currently before the Rules Review Commission for approval.

Most of the anthropogenic factors that may have driven shoreline changes, as identified by the Petitioner, pre-dated the 2004 platting of the subdivision and 2005 development of the access road. While the fire hydrant recently caused some damage to the road, the recently accelerated shoreline erosion may be a result of the change in location of the channel along this shoreline. While it is unclear what impact the Town's dredging project this past winter may have had on the Project Area, much of the erosion had already occurred and the sandbags were in place before the dredging project took place.

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

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

The unnecessary hardship does not result from actions taken by the Petitioner. Petitioner has done nothing to accelerate the erosion affecting the project area and has taken steps to address the problem (e.g., when building the structures, Petitioners complied with the erosion setbacks established by the Coastal Resources Commission). Rather, Petitioner has implemented measures to mitigate the hardships to the extent permitted by the current regulations through, among other things, installing an existing sandbag structure, which has failed to protect the property and infrastructure from imminent danger.

**Staff's Position: No.**

While the initial development of Palm Cove in this location may have been ill-advised, Staff agrees that the HOA appears to be taking steps to address the ongoing erosion problem, through hiring consultants and engineers to explore the potential of realigning the Jinks Creek Eastern Channel near the Project Area as a possible long-term solution.

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

The variance requested by the Petitioner to expand the existing sandbag revetment is consistent with the spirit, purpose and intent of the Commission's rules. As recognized by the Division of Coastal Management, the sandbag rules are effectively an exception to the General Assembly's and the Commission's prohibition on permanent erosion control structures and are available to all "imminently threatened structures." The Commission's rules set limitations for the use of sandbags that in most cases balance protection of natural habitat and property and infrastructure; however, in other cases, the existing sandbag rules do not provide adequate protection of property and infrastructure. In this situation, the authorized sandbag revetment does not provide adequate protection of infrastructure, which is imminently threatened. If the accelerated erosion described above continues to move landward, it may preclude or hinder later expansion of the existing sandbag structure. The expanded sandbag revetment is needed as temporary protection while the Petitioner evaluates the feasibility of relocating the channel. A letter from Petitioner's coastal engineer describing the processes affecting the project area is attached as Exhibit F-2.

The variance would secure the public safety and welfare because, without a variance, the only existing road will continue to suffer damage and likely fail and at least one, and likely more, of the residences located within the project area could soon be damaged. Further, due to limited public access, the proximity of the structures to the ocean, and the erosion experienced in this area, the public's access in front of these properties is already limited. Thus, increasing the landward footprint and height of the sandbags would not have significant additional impacts on the public's access to the beach.

The variance will preserve substantial justice because it will protect the residential structures and infrastructure long enough for the Petitioner to evaluate the feasibility of relocating the channel. Despite the best efforts of the Petitioner to address the erosion issue, the existing sandbags do not provide sufficient protection until Petitioner's feasibility study is completed.

**Staff's Position: Yes.**

Staff agrees that a variance from the Commission's sandbag size limits for the remaining six years the sandbag structure is authorized for while Petitioner completes a feasibility study for channel relocation is consistent with the spirit, purpose, and intent of the rules.

Given the General Assembly's and the Commission's ban on permanent erosion control structures, CRC rules and CAMA allow the use of sandbags as a temporary means to protect "imminently threatened structures" until the structure can be relocated, the erosion abates or actions to address chronic erosion are taken. The Commission's rules set limitations for use of sandbags such as size limits and time limits which are sufficient in most cases, (eight years with possible eight-year renewals if the local jurisdiction is determined to be "actively pursuing" a nourishment, inlet relocation or stabilization project). However, in some situations, these limitations may not offer the temporary protection for a long enough duration to complete the planning, funding, EIS and permitting processes. Staff does not disagree with Petitioner that larger sandbags can provide more effective protection of the access road while the Petitioner studies a long-term solution for erosion through channel relocation.

Staff agrees that the variance would protect public safety and welfare where there is little room waterward of the existing structures to utilize the public trust area, and the larger sandbags may better protect the access road. Staff agrees that the variance would preserve substantial justice to allow Petitioner to study a long-term solution to the erosion.

Staff recommends that the Commission consider adding two conditions if the Commission decides to grant this variance, including:

- 1) if any long-term measures are implemented to address shoreline erosion in the Project Area, any sandbags that exceed the maximum structure size limitations, as well as any sandbags in the 6' x 20' alignment that are above grade, must be removed within six months following the completion of any future project, and
- 2) while the Petitioner's application indicated that the sandbag structure would be no taller than 12' above MHW, Staff are concerned this would allow for an overall structure height taller than 12' if some bags are placed or sink below MHW. Instead, Staff suggest limiting the structure to an overall maximum height of 12' regardless of the location of MHW.

Attachment D:  
Petitioner's Variance Request Materials

Suite 1400, 4208 Six Forks Road  
Raleigh, NC 27609  
t 919 420 1700 f 919 420 1800

Todd S. Roessler  
direct dial 919 420 1726  
direct fax 919 510 6121  
TRoessler@KilpatrickTownsend.com

April 26, 2022

**Via Certified Mail – Return Receipt Requested and Email**

Braxton Davis, Director  
N.C. Division of Coastal Management  
400 Commerce Avenue  
Morehead City, NC 28557  
Email: [Braxton.Davis@ncdenr.gov](mailto:Braxton.Davis@ncdenr.gov)

**Re: CAMA Variance Request by Palm Cove HOA**

Dear Braxton:

I am writing to notify you that Palm Cove HOA is applying for a variance from the North Carolina Coastal Resources Commission to enlarge the existing sandbag revetment by increasing the width on the landward side by five (5) feet (a new width of 25-feet) and the height by six (6) feet (a new height of 12-feet above Mean High Water). The Palm Cove Subdivision is located between 1830-1848 E. Main Street, adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County. Palm Cove HOA is seeking to have this variance heard at the June 8-9, 2022 meeting of the Coastal Resources Commission. A copy of the variance request form and supporting documents are enclosed for your information.

Sincerely,

KILPATRICK TOWNSEND & STOCKTON LLP



Todd S. Roessler  
*Attorney for Palm Cove HOA*

Enclosure

cc: Christy Goebel (via email)  
Cynthia Rice-Levine (via email)  
Brad Rosov (via email)

20058845V.1

## CAMA VARIANCE REQUEST FORM

DCM FORM 11

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

PETITIONER'S NAME: PALM COVE HOA

COUNTY WHERE THE DEVELOPMENT IS PROPOSED: BRUNSWICK

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](http://www.nccoastalmanagement.net)

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

### VARIANCE CRITERIA

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

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

***Please make your written arguments that Petitioner meets these criteria on a separate piece of paper.***

*The Commission notes that there are some opinions of the State Bar which indicate that non-attorneys may not represent others at quasi-judicial proceedings such as a variance hearing before the Commission.*

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



## **DELIVERY OF THIS HEARING REQUEST**

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

### Contact Information for DCM:

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

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

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

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

### Contact Information for Attorney General's Office:

**By mail:**

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

**By express mail:**

Environmental Division  
114 W. Edenton Street  
Raleigh, NC 27603

**By Fax:**  
(919) 716-6767

Revised: July 2014

## EXHIBIT C-1

### Variance Petition Description of Proposed Development

The proposed project site is located in the Palm Cove Subdivision between 1830-1848 E. Main Street, adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County. Palm Cove was subdivided in 2004 pursuant to a subdivision plat map recorded on September 16, 2004 at Book 31, Page 40 of the Brunswick County Registry. The project area would span across Lots 1-10 in the Palm Cove subdivision, located at the eastern tip of Sunset Beach. Each of the ten (10) lots is individually owned, measuring approximately 1-acre per lot with approximately 100 linear feet of shoreline.

The project site is bordered by the Eastern Channel of Jinks Creek to the north, Tubbs Inlet to the east, the Atlantic Ocean to the south, and residential lots to the west. The high ground portion of the property is stabilized by a mix of natural and planted vegetation. Species include Salt Meadow Hay (*Spartina patens*), Sea Oats (*Uniola paniculata*), American Beachgrass (*Ammophila breviligulata*), American Marsh-pennywort (*Hydrocotyle americana*) and planted ornamental vegetation. No Coastal Wetlands were observed within the limits of the proposed project area. The Estuarine Shoreline and Ocean Erodible Area splits approximately halfway across Lot 1 as evidenced by an existing private docking facility and a partial riprap revetment. The current elevation of the project area ranges from 4-feet to 10-feet above Mean High Water (MHW). The annual erosion rate on the oceanward side of the project area is +3.5ft/year per the Division of Coastal Management's 2020 Annual Erosion Rate maps. Official shoreline erosion rates on the soundside of the project area have not been determined, but satellite imagery shows the pace of soundside erosion has increased with recent major hurricanes, including Florence, Dorian, and Isaias. The entire project area is located within the existing Inlet Hazard Area, and a portion of the project area is located within the proposed Inlet Hazard Area..

Existing site conditions include a sandbag revetment measuring approximately 6-feet in height by 20-feet in width by 1,000-feet in length running east to west along the Eastern Channel of Jinks Creek. The landward edge of the existing sandbag revetment follows the erosion escarpment except in areas where the right-of-way (ROW) had been compromised and had to be rebuilt to protect the only access road. Depending on the location, the waterward side of the existing sandbag revetment ranges from normal high water (NHW) to -5-feet NHW. The sandbags were permitted to protect the eroded ROW in order to repair the roadway that was also impacted by accelerated erosion. Due to time constraints associated with the CAMA Major Permit process, the existing sandbags were authorized under 10 separate CAMA General Permits (GP#76201D - #76210D) on February 13, 2020. Minor permits SB#20-03 and SB#20-04 were issued to backfill sandbags and restore the ROW on February 28, 2020 and April 22, 2020, respectively. Re-issued CAMA General Permits (GP#75848D - #75850O) were authorized for emergency sandbags on Lots 1-3 on April 8, 2020. Various exemptions have been issued to repair the existing sandbag structures as sandbags become torn or fall out of the authorized footprint. The sandbag removal forms state that the existing temporary sandbag revetment will need to be removed or covered and vegetated by 2028.

The waters of the Eastern Channel of Jinks Creek are classified SA by the Division of Water Quality and are not designated as a Primary Nursery Area (PNA) by the N.C. Division of Marine Fisheries. They are open to the harvest of shellfish. Based on visual observations made by DCM staff during a September 2021 site visit, there appears to be no Submerged Aquatic Vegetation (SAV) or live oyster beds in the surrounding waters. According to the Petitioner, tidal amplitude in the project area is approximately 5-feet between MLW and MHW.

The Petitioner is seeking a variance from strict application of the Coastal Resources Commission's (the "Commission") temporary sandbag rule (15A NCAC 7H .0308(a)(2)(L)) to the Petitioner's property and the Commission's procedural requirement to seek relief from local requirements restricting use of the property before filing a petition for a variance from a rule of the Commission (15A NCAC 7J .0701(a)). Petitioner is seeking to enlarge sandbag revetment by increasing the width on the landward side by five (5) feet (a new width of 25-feet) and the height by six (6) feet (a new height of 12-feet above MHW). The increased height of the sandbags would be above the elevation of the road, which continues to be imminently threatened.

A vicinity map, approximate location of the existing sandbag structure, existing conditions, and proposed structure are attached as Exhibits C-2, C-3, C-4 and C-5, respectively.

## Attachment E: Stipulated Exhibits

1. 2004 Plat at 31/40
2. 10x current owner deeds
3. Affidavit of Cynthia Rice-Levine
4. Affidavit of Karen Triplett
5. Survey with Elevations
6. Historic Photos
7. IHA maps- current and proposed
8. 10x GPs for Sandbags
9. 2x Minors
10. Re-issued GPs
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15. Newspaper notice info and Posting placard copy
16. WRC and DMF Comments
17. DCM Denial Letter
18. Notice of variance request and tracking
19. Local variance emails
20. Stipulation of inconsistency with rules
21. Powerpoint of site photos

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF SUNSET BEACH AND THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED. FURTHERMORE, I HEREBY DEDICATE ALL SANITARY SEWER AND WATER LINES, AND APPURTENANCES, TO THE TOWN OF SUNSET BEACH.

I, HOWARD E. STOCKS, P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED AS NOTED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM THE INFORMATION FOUND AS NOTED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED.

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER & SEAL THIS 28th DAY OF NOVEMBER, 2006.

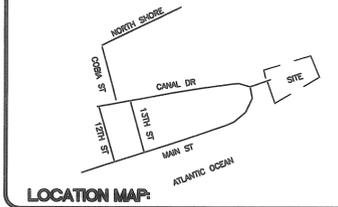
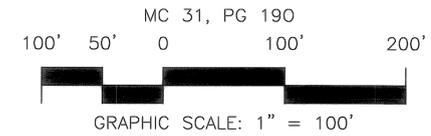
*Howard E. Stocks*  
HOWARD E. STOCKS, P.L.S.  
REGISTRATION NUMBER L-4250



STATE OF NORTH CAROLINA  
COUNTY OF BRUNSWICK

I, \_\_\_\_\_, REVIEW OFFICER OF BRUNSWICK COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE \_\_\_\_\_ REVIEW OFFICER \_\_\_\_\_



- LEGEND:**
- ⊙ IRF IRON REBAR FOUND
  - CONCRETE MONUMENT
  - UTILITY POLE
  - x- FENCE (type noted)
  - FLV FIRST LINE OF VEGETATION
  - MHW MEAN HIGH WATER

**NOTES:**

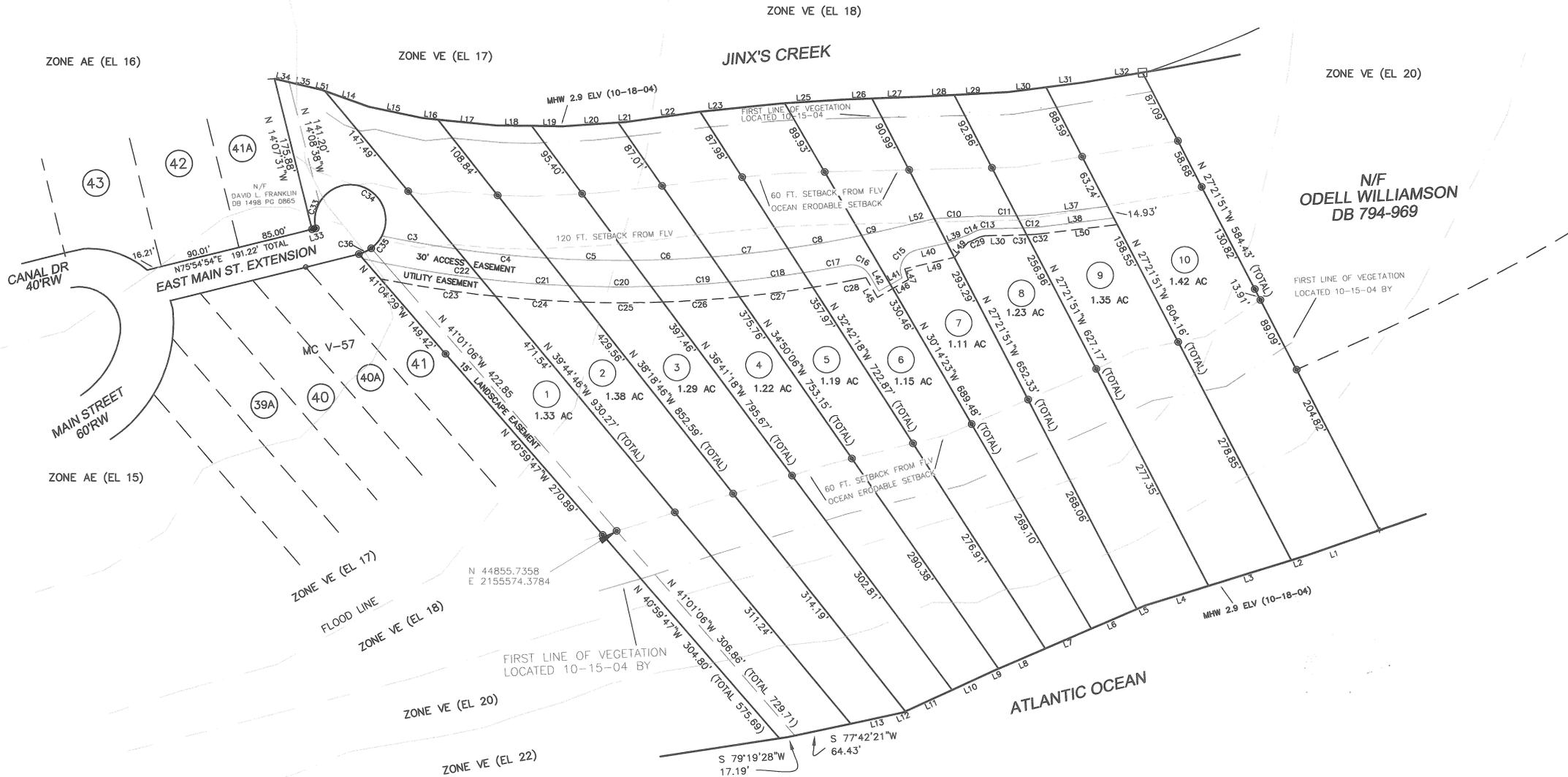
1. REFERENCE IS MADE TO THE FOLLOWING; MAP CABINET V, PAGE 57, MC 31, PAGE 190.
2. BASED ON BRUNSWICK COUNTY FLOOD INSURANCE RATE MAP 37201054 00J, DATED JUNE 2, 2006 THIS PARCEL APPEARS TO BE IN ZONE VE (ELEV. 17, 18, 20 AND 22).
3. ADJOINING PROPERTY OWNERS BASED ON INFORMATION FOUND IN THE BRUNSWICK COUNTY TAX OFFICE.
4. AREA BY THE COORDINATE METHOD.
5. THERE ARE DISCREPANCIES BETWEEN PHYSICAL EVIDENCE FOUND AND INFORMATION RECORDED AT THE BRUNSWICK COUNTY REGISTER OF DEEDS OFFICE.
6. SURVEY BASED ON REFERENCED INFORMATION AND EXISTING PHYSICAL EVIDENCE.
7. LOTS 1-10 ARE PRIOR LOTS OF RECORD. ALL BOUNDARY AND CAMA DATA BASED ON RECORDED MAP BY TOMPKINS LAND SURVEYING P.A. ASH, NORTH CAROLINA ON NOVEMBER 2004. EXISTING CONDITIONS AND TOPOGRAPHY VERIFIED BY CAPE FEAR ENGINEERING, BELVILLE, NORTH CAROLINA, ON SEPTEMBER 2005.
8. MEAN HIGH WATER WAS LOCATED BY TOMPKINS LAND SURVEYING P.A. ASH, NORTH CAROLINA 28420 ON OCTOBER 18, 2004.
9. ALL WORK TO BE DONE WITHIN PRIOR LOTS OF RECORD. NO WETLANDS WERE DELINEATED WITHIN LIMITS OF DISTURBANCE (LOD). RESPONSIBILITY FALLS ON INDIVIDUAL LOT OWNER'S RESPONSIBILITY TO VERIFY WETLAND LOCATION IF FUTURE WORK IS TO BE DONE OUTSIDE OF THE LOD.
10. APPROVAL OF THIS PLAN ESTABLISHED A ZONING VESTED RIGHT UNDER G.S.160A-385.1 UNLESS TERMINATED AT AN EARLIER DATE. THE ZONING VESTED RIGHT SHALL BE VALID UNTIL OCTOBER 19, 2008.
11. THE ROAD AND WATER LINES ARE CURRENTLY INSTALLED. PROPOSED WORK WOULD INCLUDE CONSTRUCTION OF INDIVIDUAL SINGLE FAMILY HOMES, INDIVIDUAL PRIVATE DUNE CROSSOVERS, INSTALLATION OF PRIVATE SEPTIC SYSTEMS AND ANY OTHER IMPROVEMENTS THAT THE FUTURE PROPERTY OWNERS MIGHT REQUEST.
12. 6185 SQUARE FEET OF IMPERVIOUS ALLOWED PER LOT.
13. DUNE CROSS OVER PERMIT #11-06, MODIFIED OCTOBER 16, 2006.
14. THIS MAP DOESN'T CHANGE ANY LOTS THAT WERE PREVIOUSLY RECORDED.
15. THE PURPOSE OF THIS MAP IS TO ADD UTILITY EASEMENT AND VESTED RIGHTS STATEMENT ONLY.
16. FLOOD ZONE LINES TAKEN FROM NC FLOOD MAP PANEL REFERENCED IN NOTE 2.
17. SEE SHEET 2 OF 2 FOR CURVE AND LINE DATA. PANEL REFERENCED IN NOTE 2.

**CAPE FEAR Engineering, Inc.**  
151 Poole Rd., Suite 100  
Beville, NC 28611  
TEL (910) 383-1044  
FAX (910) 383-1045  
www.capefearengineering.com

DRAWN : N. WARD	PROJECT : 675-03
DESIGN : N. WARD	NUMBER : 1
CHECK : M. CRUTCHFIELD	SCALE : 1"=100'
APPROVED : H. STOCKS	DATE : 09 NOV 06

REVISION  
MAP FOR RECORD  
PALM COVE  
LOTS 1-10  
SHALLOTTE TOWNSHIP BRUNSWICK COUNTY  
NORTH CAROLINA

PROJECT NUMBER 675-03	SHEET NUMBER 1 OF 2
--------------------------	------------------------



CERTIFICATE OF APPROVAL FOR RECORDING

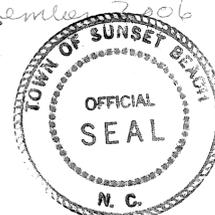
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE TOWN OF SHALLOTTE, NORTH CAROLINA, AND THAT THIS PLAT HAS BEEN APPROVED BY THE BOARD OF ALDERMAN FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF BRUNSWICK COUNTY.

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_ SUNSET BEACH, NORTH CAROLINA  
SEAL \_\_\_\_\_ TOWN CLERK \_\_\_\_\_

THIS MAP IS CERTIFIED AS CONFORMING IN ALL RESPECT TO THE ZONING REQUIREMENTS OF THE TOWN OF SUNSET BEACH

THIS THE 28th DAY OF November 2006

*David Thiel*  
ADMINISTRATOR



CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS  
NORTH CAROLINA BRUNSWICK COUNTY

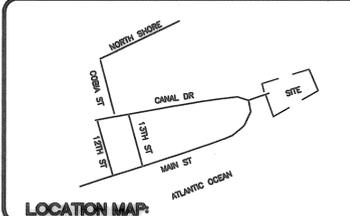
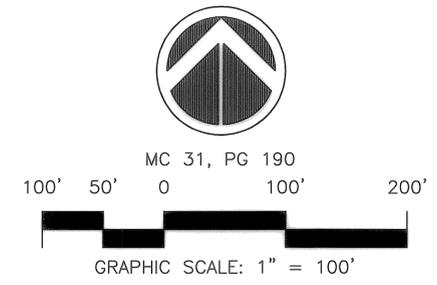
FILED FOR REGISTRATION THIS \_\_\_\_\_ DAY OF 20\_\_\_\_, AT \_\_\_\_\_ O'CLOCK (AM/PM), AND DULY RECORDED IN MAP BOOK \_\_\_\_\_ PAGE \_\_\_\_\_.

BY: \_\_\_\_\_

36 / 434

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD DIRECTION
C1	15.66	40.00	15.56	N64°41'51"E
C2	18.56	40.00	18.40	N40°11'07"E
C3	84.89	1314.51	84.87	S80°22'26"E
C4	103.22	1314.51	103.20	S84°28'24"E
C5	95.30	1314.51	95.28	S88°48'00"E
C6	89.94	1314.51	89.92	N87°09'47"E
C7	86.41	1314.51	86.39	N83°19'11"E
C8	84.38	1314.51	84.36	N79°35'52"E
C9	36.61	1314.51	36.61	N76°57'40"E
C10	52.74	1479.39	52.74	S86°38'49"W
C11	60.82	874.09	60.81	N88°50'27"E
C12	53.48	888.09	53.47	N88°33'01"E
C13	21.24	38.00	20.96	S74°15'46"W
C14	6.19	27.26	6.18	N64°45'28"E
C15	40.57	23.00	35.51	S26°02'48"W
C16	28.52	23.00	26.73	N65°45'46"W
C17	50.47	1344.51	50.47	N79°47'22"E
C18	84.51	1344.51	84.50	N82°39'56"E
C19	87.75	1344.51	87.74	N86°20'10"E
C20	92.60	1344.51	92.58	S89°49'16"E
C21	99.63	1344.51	99.61	S85°43'30"E
C22	134.33	1344.51	134.27	S80°44'24"E
C23	106.18	1362.52	106.15	S82°06'37"E
C24	98.64	1363.21	98.62	S86°25'12"E
C25	91.07	1363.21	91.06	N89°35'35"E
C26	86.49	1363.21	86.48	N85°51'42"E
C27	83.41	1363.21	83.39	N82°17'28"E
C28	43.30	1363.21	43.30	N79°37'42"E
C29	8.01	35.26	7.99	N64°45'28"E
C30	16.77	30.00	16.55	S74°15'46"W
C31	42.93	896.09	42.93	N88°54'10"E
C32	11.03	896.09	11.03	N87°10'40"E
C33	29.72	40.00	29.04	N7°31'54"E
C34	124.32	40.00	79.99	S62°08'42"E
C35	18.56	40.00	18.40	S40°11'07"W
C36	15.66	40.00	15.56	S64°41'51"W

LINE TABLE		
LINE	LENGTH	BEARING
L1	87.47	S70°39'30"W
L2	17.65	S72°28'03"W
L3	97.43	S72°28'03"W
L4	75.26	S72°28'03"W
L5	9.87	S66°29'31"W
L6	55.71	S66°29'31"W
L7	56.56	S66°29'31"W
L8	57.26	S66°29'31"W
L9	5.82	S66°29'31"W
L10	51.70	S64°57'16"W
L11	57.87	S64°57'16"W
L12	3.76	S64°57'16"W
L13	59.32	S77°42'21"W
L14	53.45	S70°11'22"E
L15	60.15	S78°16'36"E
L16	18.50	S84°36'27"E
L17	66.35	S84°36'27"E
L18	39.55	S89°43'12"E
L19	35.27	S89°43'12"E
L20	62.24	N85°50'03"E
L21	7.90	N85°50'03"E
L22	85.16	N81°39'51"E
L23	93.53	N83°58'55"E
L24	2.20	N86°01'54"E
L25	66.72	N86°01'54"E
L26	31.95	N87°42'12"E
L27	55.78	N87°42'12"E
L28	36.70	N86°50'25"E
L29	61.38	N86°50'25"E
L30	42.55	N82°31'50"E
L31	40.24	N82°31'50"E
L32	69.50	N80°26'46"E
L33	4.31	N75°54'51"E
L34	16.76	N76°33'09"W
L35	39.35	N76°33'09"W
L36	47.39	N76°35'05"E
L37	82.51	N82°55'57"E
L38	88.03	N82°55'57"E
L39	22.46	N68°54'33"E
L40	35.68	N76°35'05"E
L41	30.12	N59°45'37"E
L42	21.63	S30°14'23"E
L43	51.73	S41°01'06"E
L44	17.28	N78°20'12"E
L45	25.84	S30°14'23"E
L46	40.20	N59°45'37"E
L47	12.77	N18°02'56"W
L48	57.44	N76°35'05"E
L49	22.81	N41°42'42"E
L50	91.67	N82°56'51"E
L51	2.28	N70°11'25"W
L52	47.39	N76°35'05"E



- LEGEND:**
- IRF IRON REBAR FOUND
  - CONCRETE MONUMENT
  - UTILITY POLE
  - X— FENCE (type noted)
  - FLV FIRST LINE OF VEGETATION
  - MHW MEAN HIGH WATER

I, HOWARD E. STOCKS, P.L.S., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED AS NOTED HEREON); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM THE INFORMATION FOUND AS NOTED HEREON, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED.

THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER & SEAL THIS 28th DAY OF NOVEMBER, 2006.

*Howard E. Stocks*  
 HOWARD E. STOCKS, P.L.S.  
 REGISTRATION NUMBER L-4250



- NOTES:**
1. REFERENCE IS MADE TO THE FOLLOWING: MAP CABINET V, PAGE 57, MC 31, PAGE 190.
  2. BASED ON BRUNSWICK COUNTY FLOOD INSURANCE RATE MAP 37201054 00J, DATED JUNE 2, 2006 THIS PARCEL APPEARS TO BE IN ZONE VE (ELEV. 17, 18, 20 AND 22).
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  9. ALL WORK TO BE DONE WITHIN PRIOR LOTS OF RECORD. NO WETLANDS WERE DELINEATED WITHIN LIMITS OF DISTURBANCE (LOD). RESPONSIBILITY FALLS ON INDIVIDUAL LOT OWNER'S RESPONSIBILITY TO VERIFY WETLAND LOCATION IF FUTURE WORK IS TO BE DONE OUTSIDE OF THE LOD.
  10. APPROVAL OF THIS PLAN ESTABLISHED A ZONING VESTED RIGHT UNDER G.S.160A-385.1 UNLESS TERMINATED AT AN EARLIER DATE. THE ZONING VESTED RIGHT SHALL BE VALID UNTIL OCTOBER 18, 2008.
  11. THE ROAD AND WATER LINES ARE CURRENTLY INSTALLED. PROPOSED WORK WOULD INCLUDE CONSTRUCTION OF INDIVIDUAL SINGLE FAMILY HOMES, INDIVIDUAL PRIVATE DUNE CROSSOVERS, INSTALLATION OF PRIVATE SEPTIC SYSTEMS AND ANY OTHER IMPROVEMENTS THAT THE FUTURE PROPERTY OWNERS MIGHT REQUEST.
  12. 6185 SQUARE FEET OF IMPERVIOUS ALLOWED PER LOT.
  13. DUNE CROSS OVER PERMIT #11-06, MODIFIED OCTOBER 18, 2006.

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF SUNSET BEACH AND THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED. FURTHERMORE, I HEREBY DEDICATE ALL SANITARY SEWER AND WATER LINES, AND APPURTENANCES, TO THE TOWN OF SUNSET BEACH.

\_\_\_\_\_  
 STATE OF NORTH CAROLINA  
 COUNTY OF BRUNSWICK

I, \_\_\_\_\_, REVIEW OFFICER OF BRUNSWICK COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

\_\_\_\_\_  
 DATE REVIEW OFFICER

**CERTIFICATE OF APPROVAL FOR RECORDING**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE TOWN OF SHALLOTTE, NORTH CAROLINA, AND THAT THIS PLAT HAS BEEN APPROVED BY THE BOARD OF ALDERMAN FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF BRUNSWICK COUNTY.

\_\_\_\_\_  
 MAYOR

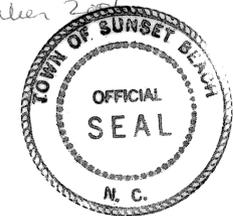
\_\_\_\_\_  
 DATE SUNSET BEACH, NORTH CAROLINA

\_\_\_\_\_  
 SEAL TOWN CLERK

THIS MAP IS CERTIFIED AS CONFORMING IN ALL RESPECT TO THE ZONING REQUIREMENTS OF THE TOWN OF SUNSET BEACH

THIS THE 30th DAY OF November 2006

*Janet Fluegel*  
 ADMINISTRATOR



**CERTIFICATE OF REGISTRATION BY REGISTER OF DEEDS**

NORTH CAROLINA BRUNSWICK COUNTY

FILED FOR REGISTRATION THIS \_\_\_\_\_ DAY OF 20\_\_\_\_, AT \_\_\_\_\_ O'CLOCK (AM/PM), AND DULY RECORDED IN MAP BOOK \_\_\_\_\_ PAGE \_\_\_\_\_.

BY: \_\_\_\_\_

**CAPE FEAR Engineering, Inc.**  
 151 Poole Rd., Suite 100  
 Durham, NC 27617  
 TEL (919) 383-1044  
 FAX (919) 383-1045  
 www.capefearengineering.com

DRAWN : N. WARD	PROJECT : 675-03
DESIGN : N. WARD	NUMBER :
CHECK : H. STOCKS	SCALE : 1"=100'
APPROVED : H. STOCKS	DATE : 09 NOV 06

**REVISION MAP FOR RECORD PALM COVE LOTS 1-10**  
 SHALLOTTE TOWNSHIP BRUNSWICK COUNTY NORTH CAROLINA

PROJECT NUMBER	SHEET NUMBER
675-03	2 OF 2

Map Cabinet 36 Page 434

2-01-2007

JB

MORALES ANNE (HEIRS) C/O DENNIS R DELAHANTY  
 80090484  
 Reval Year: 2019 Tax Year: 2022  
 Appraised by 60 on 06/07/2018 605P PALM COVE

BRUNSWICK COUNTY (100), SUNSET BEACH (100), SUNSET BEACH FIRE (19)  
 L-1 PALM COVE PL 117/87

Return/Appeal Notes:  
 Parcel: 256MB001  
 PLAT: 00117/00087  
 UNIQ ID: 135833  
 ID NO: 105415545908  
 CARD NO. 1 of 1  
 1.0000 LT  
 SRC=  
 TW-06 CI- 11 FR- 16 EX- AT- LAST ACTION 20211012

CONSTRUCTION DETAIL		MARKET VALUE						DEPRECIATION				CORRELATION OF VALUE				
TOTAL POINT VALUE	USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB	CREDENCE TO							
	98	00							% GOOD							
TOTAL ADJUSTMENT FACTOR	TYPE: VACANT LAND									DEPR. BUILDING VALUE - CARD						
TOTAL QUALITY INDEX	STYLE:									DEPR. OB/XF VALUE - CARD 12,420						
										MARKET LAND VALUE - CARD 1,200,000						
										TOTAL MARKET VALUE - CARD 1,212,420						
										TOTAL APPRAISED VALUE - CARD 1,212,420						
										TOTAL APPRAISED VALUE - PARCEL 1,212,420						
										TOTAL PRESENT USE VALUE - PARCEL 0						
										TOTAL VALUE DEFERRED - PARCEL 0						
										TOTAL TAXABLE VALUE - PARCEL \$ 1,212,420						
PERMIT																
CODE		DATE		NOTE		NUMBER		AMOUNT								
ROUT: WTRSHD:																
SALES DATA																
OFF. RECORD		DATE		DEED TYPE		Q/U/V/I		INDICATE SALES PRICE								
BOOK	PAGE	MO	YR													
04289	0403	12	2019	GW		Q V		1200000								
04233	0909	8	2019	QC		C V		0								
02146	0610	5	2005	WD		U V		1900000								
02050	0801	11	2004	WD		U V		0								
HEATED AREA																
NOTES																
1830 E. MAIN DEAN BELK																

SUBAREA				CODE	DESCRIPTION	COUNT	LTH	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	AYB	EYB	ANN DEP RATE	OVR	% COND	OB/XF DEPR. VALUE	
TYPE	GS AREA	%	RPL CS	72	PIER/DOCK (RESID)		65	6	390	35.00	0.00	-	2005	2005		S2		72	9828
FIREPLACE				74	RAMP (PIER/DOCK)		16	4	64	16.00	0.00	-	2005	2005		S2		72	737
SUBAREA				25	DOCK (FLOATING)		8	16	128	25.00	0.00	-	2005	2005		S3		58	1856
TOTALS				TOTAL OB/XF VALUE 12,421															

BUILDING DIMENSIONS																			
LAND INFORMATION																			
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES			ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES
SFR OCEAN	0107	CR1	0	0	1.0000	0	1.0000				RF AC LC TO OT	PS	1,200,000.00	1.000	LT	1.000	1,200,000.00	1200000	0
TOTAL MARKET LAND DATA																		1,200,000	
TOTAL PRESENT USE DATA																			

Exhibit B

This certifies that there are no delinquent ad valorem taxes, fees, assessments or other liens which the Brunswick County Tax Collector is charged with collecting, that are a lien on: Parcel Number 256MB001 as noted by the Brunswick County Assessor's Office. This is not a certification that the parcel number matches the deed description.  
12/13/19 *[Signature]*  
(Agent Tax Col / Dist. Clerk)



B4289 P0403 12-13-2019 15:37:59.002  
Brenda M. Clemmons PROP  
Brunswick County, NC Register of Deeds page 1 of 4

Brenda M. Clemmons Register of Deeds  
12-13-2019 15:37:59.002 Brunswick County, NC  
NC REVENUE STAMP: \$2400.00 (H683894)

Return Webster Type Box  
Total 26 Rev 2400 Int. LC  
Ck \$ 2516 Ck # 8660 Cash \$ \_\_\_\_\_  
Refu. \_\_\_\_\_ Cash \$ \_\_\_\_\_ Finance \_\_\_\_\_

4

Portions of document are illegible due to condition or original.  
 Document contains text verified by original instrument that cannot be reproduced or copied.

STATE OF NORTH CAROLINA

GENERAL WARRANTY DEED

REVENUE STAMPS: \$ 2,400.00

PARCEL#: 256MB001

DRAWN BY AND  
RETURNED TO:

KIRBY LAW FIRM, PLLC  
THE WEBSTER LAW FIRM PC

This deed, made and entered into this 26th day of September, 2019, by and between **Thunder Road, LLC, a North Carolina Limited Liability Company** (mailing address: 10709 Beaver Pond Lane, Raleigh NC 27614, Grantor, and **Anne Morales**, the Grantees, whose address is: 712 Triple Oak Drive, Murrells Inlet, SC 29576

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 located in the county of **BRNSWICK**, State of **NORTH CAROLINA**, more particularly described as follows:

Please see attached exhibit A for legal description.

For back reference, please see deed recorded in Book 2146 at Page 610, Brunswick County Registry.

The above-described lot or parcel of land is also known and identified as Brunswick County Tax Parcel No 256 MB 001.

The property herein conveyed is not the primary residence of the Grantor.

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

The Grantor covenants with the Grantee, that the Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that the title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions: The provisions of all applicable zoning and land use ordinances, statutes and regulations; 2019 ad valorem taxes; and all applicable restrictive covenants and utility easements of record.

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.



Thunder Road, LLC

By: [Signature]  
Steven G. Thanhauser, Manager

By: [Signature]  
Van E. Eure, Manager

STATE OF NC  
COUNTY OF Wake

I, Jill R. Highsmith, do hereby certify that **Steven G. Thanhauser** per before me and acknowledged that he is the **Manager of Thunder Road, LLC**, Limited Liability company and that by authority duly given and as the act of signed the foregoing instrument in its name on its behalf as its act and deed.

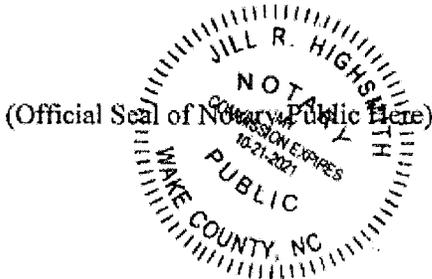
[Check One]

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

Date: 9/26/, 2019

[Signature]  
Notary Public Signature

Jill R. Highsmith  
Printed Name of Notary Public  
My Commission Expires: 10-2



STATE OF NC  
COUNTY OF Wake

I, Jill R. Highsmith do hereby certify that **Van E. Eure** personally me and acknowledged that he is the **Manager of Thunder Road, LLC**, a Limited Liability company and that by authority duly given and as the act of signed the foregoing instrument in its name on its behalf as its act and deed.

[Check One]

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

Date: 9/26, 2019

[Signature]





Notary Public Signature

Vill R. Highsmith

Printed Name of Notary Public

My Commission Expires: 10-2

**(See following page for additional signatures and notary acknowledg**

Barcode: 84289 P0405 12-13-2019 13:37:59.002 PROP  
Brenda N. Clemmons  
Brunswick County, NC Register of Deeds page 3 of 4

Thunder Road, LLC

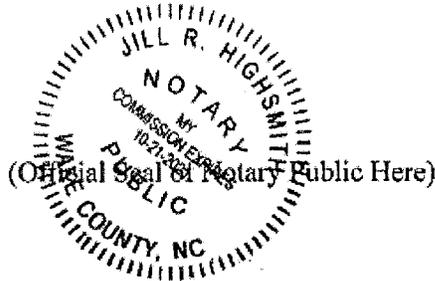
By: [Signature]  
Dean E. Belk, Manager  
By: [Signature]  
Shelley E. Belk, Manager

STATE OF NC  
COUNTY OF Wake

I, Vin R. Highsmith do hereby certify that **Dean E. Belk** personally appeared before me and acknowledged that he is the **Manager of Thunder Road, LLC**, a North Carolina Limited Liability company and that by authority duly given and as the act of such entity, he/she signed the foregoing instrument in its name on its behalf as its act and deed.

[Check One]

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



Date: 9/26, 2019  
[Signature]  
Notary Public Signature  
Vin R. Highsmith  
Printed Name of Notary Public  
My Commission Expires: 10-21-21

STATE OF NC  
COUNTY OF Wake

I, Vin R. Highsmith do hereby certify that **Shelley E. Belk** personally appeared before me and acknowledged that she is the **Manager of Thunder Road, LLC**, a North Carolina Limited Liability company and that by authority duly given and as the act of such entity, he/she signed the foregoing instrument in its name on its behalf as its act and deed.

[Check One]

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



Date: 9/26, 2019  
[Signature]  
Notary Public Signature

(Official Seal of Notary Public Here)



Jin R. Highsmith

Printed Name of Notary Public

My Commission Expires: 10-21-21

"This instrument prepared by: **Amanda Kirby**, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds."



Brunswick County, NC Register of Deeds  
B4289 P0406 12-13-2019  
Brenda M. Clemmons 15:37:59.002  
page 4 of 4 PROP

### Exhibit A

Being all that real property described as Lot 1 of Palm Cove, containing 1.69 acres as shown on Survey by James R. Tompkins, PLS dated November 26, 2019, a copy of which is recorded in Map Cabinet 117, Page 87, Brunswick County Registry reference to said map is hereby made for a more particular description.

TOGETHER WITH AND SUBJECT TO a nonexclusive easement and right of way for ingress, egress and utilities over and across the property shown as "East Main Street Extension" and a "Proposed 20' Shared Private Driveway" on a map entitled "Proposed Subdivision Survey for Sunset Beach & Twin Lakes, Inc. of Lots 1 thru 10, 12.67 AC Total, Located on the East End of Sunset Beach" recorded in Map Cabinet 31, Page 190 and as amended and shown on the map recorded in Map Cabinet 84, Pages 81-82 of the Brunswick County Registry, reference to said map is hereby made for a more particular description.

For back reference see Book 2146, Page 610 of the Brunswick County Registry.

The above described lot or parcel of land is also known and identified as Brunswick County Tax Parcel No. 256MB001.

**PALM COVE HOLDINGS LLC** *Matthew F. Collins* Return/Appeal Notes: **Parcel: 256MB002**  
 80057662 BRUNSWICK COUNTY (100), SUNSET BEACH (100), SUNSET BEACH FIRE CARD NO. 1 of 1  
 Reval Year: 2019 Tax Year: 2022 L-2 PALM COVE PLAT 84/81 1.0000 LT SRC=  
 Appraised by 60 on 06/07/2018 605P PALM COVE TW-06 CI- 11 FR- 16 EX- AT- LAST ACTION 20190214

CONSTRUCTION DETAIL		MARKET VALUE					DEPRECIATION					CORRELATION OF VALUE				
TOTAL POINT VALUE	BUILDING ADJUSTMENTS	USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB	CREDENCE TO						
		98	00							% GOOD						
TOTAL ADJUSTMENT FACTOR	TOTAL QUALITY INDEX	TYPE: VACANT LAND STYLE:										DEPR. BUILDING VALUE - CARD	0			
												DEPR. OB/XF VALUE - CARD	136,720			
												MARKET LAND VALUE - CARD	1,200,000			
												TOTAL MARKET VALUE - CARD	1,336,720			
												TOTAL APPRAISED VALUE - CARD	1,336,720			
												TOTAL APPRAISED VALUE - PARCEL	1,336,720			
												TOTAL PRESENT USE VALUE - PARCEL	0			
												TOTAL VALUE DEFERRED - PARCEL	0			
												TOTAL TAXABLE VALUE - PARCEL \$	1,336,720			
<b>PERMIT</b>																
CODE		DATE		NOTE		NUMBER		AMOUNT								
ROUT: WTRSHD:																
<b>SALES DATA</b>																
OFF. RECORD	DATE	DEED TYPE	Q	U	V	I	INDICATE SALES PRICE									
BOOK	PAGE	MOYR														
04804	1292	2	2022	WD*	Q	V								1500000		
03876	0041	2	2017	WD*	U	V								0		
03600	0358	12	2014	WD*	U	V								2226000		
02142	0244	5	2005	WD	U	V								1700000		
02050	0801	11	2004	WD	U	V								0		
<b>HEATED AREA</b>																
<b>NOTES</b>																
2005 DIS FOR 05+FF DUE TO EX.OWNER TO NON EX.OWNER DEED DATE 5/05 NO CHANGE PER 2011 E&R																

SUBAREA			CODE	DESCRIPTION	COUNT	LTH	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	AYB	EYB	ANN DEP RATE	OVR	% COND	OB/XF DEPR. VALUE
FIREPLACE			72	PIER/DOCK (RESID)	1.000	150	9	1,350	45.00	0.00	-	2017	2017		S2	96	58320
SUBAREA TOTALS			38	GAZEBO	1.000	20	20	400	35.00	0.00	-	2017	2017		S3	94	13160
			72	PIER/DOCK (RESID)		22	6	132	45.00	0.00	-	2017	2017		S2	96	5702
			74	RAMP (PIER/DOCK)		20	5	100	30.00	0.00	-	2017	2017		S2	96	2880
			25	DOCK (FLOATING)		143	6	858	35.00	0.00	-	2017	2017		S3	94	28228
			25	DOCK (FLOATING)	6.000	24	6	144	35.00	0.00	-	2017	2017		S3	94	28426
<b>TOTAL OB/XF VALUE</b>																	136,716

BUILDING DIMENSIONS																				
LAND INFORMATION																				
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONT TAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES				ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJUST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES
SFR OCEAN	0107	CR1	59	521	1.0000	0	1.0000					PS	1,200,000.00	1.000	LT	1.000	1,200,000.00	1200000	0	
<b>TOTAL MARKET LAND DATA</b>																		1,200,000		
<b>TOTAL PRESENT USE DATA</b>																				



**BOOK:4804 PAGE:1292**

Brenda M. Clemmons, Brunswick County, NC Register of

Brenda M. Clemmons, Brunswick County, NC Register  
02/28/2022 14:16:16.000 NC REVENUE STAMP: \$1

**WARRANTY DEED**

**Prepared by: MURCHISON, TAYLOR, & GIBSON, PLLC  
16 North Fifth Avenue, Wilmington, NC 28401**

**WE PREPARED THE DEED IN THIS TRANSACTION BUT WE MADE NO EX/  
TITLE AND WE EXPRESS NO OPINION ON TITLE TO THE PROPE**

This instrument was prepared by Scott Holmes, a licensed North Carolina attorney. Delinquent  
be paid by the closing attorney to the Brunswick County Tax Collector upon disbursement of cl  
closing attorney is Jeff Keeter.

**STATE OF NORTH CAROLINA**

**Revenue Stamps \$3**

**COUNTY OF BRUNSWICK**

**Parcel Number 21**

**THIS WARRANTY DEED**, made this 23<sup>rd</sup> day of Februa  
between **Palm Cove Holdings, LLC**, a North Carolina limited liability compar  
address of 115 North Third Street, Suite 300, Wilmington, NC 28401 (herein ca  
and **Matthew F. Collins, unmarried**, with a mailing address of 8562 Hwy. 1  
Boone, NC 28607-7879 (herein called "Grantee"):

**WITNESSETH:**

**NOW THEREFORE** the **Grantor**, for and in consideration of  
Dollars (\$10.00) and other valuable considerations to it in hand paid by the Gr  
whereof is hereby acknowledged, has bargained and sold, and by these presents d  
bargain, sell, and convey unto **Grantee**, its heirs and assigns forever, all that cer  
located in Brunswick County, North Carolina, and more particularly describe  
attached hereto and incorporated herein by reference.

**BOOK:4804 PAGE:1293**

Brenda M. Clemmons, Brunswick County, NC Register of

**SUBJECT TO** the Permitted Exceptions to Title set forth on Ex hereto and incorporated herein by reference.

**TO HAVE AND TO HOLD** the above granted and described p with all and singular, the rights, privileges, easements, tenements and appurte belonging, or in anywise appertaining unto the said **Grantee**, its heirs and assign forever.

And the **Grantor**, for itself, its successors and assigns, does cover the said **Grantee**, its heirs and assigns, that it is seized in fee of the above grant property; that it has good right to sell and convey the same in fee simple; that the clear from any and all restrictions, easements or encumbrances except those set that it will and its successors and assigns shall warrant and defend the title to the lawful claims and demands of any and all persons whomsoever.

In addition to all other matters set forth herein, and by accepta GRANTEE ACKNOWLEDGES, AGREES AND UNDERSTANDS THAT T LOCATED IN AN INLET HAZARD AREA OF ENVIRONMENTAL CONC BY DEFINITION A NATURAL HAZARD AREA THAT IS ESPECIALLY TO EROSION, FLOODING AND OTHER ADVERSE EFFECTS OF SAN WATER BECAUSE OF ITS PROXIMITY TO DYNAMIC OCEAN INLETS OF NORTH CAROLINA IMPOSES SPECIAL REGULATIONS AFFECTI LOCATED IN OCEAN AND INLET HAZARD AREAS OF ENVIRONMENT INCLUDING OCEAN SETBACKS, BUILDING STANDARDS AND A PR THE USE OF HARDENED STRUCTURES AS A MEANS OF EROSION COI

Pursuant to *N.C.G.S. § 105-317.2*, none of the property h includes the primary residence of the Grantor.

(SIGNATURE PAGE TO FOLLOW)



BOOK:4804 PAGE:1294

Brenda M. Clemmons, Brunswick County, NC Register of

IN TESTIMONY WHEREOF, the said GRANTOR has caused this executed the day and year first above written.

**Palm Cove Holdings, LLC**  
a North Carolina limited liability cor

By: *Bobby W. Harrelson*  
Name: Bobby W. Harrelson  
Title: Manager

STATE OF NORTH CAROLINA

COUNTY OF New Hanover  
(County where acknowledgment taken)

I, Sonya Brown certify that the following person personally me this day, acknowledging to me that he voluntarily signed the foregoing docu purpose stated therein and in the capacity indicated: Bobby W. Harrelson.

Witness my hand and official seal or stamp, this 23<sup>rd</sup> day of Feb



*Sonya*  
Notary Publi

My Commission Expires: \_

**BOOK:4804 PAGE:1295**

Brenda M. Clemmons, Brunswick County, NC Register of

**EXHIBIT A**

**BEING ALL** of that certain tract of land described as **Lot 2, Palm** shown on the map entitled "Revision Map for Record Palm Cove Lc recorded in Map Book 84, Pages 81 and 82, Brunswick County reference to which map is hereby made for a more particular description.

**TOGETHER WITH** and **SUBJECT TO** a non-exclusive easement and way for access, ingress, egress, and utilities over and across the land as : the above-referenced map.

**LEVINE FAMILY LLC**  
 1834 E. MAIN ST SUNSET BEACH 28468 SUNSET BEACH  
 80116275 NN: -  
 BRUNSWICK COUNTY (100), SUNSET BEACH (100), SUNSET BEACH FIRE (399)  
 Reval Year: 2019 Tax Year: 2022 L-3 PALM COVE PLAT 84/81  
 Appraised by 03 on 10/02/2020 605P PALM COVE

Return/Appeal Notes:  
 Parcel: 256MB003  
 PLAT: 00084/00081 UNIQ ID 135837  
 ID NO: 105411556060  
 CARD NO. 1 of 1  
 1.0000 LT SRC= Inspection  
 TW-06 CI- 11 FR- 16 EX- AT- LAST ACTION 20211215

CONSTRUCTION DETAIL		MARKET VALUE								DEPRECIATION				CORRELATION OF VALUE				
Foundation - 3		USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB	Standard	0.00000		CREDENCE TO	OVERRIDE				
Piers>8ft w/Con	10.00	07	01	2,558	168	211.68	541478	2018	2018	% GOOD		100.0	DEPR. BUILDING VALUE - CARD	378,180				
Sub Floor System - 4		TYPE: SINGLE FAMILY BEACH SFR CONSTRUCTION																
Plywd/Ptl bd	8.00	STYLE: 3 - 2.0 Stories																
Exterior Walls - 19														DEPR. OB/XF VALUE - CARD	89,310			
Hardy Plank	32.00													TOTAL MARKET VALUE - CARD	1,667,490			
Roofing Structure - 04														TOTAL APPRAISED VALUE - CARD	1,667,490			
Hip	9.00													TOTAL APPRAISED VALUE - PARCEL	1,667,490			
Roofing Cover - 13														TOTAL PRESENT USE VALUE - PARCEL	0			
Metal Standing Sea	8.00													TOTAL VALUE DEFERRED - PARCEL	0			
Interior Wall Construction - 6														TOTAL TAXABLE VALUE - PARCEL \$	1,667,490			
Custom Interior	35.00													PERMIT				
Interior Floor Cover - 12														CODE	DATE	NOTE	NUMBER	AMOUNT
Hardwood	12.00													ROUT: WTRSHD:				
Heating Fuel - 04		SALES DATA																
Electric	1.00	OFF. RECORD	DATE	DEED	INDICATE	SALES												
Heating Type - 09		BOOK	PAGE	MOYR	TYPE	Q/UV/I	PRICE											
Heat Pump Only	4.00	04696	1013	9	2021	GW	U I	0										
Air Conditioning Type - 03		03952	0955	8	2017	WD*	Q V	1250000										
Central	4.00	03876	0041	2	2017	WD*	U V	0										
Bedrooms/Bathrooms/Half-Bathrooms		03600	0358	12	2014	WD*	U V	0										
6/6/0	18.000	02142	0214	5	2005	WD	U V	6300000										
Bedrooms		02140	0379	5	2005	WD	U V	10000000										
BAS - 2 FUS - 4 LL - 0		HEATED AREA 2,178																
Bathrooms		NOTES																
BAS - 2 FUS - 4 LL - 0																		
Half-Bathrooms																		
BAS - 0 FUS - 0 LL - 0																		
Office																		
BAS - 0 FUS - 0 LL - 0	0																	
TOTAL POINT VALUE	141.000																	
BUILDING ADJUSTMENTS																		
Market/Design	05	1.00	1.0000															
Quality	5	EXCELLENT	1.2500															
Size	Size	Size	0.9500															
TOTAL ADJUSTMENT FACTOR			1.190															
TOTAL QUALITY INDEX			168															

Click on image to enlarge

SUBAREA				CODE	DESCRIPTION	COUNT	LTH	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	AYB	EYB	ANN DEP RATE	OVR	% COND	OB/XF DEPR. VALUE	
BAS	2,178	100	461039	32	FENCING	0.000	0	0	252	12.00	0	---	2018	2018	S3		97	2933	
FOP	868	030	55037	27	DECK	0.000	0	0	1,530	14.00	0	---	2018	2018	S3		97	20777	
LLU	600	020	25402	TOTAL OB/XF VALUE															89,307
FIREPLACE	1 - None			0															
SUBAREA TOTALS	3,646		541,478																
BUILDING DIMENSIONS																			
LAND INFORMATION																			

HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES RF AC LC TO OT	ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES
SFR OCEAN	0107	CR1	58	508	1.0000	0	1.0000		PS	1,200,000.00	1.000	LT	1.000	1,200,000.00	1200000	0	
<b>TOTAL MARKET LAND DATA</b>															1,200,000		
<b>TOTAL PRESENT USE DATA</b>																	



B4696 P1013 09-02-2021  
 13:58:29.000  
 Brenda M. Clemmons PROP  
 Brunswick County, NC Register of Deeds page 1 of 3

orem taxes, fees, assessments or other...  
 which the Brunswick County Tax  
 Director is charged with collecting, that are  
 on: Parcel Number 256 MB003  
 noted by the Brunswick County  
 Assessor's Office. This is not a certification  
 the parcel number matches the deed  
 description.  
**SEP 01 2021** [Signature]  
 (App. Tax Col. / Del. Tax Comm.)

Return to Ben & Cyndi Levine Type Mail  
 Total 26 Rev Int.  
 Ck \$ 26 Ck # 1034 Cash \$  
 Refund Cash \$ Finance \$  
 Portions of document are illegible due to condition of original.  
 Document contains seals verified by original instrument that cannot be reproduced or copied.

Mail after recording to: Grantees  
 This instrument was prepared by: Jay H. Krall, Attorney at Law

This property is not the Grantor's principal residence.

PIN #: 256MB003

No Excise Tax due. No Consideration Due/Paid by  
 Transferee. NCGS § 105-228.29(6)

**NORTH CAROLINA GENERAL WARRANTY DEED**

**NORTH CAROLINA  
 BRUNSWICK COUNTY**

THIS DEED, made this 30<sup>th</sup> day of Sept., 2021, by and between

**GRANTORS**  
**BENJAMIN LEVINE and  
 CYNDI LEVINE, as husband and wife.**  
  
 904 Calamint Lane  
 Fayetteville, NC 28305

**GRANTEES**  
**BENJAMIN P. LEVINE and  
 CYNTHIA R. LEVINE, Managing  
 Members of the LEVINE FAMILY  
 LLC, organized on May 29, 2021**  
  
 904 Calamint Lane  
 Fayetteville, NC 28305

The designation Grantors and Grantees 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:**

The Grantors, for a valuable consideration paid by the Grantees, the receipt of which is hereby acknowledged, have and by these presents do grant, bargain, sell and convey unto the Grantees in fee simple, that certain lot or parcel of land situated in the Brunswick County, North Carolina, more particularly described as follows:

BEING ALL of Lot 3 as shown on the map entitled "Revision Map for Record Palm Cove Lots 1-10", recorded in Map Book 84, Pages 81-82, Brunswick County Registry, reference to which map is hereby made for a more particular description.

TOGETHER WITH and SUBJECT TO a non-exclusive easement and right-of-way for access, ingress, egress, and utilities over and across the land as shown on the above-referenced map.

SUBJECT TO (i) all easements, encumbrances, rights-of-way, restrictive covenants, and other matters of record; (ii) ad valorem taxes for current and all subsequent years; (iii) any liens for municipal or county betterments or the like; (iv) all governmental land use statutes, ordinances and regulations, including without limitation, zoning, building and subdivision regulations; (v) the Declaration of Protective Covenants for Palm Cove Subdivision recorded in Book 2124, Page 220 of the Brunswick County Registry and any supplements and/or amendments thereto; and (vi) the acknowledgment concerning inlet hazard areas as set forth.

Grantors acquired the property hereinabove described as tenants by the entirety, by warranty deed recorded in Book 3952, Page 0955, Brunswick County Registry of Deeds.

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 Grantors covenants with the Grantees, that Grantors are seized of the property in fee simple, have the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantors will warrant and defend the title against the lawful claims of all persons whomsoever, except for the exceptions hereinafter stated:

In addition to all other matters set forth herein, and by acceptance of this deed, GRANTEE ACKNOWLEDGES, AGREES AND UNDERSTANDS THAT THE LOTS ARE LOCATED IN AN INLET HAZARD AREA OF ENVIRONMENTAL CONCERN THAT IS BY DEFINITION A NATURAL HAZARD AREA THAT IS ESPECIALLY VOLNERABLE TO EROSION, FLOODING AND OTHER ADVERSE EFFECTS OF SAND, WIND AND WATER BECAUSE OF ITS PROXIMITY TO DYNAMIC OCEAN INLETS. THE STATE OF NORTH CAROLINA IMPOSES SPECIAL REGULATIONS AFFECTING PROPERTY LOCATED IN OCEAN AND INLET HAZARD AREAS OF ENVIRONMENTAL CONCERN INCLUDING OCEAN SETBACKS, BUILDING STANDARDS AND A PROHIBITION OF THE USE OF HARDENED STRUCTURES AS A MEANS OF EROSION CONTROL.



IN WITNESS WHEREOF, the said Grantors have hereunto set their hand the day and year first above written.

  
BENJAMIN LEVINE

  
CYNDI LEVINE

NORTH CAROLINA

CUMBERLAND COUNTY

I, L. Olivia Allen, a Notary Public for North Carolina, certify that **BENJAMIN LEVINE**, also known as BENJAMIN P. LEVINE, personally appeared before me this day and acknowledged the execution of the foregoing deed.

WITNESS my hand and official stamp, this 30<sup>th</sup> day of August, 2021.



  
Notary Public

My Commission Expires: 01-21-2024

NORTH CAROLINA

CUMBERLAND COUNTY

I, L. Olivia Allen, a Notary Public for North Carolina, certify that **CYNDI LEVINE**, also known as CYNTHIA R. LEVINE, personally appeared before me this day and acknowledged the execution of the foregoing deed.

WITNESS my hand and official stamp, this 30<sup>th</sup> day of August, 2021.



  
Notary Public

My Commission Expires: 01-21-2024

**PITTARD CLARENCE LOUIS JR** Return/Appeal Notes: **Parcel: 256MB004**  
 80113450 NN: - BRUNSWICK COUNTY (100), SUNSET BEACH (100), SUNSET BEACH FIRE CARD NO. 1 of 1  
 Reval Year: 2019 Tax Year: 2022 L-4 PALM COVE PLAT 84/81 1.0000 LT SRC=  
 Appraised by 60 on 06/07/2018 605P PALM COVE TW-06 CI- 11 FR- 16 EX- AT- LAST ACTION 20210715

CONSTRUCTION DETAIL	MARKET VALUE				DEPRECIATION				CORRELATION OF VALUE			
<b>TOTAL POINT VALUE</b>	USE	MOD	Eff. Area	BASE RATE	RCN	EYB	AYB	CREDENCE TO				
<b>BUILDING ADJUSTMENTS</b>	98	00						% GOOD				
TOTAL ADJUSTMENT FACTOR	TYPE: VACANT LAND							<b>DEPR. BUILDING VALUE - CARD</b>				
TOTAL QUALITY INDEX	STYLE:							<b>DEPR. OB/XF VALUE - CARD</b>				
								<b>MARKET LAND VALUE - CARD</b> 1,200,000				
								<b>TOTAL MARKET VALUE - CARD</b> 1,200,000				
								<b>TOTAL APPRAISED VALUE - CARD</b> 1,200,000				
								<b>TOTAL APPRAISED VALUE - PARCEL</b> 1,200,000				
								<b>TOTAL PRESENT USE VALUE - PARCEL</b> 0				
								<b>TOTAL VALUE DEFERRED - PARCEL</b> 0				
								<b>TOTAL TAXABLE VALUE - PARCEL \$</b> 1,200,000				
<b>PERMIT</b>												
CODE		DATE		NOTE		NUMBER		AMOUNT				
ROUT: WTRSHD:												
<b>SALES DATA</b>												
<b>OFF. RECORD</b>		<b>DATE</b>		<b>DEED TYPE</b>		<b>Q/U/V/I</b>		<b>INDICATE SALES PRICE</b>				
<b>BOOK</b>	<b>PAGE</b>	<b>MO</b>	<b>YR</b>	<b>Q</b>	<b>U</b>	<b>V</b>	<b>I</b>					
04655	0493	7	2021	WD*	Q	V		1250000				
02142	0216	5	2005	WD	U	V		4400000				
02140	0379	5	2005	WD	U	V		0				
HEATED AREA												
<b>NOTES</b>												
SALE FOR 3 PCLS NO CHANGE PER 2011 E&R												

SUBAREA			CODE	QUALITY	DESCRIPTION	COUNT	LT	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	SIZE FACT	AYB	EYB	ANN DEP RATE	% OVR	COND	OB/XF DEPR. VALUE
TYPE	GS AREA	RPL %	TOTAL OB/XF VALUE																
FIREPLACE																			
SUBAREA TOTALS																			

BUILDING DIMENSIONS																				
LAND INFORMATION																				
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONT TAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES			ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES	
SFR OCEAN	0107	CR1	58	490	1.0000	0	1.0000	RF	AC	LC	TO	OT	PS	1,200,000.00	1.000	LT	1.000	1,200,000.00	1200000	0
<b>TOTAL MARKET LAND DATA</b>																		1,200,000		
<b>TOTAL PRESENT USE DATA</b>																				

4 Returns to Rhodes Type bot  
 Total 2500 Rev 2500 Int. 0  
 Ck \$ 2500 Ck # 4306 Cash \$ \_\_\_\_\_  
 Refund \_\_\_\_\_ Cash \$ \_\_\_\_\_ Finance \_\_\_\_\_  
 Portions of document are illegible due to condition of original.  
 Document contains seals verified by original instrument that cannot be reproduced or copied.

**WARRANTY DEED**

Prepared by: **MURCHISON, TAYLOR, & GIBSON, PLLC**  
 16 North Fifth Avenue, Wilmington, NC 28401

**WE PREPARED THE DEED IN THIS TRANSACTION BUT WE MADE NO EXAMINATION OF TITLE AND WE EXPRESS NO OPINION ON TITLE TO THE PROPERTY.**

STATE OF NORTH CAROLINA

Revenue Stamps \$ 2,500.00

COUNTY OF BRUNSWICK

Parcel Number \_\_\_\_\_

THIS WARRANTY DEED, made this 1 day of July, 2021 by and between **Long Leaf Pine, LLC**, a North Carolina limited liability company with a mailing address of 115 North Third Street, Suite 300, Wilmington, NC 28401 (herein called "Grantor") and **Clarence Louis Pittard, Jr.**, with a mailing address of 4994 Lake Tree Lane, Crozet, VA 22932 (herein called "Grantee"):

**WITNESSETH:**

NOW THEREFORE the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations to it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has bargained and sold, and by these presents does hereby grant, bargain, sell, and convey unto Grantee, his heirs and assigns forever, all that certain real property located in Brunswick County, North Carolina, and more particularly described in **Exhibit A**, attached hereto and incorporated herein by reference.

**SUBJECT TO** (i) all easements, encumbrances, rights-of-way, restrictive covenants, and other matters of record; (ii) *ad valorem* taxes for current and all subsequent years; (iii) any liens for municipal or county betterments or the like; (iv) all governmental land use statutes, ordinances and regulations, including without limitation, zoning, building and

00312865

This instrument was prepared by MTG, a licensed North Carolina Attorney. Delinquent taxes, if any, are to be paid by the closing attorney to the Brunswick County Tax Collector upon disbursement of closing proceeds.



subdivision regulations; (v) the Declaration of Protective Covenants for Palm Cove Subdivision recorded in Book 2142, Page 220 of the Brunswick County Registry and any supplements and/or amendments thereto; and (vi) the acknowledgment concerning inlet hazard areas as set forth below.

**TO HAVE AND TO HOLD** the above granted and described property, together with all and singular, the rights, privileges, easements, tenements and appurtenances thereunto belonging, or in anywise appertaining unto the said **Grantee**, his heirs and assigns, in fee simple, forever.

And the **Grantor**, for itself, its successors and assigns, does covenant to and with the said **Grantee**, his heirs and assigns, that it is seized in fee of the above granted and described property; that it has good right to sell and convey the same in fee simple; that the same is free and clear from any and all restrictions, easements or encumbrances except those set forth above; and that it will and its successors and assigns shall warrant and defend the title to the same against the lawful claims and demands of any and all persons whomsoever.

In addition to all other matters set forth herein, and by acceptance of this deed, GRANTEE ACKNOWLEDGES, AGREES AND UNDERSTANDS THAT THE LOTS ARE LOCATED IN AN INLET HAZARD AREA OF ENVIRONMENTAL CONCERN THAT IS BY DEFINITION A NATURAL HAZARD AREA THAT IS ESPECIALLY VULNERABLE TO EROSION, FLOODING AND OTHER ADVERSE EFFECTS OF SAND, WIND AND WATER BECAUSE OF ITS PROXIMITY TO DYNAMIC OCEAN INLETS. THE STATE OF NORTH CAROLINA IMPOSES SPECIAL REGULATIONS AFFECTING PROPERTY LOCATED IN OCEAN AND INLET HAZARD AREAS OF ENVIRONMENTAL CONCERN INCLUDING OCEAN SETBACKS, BUILDING STANDARDS AND A PROHIBITION OF THE USE OF HARDENED STRUCTURES AS A MEANS OF EROSION CONTROL.

Pursuant to *N.C.G.S. § 105-317.2*, none of the property herein described includes the primary residence of the Grantor.

**SIGNATURE PAGE TO FOLLOW**

IN TESTIMONY WHEREOF, the said GRANTOR has caused this instrument to be executed the day and year first above written.

**Long Leaf Pine, LLC**  
a North Carolina limited liability company

BY: *Bobby W. Harrelson*  
Name: Bobby W. Harrelson  
Title: Manager

STATE OF NORTH CAROLINA

COUNTY OF New Hanover  
(County where acknowledgment taken)

I, *Sonya Brown* certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Bobby W. Harrelson

Witness my hand and official seal or stamp, this 1<sup>st</sup> day of July, 2021.



*Sonya Brown*  
Notary Public

My Commission Expires: 9-20-21

**EXHIBIT A**

**BEING ALL of Lot 4** as shown on the map entitled "Revision Map for Record Palm Cove Lots 1-10", recorded in Map Book 84, Pages 81-82, Brunswick County Registry, reference to which map is hereby made for a more particular description.

TOGETHER WITH and SUBJECT TO a non-exclusive easement and right-of-way for access, ingress, egress, and utilities over and across the land as shown on the above-referenced map.

**JILL MARIE RUNNION REV TRUST**  
 1838 E. MAIN ST SUNSET BEACH 28468 SUNSET BEACH  
 80081177  
 BRUNSWICK COUNTY (100), SUNSET BEACH (100), SUNSET BEACH FIRE (571)  
 Reval Year: 2019 Tax Year: 2022 L-5 PALM COVE PL 84/81  
 Appraised by 06 on 08/26/2021 605P PALM COVE

Return/Appeal Notes:  
 Parcel: 256MB005  
 PLAT: 00084/00081 UNIQ ID 135839  
 ID NO: 105411558013  
 CARD NO. 1 of 1  
 1.0000 LT SRC=  
 TW-06 CI- 11 FR- 16 EX- AT- LAST ACTION 20211124

CONSTRUCTION DETAIL	MARKET VALUE		DEPRECIATION		CORRELATION OF VALUE																					
Foundation - 3 Piers>8ft w/Con 10.00	USE	MOD	Eff. Area	BASE RATE	RCN	EYB	AYB	Standard	0.00000	CREDENCE TO	MARKET															
Sub Floor System - 4 Plywd/Ptl bd 8.00	07	01	4,549	161	202.86	925935	2020	2020	% GOOD	100.0	DEPR. BUILDING VALUE - CARD	925,940														
Exterior Walls - 13 Stucco on Tile or Wood Frame 33.00	TYPE: SINGLE FAMILY BEACH		SFR CONSTRUCTION		DEPR. OB/XF VALUE - CARD		95,900		MARKET LAND VALUE - CARD		1,200,000															
Roofing Structure - 04 Hip 9.00	STYLE: 3 - 2.0 Stories		TOTAL MARKET VALUE - CARD		2,221,840		TOTAL APPRAISED VALUE - CARD		2,221,840		TOTAL APPRAISED VALUE - PARCEL		2,221,840													
Roofing Cover - 13 Metal Standing Sea 8.00	TOTAL PRESENT USE VALUE - PARCEL		0		TOTAL VALUE DEFERRED - PARCEL		0		TOTAL TAXABLE VALUE - PARCEL \$		2,221,840															
Interior Wall Construction - 5 Drywall/Sheetrock 28.00	12' WOOD		26'		12' FOP		40'		50' LLU		PERMIT															
Interior Wall Construction - 6 Custom Interior 0.00	7' 26' 7'		12' UOP 12'		40'		50' FUS		50' LLU		CODE		DATE	NOTE	NUMBER	AMOUNT										
Interior Floor Cover - 12 Hardwood 12.00	40'		33'		7' 8' 9'		40'		6' 14' UOP 14' 6'		ROUT: WTRSHD:		SALES DATA													
Heating Fuel - 04 Electric 1.00	Bedrooms/Bathrooms/Half-Bathrooms		5/5/1		Bedrooms		BAS - 1 FUS - 4 LL - 0		Bathrooms		BAS - 1 FUS - 4 LL - 0		Half-Bathrooms		BAS - 1 FUS - 0 LL - 0		Office		BAS - 0 FUS - 0 LL - 0		TOTAL POINT VALUE		135,000			
Heating Type - 09 Heat Pump Only 4.00	TOTAL ADJUSTMENT FACTOR		1.190		TOTAL QUALITY INDEX		161		BUILDING ADJUSTMENTS		Market/Design		05		1.00		1.0000		Quality		5		EXCELLENT		1.2500	
Air Conditioning Type - 03 Central 4.00	TOTAL OB/XF VALUE		95,896		HEATED AREA		3,944		NOTES		Size		Size		0.9500		TOTAL OB/XF VALUE		95,896		FIREPLACE		8 - Prefab >		3,125	
Bedrooms/Bathrooms/Half-Bathrooms	6' 14' UOP 14' 6'		6' FOP 14'		6' FOP 14'		40'		40'		40'		40'		40'		40'		40'		40'		40'		40'	

Click on image to enlarge

SUBAREA				CODE	DESCRIPTION	COUNT	LTH	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	AYB	EYB	ANN DEP RATE	OVR	% COND	OB/XF DEPR. VALUE	
BAS	1,944	100	394360	32	FENCING	0.000	0	0	330	12.00	0	-	2021	2021		S3	100	3960	
FOP	648	030	39355	22	CONCRETE PAVING	0.000	0	0	1,324	4.00	0	-	2021	2021		S3	100	5296	
FUS	2,000	090	365148	86	POOL (RESID)	0.000	40	20	800	78.00	0	-	2020	2020		S3	100	62400	
LLU	2,000	020	81144	30	ELEVATOR (PASSENGER)	0.000	0	0	1	18,000.00	0	-	2020	2020		S2	100	18000	
UOP	744	020	30226																
WDD	312	020	12577																
<b>TOTAL OB/XF VALUE</b>																		95,896	
<b>FIREPLACE</b>																		8 - Prefab >	3,125

SUBAREA TOTALS	7,648	925,935
----------------	-------	---------

**BUILDING DIMENSIONS** BAS=E40N50W40S33E7S8W7S9Area:1944;UOP=E40S6W14S2W12N2W14N6Area:264;UOP=N12E7E26E7S12W40Area:480;WDD=N12E26S12W26Area:3122;FUS=N50E40S50W40Area:2000;FOP=W40N12E40S12Area:480;FOP=W14S6E14N6Area:84;FOP=W14N6E14S6Area:84;LLU=E40S50W40N50Area:20 000;TotalArea:7648

**LAND INFORMATION**

HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES RF AC LC TO OT	ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES
SFR OCEAN	0107	CR1	58	480	1.0000	0	1.0000		PS	1,200,000.00	1.000	LT	1.000	1,200,000.00	1200000	0	

<b>TOTAL MARKET LAND DATA</b>																1,200,000
<b>TOTAL PRESENT USE DATA</b>																



This certifies that there are no delinquent ad valorem taxes, fees, assessments or other liens which the Brunswick County Tax Collector is charged with collecting, that are a lien on: Parcel Number 256 MB005 as notated by the Brunswick County Assessor's Office. This is not a certification that the parcel number matches the deed description.

MAR 29 2019  
Date (Asst) Tax Col. / Del. Tax Spec.

3  
MHO Type mail  
26 Rev 0 Int. LC  
52 Ck # 2342 Cash \$  
Refund Cash \$ Finance  
 Portions of document are illegible due to condition of original.  
 Original contains seals verified by original.  
This document cannot be reproduced or copied.

**NORTH CAROLINA SPECIAL WARRANTY DEED**

Excise Tax: \$0.00

Parcel Identifier No. #256 MB 005 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By: \_\_\_\_\_

Mail/Box to: Mary Kay Baynard, Esq., JAMES, McELROY & DIEHL, P.A., 525 N. Tryon St., Ste. 700., Charlotte, NC 28202

This instrument was prepared by: Mary Kay Baynard, Esq.

Brief description for the Index: L-5, PALM COVE PLAT 84/81

THIS DEED made this 20th day of March, 2019, by and between

GRANTOR	GRANTEE
<p><b>JILL MARIE RUNNION</b> (unmarried)</p>	<p><b>JILL MARIE RUNNION, TRUSTEE OF THE JILL MARIE RUNNION REVOCABLE TRUST DATED MARCH 20, 2019</b></p>
<p>17825 Spinnakers Reach Drive Cornelius, NC 28031</p>	<p>17825 Spinnakers Reach Drive Cornelius, NC 28031</p>

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

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all of Grantor's right, title and interest in and to that certain lot or parcel of land situated in the Town of Sunset Beach, Shallotte Township, Brunswick County, North Carolina and more particularly described as follows:

**SEE EXHIBIT A ATTACHED HERETO**

The above-described property was acquired by Grantor by instrument recorded in Book 4064 at Page 0710 of the Brunswick County Registry.



All or a portion of the property herein conveyed \_\_\_ includes or x does not include the primary residence of a Grantor.  
A map showing the above described property is recorded in Map Book 84 at Pages 81-82 of the Brunswick County Registry.

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

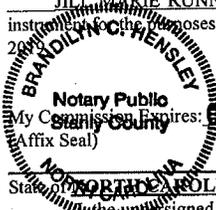
And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

**Restrictive covenants, easements, conditions, and rights-of-way of record, and the lien of real property taxes for the year in which this conveyance is made.**

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

\_\_\_\_\_  
(Entity Name) Jill Marie Runnion (SEAL)  
Print/Type Name: JILL MARIE RUNNION  
By: \_\_\_\_\_  
Print/Type Name & Title: \_\_\_\_\_

State of NORTH CAROLINA - County or City of WECHESTER  
I, the undersigned Notary Public of the County or City of Stanly and State aforesaid, certify that JILL MARIE RUNNION 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 20<sup>th</sup> day of March, 2022.



Brandilyn C. Hensley  
Notary Public  
Notary's Printed or Typed Name

State of NORTH CAROLINA - County or City of \_\_\_\_\_  
I, the undersigned Notary Public of the County or City of \_\_\_\_\_ and State aforesaid, certify that \_\_\_\_\_ 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 \_\_\_\_\_ day of \_\_\_\_\_, 201 .

My Commission Expires: \_\_\_\_\_  
(Affix Seal) \_\_\_\_\_ Notary Public  
Notary's Printed or Typed Name

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

My Commission Expires: \_\_\_\_\_  
(Affix Seal) \_\_\_\_\_ Notary Public  
Name \_\_\_\_\_  
Notary's Printed or Typed



B4172 P1107 03-29-2019  
13:40:34.001  
Branda M. Clemmons PROP  
of Deeds page 3 of 3

EXHIBIT A

Being all of Lot 5 as shown on the map entitled "Revision Map for Record Palm Cove Lots 1-10", recorded in Map Book 84, Pages 81-82, Brunswick County Registry, reference to which map is hereby made for a more particular description.

TOGETHER WITH and SUBJECT TO a non-exclusive easement and right-of-way for access, ingress, egress, and utilities over and across the land as shown on the above-referenced map.

In addition to all other matters set forth herein, GRANTEE ACKNOWLEDGES, AGREES AND UNDERSTANDS THAT THE LOTS ARE LOCATED IN AN INLET HAZARD AREA OF ENVIRONMENTAL CONCERN THAT IS BY DEFINITION A NATURAL HAZARD AREA THAT IS ESPECIALLY VULNERABLE TO EROSION, FLOODING AND OTHER ADVERSE EFFECTS OF SAND, WIND AND WATER BECAUSE OF ITS PROXIMITY TO DYNAMIC OCEAN INLETS. THE STATE OF NORTH CAROLINA IMPOSES SPECIAL REGULATIONS AFFECTING PROPERTY LOCATED IN OCEAN AND INLET HAZARD AREAS OF ENVIRONMENTAL CONCERN INCLUDING OCEAN SETBACKS, BUILDING STANDARDS AND A PROHIBITION OF THE USE OF HARDENED STRUCTURES AS A MEANS OF EROSION CONTROL.



**BUILDING DIMENSIONS** BAS=W47N59E47S59Area:2773;FOP=N10E47S10W47Area:470;WDD=N8E47S8W47Area:376;FUS=E16S10E15N10E16N59W47S59Area:2923;FOP=N10W47S10E47Area:470;WD2=W16S9E16N9Area:144;WD2=E16S9W16N9Area:144;FOP=S9E16S2E15N2E16N9W47Area:453;TotalArea:7753

**LAND INFORMATION**

HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES				ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES
								RF	AC	LC	TO OT									
SFR OCEAN	0107	CR1	57	430	1.0000	0	1.0000					PS	1,200,000.00	1.000	LT	1.000	1,200,000.00	1200000	0	
<b>TOTAL MARKET LAND DATA</b>																		1,200,000		
<b>TOTAL PRESENT USE DATA</b>																				

7/20/2020  
 David L. Wortman  
 For [Signature] Int. [Signature]  
 Ck [Signature] Cash \$ [Signature]  
 nd [Signature] Cash \$ [Signature] Finance [Signature]

Portions of document are illegible due to condition original.  
 Document contains seals verified by original.

**Brenda H. Clemmons** Register of Deeds  
 06-22-2020 15:54:58.000 Brunswick County, NC  
 NC REVENUE STAMP: \$2400.00 (#690981)

This instrument prepared by: David L. Wortman, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the Brunswick County Tax Collector upon disbursement of closing proceeds. No title opinion or closing services rendered by preparer.

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$2,400.00

Parcel Identifier No. 256MB006 Verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_

By: \_\_\_\_\_  
**PREPARED WITHOUT EXAMINATION OF TITLE**

Mail/Box to: The Wortman Law Firm, PLLC, 624 Village Rd., Suite 1, Shallotte, NC 28470

This instrument was prepared by: The Wortman Law Firm, PLLC, 624 Village Rd., Suite 1, Shallotte, NC 28470

Brief description for the Index: L-6 PALM COVE PLAT 84/81

THIS DEED made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between

GRANTOR	GRANTEE
<b>HOWARD BEACH HOUSE, LLC,</b> a North Carolina Limited Liability Company 125 Chesterwood Court Mooresville, NC 28117	<b>TIMOTHY DONATELLI &amp; wife,</b> <b>ADRIAN DONATELLI</b> PO Box 365 Prosperity, WV 25909

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 Sunset Beach, Shallotte Township, Brunswick County, North Carolina and more particularly described as follows:

**"SEE ATTACHED"**

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3890, Page 165.

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



A map showing the above described property is recorded in Plat Book 84, Page 81.

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:

Subject to Restrictions, Easements and Right of Ways as may appear of record.

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

Howard Beach House, LLC  
(Entity Name)

By: Kelly C. Howard  
Title: Manager

Kelly C. Howard  
Kelly C. Howard, Manager

SUSAN ARCHER  
NOTARY PUBLIC  
Iredell County  
North Carolina  
My Commission Expires December 21, 2024

State of North Carolina - County of Iredell

I, the undersigned Notary Public, certify that Kelly C. Howard personally came before me this day and acknowledged that he is the Member/Manager of Howard Beach House, LLC., a North Carolina limited liability company, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 16 day of June, 2020

My Commission Expires: 12-21-2024

Susan Archer  
Notary Public

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.

Register of Deeds for \_\_\_\_\_ County

By: \_\_\_\_\_ Deputy/Assistant - Register of Deeds



ATTACHMENT

BEING ALL of Lot 6 as shown on the map entitled "Revision Map for Record Palm Cove Lots 1-10", recorded in Map Book 84, Pages 81-82, Brunswick County Registry, reference to which map is hereby made for a more particular description.

TOGETHER WITH and SUBJECT TO a non-exclusive easement and right-of-way for access, ingress, egress, and utilities over and across the land as shown on the above-referenced map.

In addition to all other matters set forth herein, and by acceptance of this deed, GRANTEE acknowledges, agrees and understands that this lot is located in an inlet hazard area or environmental concern that is by definition a natural hazard area that is especially vulnerable to erosion, flooding and other adverse effects of sand, wind and water because of its proximity to dynamic ocean inlets. The State of North Carolina imposes special regulations affecting property located in ocean and inlet hazard areas of environmental concern including ocean setback, building standards and a prohibition of the use of hardened structures as a means of erosion control.

More commonly known as: Lot 6 Palm Cove, Sunset Beach, NC 28468 (Parcel ID No. 256MB006).

DONATELLI 6-1-20  
Lot 6 Palm Cove, Sunset Beach, NC 28468

**CONNER DONNA W**  
 80042375  
 BRUNSWICK COUNTY (100), SUNSET BEACH (100), SUNSET BEACH FIRE (19)  
 L-7 PALM COVE PLAT 84/81  
 Reval Year: 2019 Tax Year: 2022  
 Appraised by 60 on 06/07/2018 605P PALM COVE

Return/Appeal Notes:  
**Parcel: 256MB007**  
 PLAT: 0084/0081 UNIQ ID 135841  
 ID NO: 105411559056  
 CARD NO. 1 of 1  
 1.0000 LT  
 TW-06 CI- 11 FR- 16 EX- AT- LAST ACTION 20180607

CONSTRUCTION DETAIL		MARKET VALUE				DEPRECIATION				CORRELATION OF VALUE			
<b>TOTAL POINT VALUE</b>		USE	MOD	Eff. Area	BASE RATE	RCN	EYB	AYB	CREDENCE TO				
<b>BUILDING ADJUSTMENTS</b>		98	00						% GOOD				
TOTAL ADJUSTMENT FACTOR		TYPE: VACANT LAND							DEPR. BUILDING VALUE - CARD				0
TOTAL QUALITY INDEX		STYLE:							DEPR. OB/XF VALUE - CARD				0
									MARKET LAND VALUE - CARD				1,200,000
									TOTAL MARKET VALUE - CARD				1,200,000
									TOTAL APPRAISED VALUE - CARD				1,200,000
									TOTAL APPRAISED VALUE - PARCEL				1,200,000
									TOTAL PRESENT USE VALUE - PARCEL				0
									TOTAL VALUE DEFERRED - PARCEL				0
									TOTAL TAXABLE VALUE - PARCEL \$				1,200,000
<b>PERMIT</b>													
CODE		DATE		NOTE		NUMBER		AMOUNT					
ROUT: WTRSHD:													
<b>SALES DATA</b>													
<b>OFF. RECORD</b>		<b>DATE</b>		<b>DEED TYPE</b>		<b>Q/U/V/I</b>		<b>INDICATE SALES PRICE</b>					
BOOK	PAGE	MO	YR										
03687	0691	9	2015	SL*	Q	V						850000	
02142	0216	5	2005	WD	U	V						0	
02140	0379	5	2005	WD	U	V						0	
HEATED AREA													
<b>NOTES</b>													
NO CHANGE PER 2011 E&R													

SUBAREA				CODE	QUALITY	DESCRIPTION	COUNT	LTH	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	SIZE FACT	AYB	EYB	ANN DEP RATE	% OVR	COND	OB/XF DEPR. VALUE	
TYPE	GS AREA	%	RPL CS	TOTAL OB/XF VALUE																	0
<b>FIREPLACE</b>																					
<b>SUBAREA TOTALS</b>																					

**BUILDING DIMENSIONS**

**LAND INFORMATION**

HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES	ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES
SFR OCEAN	0107	CR1	56	397	1.0000	0	1.0000	RF AC LC TO OT	PS	1,200,000.00	1.000	LT	1.000	1,200,000.00	1200000		0

<b>TOTAL MARKET LAND DATA</b>																1,200,000
<b>TOTAL PRESENT USE DATA</b>																



B3687 P0691 09-14-2015  
 14:40:45.000  
 Brenda M. Clemmons PROP  
 of Deeds page 1 of 4

Brenda M. Clemmons Register of Deeds  
 09-14-2015 14:40:45.000 Brunswick County, NC  
 NC REVENUE STAMP: \$1700.00 (#452682)

Presenter L+G Ret Box  
 Total 26 Cash 100 Int 100  
 Ck \$ 1782 Ck \$ 3252 Cash \$  
 Refund: \_\_\_\_\_ Cash \$ \_\_\_\_\_ Finance \_\_\_\_\_  
 Portions of document are illegible due to condition of original.  
 This document contains units verified by original document that cannot be reproduced or copied.

**WARRANTY DEED**

Prepared by: MURCHISON, TAYLOR, & GIBSON, PLLC  
 16 North Fifth Avenue, Wilmington, NC 28401

**WE PREPARED THE DEED IN THIS TRANSACTION BUT WE MADE NO EXAMINATION OF TITLE AND WE EXPRESS NO OPINION ON TITLE TO THE PROPERTY.**

This instrument was prepared by Joseph O. Taylor, Jr., a licensed North Carolina attorney. Delinquent taxes, if any, are to be paid by the closing attorney to the Brunswick County Tax Collector upon disbursement of closing proceeds. The closing attorney is Liles & Godbey, P. C.

STATE OF NORTH CAROLINA

Revenue Stamps \$1,700.00

COUNTY OF BRUNSWICK

Parcel Number 256MB007

THIS WARRANTY DEED is made this 9th day of September, 2015 by and between LONG LEAF PINE, LLC, a North Carolina limited liability company with a mailing address of 503 Olde Waterford Way, Suite 200, Leland, NC 28451 (herein called "Grantor"), and DONNA W. CONNER, unmarried, with a mailing address of 13279 Catharpin Valley Drive, Gainesville, VA, 20155 (herein called "Grantee"):

**WITNESSETH:**

THE GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations to it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has bargained and sold, and by these presents does hereby grant, bargain, sell, and convey unto Grantee, her successors and assigns forever, all that certain real property located in Brunswick County, North Carolina, and more particularly described in Exhibit A attached hereto and incorporated herein by reference.

SUBJECT TO (i) all easements, encumbrances, rights-of-way, restrictive covenants, and other matters of record; (ii) ad valorem taxes for current and all subsequent years;



(iii) any liens for municipal or county betterments or the like; (iv) all governmental land use statutes, ordinances and regulations, including without limitation, zoning, building and subdivision regulations; (v) the Declaration of Protective Covenants for Palm Cove Subdivision recorded in Book 2142, Page 220 of the Brunswick County Registry and any supplements and/or amendments thereto; and (vi) the acknowledgment concerning inlet hazard areas as set forth below.

**TO HAVE AND TO HOLD** the above granted and described property, together with all and singular, the rights, privileges, easements, tenements and appurtenances thereunto belonging, or in anywise appertaining unto the said **Grantee**, her successors and assigns, in fee simple, forever.

**AND THE GRANTOR**, for itself, its successors and assigns, does covenant to and with the said **Grantee**, her successors and assigns, that it is seized in fee of the above granted and described property; that it has good right to sell and convey the same in fee simple; that the same is free and clear from any and all restrictions, easements or encumbrances except those set forth above; and that it will and its successors and assigns shall warrant and defend the title to the same against the lawful claims and demands of any and all persons whomsoever.

In addition to all other matters set forth herein, GRANTEE ACKNOWLEDGES, AGREES AND UNDERSTANDS THAT THE LOTS ARE LOCATED IN AN INLET HAZARD AREA OF ENVIRONMENTAL CONCERN THAT IS BY DEFINITION A NATURAL HAZARD AREA THAT IS ESPECIALLY VULNERABLE TO EROSION, FLOODING AND OTHER ADVERSE EFFECTS OF SAND, WIND AND WATER BECAUSE OF ITS PROXIMITY TO DYNAMIC OCEAN INLETS. THE STATE OF NORTH CAROLINA IMPOSES SPECIAL REGULATIONS AFFECTING PROPERTY LOCATED IN OCEAN AND INLET HAZARD AREAS OF ENVIRONMENTAL CONCERN INCLUDING OCEAN SETBACKS, BUILDING STANDARDS AND A PROHIBITION OF THE USE OF HARDENED STRUCTURES AS A MEANS OF EROSION CONTROL.

Pursuant to N.C.G.S. § 105-317.2, none of the property herein described includes the primary residence of the Grantor.

SIGNATURE PAGE TO FOLLOW

IN TESTIMONY WHEREOF, the said GRANTOR has caused this instrument to be executed the day and year first above written.

LONG LEAF PINE, LLC  
a North Carolina limited liability company

BY: Robert C G Exum  
Name: Robert C G Exum  
Its: member/manager

STATE OF NORTH CAROLINA  
COUNTY OF New Hanover

I, Myra Y. Hewett, a Notary Public for New Hanover County, North Carolina, do hereby certify that Robert C G Exum, member/manager of Long Leaf Pine, LLC, a North Carolina limited liability company, personally appeared before me this day in his/her official capacity and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and official seal this the 9th day of September 2015.

Myra Y. Hewett  
Notary Public

My Commission Expires:

7-4-2020





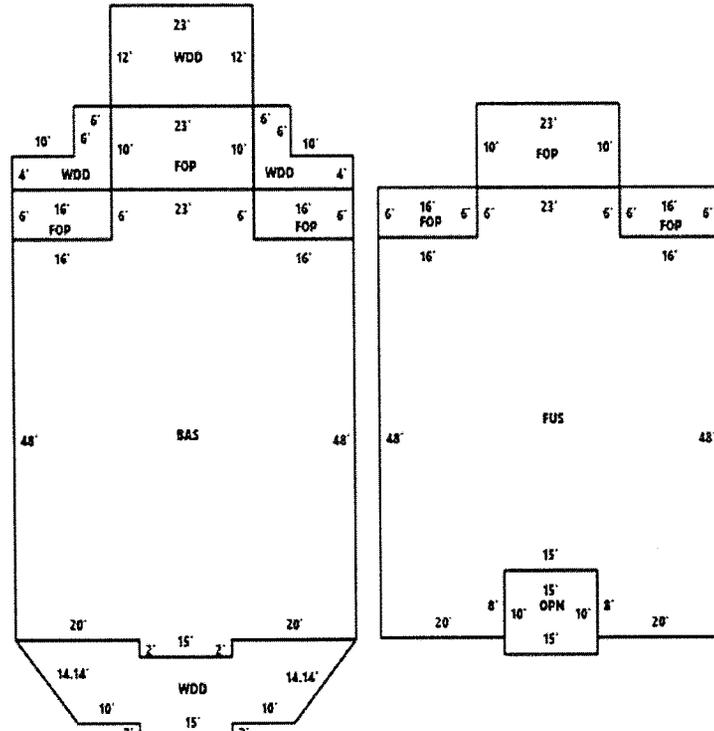
**EXHIBIT A**

Being all of **Lot 7** as shown on the map entitled "Revision Map for Record Palm Cove Lots 1-10", recorded in Map Book 84, Pages 81-82, Brunswick County Registry, reference to which map is hereby made for a more particular description.

TOGETHER WITH and SUBJECT TO a non-exclusive easement and right-of-way for access, ingress, egress, and utilities over and across the land as shown on the above-referenced map.

**FINLEY EFARD LLC** Return/Appeal Notes: Parcel: **256MB008**  
 1844 E. MAIN ST SUNSET BEACH 28468 SUNSET BEACH PLAT: 0084/0081 UNIQ ID 135842  
 80041893 BRUNSWICK COUNTY (100), SUNSET BEACH (100), SUNSET BEACH FIRE (952) ID NO: 105411650055  
 CARD NO. 1 of 1  
 Reval Year: 2019 Tax Year: 2022 L-8 PALM COVE PLAT 84/81 1.0000 LT SRC= Inspection  
 Appraised by 60 on 06/07/2018 605P PALM COVE TW-06 CI-11 FR-16 EX- AT- LAST ACTION 20201201

CONSTRUCTION DETAIL		MARKET VALUE								DEPRECIATION		CORRELATION OF VALUE								
Foundation - 3		USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB	Standard	0.01000	CREDENCE TO	MARKET							
Piers>8ft w/Con	10.00	07	01	6,170	151	190.26	1176154	2016	2016	% GOOD	99.0	DEPR. BUILDING VALUE - CARD	1,164,390							
Sub Floor System - 4		TYPE: SINGLE FAMILY BEACH								SFR CONSTRUCTION		DEPR. OB/XF VALUE - CARD	37,980							
Plywd/Ptl bd	8.00	STYLE: 3 - 2.0 Stories										MARKET LAND VALUE - CARD	1,200,000							
Exterior Walls - 19													TOTAL MARKET VALUE - CARD	2,402,370						
Hardy Plank	32.00												TOTAL APPRAISED VALUE - CARD	2,402,370						
Roofing Structure - 03													TOTAL APPRAISED VALUE - PARCEL	2,402,370						
Gable	7.00												TOTAL PRESENT USE VALUE - PARCEL	0						
Roofing Cover - 06													TOTAL VALUE DEFERRED - PARCEL	0						
Arch Shingle	5.00												TOTAL TAXABLE VALUE - PARCEL \$	2,402,370						
Interior Wall Construction - 5													<b>PERMIT</b>							
Drywall/Sheetrock	28.00												CODE	DATE	NOTE	NUMBER	AMOUNT			
Interior Wall Construction - 6													ROUT: WTRSHD:							
Custom Interior	0.00												<b>SALES DATA</b>							
Interior Floor Cover - 12													OFF. RECORD	DATE	DEED			INDICATE		
Hardwood	10.00												BOOK	PAGE	MOYR	TYPE	Q/U/V/I	SALES PRICE		
Interior Floor Cover - 14													03678	0788	8	2015	SL*	Q	V	900000
Carpet	0.00												03489	0278	12	2013	WD*	A	V	700000
Heating Fuel - 04													02614	0967	5	2007	WD	Q	V	1960000
Electric	1.00												02142	0216	5	2005	WD	U	V	0
Heating Type - 09													02140	0379	5	2005	WD	U	V	0
Heat Pump Only	4.00												HEATED AREA 5,466							
Air Conditioning Type - 03													<b>NOTES</b>							
Central	4.00												12-19-15 PILINGS STARTED 0% FOR 2016 CHECK BACK							
Bedrooms/Bathrooms/Half-Bathrooms																				
6/6/0	18.000																			
Bedrooms																				
BAS - 2 FUS - 4 LL - 0																				
Bathrooms																				
BAS - 2 FUS - 4 LL - 0																				
Half-Bathrooms																				
BAS - 0 FUS - 0 LL - 0																				
Office																				
BAS - 0 FUS - 0 LL - 0	0																			
<b>TOTAL POINT VALUE</b>	127.000																			
<b>BUILDING ADJUSTMENTS</b>																				
Market/Design	05	1.00	1.0000																	
Quality	5	EXCELLENT	1.2500																	
Size	Size	Size	0.9500																	
Construction	05	1.00	1.0000																	
Factor																				
TOTAL ADJUSTMENT FACTOR	1.190																			
TOTAL QUALITY INDEX	151																			



Click on image to enlarge

SUBAREA				CODE	DESCRIPTION	COUNT	LT	WTH	UNITS	UNIT PRICE	ORIG COND	BLDG#	AYB	EYB	ANN DEP RATE	OVR	% COND	OB/XF DEPR. VALUE	
BAS	2,808	100	534250	30	ELEVATOR (PASSENGER)	0.000	0	0	1	17,000.00		1	2016	2016	S2		94	15980	
FOP	844	030	48136	86	POOL (RESID)	0.000	0	0	300	78.00			2017	2017	S3		94	21996	
<b>TOTAL OB/XF VALUE</b>																			<b>37,976</b>
LLU*	2,658	020	101218																
WDD	926	020	35198																
<b>FIREPLACE</b>	7 - Prefab	2,250																	
<b>SUBAREA TOTALS</b>	9,894		1,176,154																

**BUILDING DIMENSIONS** BAS=W16N6W23S6W16S48E20S2E15N2E20N48Area:2808;WDD=E20S2E15N2E20SW@45-14.14W10S2W15N2W10NW@45-14.14Area:450;FOP=E16N6W16S6Area:96;FOP=W16N6E16S6Area:96;FOP=E23N10W23S10Area:230;WDD=E16N4W10N6W6S10Area:100;WDD=W16N4E10N6E6S10Area:100;LLU=Area:2658;FUS=S6W16S48E20N8E15S8E20N48W16N6W23Area:2658;OPN=E15S10W15N10Area:150;FOP=E16N6W16S6Area:96;FOP=E16N6W16S6Area:96;FOP=E23N10W23S10Area:230;WDD=N12E23S12W23Area:276;TotalArea:10044

**LAND INFORMATION**

HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES				ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJUST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES
								RF	AC	LC	TO OT									
SFR OCEAN	0107	CR1	85	380	1.0000	0	1.0000					PS	1,200,000.00	1.000	LT	1.000	1,200,000.00	1200000	0	
<b>TOTAL MARKET LAND DATA</b>																		1,200,000		
<b>TOTAL PRESENT USE DATA</b>																				



B3678 P0788 08-19-2015 12:53:29.005  
 Brenda M. Clemmons PROP  
 Brunswick County, NC Register of Deeds page 1 of 4

Presenter LONDON Ret: IS  
 Total 96 Rev 1800 Int. 53  
 Ck \$ 1800 Ck # 3098 Cash \$ \_\_\_\_\_  
 Refund: \_\_\_\_\_ Cash \$ \_\_\_\_\_ Finance \_\_\_\_\_  
 All portions of document are legible due to condition (original).  
 Document contains seals verified by original instrument that cannot be reproduced or copied.

Brenda M. Clemmons Register of Deeds  
 08-19-2015 12:53:29.005 Brunswick County, NC  
 NC REVENUE STAMP: \$1800.00 (#449219)

**WARRANTY DEED**

Prepared by: MURCHISON, TAYLOR, & GIBSON, PLLC  
 16 North Fifth Avenue, Wilmington, NC 28401

**WE PREPARED THE DEED IN THIS TRANSACTION BUT WE MADE NO EXAMINATION OF TITLE AND WE EXPRESS NO OPINION ON TITLE TO THE PROPERTY.**

This instrument was prepared by Joseph O. Taylor, Jr., a licensed North Carolina attorney. Delinquent taxes, if any, are to be paid by the closing attorney to the Brunswick County Tax Collector upon disbursement of closing proceeds. The closing attorney is The Gordus Law Firm PLLC.

STATE OF NORTH CAROLINA Revenue Stamps \$ 1,800.00  
 COUNTY OF BRUNSWICK Parcel Number 256MB008

THIS WARRANTY DEED, made this 7 day of August, 2015 by and between **PORT CITY ADVISORS, LLC**, a North Carolina limited liability company with a mailing address of 503 Olde Waterford Way, Suite 200, Leland, NC 28451 (herein called "**Grantor**") and **FINLEY EFARD, LLC**, a North Carolina limited liability company with a mailing address of 2808 Chelsea Circle, Durham, NC 27707 (herein called "**Grantee**"):

**WITNESSETH:**

**NOW THEREFORE** the **Grantor**, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations to it in hand paid by the **Grantee**, the receipt whereof is hereby acknowledged, has bargained and sold, and by these presents does hereby grant, bargain, sell, and convey unto **Grantee**, its successors and assigns forever, all that certain real property located in Brunswick County, North Carolina, and more particularly described in **Exhibit A** attached hereto and incorporated herein by reference.

**SUBJECT TO** (i) all easements, encumbrances, rights-of-way, restrictive covenants, and other matters of record; (ii) *ad valorem* taxes for current and all subsequent years;

(iii) any liens for municipal or county betterments or the like; (iv) all governmental land use statutes, ordinances and regulations, including without limitation, zoning, building and subdivision regulations; (v) the Declaration of Protective Covenants for Palm Cove Subdivision recorded in Book 2142, Page 220 of the Brunswick County Registry and any supplements and/or amendments thereto; and (vi) the acknowledgment concerning inlet hazard areas as set forth below.

**TO HAVE AND TO HOLD** the above granted and described property, together with all and singular, the rights, privileges, easements, tenements and appurtenances thereunto belonging, or in anywise appertaining unto the said **Grantee**, its successors and assigns, in fee simple, forever.

And the **Grantor**, for itself, its successors and assigns, does covenant to and with the said **Grantee**, its successors and assigns, that it is seized in fee of the above granted and described property; that it has good right to sell and convey the same in fee simple; that the same is free and clear from any and all restrictions, easements or encumbrances except those set forth above; and that it will and its successors and assigns shall warrant and defend the title to the same against the lawful claims and demands of any and all persons whomsoever.

In addition to all other matters set forth herein, GRANTEE ACKNOWLEDGES, AGREES AND UNDERSTANDS THAT THE LOTS ARE LOCATED IN AN INLET HAZARD AREA OF ENVIRONMENTAL CONCERN THAT IS BY DEFINITION A NATURAL HAZARD AREA THAT IS ESPECIALLY VULNERABLE TO EROSION, FLOODING AND OTHER ADVERSE EFFECTS OF SAND, WIND AND WATER BECAUSE OF ITS PROXIMITY TO DYNAMIC OCEAN INLETS. THE STATE OF NORTH CAROLINA IMPOSES SPECIAL REGULATIONS AFFECTING PROPERTY LOCATED IN OCEAN AND INLET HAZARD AREAS OF ENVIRONMENTAL CONCERN INCLUDING OCEAN SETBACKS, BUILDING STANDARDS AND A PROHIBITION OF THE USE OF HARDENED STRUCTURES AS A MEANS OF EROSION CONTROL.

Pursuant to *N.C.G.S. § 105-317.2*, none of the property herein described includes the primary residence of the Grantor.

**SIGNATURE PAGE TO FOLLOW**

IN TESTIMONY WHEREOF, the said GRANTOR has caused this instrument to be executed the day and year first above written.

PORT CITY ADVISORS, LLC  
a North Carolina limited liability company

BY: Steve Sajed  
Name: Steve Sajed  
Its: Member-Manager

STATE OF NORTH CAROLINA  
COUNTY OF BRUNSWICK

I, DIANE M. STEWART, a Notary Public for BRUNSWICK County, North Carolina, do hereby certify that STEVE SAJEED, MANAGER of Port City Advisors, LLC, a North Carolina limited liability company, personally appeared before me this day in his/her official capacity and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and official seal this the 7<sup>th</sup> day of AUGUST 2015.

Diane M. Stewart  
Notary Public

My Commission Expires:

6-29-2017





**EXHIBIT A**

Being all of **Lot 8** as shown on the map entitled "Revision Map for Record Palm Cove Lots 1-10", recorded in Map Book 84, Pages 81-82, Brunswick County Registry, reference to which map is hereby made for a more particular description.

TOGETHER WITH and SUBJECT TO a non-exclusive easement and right-of-way for access, ingress, egress, and utilities over and across the land as shown on the above-referenced map.

**DEFG PROPERTY LLC**

Return/Appeal Notes:

Parcel: 256MB009

1846 E. MAIN ST SUNSET BEACH 28468 SUNSET BEACH

PLAT: 00084/00081 UNIQ ID 135843

80121360

NN: - BRUNSWICK COUNTY (100), SUNSET BEACH (100), SUNSET BEACH FIRE (761)

CARD NO. 1 of 1

ID NO: 105411651048

Reval Year: 2019 Tax Year: 2022

L-9 PALM COVE PLAT 84/81

1.0000 LT

SRC= Inspection

Appraised by 60 on 06/07/2018 605P PALM COVE

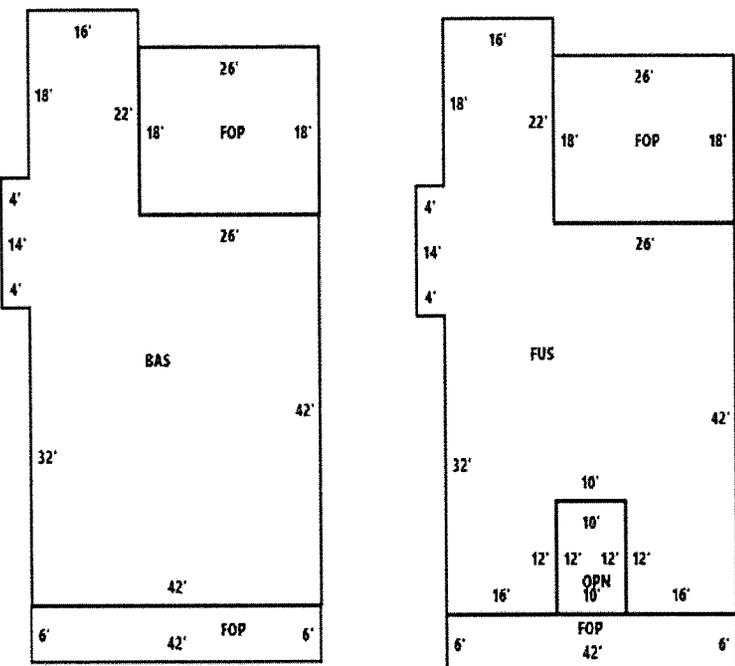
TW-06

CI- 11 FR- 16 EX-

AT-

LAST ACTION 20220113

CONSTRUCTION DETAIL		MARKET VALUE								DEPRECIATION				CORRELATION OF VALUE		
Foundation - 3		USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB	Standard	0.01000	CREDENCE TO MARKET				
Piers>8ft w/Con	10.00	07	01	4,465	151	190.26	851761	2016	2016	% GOOD	99.0	<b>DEPR. BUILDING VALUE - CARD</b> 843,240				
Sub Floor System - 4		TYPE: SINGLE FAMILY BEACH SFR CONSTRUCTION										<b>DEPR. OB/XF VALUE - CARD</b> 37,980				
Plywd/Ptl bd	8.00	STYLE: 3 - 2.0 Stories										<b>MARKET LAND VALUE - CARD</b> 1,200,000				
Exterior Walls - 19												<b>TOTAL MARKET VALUE - CARD</b> 2,081,220				
Hardy Plank	32.00											<b>TOTAL APPRAISED VALUE - CARD</b> 2,081,220				
Roofing Structure - 03												<b>TOTAL APPRAISED VALUE - PARCEL</b> 2,081,220				
Gable	7.00											<b>TOTAL PRESENT USE VALUE - PARCEL</b> 0				
Roofing Cover - 06												<b>TOTAL VALUE DEFERRED - PARCEL</b> 0				
Arch Shingle	5.00											<b>TOTAL TAXABLE VALUE - PARCEL \$</b> 2,081,220				
Interior Wall Construction - 5												<b>PERMIT</b>				
Drywall/Sheetrock	28.00											CODE DATE NOTE NUMBER AMOUNT				
Interior Wall Construction - 6												ROUT: WTRSHD:				
Custom Interior	0.00											<b>SALES DATA</b>				
Interior Floor Cover - 12												OFF. RECORD DATE DEED TYPE Q/U/V/I INDICATE SALES PRICE				
Hardwood	10.00											047701333 12 2021 QC U I 0				
Interior Floor Cover - 14												046060296 4 2021 GW* Q I 2285000				
Carpet	0.00											043220099 2 2020 IS C I 0				
Heating Fuel - 04												036980830 10 2015 SL* Q V 9000000				
Electric	1.00											022180802 8 2005 WD Q V 11000000				
Heating Type - 09												021420216 5 2005 WD U V 0				
Heat Pump Only	4.00											021400379 5 2005 WD U V 0				
Air Conditioning Type - 03												HEATED AREA 4,224				
Central	4.00											<b>NOTES</b>				
Bedrooms/Bathrooms/Half-Bathrooms												NO CHANGE PER 2011 E&R				
6/5/1	18.000															
Bedrooms																
BAS - 2 FUS - 4 LL - 0																
Bathrooms																
BAS - 2 FUS - 3 LL - 0																
Half-Bathrooms																
BAS - 1 FUS - 0 LL - 0																
Office																
BAS - 0 FUS - 0 LL - 0	0															
<b>TOTAL POINT VALUE</b>	127,000															
<b>BUILDING ADJUSTMENTS</b>																
Market/Design	05	1.00	1.0000													
Quality	5	EXCELLENT	1.2500													
Size	Size	Size	0.9500													
Construction Factor	05	1.00	1.0000													
TOTAL ADJUSTMENT FACTOR	1.190															
TOTAL QUALITY INDEX	151															
Click on image to enlarge																
<b>SUBAREA</b>		<b>CODE</b>	<b>DESCRIPTION</b>	<b>COUNT</b>	<b>LT</b>	<b>WTH</b>	<b>UNITS</b>	<b>UNIT PRICE</b>	<b>ORIG % COND</b>	<b>BLDG#</b>	<b>AYB</b>	<b>EYB</b>	<b>ANN DEP RATE</b>	<b>OVR</b>	<b>% COND</b>	<b>OB/XF DEPR. VALUE</b>
BAS	2,172	100	413245	30			1	17,000.00	0	1	2016	2016	S2		94	15980
FOP	1,440	030	82192	86			300	78.00	0		2017	2017	S3		94	21996
FUS	2,052	090	351410	<b>TOTAL OB/XF VALUE</b>												
LLU*	72	020	2664													
<b>FIREPLACE</b>	7		2,250													
<b>SUBAREA TOTALS</b>	5,736		851,761													
<b>BUILDING DIMENSIONS</b> BAS=N22W16S18W4S14E4S32E42N42W26Area:2172;FOP=S18E26N18W26Area:468;FOP=S6W42N6E42Area:252;FUS=E16N42W26N22W16S18W4S14E4S																



S32E16N12E10S12Area:2052;FOP=S18E26N18W26Area:468;OPN=S12W10N12E10Area:120;FOP=S6W42N6E42Area:252;LLU=Area:72;TotalArea: :5856

**LAND INFORMATION**

HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRON TAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES			ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES
								RF	AC	LC TO OT									
SFR OCEAN	0107	CR1	97	316	1.0000	0	1.0000				PS	1,200,000.00	1.000	LT	1.000	1,200,000.00	1200000	0	
<b>TOTAL MARKET LAND DATA</b>																	1,200,000		
<b>TOTAL PRESENT USE DATA</b>																			

all other taxes, fees, assessments or other liens which the Brunswick County Tax Collector is charged with collecting, that are lien on: Parcel Number 256 MB 009 as notated by the Brunswick County Assessor's Office. This is not a certification that the parcel number matches the deed description.

DEC 17 2021 Handwritten  
 Date (Asst) Tax Col. / Del. Tax Sec.



B4770 P1333 12-28-2021 13:35:35.000  
 Brenda N. Clemmons PROP  
 Brunswick County, NC Register of Deeds page 1 of 3

Equity Settlement mail  
 3 Return to \_\_\_\_\_ Type \_\_\_\_\_  
 Total \$ \_\_\_\_\_ Rev. \_\_\_\_\_ Int. \_\_\_\_\_  
 Ck \$ \_\_\_\_\_ Ck # \_\_\_\_\_ Cash \$ \_\_\_\_\_  
 Refund \_\_\_\_\_ Cash \$ \_\_\_\_\_ Finance \_\_\_\_\_

- Portions of document are illegible due to condition of original.
- Document contains seals verified by original instrument that cannot be reproduced or copied.

N SF  
 #25  
 #9244

Excise Tax 0.00  
 NO MONETARY CONSIDERATION  
 PAID FOR THIS TRANSACTION  
 NCGS 105-228.29 (6)  
 PREPARED BY:  
 FRED HARRISON  
 O/B/O BC LAW FIRM, P.A.  
 1007 CLIFTON TERRACE  
 KINSTON, NC 28501  
**RECORDATION REQUESTED BY/RETURN TO:**  
 EQUITY SETTLEMENT SERVICES, INC.  
 444 ROUTE 111  
 SMITHTOWN, NY 11787

FOR RECORDER'S USE ONLY

1673040

**QUITCLAIM DEED**

THIS QUITCLAIM DEED, Executed this 10<sup>th</sup> day of December, 2021, by first party **FRANK CAPOBIANCO, MARRIED, HEREIN JOINED BY SPOUSE DANA CAPOBIANCO, A 50% UNDIVIDED INTEREST AND RALPH DIBUGNARA, MARRIED, HEREIN JOINED BY SPOUSE, BEATRIZ DIBUGNARA, A 50% UNDIVIDED INTEREST**, whose mailing address is 10 CELESTIAL COURT, ST JAMES, NY 11780 to second party, **DEFG PROPERTY LLC** whose mailing address is 10 CELESTIAL COURT, ST JAMES, NY 11780.

WITNESSETH, That said first party, for good consideration paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the City of SUNSET BCH, County of BRUNSWICK, State of NORTH CAROLINA to wit:

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

APN: 256MB009  
 Property Address: 1846 E MAIN STREET, SUNSET BCH, NC 28468

Pursuant to NCGS 105-317.2, the parties certify that the property herein described does  does not  include the primary residence of the grantor(s).

TO HAVE AND TO HOLD the aforesaid lot or parcel of land with all of the privileges and appurtenances thereunto belonging unto the said Grantee, and her heirs and assigns, free and discharged from all right, title, claim or interest of the said Grantors or anyone claiming under them.

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.



IN TESTIMONY WHEREOF, the said Grantors have heretunto set their hands, this the day and year first above written.

[Signature]  
FRANK CAPOBIANCO

[Signature]  
RALPH DIBUGNARA

[Signature]  
DANA CAPOBIANCO

[Signature]  
BEATRIZ DIBUGNARA

New York  
STATE OF NORTH CAROLINA }  
COUNTY OF SUTTOR } SS.

I, Keyla M Rosario, a Notary Public for said County and State, do hereby certify that **FRANK CAPOBIANCO, RALPH DIBUGNARA, DANA CAPOBIANCO, AND BEATRIZ DIBUGNARA**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 10<sup>th</sup> day of December, 2021

(Official Seal)



Keyla M Rosario  
NOTARY PUBLIC  
State of New Jersey  
ID # 60147441  
My Commission Expires  
January 8, 2026

[Signature]  
Notary Public  
My Commission Expires: Jan 5, 2026

The Foregoing Certificate(s) of

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

By \_\_\_\_\_ REGISTER OF DEED FOR \_\_\_\_\_ COUNTY  
Deputy/Assistant-Register of Deeds



B4770 P1335 12-28-2021  
13:35:35.000  
Brenda N. Clemmons PROP  
Brunswick County, NC Register of Deeds page 3 of 3

EXHIBIT "A"

BEING ALL THAT REAL PROPERTY DESCRIBED AS LOT 9 AS SHOWN ON THE REVISION MAP ENTITLED "PROPOSED SUBDIVISION SURVEY FOR SUNSET BEACH & TWIN LAKES, INC. OF LOTS 1 THROUGH 10, 12.67 AC TOTAL LOCATED ON THE EAST END OF SUNSET BEACH" RECORDED IN MAP CABINET 31 AT PAGE 190 AND REVISED IN MAP CABINET 84 AT PAGES 81-82, BRUNSWICK COUNTY REGISTRY, REFERENCE TO SAID MAP IS HEREBY MADE FOR A MORE PARTICULAR DESCRIPTION.

For information only: 1846 E. Main Street, Sunset Beach, NC 28468.  
Parcel #: 256MB009.

MCCUEN TATIANA P AND TATIANA PROPERTIES LLC  
 80072692  
 BRUNSWICK COUNTY (100), SUNSET BEACH (100), SUNSET BEACH FIRE (19)  
 L-10 PALM COVE PLAT 84/81  
 Reval Year: 2019 Tax Year: 2022  
 Appraised by 03 on 02/04/2020 605P PALM COVE

Return/Appeal Notes:  
 Parcel: 256MB010  
 PLAT: 0084/0081  
 UNIQ ID: 135844  
 ID NO: 105411652049  
 CARD NO. 1 of 1  
 1.0000 LT  
 TW-06 CI- 11 FR- 16 EX- AT-  
 SRC=  
 LAST ACTION 20200204

CONSTRUCTION DETAIL	MARKET VALUE				DEPRECIATION				CORRELATION OF VALUE			
<b>TOTAL POINT VALUE</b>	USE	MOD	Eff. Area	BASE RATE	RCN	EYB	AYB	CREDENCE TO				
<b>BUILDING ADJUSTMENTS</b>	98	00						% GOOD				
TOTAL ADJUSTMENT FACTOR	TYPE: VACANT LAND							<b>DEPR. BUILDING VALUE - CARD</b>				0
TOTAL QUALITY INDEX	STYLE:							<b>DEPR. OB/XF VALUE - CARD</b>				0
								<b>MARKET LAND VALUE - CARD</b>				1,200,000
								<b>TOTAL MARKET VALUE - CARD</b>				1,200,000
								<b>TOTAL APPRAISED VALUE - CARD</b>				1,200,000
								<b>TOTAL APPRAISED VALUE - PARCEL</b>				1,200,000
								<b>TOTAL PRESENT USE VALUE - PARCEL</b>				0
								<b>TOTAL VALUE DEFERRED - PARCEL</b>				0
								<b>TOTAL TAXABLE VALUE - PARCEL \$</b>				1,200,000
<b>PERMIT</b>												
CODE		DATE		NOTE		NUMBER		AMOUNT				
ROUT: WTRSHD:												
<b>SALES DATA</b>												
<b>OFF. RECORD</b>		<b>DATE</b>		<b>DEED TYPE</b>		<b>Q/UV/I</b>		<b>INDICATE SALES PRICE</b>				
<b>BOOK</b>	<b>PAGE</b>	<b>MO</b>	<b>YR</b>	<b>CO</b>	<b>Q</b>	<b>U</b>	<b>V</b>					
04069	0528	6	2018	CO	U	V		0				
03867	1386	1	2017	WD*	Q	V		1125000				
02142	0218	5	2005	WD	Q	V		1100000				
02140	0379	5	2005	WD	U	V		0				
HEATED AREA												
<b>NOTES</b>												

SUBAREA				CODE	QUALITY	DESCRIPTION	COUNT	LT	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	SIZE FACT	AYB	EYB	ANN DEP RATE	% OVR	COND	OB/XF DEPR. VALUE	
TYPE	GS AREA	%	RPL CS	TOTAL OB/XF VALUE																	0
FIREPLACE																					
SUBAREA TOTALS																					

BUILDING DIMENSIONS																				
LAND INFORMATION																				
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRON TAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES				ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJUST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES
SFR OCEAN	0107	CR1	106	260	1.0000	0	1.0000					PS	1,200,000.00	1.000	LT	1.000	1,200,000.00	1200000	0	
<b>TOTAL MARKET LAND DATA</b>																		1,200,000		
<b>TOTAL PRESENT USE DATA</b>																				



B4069 P0528 06-15-2018  
 Brenda M. Clemmons 15:57:51.004  
 of Deeds page 1 of 2 PROP

Return to Rhodes Law type Box  
 Total 24 Rev. 3170 Int. 5100  
 Ck \$ 52 Ck # 3170 Cash \$ \_\_\_\_\_  
 2 Refund \_\_\_\_\_ Cash \$ \_\_\_\_\_ Finance \_\_\_\_\_

- Portions of document are illegible due to condition of original.
- Document contains seals verified by original instrument that cannot be reproduced or copied.

DEED OF CORRECTION

STATE OF NORTH CAROLINA  
 COUNTY OF BRUNSWICK

Excise Tax: \$0.00

Parcel No.

This instrument was prepared by: RHODES LAW OFFICES, PLLC  
 503 Olde Waterford Way, Suite 201  
 Leland, North Carolina 28451

This instrument prepared by: J. Randall Rhodes, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

Brief description for the Index: Lot 10, Palm Cove

All or a portion of the property herein described \_\_\_ includes or x does not include the primary residence of a Grantor (per NCGS § 105-317.2)

THIS DEED made this \_\_\_\_ day of June, 2018, by and between Exum Family, LLC, GRANTORS whose mailing address is P.O. Box 1967, Wilmington, NC 28402, and Tatiana P. McCuen (unmarried) and Tatiana Properties, LLC, GRANTEEES whose mailing address is 205 Whispering Pines, Whispering Pines, NC 28327.

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 of that certain lot, tract or parcel of land situated in Brunswick County, North Carolina and more particularly described as follows:

BEING ALL of Lot 10 as shown on that map entitled "Revision Map for Record Palm Cove Lots 1-10", recorded in Map Book 84, Pages 81-82, Brunswick County Registry, reference to which map is hereby made for a more particular description.

SUBJECT TO (i) all easements, encumbrances, rights of way, restrictive covenants and other matters of record; (ii) ad valorem taxes for current and all subsequent years; (iii) any liens for municipal or county betterments or the like; (iv) all governmental land use statutes, ordinances and regulations, including without limitation, zoning, building and subdivision regulations; (v) the Declaration of Protective Covenants for Palm Cove Subdivision recorded

in Book 2142, Page 220 of the Brunswick County Registry and any supplements and/or amendments thereto; (vi) the acknowledgement concerning inlet hazard areas as set forth below.

TOGETHER WITH and SUBJECT TO a non-exclusive easement and right of way for access, ingress, egress and utilities over and across the land as shown on the above referenced map.

The purpose of this deed is to add one Grantee to the deed recorded in Deed Book 3867 at Page 1386, Brunswick County Registry.

TO HAVE AND TO HOLD the aforesaid lot, tract 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 said 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.

In addition to all other matters set forth herein, Grantee acknowledges, agrees and understands that the lots are located in an inlet hazard area of environmental concern that is by definition a natural hazard area that is especially vulnerable to erosion, flooding and other adverse effects of sand, wind and water because of its proximity to dynamic ocean inlets. The state of North Carolina imposes special regulations affecting property located in ocean and inlet hazard areas of environmental concern including ocean setbacks, building standards and a prohibition of the use of hardened structures as a means of erosion control.

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.

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

Exum Family, LLC  
a North Carolina limited liability company

By: Robert C Exum (seal)

Name: Robert C G Exum

Title: member/manager



STATE OF North Carolina  
COUNTY OF New Hanover

I, Katherine Wilson a Notary Public of said County and State do certify that Robert C G Exum personally appeared before me and acknowledged that he is Member Manager of Exum Family LLC, and that, by authority duly given as the act of the corporation, the foregoing instrument was signed in its name by its Member Manager.

Witness my hand and official stamp or seal this 15<sup>th</sup> day of June, 2018.

[Signature]  
Notary Public:

My commission expires: 01/03/2021

in Book 2142, Page 220 of the Brunswick County Registry and any supplements and/or amendments thereto; (vi) the acknowledgement concerning inlet hazard areas as set forth below.

TOGETHER WITH and SUBJECT TO a non-exclusive easement and right of way for access, ingress, egress and utilities over and across the land as shown on the above referenced map.

The purpose of this deed is to add one Grantee to the deed recorded in Deed Book 3867 at Page 1386, Brunswick County Registry.

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And the Grantor covenants with the Grantee, that Grantor is seized of said 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.

In addition to all other matters set forth herein, Grantee acknowledges, agrees and understands that the lots are located in an inlet hazard area of environmental concern that is by definition a natural hazard area that is especially vulnerable to erosion, flooding and other adverse effects of sand, wind and water because of its proximity to dynamic ocean inlets. The state of North Carolina imposes special regulations affecting property located in ocean and inlet hazard areas of environmental concern including ocean setbacks, building standards and a prohibition of the use of hardened structures as a means of erosion control.

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.

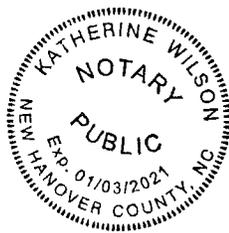
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Exum Family, LLC  
a North Carolina limited liability company

By: Robert C Exum (seal)

Name: Robert CG Exum

Title: member/manager



STATE OF North Carolina  
COUNTY OF New Hanover

I, Katherine Wilson a Notary Public of said County and State do certify that Robert CG Exum personally appeared before me and acknowledged that he is Member Manager of Exum Family LLC, and that, by authority duly given as the act of the corporation, the foregoing instrument was signed in its name by its Member Manager.

Witness my hand and official stamp or seal this 15<sup>th</sup> day of June, 2018.

[Signature]  
Notary Public:

My commission expires: 01/03/2021

**AFFIDAVIT OF CYNTHIA RICE-LEVINE**

Before me personally appeared Cynthia Rice-Levine, who first being duly sworn, deposed and said the following:

1. My name is Cynthia Rice-Levine. I am over 21 years of age and am competent to testify to the matters herein. I make this affidavit based on facts personally known to me.

2. I am currently the President of the Palm Cove Owners Association, Inc. (“Palm Cove HOA”). I have served in this position for two (2) years.

3. The Palm Cove community is located between 1830-1848 E. Main Street, adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County and consists of ten (10) lots (Lots 1-10) with five (5) residential structures. Each of the ten lots is individually owned, measuring approximately 1-acre per lot with approximately 100 linear feet of shoreline. One road provides access to the community.

4. Through my role as President of the Palm Cove HOA, I contacted each owner of the lots about the this request for a variance to expand the existing sandbag revetment. Each of the property owners of Lots 1-10 supports this variance request.

5. Since the existing sandbag revetment was installed in early 2020, I have regularly observed the sandbag revetment and the estuarine shoreline along Palm Cove. Since approximately the beginning of 2022, water from the channel of Jinks Creek routinely flows over the top of the sandbags, causing erosion landward of the sandbag revetment, which creates a channel.

*[Signature Page to Follow]*

Further this affiant sayeth not.

  
Cynthia Rice-Levine

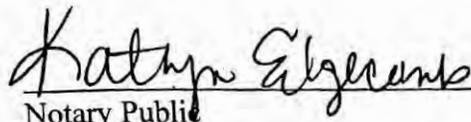
STATE OF NORTH CAROLINA

COUNTY OF HARNETT

BEFORE ME personally appeared Cynthia Rice-Levine who being first duly sworn stated that the statements she made in the foregoing Affidavit above were true and correct, and subscribed those statements.

WITNESS my hand and official seal, this the 25 day May, 2022.



  
Notary Public

Kathryn Edgcomb  
Printed Name

My Commission expires: 12-29-25



April 26, 2022

Cyndi Rice-Levine  
POA President for Palm Cove Subdivision  
VIA Email

Re: **Proposal for Palm Cove Roadway Inspection**

Cyndi,

At your request, Cape Fear Engineering (CFE) has reviewed the condition of the roadway/drive that provides access to the residences of the Palm Cove Subdivision located in Sunset Beach, North Carolina.

On April 11, 2022, a site visit by CFE was performed to visually assess the condition of East Main Street Extension in the area where Lots 7-10 have frontage. This roadway area has experienced severe erosion in the past and the erosion appears to be continuing at an expedited rate. The existing asphalt surface is showing areas of longitudinal cracking with a high potential for the roadway settlement. The existing north shoulder of the road has eroded to the point in some area that undermining of the roadway bed has occurred.

It is the opinion of CFE that the roadway that provides access to these areas is in immediate danger of further erosion and possible failure.

Let us know if you have any questions.

Sincerely,

Perry Davis, PE  
Cape Fear Engineering

## AFFIDAVIT OF KAREN TRIPLETT

Before me personally appeared Karen Triplett, who first being duly sworn, deposed and said the following:

1. My name is Karen Triplett. I am over 21 years of age and am competent to testify to the matters herein. I make this affidavit based on facts personally known to me.

2. I was the former President of the Palm Cove Owners Association, Inc. ("Palm Cove HOA"). I served in this position from January 1, 2019 to December 31, 2020.

3. The Palm Cove community is located between 1830-1848 E. Main Street, adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County and consists of ten (10) lots (Lots 1-10) with five (5) residential structures. Each of the ten lots is individually owned, measuring approximately 1-acre per lot with approximately 100 linear feet of shoreline. One road provides access to the community.

4. On December 27, 2019, during a site visit to Palm Cove, David Tandler, Susan Spratt, and I discovered erosion along the estuarine shoreline in the vicinity of Lots 8 and 9, which exposed a fire hydrant.

5. In early January 2020, the Palm Cove HOA began working with Tim Jackson and contacted Debbie Wilson, a consultant and former Division of Coastal Management ("DCM") employee, and DCM personnel to gather information about next steps to address this erosion.

6. On January 16, 2020, I notified the Manager of the Town of Sunset Beach (the "Town") of the erosion and fire hydrant exposure.

7. On January 17, 2020, Brunswick County (the "County") Public Utilities attempted to remove the fire hydrant. During the process, I believe that the County improperly capped the fire hydrant, creating a depression in the area and leaving this area more vulnerable to erosion.

8. On January 17, 2020, after being informed of a problem in removing the fire hydrant, Tim Jackson, a representative of the Palm Cove HOA, arrived at Palm Cove to meet with Cory Sumner, a Brunswick County Public Utilities employee. Mr. Sumner helped remove broken pavement around the curbs of the road. Mr. Jackson called Tara MacPherson, an employee of DCM, to find out what could be done to quickly to save the road.

9. On January 18, 2020, I emailed all Palm Cove owners, notifying them that Brunswick County Public Utilities assumed responsibility for damage to the road.

10. On or about January 19, 2020, David Morse of DC Morse, Inc. placed riprap along the road in an attempt to prevent the road from collapsing.

11. Following these measures, Palm Cove HOA pursued other options to protect the single access road, lots and structures, including seeking a CAMA Major Permit to install a temporary sandbag revetment along its estuarine shoreline.

12. On January 25, 2020, the Palm Cove HOA held a meeting and began collecting the necessary information to seek a permit to install a sandbag revetment.

13. After receiving authorization from DCM, on February 12, 2020, Palm Cove HOA began installation of the sandbag revetment.

14. The estuarine shoreline of Palm Cove experienced continuous erosion up until the start of the sandbag project.

*[Signature Page to Follow]*

Further this affiant sayeth not.

Karen Triplett  
Karen Triplett

STATE OF NORTH CAROLINA

COUNTY OF DURHAM

BEFORE ME personally appeared Karen Triplett who being first duly sworn stated that the statements she made in the foregoing Affidavit above were true and correct, and subscribed those statements.

WITNESS my hand and official seal, this the 26 day May, 2022.



[Signature]  
Notary Public

DIANE KROMM  
Printed Name

My Commission expires: MAY 8, 2024

EXHIBIT F-3

Variance Petition  
Palm Cove HOA Photos



Palm Cove estuarine shoreline. September 2017,



Palm Cove Estuarine Shoreline – Summer 2018.



Palm Cove Estuarine Shoreline – 2018.



Palm Cove Estuarine Shoreline – 2018.



Palm Cove Estuarine Shoreline – 2018.



Palm Cove shoreline. June 2018.



Palm Cove – Lot 9. Summer 2019.



Shoreline erosion exposing fire hydrant. December 27, 2019.



Shoreline erosion exposing fire hydrant. December 27, 2019.



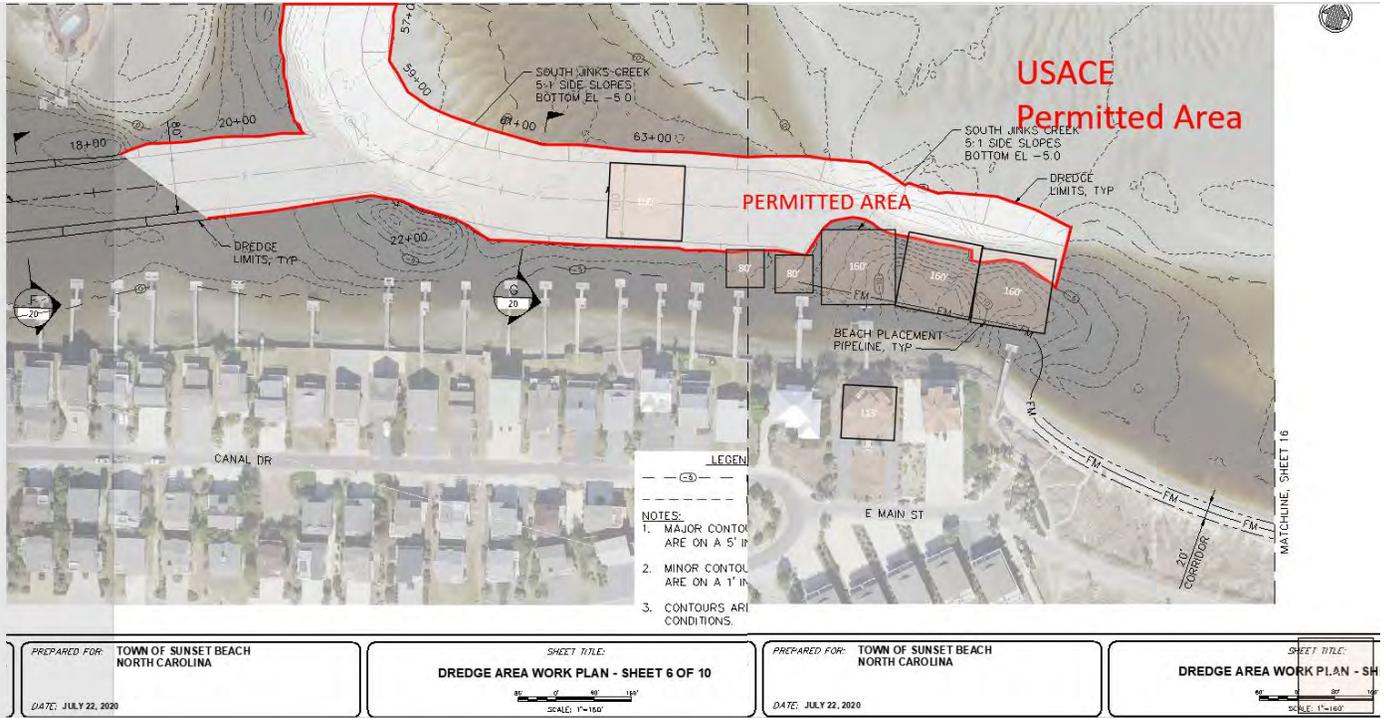
Erosion exacerbated by County improperly capping fire hydrant during removal. January 17, 2020.



Repair work following County's improper capping of fire hydrant. January 17, 2020.



Road damage. August 4, 2020.



Town of Sunset Beach Permitted Dredging Area.



Project vicinity prior to Town of Sunset Beach dredging. June 23, 2021.



Town of Sunset Beach Dredging. January 6, 2022.



Town of Sunset Beach Dredging Outside Permitted Area. January 13, 2022.



Town of Sunset Beach Dredging. January 31, 2022.



Road Damage – March 9, 2022.



Road Damage – March 9, 2022.



Town of Sunset Beach Dredging – March 14, 2022.



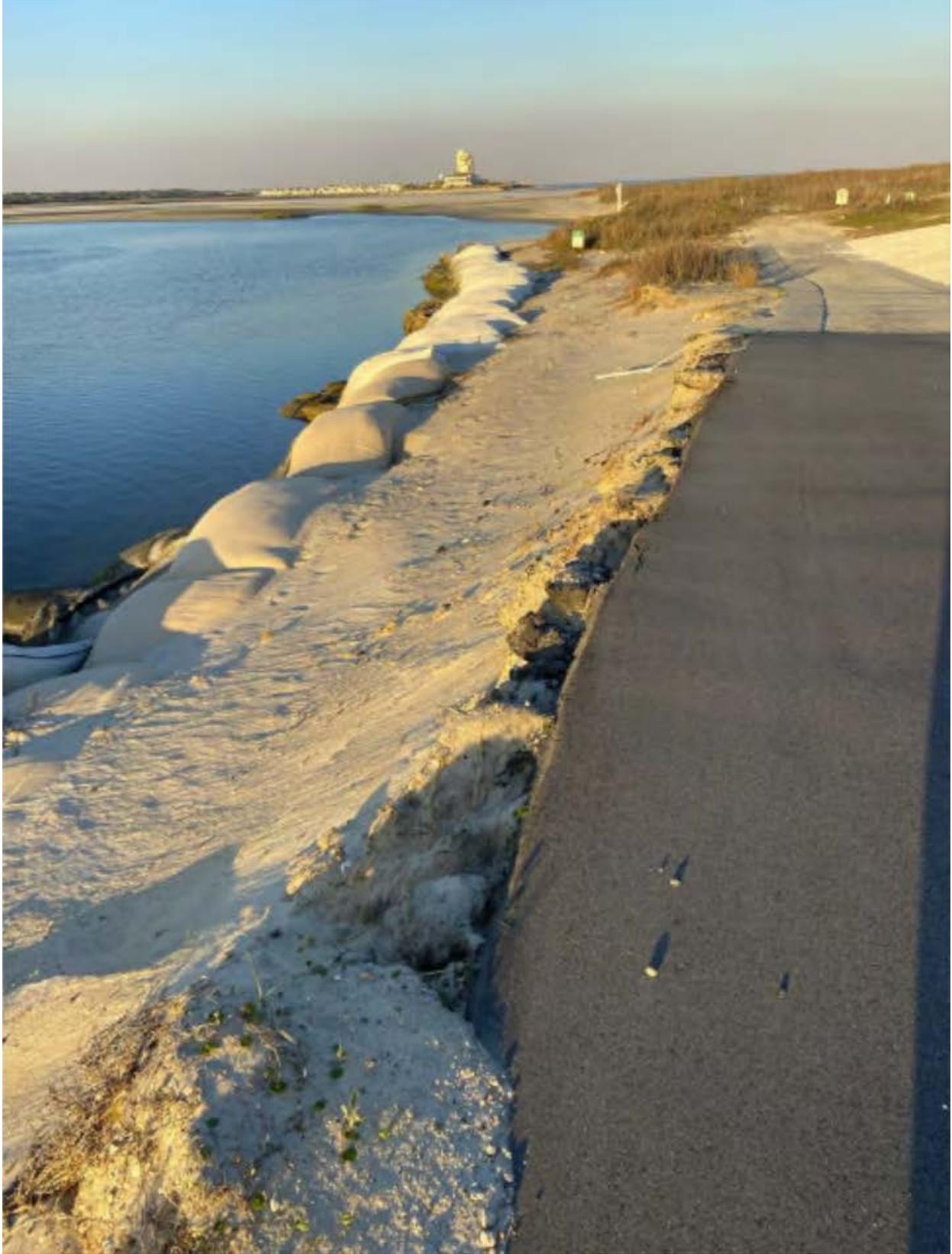
Palm Cove Estuarine Shoreline and Sandbag Revetment. Late March 2022.



Palm Cove Estuarine Shoreline and Sandbag Revetment. Late March 2022.



Palm Cove Estuarine Shoreline and Sandbag Revetment. Late March 2022.



Sandbag Revetment and Road – April 10, 2022.



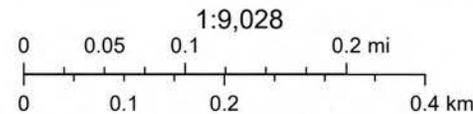
Town of Sunset Beach Dredging – April 13, 2022.

# Division of Coastal Management



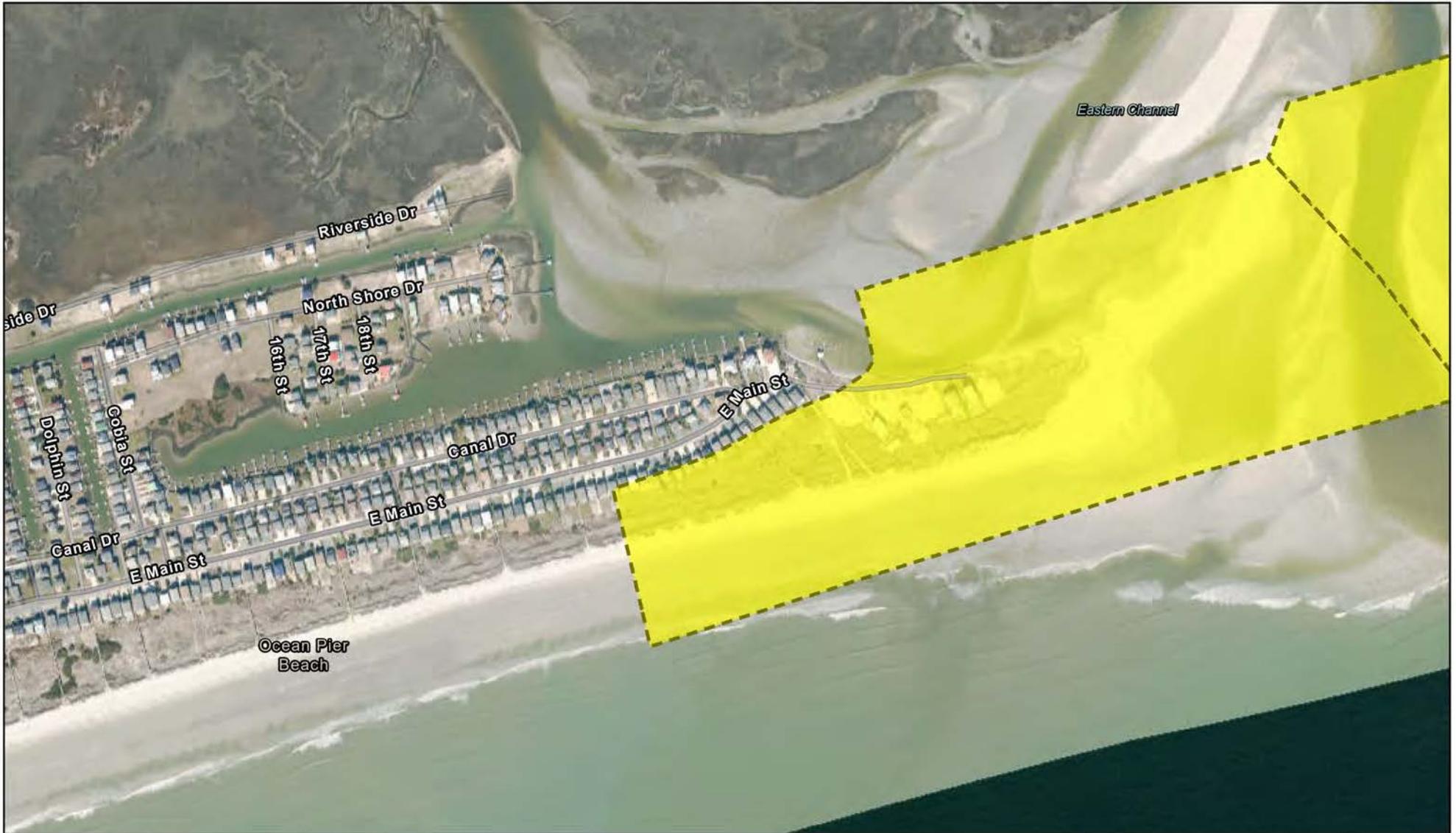
5/27/2022, 2:52:41 PM

 Inlet Hazard Areas (current)



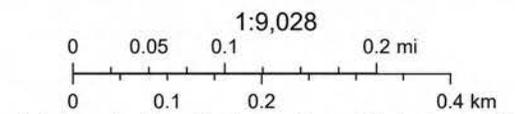
Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# Division of Coastal Management



5/27/2022, 2:50:40 PM

 Inlet Hazard Areas (update - adoption pending)



Esri Community Maps Contributors, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS,



**COASTAL PROTECTION ENGINEERING OF NORTH CAROLINA, INC**

4038 MASONBORO LOOP ROAD

WILMINGTON, NC 28409

910-399-1905

May 25, 2022

Todd Roessler  
Kilpatrick Townsend & Stockton LLP  
4208 Six Forks Road, Suite 1400  
Raleigh, NC 27609

Re: **Palm Cove Estuarine Shoreline Assessment**

Dear Mr. Roessler:

In response to your request for information regarding erosion of the shoreline fronting the Palm Cove Homeowners Association ("Palm Cove") in Sunset Beach, NC, Coastal Protection Engineering of North Carolina, Inc. ("CPE") has reviewed historical shoreline position data to determine rates of change in the average position of the shoreline along the Palm Cove estuarine shoreline. In addition, we reviewed the NC Coastal Resources Commission rule defining imminently threatened structures and its application to the project area.

CPE has performed a desktop study to assess the estuarine shoreline changes that have occurred along the project area, defined as approximately 1,000 ft of shoreline fronting the ten (10) lots and five (5) structures that currently comprise Palm Cove on the east end of Sunset Beach, NC. This assessment, using publicly available data on the NC Division of Coastal Management Online GIS website, spans the 17-year period between 2003 and 2020. In order to assess the shoreline changes, the distance between the shorelines were measured at ten (10) different locations along the Palm Cove estuarine shoreline. The measurements were averaged together and then divided by the number of years between the positions to determine a rate of change in feet per year.

During the period from 2003 to 2009, the data suggest the estuarine shoreline in front of Palm Cove receded at an annualized average rate of approximately 2 ft. per year but during that time also experienced minor fluctuations with the shoreline advancing and retreating. Between 2009 and 2016, the data indicate the estuarine shoreline experienced a trend of increased shoreline recession at a rate of approximately 4 ft. per year, on average. From 2016 to 2019, the data indicate the trend of shoreline recession continued; however, the rate of shoreline retreat increased to greater extent of approximately 12 ft. per year. The trend of recession climaxed between 2019 and 2020, during which time the estuarine shoreline receded an average distance of 29 ft. Overall, the data indicate that between 2016 and 2020 the estuarine shoreline within the project area receded at an average annual rate of approximately 16 ft. per year.

Aerial images of the Tubbs Inlet complex and Jinks Creek, available from the NC Division of Coastal Management Online GIS website, were also reviewed to better understand potential factors influencing the estuarine shoreline in proximity to Palm Cove. The imagery between 2008 and 2012 show minimal change in the width, configuration, and alignment of the channel between South Jinks Creek and Tubbs Inlet. However, in 2016 the aerial image shows distinct changes to the width, configuration, and alignment of the channel and an increase of sediment and shoals to the north and east of the South Jinks Creek channel. The 2016 image also depicts distinct infilling of the South Jinks Creek channel directly adjacent to the Palm Cove estuarine shoreline. The aerial imagery from 2019 to 2021 continue to show large changes in configuration of the shoals and infilling of the South Jinks Creek channel. A determination of the cause of the changes in 2016 through 2021 are outside the scope of this desktop study; however, the aerial imagery suggests that an increase in sediment within the system may have resulted in changes to the tidal hydraulics within South Jinks Creek and the channel to Tubbs Inlet. These changes appear to have reduced the width of the channel cross-section in the vicinity of the Palm Cove estuarine shoreline which served to constrain the flow of water through the channel into a smaller cross-section and closer to the Palm Cove estuarine shoreline which may have



facilitated an increase in erosion along the Palm Cove estuarine shoreline. The changes observed in the aerial imagery appear to coincide with the significant increase in the rate of the shoreline recession measure along the Palm Cove estuarine shoreline between 2016 and 2020. In addition to the changes in the Tubbs Inlet complex, the Town of Sunset Beach's (the "Town") recent dredging of South Jinks Creek also has the potential to influence the Palm Cove estuarine shoreline. The Town dredged a significant portion of the channel bottom along South Jinks Creek which stopped abruptly at the western edge of the Palm Cove estuarine shoreline. Palm Cove has retained CPE to evaluate the potential effects of the Town's dredging on Palm Cove's estuarine shoreline.

In addition to the shoreline change assessment, CPE also reviewed the definition of when a structure is considered to be "imminently threatened". The NC Coastal Resources Commission classifies a structure as "imminently threatened" when the erosion escarpment reaches to within 20 feet of the structure, or when site conditions increase the risk of imminent damage to the structure. Based on measurements between the location of the erosion escarpment visible in a 2021 aerial image and the northern edge of the access road to the Palm Cove properties, approximately 300 ft. of the easternmost portion of road appears to be within 20 ft. of the escarpment. Although it is not evident where utilities (power, water, septic/sewer) for the properties are located, there is an area at the east end where the entire road is within 20 ft. of the escarpment. If utilities are located underneath or on the south side of the road, that infrastructure would be at increased risk of imminent damage as well. The two residential structures located at the east end of Palm Cove (1844 and 1846 E. Main St.) are approximately 70 ft. and 90 ft. from the erosion escarpment based on the conditions shown in the 2021 aerial image. If the trend of shoreline recession measured between 2019 and 2020 continues at the rate of approximately 29 ft./yr., the easternmost structure could be at increased risk to imminent damage within 18 months.

Based upon preliminary observations, it is my professional opinion that the erosion observed along the Palm Cove estuarine shoreline may be occurring as a result of the orientation of the channel that runs directly adjacent to the Palm Cove estuarine shoreline. This channel is a primary conduit for the exchange of tidal waters between Tubbs Inlet and Jinks Creek and appears to deliver swift moving waters that may be scouring the shoreline. Therefore, one potential solution to reduce or eliminate the rate of Palm Cove's estuarine shoreline erosion would be to relocate the channel to a more preferred orientation away from the HOA's properties. A study aimed at evaluating the effectiveness and costs of a channel relocation project could be implemented to determine if such a project could serve as a long-term solution. Palm Cove HOA has retained the services of CPE to perform a feasibility study to perform this evaluation. Other alternatives, including relocating the road between the shoreline and the homes, most likely would only serve as a temporary solution as the erosive pressure in the area would continue.

Thank you for the opportunity to provide this assessment and please don't hesitate to reach out to myself or Ken Willson with any questions or comments.

Sincerely,

**COASTAL PROTECTION ENGINEERING OF NORTH CAROLINA, INC.**

**Adam T. Priest, P.E.**

Coastal Engineer

Office: 910-399-1905

[apriest@coastalprotectioneng.com](mailto:apriest@coastalprotectioneng.com)

## Narrative

As the acting agent for the Palm Cove HOA, I am submitting the enclosed CAMA Major Permit Application to add additional sandbags to the existing sandbag structure located at 1830 to 1848 (Lots 1 thru 10) E. Main Street on Sunset Beach adjacent to Eastern Channel and the Atlantic Ocean, in Brunswick County, North Carolina. As proposed, the additional sandbags will be added to the top of and landward of the existing sandbag structure, which was permitted under ten separate CAMA General Permits, each issued to the individual lot owners on 2/13/20. The majority of the 20' wide by approx. 1,000' long existing structure has continued to experience ongoing erosion from high tides and storm tides over washing the existing sandbags which has resulted in erosion on the landward side of the sandbags and at times washing out sections of the existing road, especially the eastern portion, which is the only access to the 10 lots.

As proposed, the enlarged sandbag revetment will measure a total of 25' wide with the additional 5' in width being on the landward side of the existing sandbags and at least 2 additional layers of sandbags will be added to the existing structure resulting in the overall height being increased from 6' in height to an elevation of 12' above Mean High Water bringing the height of the sandbags above the elevation of the road which continues to be imminently threatened.

All sand which will be used to fill the sandbags will be trucked in from an upland source and a submersible pump will be used to pump water from Eastern Channel to assist in the sand filling of the sandbags. Once installed, the sandbags will be covered with beach compatible sand and planted with American Beach Grass.

The property owners are aware that sandbags are to be used as a temporary measure to control erosion while they explore a more permanent solution such as but not limited to possibly relocating the adjacent channel.

The DWR pre-filing meeting request has been filled out on the website and a copy of the return email resulting from that submittal is included in this CAMA Major Permit application.

- *The project proponent hereby certifies that all information contained herein is true, accurate, and complete to the best of my knowledge and belief. And approx.*
- *The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.*

Please feel free to contact me if you have any questions. Thank you.

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DCM WILMINGTON, NC

# APPLICATION for Major Development Permit

(last revised 12/27/06)



North Carolina DIVISION OF COASTAL MANAGEMENT

<b>1. Primary Applicant/ Landowner Information</b>			
Business Name <b>Palm Cove HOA</b>		Project Name (if applicable) <b>Palm Cove Sandbag Revetment</b>	
Applicant 1: First Name <b>Cyndi</b>	MI	Last Name <b>Levine</b>	
Applicant 2: First Name	MI	Last Name	
<i>If additional applicants, please attach an additional page(s) with names listed.</i>			
Mailing Address <b>904 Calamint Lane</b>		PO Box	City <b>Fayetteville</b>
			State <b>NC</b>
ZIP <b>28305</b>	Country <b>USA</b>	Phone No. <b>260 - 402 - 8947</b> ext.	FAX No. - -
Street Address (if different from above)		City	State -
			ZIP -
Email <b>nurselefty2002@mac.com</b>			

<b>2. Agent/Contractor Information</b>			
Business Name			
Agent/ Contractor 1: First Name <b>Debbie</b>	MI <b>D</b>	Last Name <b>Wilson</b>	
Agent/ Contractor 2: First Name	MI	Last Name	
Mailing Address		PO Box <b>16275</b>	City <b>Wilmington</b>
			State <b>NC</b>
ZIP <b>28408</b>		Phone No. 1 <b>910 - 612 - 0402</b> ext.	Phone No. 2 - - ext.
FAX No.	Contractor #		
Street Address (if different from above)		City	State
			ZIP <b>RECEIVED</b>
Email <b>debbiew75@charter.net</b>			<b>SEP 13 2021</b>

&lt;Form continues on back&gt;

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3. Project Location				
County (can be multiple) <b>Brunswick</b>		Street Address <b>1830 - 1848 East Main Street</b>		State Rd. #
Subdivision Name <b>Palm Cove</b>		City <b>Sunset Beach</b>	State <b>NC</b>	Zip <b>28468</b>
Phone No. <b>260-402 - 8947 ext.</b>		Lot No.(s) (if many, attach additional page with list) <b>1, 2, 3, 4, 5, 6, 7, 8, 9 10</b>		
a. In which NC river basin is the project located? <b>Lumber</b>		b. Name of body of water nearest to proposed project <b>Jinks Creek, Eastern Channel</b>		
c. Is the water body identified in (b) above, natural or manmade? <input checked="" type="checkbox"/> Natural <input type="checkbox"/> Manmade <input type="checkbox"/> Unknown		d. Name the closest major water body to the proposed project site. <b>Atlantic Ocean</b>		
e. Is proposed work within city limits or planning jurisdiction? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		f. If applicable, list the planning jurisdiction or city limit the proposed work falls within. <b>Sunset Beach</b>		

4. Site Description	
a. Total length of shoreline on the tract (ft.) <b>1,070' along Eastern Channel</b>	b. Size of entire tract (sq.ft.) <b>459,558 sq. ft.</b>
c. Size of individual lot(s) <b>1.56, 1.15, 1.06, 0.96, 0.90, 0.86, 0.81, 0.97, 1.09, 1.19</b> (If many lot sizes, please attach additional page with a list) acres	d. Approximate elevation of tract above NHW (normal high water) or NWL (normal water level) <b>4' - 12' <input checked="" type="checkbox"/> NHW or <input type="checkbox"/> NWL</b>
e. Vegetation on tract <b>Sea Oats, American Beach Grass, Lawn Grasses, Palm Trees and ornamental landscaping</b>	
f. Man-made features and uses now on tract <b>Single family residences, paved road, community docking facility, sandbags</b>	
g. Identify and describe the existing land uses <u>adjacent</u> to the proposed project site. <b>Residential</b>	
h. How does local government zone the tract? <b>Residential CR-1</b>	i. Is the proposed project consistent with the applicable zoning? (Attach zoning compliance certificate, if applicable) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
j. Is the proposed activity part of an urban waterfront redevelopment proposal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
k. Has a professional archaeological assessment been done for the tract? If yes, attach a copy. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA  If yes, by whom?	
l. Is the proposed project located in a National Registered Historic District or does it involve a National Register listed or eligible property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	

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<Form continues on next page>

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m. (i) Are there wetlands on the site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(ii) Are there coastal wetlands on the site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
(iii) If yes to either (i) or (ii) above, has a delineation been conducted? <i>(Attach documentation, if available)</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
n. Describe existing wastewater treatment facilities.	
<p style="font-size: 1.2em; margin: 0;">Municipal</p>	
o. Describe existing drinking water supply source.	
<p style="font-size: 1.2em; margin: 0;">Municipal</p>	
p. Describe existing storm water management or treatment systems.	
<p style="font-size: 1.2em; margin: 0;">None</p>	

<b>5. Activities and Impacts</b>	
a. Will the project be for commercial, public, or private use?	<input type="checkbox"/> Commercial <input type="checkbox"/> Public/Government <input checked="" type="checkbox"/> Private/Community
b. Give a brief description of purpose, use, and daily operations of the project when complete.	
<p>The sandbag revetment will provide temporary erosion control protection of the imminently threatened road while exploring possible alternatives to control continued erosion even after the installation of regular sandbags authorized under the CAMA General Permit regulations.</p>	
c. Describe the proposed construction methodology, types of construction equipment to be used during construction, the number of each type of equipment and where it is to be stored.	
<p>The sandbags will be filled with trucked in sand and water pumped from the Eastern Channel skidsteers and or backhoes will be used to move pumps and bags around as needed.</p>	
d. List all development activities you propose.	
<p>Installation of a larger temporary sandbag revetment to protect the only access road to the properties which is still experiencing continued erosion.</p>	
e. Are the proposed activities maintenance of an existing project, new work, or both?	
<p style="font-size: 1.2em; margin: 0;">Both</p>	
f. What is the approximate total disturbed land area resulting from the proposed project?	
<input checked="" type="checkbox"/> Sq.Ft or <input type="checkbox"/> Acres	
<p style="font-size: 1.2em; margin: 0;">5,000</p>	
g. Will the proposed project encroach on any public easement, public accessway or other area that the public has established use of?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
h. Describe location and type of existing and proposed discharges to waters of the state.	
<p style="font-size: 1.2em; margin: 0;">None proposed</p>	
i. Will wastewater or stormwater be discharged into a wetland?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
If yes, will this discharged water be of the same salinity as the receiving water?	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
j. Is there any mitigation proposed?	
<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
If yes, attach a mitigation proposal.	

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**6. Additional Information**

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

- a. A project narrative.
- b. An accurate, dated work plat (including plan view and cross-sectional drawings) drawn to scale. Please give the present status of the proposed project. Is any portion already complete? If previously authorized work, clearly indicate on maps, plats, drawings to distinguish between work completed and proposed.
- c. A site or location map that is sufficiently detailed to guide agency personnel unfamiliar with the area to the site.
- d. A copy of the deed (with state application only) or other instrument under which the applicant claims title to the affected properties.
- e. The appropriate application fee. Check or money order made payable to DENR.

f. A list of the names and complete addresses of the adjacent waterfront (riparian) landowners and signed return receipts as proof that such owners have received a copy of the application and plats by certified mail. Such landowners must be advised that they have 30 days in which to submit comments on the proposed project to the Division of Coastal Management.

Name	Odell Williamson Trustee & Bullington Ladane Trustee	Phone No.
Address	2 Causeway, Ocean Isle Beach, NC 28469	
Name	Preston Tribble	Phone No.
Address	640 Deerfield Farm Ct., Great Falls, VA 22066-3934	
Name		Phone No.
Address		

g. A list of previous state or federal permits issued for work on the project tract. Include permit numbers, permittee, and issuing dates.  
CAMA GP#76201 to Ann Morales on 2/13/20; GP#76202 to Palm Cove Holdings, LLC on 2/13/20; GP# 76203 to Benjamin Levine on 2/13/20; GP#76205 to Long Leaf Pines, LLC on 2/13/20; GP# 76206 to Jill Rannion on 2/13/20; GP# 76207 to Howard Beach House, LLC on 2/13/20; GP# 76204 to Donna Conner on 2/13/20

- h. Signed consultant or agent authorization form, if applicable.
- i. Wetland delineation, if necessary.
- j. A signed AEC hazard notice for projects in oceanfront and inlet areas. (Must be signed by property owner)
- k. A statement of compliance with the N.C. Environmental Policy Act (N.C.G.S. 113A 1-10), if necessary. If the project involves expenditure of public funds or use of public lands, attach a statement documenting compliance with the North Carolina Environmental Policy Act.

**7. Certification and Permission to Enter on Land**

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

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

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

Date 7/20/21 Print Name Debbie Wilson, Agent  
Signature Debbie Wilson

- Please indicate application attachments pertaining to your proposed project.
- DCM MP-2 Excavation and Fill Information
  - DCM MP-3 Upland Development
  - DCM MP-4 Structures Information
  - DCM MP-5 Bridges and Culverts

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# EXCAVATION and FILL

(Except for bridges and culverts)

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

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

	Access Channel (NLW or NWL)	Canal	Boat Basin	Boat Ramp	Rock Groin	Rock Breakwater	Other (excluding shoreline stabilization)
Length							
Width							
Avg. Existing Depth					NA	NA	
Final Project Depth					NA	NA	

**1. EXCAVATION**  This section not applicable

- a. Amount of material to be excavated from below NHW or NWL in cubic yards. \_\_\_\_\_
- b. Type of material to be excavated. \_\_\_\_\_
- c. (i) Does the area to be excavated include coastal wetlands/marsh (CW), submerged aquatic vegetation (SAV), shell bottom (SB), or other wetlands (WL)? If any boxes are checked, provide the number of square feet affected.  
 CW \_\_\_\_\_  SAV \_\_\_\_\_  SB \_\_\_\_\_  
 WL \_\_\_\_\_  None \_\_\_\_\_
- (ii) Describe the purpose of the excavation in these areas:  
 \_\_\_\_\_  
 \_\_\_\_\_
- d. High-ground excavation in cubic yards. \_\_\_\_\_

**2. DISPOSAL OF EXCAVATED MATERIAL**  This section not applicable

- a. Location of disposal area. \_\_\_\_\_
- b. Dimensions of disposal area. \_\_\_\_\_
- c. (i) Do you claim title to disposal area?  
 Yes  No  NA
- (ii) If no, attach a letter granting permission from the owner. \_\_\_\_\_
- d. (i) Will a disposal area be available for future maintenance?  
 Yes  No  NA
- (ii) If yes, where? \_\_\_\_\_
- e. (i) Does the disposal area include any coastal wetlands/marsh (CW), submerged aquatic vegetation (SAV), shell bottom (SB), or other wetlands (WL)? If any boxes are checked, provide the number of square feet affected.  
 CW \_\_\_\_\_  SAV \_\_\_\_\_  SB \_\_\_\_\_  
 WL \_\_\_\_\_  None \_\_\_\_\_
- (ii) Describe the purpose of disposal in these areas:  
 \_\_\_\_\_  
 \_\_\_\_\_
- f. (i) Does the disposal include any area in the water?  
 Yes  No  NA
- (ii) If yes, how much water area is affected? \_\_\_\_\_

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**3. SHORELINE STABILIZATION**

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

This section not applicable

- a. Type of shoreline stabilization:  
 Bulkhead    Riprap    Breakwater/Sill    Other: Sandbags
- b. Length: 1,000'  
 Width: 5' - 25'
- c. Average distance waterward of NHW or NWL:  
0'
- d. Maximum distance waterward of NHW or NWL:  
0'
- e. Type of stabilization material:  
Sandbags 15' x 5' x 2' & 10' x 5' x 2'
- f. (i) Has there been shoreline erosion during preceding 12 months?  
 Yes    No    NA  
 (ii) If yes, state amount of erosion and source of erosion amount information.  
Observation & documentation by DCM Staff & Agent and evidenced by continued erosion after the existing sandbags were installed of approx. 5' - 20'
- g. Number of square feet of fill to be placed below water level.  
 Bulkhead backfill \_\_\_\_\_ Riprap \_\_\_\_\_  
 Breakwater/Sill \_\_\_\_\_ Other 0 - 500
- h. Type of fill material.  
Sandbags filled with trucked in sand from upland source
- i. Source of fill material.  
Sandbags filled with trucked in sand from upland source

**4. OTHER FILL ACTIVITIES**

(Excluding Shoreline Stabilization)

This section not applicable

- a. (i) Will fill material be brought to the site?  Yes    No    NA  
 If yes,  
 (ii) Amount of material to be placed in the water None  
 (iii) Dimensions of fill area 5' - 10' x up to 1,000'  
 (iv) Purpose of fill  
To cover sandbags
- b. (i) Will fill material be placed in coastal wetlands/marsh (CW), submerged aquatic vegetation (SAV), shell bottom (SB), or other wetlands (WL)? If any boxes are checked, provide the number of square feet affected.  
 CW \_\_\_\_\_    SAV \_\_\_\_\_    SB \_\_\_\_\_  
 WL \_\_\_\_\_    None  
 (ii) Describe the purpose of the fill in these areas:  
To cover sandbags

**5. GENERAL**

- a. How will excavated or fill material be kept on site and erosion controlled?  
Sand will be placed in sandbags silt fence will be used if needed
- b. What type of construction equipment will be used (e.g., dragline, backhoe, or hydraulic dredge)?  
Submersible pump, skid steer and or backhoe
- c. (i) Will navigational aids be required as a result of the project?  
 Yes    No    NA  
 (ii) If yes, explain what type and how they will be implemented.  
 \_\_\_\_\_  
 \_\_\_\_\_
- d. (i) Will wetlands be crossed in transporting equipment to project site?  Yes    No    NA  
 (ii) If yes, explain steps that will be taken to avoid or minimize environmental impacts.  
 \_\_\_\_\_  
 \_\_\_\_\_

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7/28/21

Date

Palm Cove Sandbag Revetment

Project Name

Palm Cove HOA

Applicant Name

Debbie Wilson Agent for DCM WILMINGTON, NC  
 Applicant Signature

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# DWR Pre-Filing Meeting Request Form



**Contact Name \*** Debbie Wilson  
**Contact Email Address \*** debbiew75@charter.net  
**Project Owner \*** Palm Cove Subdivision HOA c/o Cyndi Levine, President  
**Project Name \*** Palm Cove Sandbag Revetment  
**Project County \*** Brunswick

**Owner Address: \***

<b>Street Address</b>	
1830 to 1848 E Main Street	
<b>Address Line 2</b>	
<b>City</b>	<b>State / Province / Region</b>
Sunset Beach	NC
<b>Postal / Zip Code</b>	<b>Country</b>
28468	USA

**Is this a transportation project? \***  Yes  No

**Type(s) of approval sought from the DWR:**

401 Water Quality Certification - Regular  401 Water Quality Certification - Express  
 Individual Permit  Modification  
 Shoreline Stabilization

**Does this project have an existing project ID#? \***  
 Yes  No

**Do you know the name of the staff member you would like to request a meeting with?**  
Holley Snider

**Please give a brief project description below and include location information. \***  
Propose to add additional sandbags to the existing 20' x 1,000' sandbag structure. New sandbags will be placed landward of the existing sandbags (approx. and additional 5' in width) to an elevation of 12' above MHW.

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**By digitally signing below, I certify that I have read and understood that per the Federal Clean Water Act Section 401 Certification Rule the following statements:**

- This form completes the requirement of the Pre-Filing Meeting Request in the Clean Water Act Section 401 Certification Rule.
- I understand by signing this form that I cannot submit my application until 30 calendar days after this pre-filing meeting request.
- I also understand that DWR is not required to respond or grant the meeting request.

Your project's thirty-day clock started upon receipt of this application. You will receive notification regarding meeting location and time if a meeting is necessary. You will receive notification when the thirty-day clock has expired, and you can submit an

**AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION**

Name of Property Owner Requesting Permit: Dennis R. Delahanty, Trustee  
Ann Cadigan Morales Revocable Trust

Mailing Address: 23 Corporate Plaza Drive, Suite 150  
Newport Beach CA 92660

Phone Number: 949-660-6300 (off); 949-230-3777 (cell)

Email Address: d.delahanty.law@gmail.com

I certify that I have authorized Debbie Wilson, Agent,  
Agent / Contractor

to act on my behalf, for the purpose of applying for and obtaining all CAMA permits  
necessary for the following proposed development: Shoreline stabilization consisting  
of additional sandbags.

at my property located at 1 Palm Cove, Sunset Beach, NC,  
in Brunswick County.

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

**Property Owner Information:**

Dennis R. Delahanty  
Signature

Dennis R. Delahanty  
Print or Type Name

Trustee  
Title

7 / 12 / 2021  
Date

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This certification is valid through 12 / 31 / 2021

# NC DIVISION OF COASTAL MANAGEMENT SANDBAG REMOVAL NOTICE

I, Ann Morales, understand that sandbags are temporary erosion control structures that may remain in place for up to eight years after the date of approval if it is protecting a building and an associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

In this case the sandbag alignment may remain in place up to: 8 years Permit No. 76201

Address of the Structure Being Protected:

Lot 1 Palm Cove Plat 84/81  
Sunset Beach, 28468

Property Owner: Ann Morales  
(Firm, Corporation or Individual)

If the property is owned by a Firm or Corporation give the name of the officer or authorized representative: 2/5/2020

Ann Morales  
DocuSigned by: Ann Morales Print Name Ann Morales Date  
50CA7C931F3548B... Signature

If an agent is obtaining the permit on your behalf the following section must be completed in full:

I, Ann Morales, give permission to, Tim Jackson  
Print owner or Officer Name Print Agent Name

to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted above.

DocuSigned by: Ann Morales Owner or Officer Signature  
50CA7C931F3548B...  
Tim Jackson Print Agent Name

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DCM WILMINGTON, NC

# NC DIVISION OF COASTAL MANAGEMENT SANDBAG REMOVAL NOTICE

I, Bobby Harrelson, understand that sandbags are temporary erosion control structures that may remain in place for up to eight years after the date of approval if it is protecting a building and an associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

In this case the sandbag alignment may remain in place up to: 8 years Permit No. 76202

Address of the Structure Being Protected:

Lot 4 Palm Cove Plat 84/81

Sunset Beach, 28468

Property Owner: Palm Cove Holdings  
(Firm, Corporation or Individual)

If the property is owned by a Firm or Corporation give the name of the officer or authorized representative:

2/6/2020

Bobby Harrelson

Designated by: Bobby Harrelson Print Name \_\_\_\_\_ Date \_\_\_\_\_  
F9FB3B8896614FE...  
Signature

If an agent is obtaining the permit on your behalf the following section must be completed in full:

I, Bobby Harrelson, give permission to, Tim Jackson  
Print Owner or Officer Name Print Agent Name

to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted

Designated by: Bobby Harrelson  
F9FB3B8896614FE...  
Owner or Officer Signature

Tim Jackson  
Print Agent Name

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**AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION**

Name of Property Owner Requesting Permit: Palm Cove HOA / of Cyndi Levine

Mailing Address: 904 Calamint Lane  
Fayetteville, NC 28305

Phone Number: 260-462-8947

Email Address: nuiselefty2002@aol.com

I certify that I have authorized Jebbie Wilson,  
Agent / Contractor

to act on my behalf, for the purpose of applying for and obtaining all CAMA permits

necessary for the following proposed development: Shoreline  
Stabilization for Palm Cove

at my property located at Palm Cove, Sunset Beach,  
in Bunswick County.

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

**Property Owner Information:**

Cyndi Levine  
Signature

Cyndi Levine  
Print or Type Name

President HOA  
Title

7/1/21  
Date

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This certification is valid through     /    /



**AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION**

Name of Property Owner Requesting Permit: Louis Pittard

Mailing Address: 4994 Lake Tree Lane  
Crozet, VA 22932

Phone Number: 434 823 6258

Email Address: clp7v@icloud.com

I certify that I have authorized Debbie Wilson, Agent,  
Agent / Contractor

to act on my behalf, for the purpose of applying for and obtaining all CAMA permits  
necessary for the following proposed development: Shoreline stabilization consisting  
of additional sandbags.

at my property located at Lot 4 Palm Cove, Sunset Beach, NC,

in Brunswick County.

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

**Property Owner Information:**

*C. Louis Pittard*

Signature

C. Louis Pittard

Print or Type Name

Title

7 / 22 / 2021

Date

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SEP 13 2021

This certification is valid through 12 / 31 / 2022

DCM WILMINGTON, NC



# NC DIVISION OF COASTAL MANAGEMENT SANDBAG REMOVAL NOTICE

I, Jill Marie Ronnion, understand that sandbags are temporary erosion control structures that may remain in place for up to eight years after the date of approval if it is protecting a building and an associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

In this case the sandbag alignment may remain in place up to: 8 years Permit No. 762010

Address of the Structure Being Protected:

Lot 5 Palm Cove Plat 84/81

Sunset Beach, 28468

Property Owner: Jill Marie Ronnion

(Firm, Corporation or Individual)

If the property is owned by a Firm or Corporation give the name of the officer or authorized representative:

2/5/2020

Jill Marie Ronnion  
Print Name  
[Signature]  
Signature  
60FD136089554483...

Date

If an agent is obtaining the permit on your behalf the following section must be completed in full:

I, Jill Marie Ronnion, give permission to, Tim Jackson  
Print owner or Officer Name Print Agent Name

to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted above

DocuSigned by:  
[Signature]  
Owner or Officer Signature  
60FD136089554483...

Tim Jackson

Print Agent Name

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**AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION**

Name of Property Owner Requesting Permit: Tim & Adrian Donatelli

Mailing Address: 119 Cranberry Pointe Way  
Beckley, WV 25801

Phone Number: 304-575-0227

Email Address: adrianfockler@yahoo.com

I certify that I have authorized Debbie Wilson, Agent,  
Agent / Contractor

to act on my behalf, for the purpose of applying for and obtaining all CAMA permits  
necessary for the following proposed development: Shoreline stabilization consisting  
of additional sandbags.

at my property located at Lot 16 Palm Cove, Sunset Beach NC  
in Brunswick County.

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

**Property Owner Information:**

Adrian Donatelli  
Signature

Adrian Donatelli  
Print or Type Name

Owner  
Title

7, 13, 21  
Date

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This certification is valid through     /    /

### NC DIVISION OF COASTAL MANAGEMENT SANDBAG REMOVAL NOTICE

I, Kelly Howard, understand that sandbags are temporary erosion control structures that may remain in place for up to eight years after the date of approval if it is protecting a building and an associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

In this case the sandbag alignment may remain in place up to: 8 years, Permit No. 76207

Address of the Structure Being Protected:

Lot 6 Palm Cove Piat 84/81

Sunset Beach, 28468

Property Owner: Kelly Howard  
(Firm, Corporation or Individual)

If the property is owned by a Firm or Corporation give the name of the officer or authorized representative:

2/6/2020

DocuSign Kelly Howard  
K. C. Howard Print Name  
847081861C50442 Managing Member  
Signature

Date

If an agent is obtaining the permit on your behalf the following section must be completed in full:

I, Kelly Howard, give permission to, Tim Jackson  
Print owner or Officer Name Print Agent Name

to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted

above  
Signature of:  
K. C. Howard  
847081861C50442 Managing Member  
Owner or Officer Signature

Tim Jackson  
Print Agent Name

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NC DIVISION OF COASTAL MANAGEMENT  
SANDBAG REMOVAL NOTICE

I, Donna W. Conner, understand that sandbags are temporary erosion control structures that may remain in place for up to eight years after the date of approval if it is protecting a building and an associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

In this case the sandbag alignment may remain in place up to: 8 yrs Permit No. 70204

Address of the Structure Being Protected:

Lot 7 Palm Cove Plat 84/81

Sunset Beach, 28468

Property Owner: Donna W. Conner

(Firm, Corporation or Individual)

If the property is owned by a Firm or Corporation give the name of the officer or authorized representative:

Donna W. Conner  
Print Name

2/6/2020  
Date

Donna W. Conner  
Signature

If an agent is obtaining the permit on your behalf the following section must be completed in full:

I, Donna W. Conner, give permission to, Tim Jackson  
Print owner or Officer Name Print Agent Name

to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted above.

Donna W. Conner  
Owner or Officer Signature

Tim Jackson

Print Agent Name

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DCM WILMINGTON, NC

**AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION**

Name of Property Owner Requesting Permit: Karen Triplett

Mailing Address: 2808 Chelsea Circle

Durham, NC 27707

Phone Number: (919) 451-2552

Email Address: Karenwtriplett@yahoo.com

I certify that I have authorized Debbie Wilson, Agent,  
Agent / Contractor

to act on my behalf, for the purpose of applying for and obtaining all CAMA permits  
necessary for the following proposed development: Shoreline stabilization consisting  
of additional sandbags.

at my property located at 1844 East Main St. Sunset Beach, NC  
in Brunswick County. 28468

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

**Property Owner Information:**

Karen Triplett  
Signature

Karen Triplett  
Print or Type Name

owner  
Title

07 / 13 / 2021  
Date

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SEP 13 2021

DCM WILMINGTON, NC

This certification is valid through     /    /



### NC DIVISION OF COASTAL MANAGEMENT SANDBAG REMOVAL NOTICE

I, Susan E Spratt/David A Tendler, understand that sandbags are temporary erosion control structures that may remain in place for up to eight years after the date of approval if it is protecting a building and an associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

In this case the sandbag alignment may remain in place up to: 8 years Permit No. 76902

Address of the Structure Being Protected:

Lot 9 Palm Cove Plat 84/81

Sunset Beach, 28468

Property Owner: Susan E Spratt/David Tendler

(Firm, Corporation or Individual)

If the property is owned by a Firm or Corporation give the name of the officer or authorized representative: 2/5/2020

DocuSigned by: E Spratt/David A Tendler



Print Name

Date

Signature

If an agent is obtaining the permit on your behalf the following section must be completed in full:

I, Susan E Spratt/David A Tendler, give permission to, Tim Jackson  
Print owner or Officer Name Print Agent Name

to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted above.

DocuSigned by:



Owner or Officer Signature

Tim Jackson

Print Agent Name

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AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION

Name of Property Owner Requesting Permit: Tatiana McCeen

Mailing Address: 205 Tuscarora Rd  
Carthage, NC 28327

Phone Number: 910-322-5787

Email Address: tatianaX5@centurylink.net

I certify that I have authorized Debbie Wilson, Agent  
Agent / Contractor

to act on my behalf, for the purpose of applying for and obtaining all CAMA permits  
necessary for the following proposed development: Shoreline stabilization consisting

of additional sandbags. Palmcove Lot # 10

at my property located at ↓

in Brunswick County.

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

Property Owner Information:

T. McCeen  
Signature

TATIANA MCCeen  
Print or Type Name

OWNER  
Title

07 / 21 / 2021  
Date

This certification is valid through     /    /    

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### NC DIVISION OF COASTAL MANAGEMENT SANDBAG REMOVAL NOTICE

I, Tatiana McCuen, understand that sandbags are temporary erosion control structures that may remain in place for up to eight years after the date of approval if it is protecting a building and an associated septic system, a bridge or a road. The property owner shall be responsible for removal of any portion of the temporary erosion control structure exposed above grade within 30 days of the end of the allowable time period. Any portion of the temporary erosion control structure that becomes exposed above grade after the expiration of the permitted time period shall be removed by the property owner within 30 days of official notification from the Division of Coastal Management.

In this case the sandbag alignment may remain in place up to: 8 years Permit No. 74210

Address of the Structure Being Protected:

Lot 10 Palm Cove Plat 84/81

Sunset Beach 28468

Property Owner: Tatiana McCuen  
(Firm, Corporation or Individual)

If the property is owned by a Firm or Corporation give the name of the officer or authorized representative:

Tatiana McCuen

DocuSigned by: T. McCuen Print Name: \_\_\_\_\_ Date: \_\_\_\_\_  
3122AS/970E9431 Signature

If an agent is obtaining the permit on your behalf the following section must be completed in full:

I, Tatiana McCuen, give permission to, Tim Jackson  
Print owner or Officer Name Print Agent Name

to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted above.

DocuSigned by: T. McCuen Owner or Officer Signature  
3122AS/970E9431  
Tim Jackson Print Agent Name

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**AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION**

Name of Property Owner Requesting Permit: Frank Capobianco

Mailing Address: 10 Celestial Court  
St. James, NY 11780

Phone Number: 631-741-0098

Email Address: danacapobianco@gmail.com

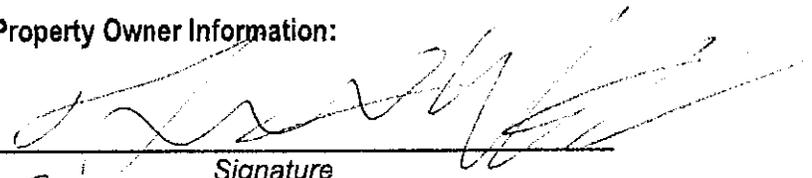
I certify that I have authorized Debbie Wilson, Agent,  
Agent / Contractor

to act on my behalf, for the purpose of applying for and obtaining all CAMA permits  
necessary for the following proposed development: Shoreline stabilization consisting  
of additional sandbags.

at my property located at 1846 E Main Street, Sunsea Beach, NC,  
in Brunswick County.

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

**Property Owner Information:**



Signature

Frank Capobianco

Print or Type Name

owner

Title

07, 14, 21

Date

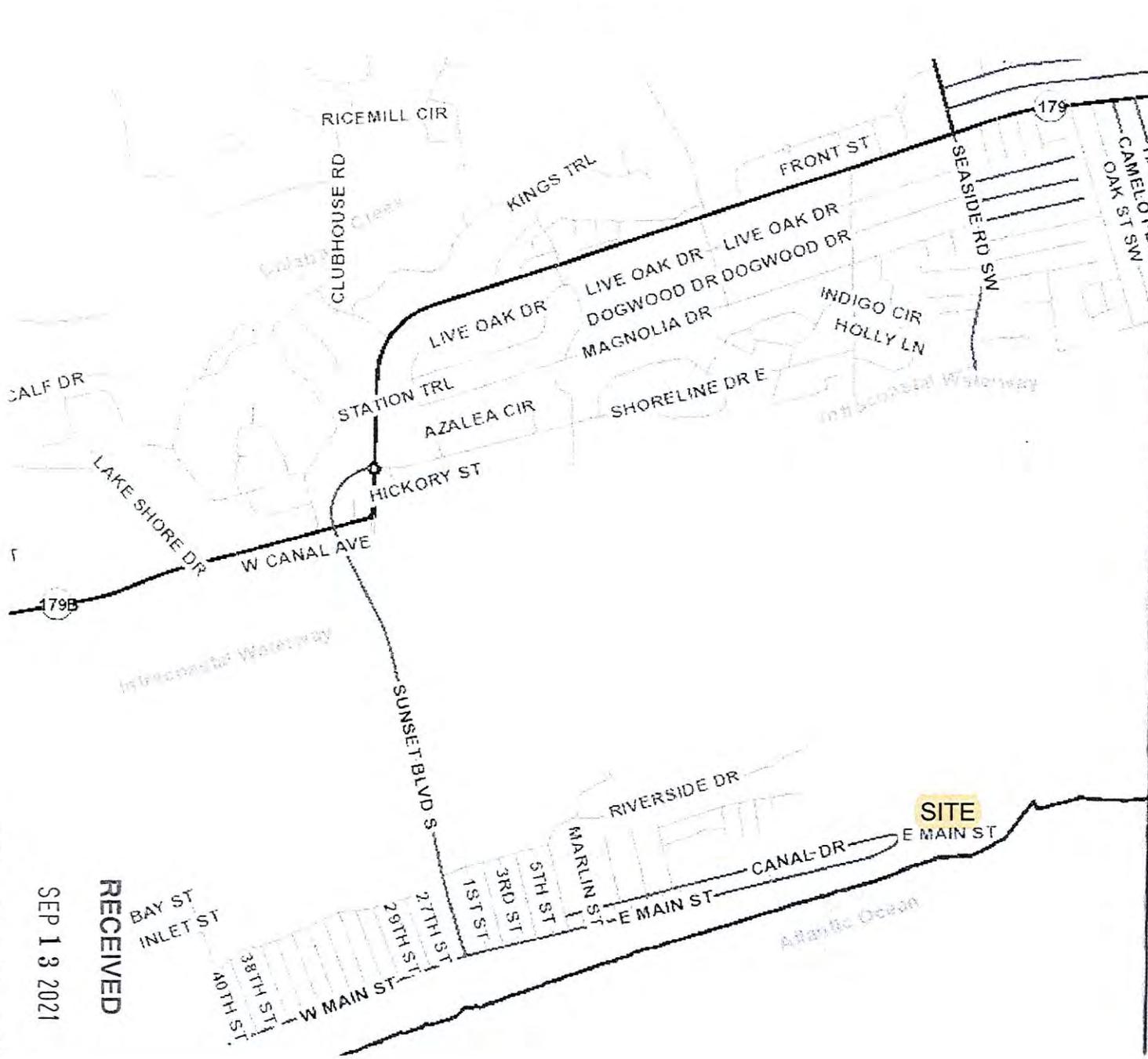
**RECEIVED**

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# Vicinity Map



1 of 5

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Palm Cove HOA  
Sandbag Revetment  
c/o Cyndi Levine  
Lots 1 - 10, Sunset Beach  
Brunswick County  
Prepared By: Debbie Wilson  
8/2/21 NTS Sheet 1 of 5

Aerial Photo From DCM's Website Showing Current AEC



2 of 5

Palm Cove Subdivision HOA  
 Sandbag Revetment  
 c/o Cyndi Levine  
 Lots 1 – 10, Sunset Beach  
 Brunswick County  
 Prepared By: Debbie Wilson  
 8/2/21 NTS Sheet 2 of 5

8/9/2021 1:41:18 PM  
 Inlet Hazard Areas  
 Parcels

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Existing Sandbag Structure In Yellow  
Approx. 20' Wide x 1,000' long



Existing Community Docking Facility



← Eastern Channel →

Existing Sandbags

Sidell Williams Trustee  
Bullington Ladane Trustee

Lot 10

Lot 9

Lot 8

Lot 7

Lot 6

Lot 5

Lot 4

Lot 2

Lot 1

Lot 3

East Main St.

Palm Cove Subdivision

Preston  
Trible

Palm Cove Subdivision HOA  
Sandbag Revetment  
c/o Cyndi Levine  
Lots 1 – 10, Sunset Beach  
Brunswick County  
Prepared By: Debbie Wilson  
8/2/21 NTS Sheet 3 of 5

Google Earth

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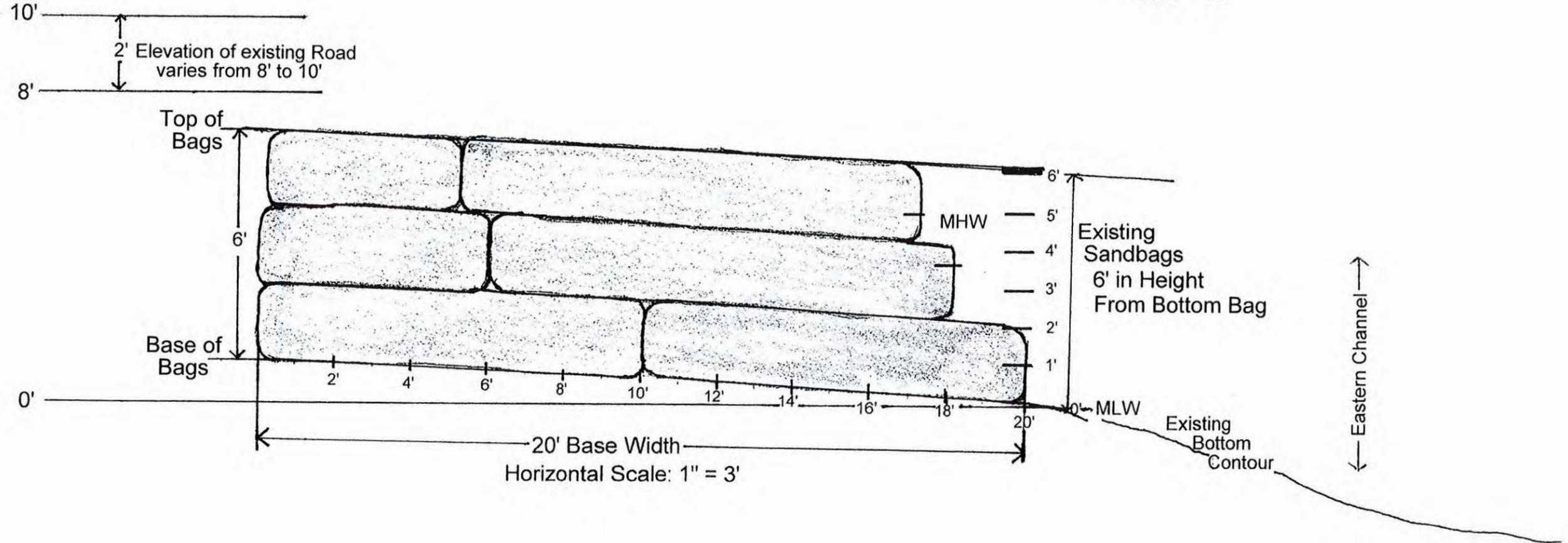
DCM WILMINGTON, NC

# Existing Conditions

Palm Cove Subdivision HOA  
 c/o Cyndi Levine  
 Sandbag Revetment  
 Lots 1 - 10, Sunset Beach  
 Brunswick County  
 Drawn By: Debbie Wilson  
 7/20/21 Scale: 1" = 3'  
 Sheet 4 of 5

All Elevations Are Relative to MLW  
 MHW = 4.95'  
 MLW = 0.0'

Adjacent Road



RECEIVED

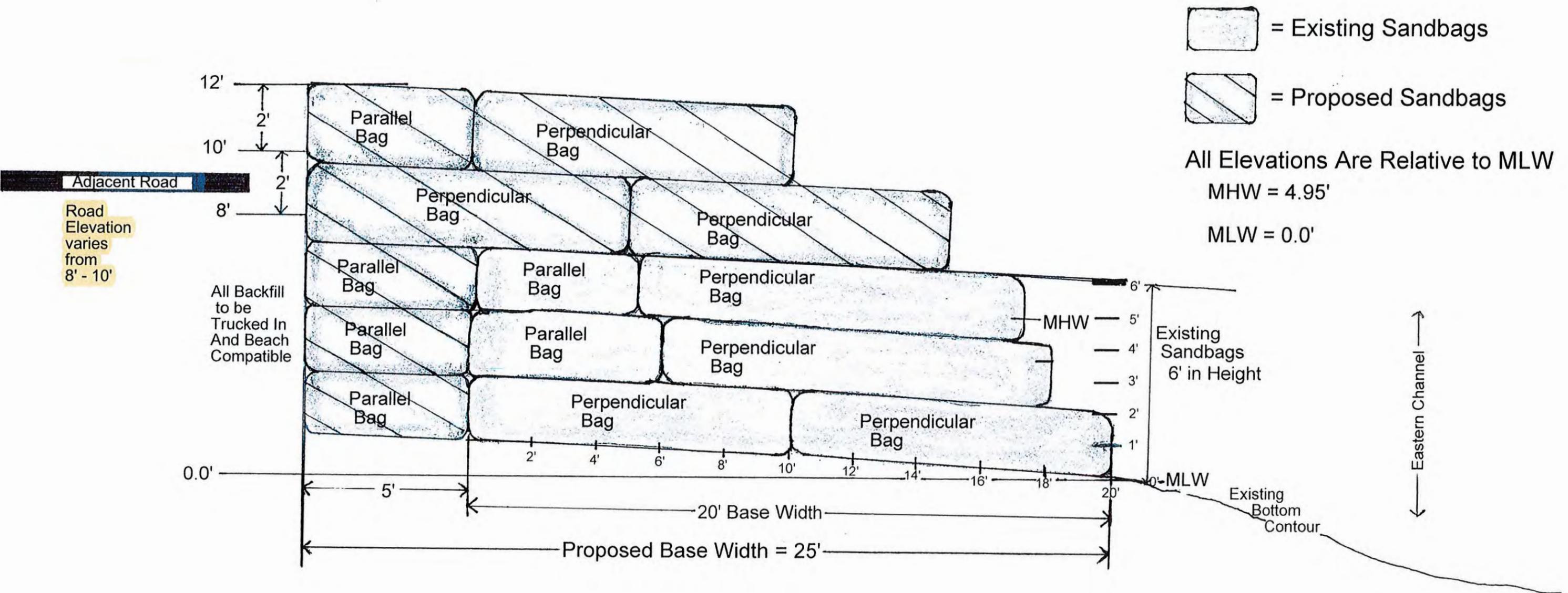
SEP 13 2021

DCM WILMINGTON, NC

# Proposed Structures

## X-Sections

Palm Cove Subdivision HOA  
 c/o Cyndi Levine  
 Sandbag Revetment  
 Lots 1 - 10, Sunset Beach  
 Brunswick County  
 Drawn By: Debbie Wilson  
 7/20/21 Scale: 1" = 3'  
 Sheet 5 of 5



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Photo 1: Palm Cove Erosion Escarpment between Lots 7 & 8.  
Note\* Riprap pictured was unauthorized and removed/restored under NOV #20-03  
Photo Taken 2-21-2020

1 of 3



2 of 3

Photo 2: Sandbag installation completed, bags covered with beach compatible material and planted with dune species. Photo taken on 4-27-2020 from the Palm Cove Community Pier looking east.



Photo 3: Overwashed sandbags with scouring present from heavy rain. Photo taken after Hurricane Isaias on 8/5/2020 at lot 7 looking west.



**DIVISION OF COASTAL MANAGEMENT  
FIELD INVESTIGATION REPORT**

1. **APPLICANT'S NAME:** Palm Cove HOA c/o Cyndi Levine
2. **LOCATION OF PROJECT SITE:** Site is located between 1830 – 1848 E. Main St, within the Palm Cove Subdivision, adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County.

**Coordinates:** Latitude N 33°52'22.53" Longitude W 78°29'14.61"

3. **INVESTIGATION TYPE:** CAMA/D&F
4. **INVESTIGATIVE PROCEDURE:** Dates of Site Visit – 9/15/2021  
Was Applicant Present – No
5. **PROCESSING PROCEDURE:** Application Received – 9-13-2021  
Application Complete – 9-29-2021  
Pre-Filing Date – 8/9/2021  
30-Day Pre-Filing Deadline – 8/9/2021  
Office – Wilmington

6. **SITE DESCRIPTION:**

- (A) Local Land Use Plan - Town of Sunset Beach  
Land Classification From LUP – Mainland Residential CR-1
- (B) AEC(s) Involved: PTA, IH
- (C) Water Dependent: Yes
- (D) Intended Use: Residential
- (E) Water and Wastewater Treatment: Existing - Municipal Sewer  
Planned - N/A
- (F) Type of Structures: Existing - sandbag revetment, rock revetment, private docking facilities, private road, residential structures, and community access-ways  
Planned - Oversized sandbag revetment

7. **HABITAT DESCRIPTION:**

	DREDGED	[AREA] FILLED	OTHER
(A) Uplands	N/A	N/A	5,000 sq. ft. (Sandbags placed landward of NHW)
(B) Vegetated Wetlands	N/A	N/A	N/A
(C) Open Water	N/A	N/A	N/A

- (D) Total Area Disturbed: 5,000 sq. ft. (.11 acres)
- (E) Primary Nursery Area: No
- (F) Water Classification: SA; HQW                      Open: Yes

8. **PROJECT SUMMARY:** The applicant is proposing to increase an existing sandbag revetment to an oversized alignment, totaling approximately 25,000 sq. ft., to protect an imminently threatened right-of-way and access road adjacent to the Eastern Channel of Jinks Creek on the east end of Sunset Beach.

## 9. PROJECT DESCRIPTION

The proposed project site is located in the Palm Cove Subdivision between 1830 – 1848 E. Main St, adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County.

The property can be reached from Wilmington by traveling south on NC HWY 17 towards South Carolina. Continue 35 miles south on NC HWY 17 and make a left turn onto Seaside Road SW. Drive south Seaside Road SW for 3.5 miles and take a right onto Sunset Blvd N for 2 miles. At the round-about, take the first right and continue over the bridge. Take the second left onto E. Main St. and continue to the end where a gate will mark the entrance of Palm Cove Subdivision. The project site will consist of Lots 1-10 in the Palm Cove Subdivision.

The project area would span across Lots 1-10 in the Palm Cove subdivision, located at the eastern tip of Sunset Beach. Each of the 10 lots are individually owned, measuring approximately 1-acre per lot with approximately 100 linear feet of shoreline. The project site is bordered by the Eastern Channel of Jinks Creek to the north, Tubbs Inlet to the east, the Atlantic Ocean to the south, and residential lots to the west. The high ground portion of the property is stabilized by a mix of natural and planted vegetation. Species include Salt Meadow Hay (*Spartina patens*), Sea Oats (*Uniola paniculata*), American Beachgrass (*Ammophila breviligulata*), American Marsh-pennywort (*Hydrocotyle americana*) and planted ornamental vegetation. No Coastal Wetlands were observed within the limits of the proposed project area. The Estuarine Shoreline and Ocean Erodible Area splits approximately halfway across Lot 1 as evidence by an existing private docking facility and a partial riprap revetment. The current elevation of the project area ranges from 4ft-10ft. above Mean High Water (MHW) according to the applicant. The annual erosion rate on the oceanward side of the project area is +3.5ft./year per the Division of Coastal Management's 2020 Annual Erosion Rate maps. Official shoreline erosion rates on the soundside of the project area have not been determined but satellite imagery shows the pace of soundside erosion has increased with recent major hurricanes including Florence, Dorian, and Isaias. The entire project area is located within the Inlet Hazard Area.

Existing site conditions include a sandbag revetment measuring approximately 6ft. in height by 20ft. in width by 1000ft. in length running east to west along the Eastern Channel. The landward edge of the existing sandbag revetment follows the erosion escarpment except in areas where the right-of-way (ROW) had been compromised and had to be rebuilt to protect the only access road. Depending on the location, the waterward side of the existing sandbag revetment ranges from at NHW to -5ft. NHW. The sandbags were permitted to protect the eroded ROW in order to repair the roadway that was also impacted by accelerated erosion. Due to time constraints associated with the CAMA Major Permit process, the existing sandbags were authorized under 10 separate CAMA General Permits (GP#76201D - #76210D) on 2-13-2020. Minor permits SB#20-03 and SB#20-04 were issued to backfill sandbags and restore the ROW on 2-28-2020 and 4-22-2020, respectively. Re-issued CAMA General Permits (GP#75848D - #75850D) were authorized for emergency sandbags on Lots 1-3 on 4-8-2020. Various exemptions have been issued to repair the existing sandbag structures as sandbags become torn or fall out of the authorized footprint. The sandbag removal forms state that the existing temporary sandbag revetment will need to be removed or covered and vegetated by 2028. Additional shoreline stabilization exists within the project area. Approximately 83ft. of shoreline on Lot 1 exhibits estuarine shoreline characteristics and is stabilized by a riprap revetment. No permit history can be found for the riprap revetment or the docking facility associated with Lot 1, but aerial imagery shows they existed back to 2005. An exemption for riprap repair was issued on 2-13-2020. The existing 9-slip community docking facility was granted a variance by the CRC on 10-22-2014.

The waters of the Eastern Channel are classified **SA** by the Division of Water Quality and **ARE NOT** designated as a Primary Nursery Area (PNA) by the N.C. Division of Marine Fisheries. They are **OPEN** to the harvest of shellfish. Based on visual observations made by DCM staff during the September 2021 site visit, there appears to be **NO** Submerged Aquatic Vegetation (SAV) or live oyster beds in the surrounding waters. According to the applicant, tidal amplitude in the project area is approximately 5ft. between MLW and MHW.

## **PROPOSED PROJECT**

The applicant is proposing to increase an existing sandbag revetment to an oversized alignment, totaling approximately 25,000 sq. ft., to protect an imminently threatened right-of-way and access road adjacent to the Eastern Channel of Jinks Creek on the east end of Sunset Beach.

As proposed, the sandbag revetment would adjoin, or abut, the landward side of the existing sandbag revetment located along the project area's shoreline adjacent to the Eastern Channel of Jinks Creek. As designed, the sandbag revetment would consist of multiple bag layers, increasing the base width to 25ft. and the crest height to 12ft. above MHW, bringing the height of the sandbags above the elevation of the road.

As described in the application's cross section (sheet 5 of 5), traditional sandbags (i.e. each tan in color, 5ft. in width and 10ft.-15ft. in length) would be installed along approximately 1000 linear feet of shoreline. The proposed sandbags would be stacked landward and atop the existing sandbag revetment. Once complete, the sandbags would extend an additional 5ft. landward in a stair-stepped arrangement, for a total base width of approximately 25ft. The total footprint of the sandbag revetment would increase from approximately 20,000 sq. ft. to approximately 25,000 sq. ft. The proposed sandbag revetment would increase the existing vertical dimension of the sandbags to a proposed height of approximately 12ft. above MHW (sheet 5 of 5). As proposed, a single layer of sandbags would be placed adjacent to the lowest landward existing bags, alternating between parallel and perpendicular orientation as they are stacked vertically (sheet 5 of 5). Once the proposed height of 12ft. above MHW is achieved, the revetment would then stair step waterward, terminating above MHW along the Eastern Channel of Tubbs Inlet. The sandbags would be placed atop existing backfill and actively eroding dune vegetation that was previously planted to stabilize the authorized fill. According to the application, a scour apron would be laid below the sandbags and span the entire length of the project.

The applicant has accounted for approximately 5,0000 sq. ft. of impacts above the approximate MHW line, however, these numbers will likely change again prior to initiation of the project due to the continuing shoreline erosion. According to the application package, the applicant intends to fill the sandbags with clean beach compatible material trucked in from an approved upland source. An updated letter of agreement from the owner of the sandpit will be included in the project file. As proposed, the applicant would store the trucked-in sand a minimum of 30ft. from high water and use a submersible pump to pump water out of the Eastern Channel to assist with fillings the sandbags. Prior to the placement of sandbags, a skid steer would be used to shape the profile of the proposed revetment area.

## **10. ANTICIPATED IMPACTS**

The proposed sandbags would incorporate approximately 5,000 sq. ft. of high ground area above MHW that is also proposed to be disturbed by a skid steer to shape the profile of the revetment prior to sandbag placement. During the shaping process, disturbance of natural and planted dune vegetation should be expected. Once completed, the applicant has proposed to cover the sandbags with beach compatible material and replant American Beach Grass (*Ammophila breviligulata*) to help stabilize the soil. Although the entire work area is above MHW, temporary impacts including increased turbidity can be expected as fine sands are pumped into the sandbags.

**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

Odell Williamson Trustee and  
 Bullington Ladane Williamson Trustee  
 2 Causeway  
 Ocean Isle Beach, NC 28469



9590 9402 4674 8323 6014 80

2. Article Number (Transfer from service label)

7020 0640 0000 0376 7394

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Nadia Bullington*

Agent  
 Addressee

B. Received by (Printed Name)

*Nadia Bullington*

C. Date of Delivery

*8/13/21*

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

SEP 13 2021

DCM WILMINGTON, NC

3. Service Type

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

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

Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

Preston Tribble  
 640 Deerfield Farm Ct.  
 Great Falls, VA 22066-3934



9590 9402 4674 8323 6014 97

2. Article Number (Transfer from service label)

7020 0640 0000 0376 7400

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Preston Tribble*

Agent  
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

SEP 13 2021

DCM WILMINGTON, NC

3. Service Type

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

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

Domestic Return Receipt

# NOTICE

## CAMA PERMIT APPLIED FOR

PROJECT: Applicant proposed to increase an existing  
sandbag revetment to an oversized alignment, totaling  
approx. 25,000sqft to protect an imminently threatened  
right-of-way access road at 1830 – 1848 E. Main St.,  
adjacent to the Eastern Channel of Jinks Creek in  
Sunset Beach, Brunswick County

COMMENTS ACCEPTED THROUGH **October 25, 2021**

APPLICANT:

Palm Cove HOA  
c/o Cyndi Levine  
904 Calamint Lane  
Fayetteville, NC 28305

Agent: Debbie Wilson  
(910) 612-0402



FOR MORE DETAILS CONTACT  
THE LOCAL PERMIT OFFICER BELOW:

NC Div. of Coastal Management  
127 Cardinal Dr. Ext.  
Wilmington, NC 28405  
Brendan Brock (910) 796-7270



NORTH CAROLINA  
Environmental Quality

ROY COOPER  
Governor

ELIZABETH S. BISER  
Secretary

BRAXTON DAVIS  
Director, Division of Coastal Management

September 29, 2021

GanLegPubNotices@gannett.com  
2 Pages

Star News  
Legal Advertisement Section

Re: Major Public Notice for:

- **Palm Cove HOA – Brunswick County**
- **Keith & Pamela Harrold – Brunswick County**
- **Christopher Scerri – New Hanover County**

Hello: Please publish the attached Notice in the **Monday, October 4, 2021** issue.

The State Office of Budget & Management requires an original Affidavit of Publication prior to payment for newspaper advertising.

**\*\*\*\*\*Please send both original affidavit and invoice for payment to:**

**NC Division of Coastal Management, c/o Tanya Pietila, 127 Cardinal Drive Extension, Wilmington, NC 28405.**  
Contact number: 910-796-7226. Paying by credit card, (Customer No. 489895).

**Please email a copy of the credit card receipt to me.**

Thank you for your assistance in this matter.

Sincerely,

Tanya K. Pietila  
Permitting Support & Customer Assistance

cc: MHC Files  
Cameron Luck – MHC  
USACE

**NOTICE OF FILING OF  
APPLICATION FOR CAMA MAJOR  
DEVELOPMENT PERMIT**

The Department of Environmental Quality hereby gives public notice as required by NCGS 113A-119(b) that the following applications were submitted for a development permits in Areas of Environmental Concern as designated under the CAMA: *On September 29, 2021 Palm Cove HOA proposed to increase an existing sandbag revetment to an oversized alignment, totaling approx. 25,000sqft to protect an imminently threatened right-of-way access road at 1830 – 1848 E. Main St., adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County; On September 22, 2021 Keith & Pamela Harrold proposed to install a private four (4) slip docking facility with gazebo & boathouse at 427 Shoreline Dr. W., adjacent to the AIWW in Sunset Beach, Brunswick County; And on September 29, 2021 Christopher Scerri proposed to perform new dredging with the expansion & reconfiguration a private docking facility to a total of four (4) slips at 125 Parmele Blvd., adjacent to Middle Sound in Wrightsville Beach, New Hanover County* . Copies of these applications can be examined or copied at the office of *Brendan Brock (Brunswick County)* or *Katharine Elks (New Hanover County)* N.C. Dept. of Environmental Quality, Division of Coastal Management, 127 Cardinal Drive Ext., Wilmington, NC 28405, *(910) 796-7270 (Brendan Brock)* or *(910) 796-7424 (Katharine Elks)* during normal business hours.

Comments mailed to Braxton C. Davis, Director, Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557-3421, prior to **October 25, 2021** will be considered in making the permit decision. Later comments will be accepted and considered up to the time of permit decision. Project modification may occur based on review and comment by the public and state and federal agencies. Notice of the permit decision in these matters will be provided upon written request.

**DIVISION OF COASTAL MANAGEMENT  
APPLICATION TRANSMITTAL AND PROCESSING RECORD**

APPLICANT: *Palm Cove HOA (c/o Debbie Wilson)*

COUNTY: *Brunswick*

PROJECT NAME: *Palm Cove Sandbag Revetment*

LOCATION OF PROJECT: *1830-1848 E. Main St, adj. to Eastern Channel of Jinks Creek, Sunset Beach*

DATE APPLICATION RECEIVED COMPLETE BY FIELD: *9-29-21*

PREFILE DATE: *n/a*

FIELD RECOMMENDATION: Attached: *Yes* To Be Forwarded: *N/A*

FIELD REPRESENTATIVE: *Brock*

DISTRICT OFFICE: **WILMINGTON**

DISTRICT MANAGER REVIEW: \_\_\_\_\_

B) DATE RECEIVED BY MAJOR PERMITS UNIT: \_\_\_\_\_

FEE REC'D: *\$400 (60/40)#1056*

APPLICATION ASSIGNED TO: *Lesek Bodnar*

PUBLIC NOTICE REC'D: *10-4-21*

END OF NOTICE DATE: *10-25-21*

ADJ. RIP. PROP NOTICES REC'D: \_\_\_\_\_

DEED REC'D: *Yes*

C) 75 DAY DEADLINE: *12-13-21*

150 DAY DEADLINE: *2/26/22*

HOLDS: \_\_\_\_\_

MAIL OUT DATE: *9-29-21*

STATE DUE DATE: *10-25-21*

PERMIT FINAL ACTION: ISSUE \_\_\_\_\_ DENY \_\_\_\_\_

**RECEIVED**  
SEP 29 2021  
DCM-MHD CITY

AGENCY	DATE COMMENTS RETURNED	OBJECTIONS:		NOTES
		YES	NO	
DCM – Field Rep	<i>9/29/21</i>	<i>X</i>		
DCM – LUP Consistency Determination	<i>11/2/21</i>			<i>Consistent</i>
Local Permit Officer				
Corps of Engineers – Regulatory Branch	<i>10/27/21</i>			<i>no jurisdiction</i>
DWR – 401 Section	<i>11/2/21</i>			<i>Get not required</i>
DWR – Public Water Supply	<i>9/30/21</i>		<i>X</i>	
DEMLR – Stormwater				
DEMLR – Sed and Erosion				
DOA – State Property Office	<i>11/1/21</i>		<i>X</i>	
Wildlife Resources Commission	<i>10/20/21</i>			<i>Concerns &amp; recs if allowed</i>
DMF – Shellfish Section	<i>10/5/21</i>		<i>X</i>	
DMF – Habitat & Enhancement	<i>10/20/21</i>			<i>Wants study on impacts</i>
DNCR – Archives & History	<i>10/12/21</i>		<i>X</i>	
DNCR – Natural Heritage Program				
NCDOT				
NC Dept of Commerce	<i>9/30/21</i>		<i>X</i>	



NORTH CAROLINA  
Environmental Quality

ROY COOPER  
Governor

ELIZABETH S. BISER  
Secretary

BRAXTON DAVIS  
Director

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SEP 30 2021

September 29, 2021

MP SECTION MHD

MEMORANDUM:

**FROM:** Cameron Luck, Assistant Major Permits Coordinator  
 NCDEQ - Division of Coastal Management  
 400 Commerce Avenue, Morehead City, NC 28557  
 Fax: 252-247-3330 (Courier 11-12-09)  
 cameron.luck@NCDENR.gov

**SUBJECT:** CAMA / D&F

**Applicant:** Palm Cove HOA

**Project Location:** 11830-1848 E. Main St., adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County

**Proposed Project:** Proposal to increase an existing sandbag revetment to an oversized alignment, totaling approximately 25,000 sqft. to protect an imminently threatened right-of-way and access road.

Please indicate below your agency's position or viewpoint on the proposed project and return this form to Cameron Luck at the address above by **October 25, 2021**. If you have any questions regarding the proposed project, contact Brendan Brock at (910) 796-7270 when appropriate, in-depth comments with supporting data is requested.

- REPLY:**  This agency has no objection to the project as proposed.  
 \*\*Additional comments may be attached\*\*
- This agency has no comment on the proposed project.
- This agency approves of the project only if the recommended changes are incorporated. See attached.
- This agency objects to the project for reasons described in the attached comments.

**PRINT NAME** Mark Brown

**AGENCY** Public Water Supply

**SIGNATURE** Mark Brown

**DATE** 9-30-21

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SEP 30 2021

MP SECTION  
DCM - MHD CITY



ROY COOPER  
Governor  
ELIZABETH S. BISER  
Secretary  
BRAXTON DAVIS  
Director



NORTH CAROLINA  
Environmental Quality

September 29, 2021

**MEMORANDUM:**

**FROM:** Cameron Luck, Assistant Major Permits Coordinator  
NCDEQ - Division of Coastal Management  
400 Commerce Avenue, Morehead City, NC 28557  
Fax: 252-247-3330 (Courier 11-12-09)  
[cameron.luck@NCDENR.gov](mailto:cameron.luck@NCDENR.gov)

**SUBJECT:** CAMA / D&F

**Applicant:** Palm Cove HOA

**Project Location:** 11830-1848 E. Main St., adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County

**Proposed Project:** Proposal to increase an existing sandbag revetment to an oversized alignment, totaling approximately 25,000 sqft. to protect an imminently threatened right-of-way and access road.

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**REPLY:**  This agency has no objection to the project as proposed.  
\*\*Additional comments may be attached\*\*

This agency has no comment on the proposed project.

This agency approves of the project only if the recommended changes are incorporated. See attached.

This agency objects to the project for reasons described in the attached comments.

**PRINT NAME** Mark Zeigler

**AGENCY** NC Dept. of Commerce

**SIGNATURE** Mark Zeigler **DATE** 9/30/21

**RECEIVED**

SEP 30 2021





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Governor

ELIZABETH S. BISER  
Secretary

BRAXTON DAVIS  
Director



NORTH CAROLINA  
Environmental Quality

ER 21-2232

10/11/2021  
No comment ~ SBA

September 29, 2021

**MEMORANDUM:**

**FROM:** Cameron Luck, Assistant Major Permits Coordinator  
NCDEQ - Division of Coastal Management  
400 Commerce Avenue, Morehead City, NC 28557  
Fax: 252-247-3330 (Courier 11-12-09)  
cameron.luck@NCDENR.gov

**SUBJECT:** CAMA / D&F

**Applicant:** Palm Cove HOA

**Project Location:** 11830-1848 E. Main St., adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County

**Proposed Project:** Proposal to increase an existing sandbag revetment to an oversized alignment, totaling approximately 25,000 sqft. to protect an imminently threatened right-of-way and access road.

Please indicate below your agency's position or viewpoint on the proposed project and **return this form to Cameron Luck** at the address above by **October 25, 2021**. If you have any questions regarding the proposed project, contact Brendan Brock at (910) 796-7270 when appropriate, in-depth comments with supporting data is requested.

- REPLY:**
- This agency has no objection to the project as proposed.  
\*\*Additional comments may be attached\*\*
  - This agency has no comment on the proposed project.
  - This agency approves of the project only if the recommended changes are incorporated. See attached.
  - This agency objects to the project for reasons described in the attached comments.

**PRINT NAME** Renee Gledhill-Earley

**AGENCY** Historic Preservation Office

**SIGNATURE** Renee Gledhill-Earley

**DATE** 10/12/2021

**RECEIVED**

OCT 12 2021



**IMP SECTION MHD**

## Bodnar, Gregg

---

**From:** Luck, Cameron A  
**Sent:** Wednesday, October 27, 2021 11:59 AM  
**To:** Bodnar, Gregg  
**Subject:** FW: [External] SAW 2020-00713 Palm Cove-Tubbs Inlet Sandbag Addition Placement  
**Attachments:** palmcovehoa.bio.narrative.app.drawings.pdf; Revised Drawing Approx. Beach Profile.pdf

**Cameron Luck**  
Assistant Major Permits Coordinator  
Division of Coastal Management  
Department of Environmental Quality

252 808 2808 ex.228 - office  
[Cameron.Luck@ncdenr.gov](mailto:Cameron.Luck@ncdenr.gov)

400 Commerce Avenue  
Morehead City, NC 28557

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

**From:** Currey, Gregory E CIV USARMY CESAD (USA) <Gregory.E.Currey@usace.army.mil>  
**Sent:** Wednesday, October 27, 2021 11:25 AM  
**To:** nurselefty2002@mac.com  
**Cc:** debbie75@charter.net; kathryn\_matthews@fws.gov; Harding, Kimberlee k <Kimberlee.Harding@ncdenr.gov>; Brock, Brendan O <brendan.brock@ncdenr.gov>; Luck, Cameron A <Cameron.Luck@ncdenr.gov>  
**Subject:** [External] SAW 2020-00713 Palm Cove-Tubbs Inlet Sandbag Addition Placement

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

Ms. Levine & Palm Cove HOA, the additional sandbag placement you propose would be located above the Mean High Water Line of Jinks Creek and Tubbs Inlet, thus the Corps of Engineers does not have jurisdiction of this area and the proposed work. No permit is required for this proposal from the Army Corps of Engineers.

Let me know if you have questions.

Greg

Greg Currey  
Project Manager  
USACE, Wilmington  
69 Darlington Ave.  
Wilmington, NC 28403  
PH 910-251-4707

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRAXTON DAVIS

Director



NORTH CAROLINA  
Environmental Quality

September 29, 2021

**MEMORANDUM:**

**FROM:** Cameron Luck, Assistant Major Permits Coordinator  
 NCDEQ - Division of Coastal Management  
 400 Commerce Avenue, Morehead City, NC 28557  
 Fax: 252-247-3330 (Courier 11-12-09)  
 cameron.luck@NCDENR.gov

**SUBJECT:** CAMA / D&F

**Applicant:** Palm Cove HOA

**Project Location:** 11830-1848 E. Main St., adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County

**Proposed Project:** Proposal to increase an existing sandbag revetment to an oversized alignment, totaling approximately 25,000 sqft. to protect an imminently threatened right-of-way and access road.

Please indicate below your agency's position or viewpoint on the proposed project and **return this form to Cameron Luck** at the address above by **October 25, 2021**. If you have any questions regarding the proposed project, contact Brendan Brock at (910) 796-7270 when appropriate, in-depth comments with supporting data is requested.

- REPLY:** \_\_\_\_\_ This agency has no objection to the project as proposed.  
 \*\*Additional comments may be attached\*\*
- \_\_\_\_\_ This agency has no comment on the proposed project.
- X  \_\_\_\_\_ This agency approves of the project only if the recommended changes are incorporated. See attached.
- \_\_\_\_\_ This agency objects to the project for reasons described in the attached comments.

**PRINT NAME** Kimberlee Harding \_\_\_\_\_

**AGENCY** NCDMF \_\_\_\_\_

**SIGNATURE** Kimberlee Harding

**DATE** 10/25/2021  
**RECEIVED**

OCT 26 2021



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



ROY COOPER  
*Governor*

MICHAEL S. REGAN  
*Secretary*

STEPHEN W. MURPHEY  
*Director*

MEMORANDUM:

RECEIVED

TO: Gregg Bodnar, DCM Assistant Major Permit Coordinator

FROM: Kimberlee Harding, NCDMF Fisheries Resource Specialist

SUBJECT: Palm Cove HOA, Sandbag revetment, Sunset Beach, Brunswick County

DATE: October 25, 2021

OCT 26 2021

MP SECTION MHD

A North Carolina Division of Marine Fisheries (NCDMF) Fisheries Resource Specialist has reviewed the CAMA Major Permit application for proposed actions that impact fish and fish habitats. The applicant is proposing to increase an existing sandbag revetment to an oversized alignment, totaling approximately 25,000 sq. ft., to protect an imminently threatened right-of-way and access road adjacent to the Eastern Channel of Jinks Creek on the east end of Sunset Beach. As proposed, the sandbag revetment would adjoin, or abut, the landward side of the existing sandbag revetment located along the project area's shoreline adjacent to the Eastern Channel of Jinks Creek. As designed, the sandbag revetment would consist of multiple bag layers, increasing the base width to 25ft. and the crest height to 12ft. above MHW, bringing the height of the sandbags above the elevation of the road.

The proposed project is located on 1830 to 1848 (Lots 1 thru 10) E. Main Street on Sunset Beach adjacent to Eastern Channel and the Atlantic Ocean, in Brunswick County, North Carolina. The waters of Blane Creek are classified SA by the Division of Water Quality and are not designated as a Primary Nursery Area (PNA) by the N.C. Division of Marine Fisheries and are open to the harvest of shellfish.

Existing sandbag revetment were installed to prevent erosion along the only access road to the HOA member's properties. The current permits were authorized on 2/13/202 and additional GPs were granted to continue efforts to prevent erosion of the shoreline on 2/28/2020 and 4/22/2020. Sandbag revetments are permitted as temporary structures. The placement of a shore-parallel, hardened structure like a large sandbag revetment on an eroding shoreline has a **likelihood of resulting in significant loss of intertidal habitat. Erosive processes could undermine the structure itself, resulting in failure of the structure and damage to associated infrastructure, which could further degrade the habitat.** A significant portion of the adjacent habitat along Jinks Creek is scheduled to be dredged during October or November 2021. The channel has not been dredged since 2005 and it is **unknown how opening Jinks Creeks flow will affect this already dynamic shoreline. It is recommended the Palm Cove attempt to understand how the scheduled channel dredge will affect their shoreline by seeking out advisement from an engineer that can model those effects before more shoreline alteration is performed.**

**Allowing a structure such as the one in question at a major inlet to remain in place for the extended period of time is likely to impact to habitats critical to fish and shellfish.** Long term impacts include the direct loss of habitat that is currently usurped by the structure, and the degradation of the surrounding habitat caused by the structure's interference with normal coastal processes. In addition, allowing the structure to remain in place for the extended period of time increases the potential for the structures to become fixed, increasing habitat impacts during the future removal event.

Contact Kimberlee Harding at (910) 796-7475 or [Kimberlee.Harding@ncdenr.gov](mailto:Kimberlee.Harding@ncdenr.gov) with further questions or concerns.

**RECEIVED**

OCT 26 2021

**MP SECTION MHD**

State of North Carolina | Division of Marine Fisheries  
3441 Arendell Street | P.O. Box 769 | Morehead City, North Carolina 28557  
252-726-7021

ROY COOPER  
Governor  
ELIZABETH S. BISER  
Secretary  
BRAXTON DAVIS  
Director



September 29, 2021

C.21.10.01.02

**MEMORANDUM:**

**FROM:** Cameron Luck, Assistant Major Permits Coordinator  
NCDEQ - Division of Coastal Management  
400 Commerce Avenue, Morehead City, NC 28557  
Fax: 252-247-3330 (Courier 11-12-09)  
[cameron.luck@NCDENR.gov](mailto:cameron.luck@NCDENR.gov)

**SUBJECT:** CAMA / D&F

**Applicant:** Palm Cove HOA

**Project Location:** 11830-1848 E. Main St., adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County

**Proposed Project:** Proposal to increase an existing sandbag revetment to an oversized alignment, totaling approximately 25,000 sqft. to protect an imminently threatened right-of-way and access road.

Please indicate below your agency's position or viewpoint on the proposed project and **return this form to Cameron Luck** at the address above by **October 25, 2021**. If you have any questions regarding the proposed project, contact Brendan Brock at (910) 796-7270 when appropriate, in-depth comments with supporting data is requested.

- REPLY:**
- This agency has no objection to the project as proposed.  
\*\*Additional comments may be attached\*\*
  - This agency has no comment on the proposed project.
  - This agency approves of the project only if the recommended changes are incorporated. See attached.
  - This agency objects to the project for reasons described in the attached comments.

**PRINT NAME** Marie T. Dunn

*Phase see attached.*

**AGENCY** NCWRC

**SIGNATURE** *Marie T. Dunn*

**DATE** 10-25-2021





## ☰ North Carolina Wildlife Resources Commission ☒

Cameron Ingram, Executive Director

### MEMORANDUM

**TO:** Gregg Bodnar  
Division of Coastal Management  
North Carolina Department of Environmental Quality

**FROM:** Maria T. Dunn, Coastal Coordinator  
Habitat Conservation Division

**DATE:** October 25, 2021

**SUBJECT:** CAMA Dredge/Fill Permit Application for Palm Cove HOA, Brunswick County, North Carolina.

A handwritten signature in black ink that reads "Maria T. Dunn".

Biologists with the North Carolina Wildlife Resources Commission (NCWRC) reviewed the permit application with regard to impacts on fish and wildlife resources. The project site is located at 11830-1848 E Main St, adjacent to the Eastern Channel of Jinks Creek in Sunset Beach within the Tubbs Inlet complex. Our comments are provided in accordance with provisions of the Coastal Area Management Act (G.S. 113A-100 through 113A-128), as amended, Sections 401 and 404 of the Clean Water Act, as amended, the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Magnuson-Stevens Fishery Conservation and Management Act (FCMA), as amended (16 U.S.C. 1801 et seq.), and the Migratory Bird Treaty Act (16 U.S.C. 703-712 et seq.).

Palm Cove HOA proposes to increase an existing sandbag revetment to an oversized alignment, totaling approximately 25,000 ft<sup>2</sup>, to protect an imminently threatened right-of-way (ROW) and access road to the Palm Cove subdivision. Existing site conditions include a 6' by 20' by 100' sandbag revetment. This revetment was permitted through the CAMA General Permit process without resource agency consultation in February with a modification in February and April to allow backfill to restore the ROW. Various exemptions were received to repair the sandbag structures as they tear and fall out of the permitted footprint. Currently the applicant proposes to adjoin the landward side of the existing sandbag revetment. Multiple bag layers would increase the base width to 25' and crest height to 12' above MHW, bring the height of the bags above the elevation of the road. Traditional sandbags would be stacked approximately 1000' along the shoreline to achieve the +12' MHW height, stair stepping waterward, terminating above MHW along the Eastern Channel of Tubbs Inlet. Upon completion, sandbags would be covered with beach compatible material and planted in American Beach Grass. All work proposed is above the MHW, though turbidity from fine sands is expected during sandbag fill from an upland source.

The waters of Eastern Channel are classified SA by the Environmental Management Commission and are open to shellfish harvesting.

Inlet complexes are dynamic environments. Development in these areas may in time, or after large storm events, jeopardize permanent structures. These complexes also provide valuable wildlife habitat opportunities for a large variety of waterbirds, shorebirds, and sea turtles. This area of Brunswick County is currently under review to be designated as critical habitat for rufa red knot (*Calidris canutus rufa*), a bird subspecies listed as threatened under the Endangered Species Act. Conservation measures in these areas are important to ensure the continued improvement of the population.

The NCWRC has reviewed the proposal and is concerned with the expansion of the sandbag revetment size and the more permanent aspect the structure would assume. We understand the use of sandbags to protect immanently threatened structures, but do not view sandbag revetments as long-term solutions to control erosion issues along ocean shorelines and inlet complexes. Removal of the bags or reduction in the size of the structure should occur if other shoreline protection measures are implemented.

A significant area of Jinks Creek is permitted and is scheduled to be dredged soon. If this permitted project allows the channel to wag away from the compromised ROW and road, removal of the sandbags would be requested to minimize long-term impacts to important habitat areas.

The covering of the bags with beach compatible material and planted grasses causes the temporary sandbag structure to be more permanent. This hardened area likely would no longer be considered as suitable wildlife habitat even after shoreline recovery.

Consideration should also be given to the elevated sandbag revetment and potential storm water retention and erosional effects on adjacent properties. It did not appear from information within the application package that an engineered design was provided that considered the effects of the upcoming navigation project or any other general modeling scenarios.

If it is determined the existing sandbag revetment will be modified, the NCWRC would like to state our comments for sandbag installations.

- The NCWRC generally requests an April 1 – November 15 moratorium for beach development activities to minimize impacts to nesting shorebird and sea turtle habitats. It is understood the structure is threatened and work may be requested to begin prior to the end of sea turtle nesting season. If this is allowed, all work should be conducted only during daylight hours.
- Disturbance should be contained within the immediate project area. This includes staging of materials and use of the area by heavy equipment.
- Only beach compatible material should be used to fill sandbags. Obtaining beach compatible material from an upland source reduces impacts to aquatic resources within the intertidal and subtidal areas of Jinks Creek and Tubbs Inlet.
- Removal of any dilapidated sandbags or pieces of sandbags should be done if they become compromised, torn, or are otherwise not serving their intended purpose.

We appreciate the opportunity to review and comment on this permit application. If you need further assistance or additional information, please contact me at (252) 948-3916 or at [maria.dunn@ncwildlife.org](mailto:maria.dunn@ncwildlife.org)

# MEMO

**To:** Gregg Bodnar  
**From:** Michael Christenbury, Wilmington District Planner  
**Subject:** Consistency Determination, Major Permit Application, Palm Cove, HOA, Sunset Beach, Brunswick County  
**Date:** November 2, 2021

**Consistency Determination:**  
**This project is consistent with the Sunset Beach Land Use Plan Update.**

The applicant proposes to increase an existing sandbag revetment to an oversized alignment, totaling approximately 25,000 sq. ft. to protect in imminently threatened right-of-way and access road adjacent to the Eastern Channel of Jinks Creek on the east end of Sunset Beach, Brunswick County.

Areas of Environmental Concern (AEC's) impacted by the proposal are IH and PTA.

Waters at the project site are classified as SA; HQW and are open to the harvesting of shellfish. The area is not a Primary Nursery Area.

I have reviewed this proposal for consistency with the Town of Sunset Beach Land Use Plan and offer the following comments.

The general area of the project is classified as CR-1.

In general, the Town of Sunset Beach allows development in C-1 classified AECs which is consistent with the State's minimum use standards. The Town of Sunset Beach Land Use Plan contains some policies, which exceed the State's minimum use standards. However, none of these standards appear to be applicable to this proposal.

**Provided all local, state and federal requirements can be met, this project appears to be consistent with the Town of Sunset Beach Land Use Plan.**

Cc: File

**RECEIVED**

NOV 2 2021

**MP SECTION MHD**

ROY COOPER  
Governor  
ELIZABETH S. BISER  
Secretary  
BRAXTON DAVIS  
Director



NORTH CAROLINA  
Environmental Quality

September 29, 2021

**MEMORANDUM:**

**FROM:** Cameron Luck, Assistant Major Permits Coordinator  
NCDEQ - Division of Coastal Management  
400 Commerce Avenue, Morehead City, NC 28557  
Fax: 252-247-3330 (Courier 11-12-09)  
[cameron.luck@NCDENR.gov](mailto:cameron.luck@NCDENR.gov)

**SUBJECT:** CAMA / D&F

**Applicant:** Palm Cove HOA

**Project Location:** 11830-1848 E. Main St., adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County

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**REPLY:** \_\_\_\_\_ This agency has no objection to the project as proposed.  
\*\*Additional comments may be attached\*\*

This agency has no comment on the proposed project.

\_\_\_\_\_ This agency approves of the project only if the recommended changes are incorporated. See attached.

\_\_\_\_\_ This agency objects to the project for reasons described in the attached comments.

**PRINT NAME** Wanda Hilliard

**AGENCY** State Property Office

**SIGNATURE** Wanda Hilliard **DATE** November 1, 2021

RECEIVED

NOV 01 2021



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

MP SECTION  
DCM - MHD CITY

**From:** Snider, Holley  
**To:** Bodnar, Gregg; Currey, Gregory E CIV USARMY CESAD (USA); Dunn, Maria T.; Harding, Kimberlee k  
**Cc:** Luck, Cameron A  
**Subject:** RE: CAMA Major Application: Palm Cove HOA (Expedited Review Requested)  
**Date:** Friday, November 19, 2021 1:56:43 PM  
**Attachments:** image003.png

---

Good afternoon All,

As proposed, all work is to be conducted landward of mean high water. Additionally, clean sand from an upland source will be utilized to complete construction. Based on the proposed location and scope of work, no 401 approval is required from the DWR. Should the scope of work change to include impacts to water resources, DWR review and authorization will be required. Any future development proposals or modification requests should reference DWR project #20052230. Please feel free to call or email me if you have any additional questions.

Sincerely,

Holley Snider . . . . .><(((^>. . . . .><(((^>. . . . .

Environmental Specialist II  
Division of Water Resources  
North Carolina Department of Environmental Quality  
Phone: (910) 796-7303



127 Cardinal Drive Ext.  
Wilmington, NC 28405

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

**From:** Bodnar, Gregg <gregg.bodnar@ncdenr.gov>  
**Sent:** Friday, October 22, 2021 8:27 AM  
**To:** Currey, Gregory E CIV USARMY CESAD (USA) <Gregory.E.Currey@usace.army.mil>; Snider, Holley <holley.snider@ncdenr.gov>; Dunn, Maria T. <maria.dunn@ncwildlife.org>; Harding, Kimberlee k <Kimberlee.Harding@ncdenr.gov>  
**Cc:** Luck, Cameron A <Cameron.Luck@ncdenr.gov>  
**Subject:** FW: CAMA Major Application: Palm Cove HOA (Expedited Review Requested)

Hey all,

I wanted to send a addendum to this one. I will be processing this project instead of Cameron. But as proposed this is inconsistent with CRC rule for temporary structures within the OH AEC. That being said, the road is imminently threatened and any potential variance review is therefore time sensitive. So if you can provide any comments asap it would be very helpful.

Thanks as always and give me a call if you have any questions,



Suite 1400, 4208 Six Forks Road  
Raleigh, NC 27609  
t 919 420 1700 f 919 420 1800

Todd S. Roessler  
direct dial 919 420 1726  
direct fax 919 510 6121  
TROessler@KilpatrickTownsend.com

April 26, 2022

**Via Certified Mail – Return Receipt Requested**

Odell Williamson Trustee and Burlington Ladane Williamson Trustee  
2 Causeway  
Ocean Isle Beach, NC 28469

**Re: CAMA Variance Request by Palm Cove HOA**

Dear Property Owner:

I am writing to notify you that Palm Cove HOA is applying for a variance from the North Carolina Coastal Resources Commission to enlarge the existing sandbag revetment by increasing the width on the landward side by five (5) feet (a new width of 25-feet) and the height by six (6) feet (a new height of 12-feet above Mean High Water). The Palm Cove Subdivision is located between 1830-1848 E. Main Street, adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County. A copy of the proposed structure is enclosed for your information.

The variance is projected to be heard at the June 8-9, 2022 meeting of the Coastal Resources Commission location to be determined. If you would like to receive more information about the variance request, you may contact me. If you would like to provide comments on the variance request, you may direct your comments to the North Carolina Division of Coastal Management, Wilmington District, 127 Cardinal Drive Extension, Wilmington, North Carolina, 28405-3845. You may also call the Division of Coastal Management to talk to a representative at (910) 796-7215.

Sincerely,

KILPATRICK TOWNSEND & STOCKTON LLP

A handwritten signature in blue ink, appearing to read 'Todd S. Roessler'.

Todd S. Roessler  
*Attorney for Palm Cove HOA*

Enclosure



Suite 1400, 4208 Six Forks Road  
Raleigh, NC 27609  
t 919 420 1700 f 919 420 1800

Todd S. Roessler  
direct dial 919 420 1726  
direct fax 919 510 6121  
TRoessler@KilpatrickTownsend.com

April 26, 2022

**Via Certified Mail – Return Receipt Requested**

Preston Tribble  
640 Deerfield Farm Court  
Great Falls, VA 22066-3934

**Re: CAMA Variance Request by Palm Cove HOA**

Dear Property Owner:

I am writing to notify you that Palm Cove HOA is applying for a variance from the North Carolina Coastal Resources Commission to enlarge the existing sandbag revetment by increasing the width on the landward side by five (5) feet (a new width of 25-feet) and the height by six (6) feet (a new height of 12-feet above Mean High Water). The Palm Cove Subdivision is located between 1830-1848 E. Main Street, adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County. A copy of the proposed structure is enclosed for your information.

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Sincerely,

KILPATRICK TOWNSEND & STOCKTON LLP

A handwritten signature in blue ink, appearing to read 'Todd S. Roessler'.

Todd S. Roessler  
*Attorney for Palm Cove HOA*

Enclosure

20057170V.1



Suite 1400, 4208 Six Forks Road  
Raleigh, NC 27609  
t 919 420 1700 f 919 420 1800

Todd S. Roessler  
direct dial 919 420 1726  
direct fax 919 510 6121  
TROessler@KilpatrickTownsend.com

April 26, 2022

**Via Certified Mail – Return Receipt Requested**

Kathy Rawls, Director  
N.C. Division of Marine Fisheries  
3441 Arendell Street  
Morehead City, NC 28557

**Re: CAMA Variance Request by Palm Cove HOA**

Dear Ms. Rawls:

I am writing to notify you that Palm Cove HOA is applying for a variance from the North Carolina Coastal Resources Commission to enlarge the existing sandbag revetment by increasing the width on the landward side by five (5) feet (a new width of 25-feet) and the height by six (6) feet (a new height of 12-feet above Mean High Water). The Palm Cove Subdivision is located between 1830-1848 E. Main Street, adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County. A copy of the proposed structure is enclosed for your information.

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Sincerely,

KILPATRICK TOWNSEND & STOCKTON LLP

A handwritten signature in blue ink, appearing to read 'Todd S. Roessler'.

Todd S. Roessler  
*Attorney for Palm Cove HOA*

Enclosure

20025095V.2



KILPATRICK TOWNSEND & STOCKTON LLP  
www.kilpatricktownsend.com

Suite 1400, 4208 Six Forks Road  
Raleigh, NC 27609  
t 919 420 1700 f 919 420 1800

Todd S. Roessler  
direct dial 919 420 1726  
direct fax 919 510 6121  
TROessler@KilpatrickTownsend.com

April 26, 2022

**Via Certified Mail – Return Receipt Requested**

Cameron Ingram, Executive Director  
N.C. Wildlife Resources Commission  
1701 Mail Service Center  
Raleigh, NC 27699-1700

**Re: CAMA Variance Request by Palm Cove HOA**

Dear Mr. Ingram:

I am writing to notify you that Palm Cove HOA is applying for a variance from the North Carolina Coastal Resources Commission to enlarge the existing sandbag revetment by increasing the width on the landward side by five (5) feet (a new width of 25-feet) and the height by six (6) feet (a new height of 12-feet above Mean High Water). The Palm Cove Subdivision is located between 1830-1848 E. Main Street, adjacent to the Eastern Channel of Jinks Creek in Sunset Beach, Brunswick County. A copy of the proposed structure is enclosed for your information.

The variance is projected to be heard at the June 8-9, 2022 meeting of the Coastal Resources Commission location to be determined. If you would like to receive more information about the variance request, you may contact me. If you would like to provide comments on the variance request, you may direct your comments to the North Carolina Division of Coastal Management, Wilmington District, 127 Cardinal Drive Extension, Wilmington, North Carolina, 28405-3845. You may also call the Division of Coastal Management to talk to a representative at (910) 796-7215.

Sincerely,

KILPATRICK TOWNSEND & STOCKTON LLP

A handwritten signature in blue ink, appearing to read 'Todd S. Roessler'.

Todd S. Roessler  
*Attorney for Palm Cove HOA*

Enclosure

20031331V.1

Return Receipt (Form 3811) Barcode



9590 9266 9904 2125 6660 60

1. Braxton Davis  
NC Division of Coastal Management  
400 Commerce Avenue  
Morehead City, NC 28557  
US

2. Certified Mail (Form 3800) Article Number  
9414 7266 9904 2125 6660 67

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
 Addressee

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

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

3. Service Type:  
 Certified Mail  
 Certified Mail Restricted Delivery

Reference Information



Return Receipt

PS Form 3811, Facsimile, July 2015 Domestic Return Receipt

Return Receipt (Form 3811) Barcode



9590 9266 9904 2149 3479 52

1. Cameron Ingram  
NC Wildlife Resources Commission  
1701 Mail Service Center  
Raleigh, NC 27699-1700  
US

2. Certified Mail (Form 3800) Article Number  
9414 7266 9904 2149 3479 59

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
 Addressee

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

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

3. Service Type:  
 Certified Mail  
 Certified Mail Restricted Delivery

Reference Information



PS Form 3811, Facsimile, July 2015 Domestic Return Receipt

Return Receipt (Form 3811) Barcode



9590 9266 9904 2149 3480 41

1. Kathy Rawls, Director  
NC Division of Marine Fisheries  
3441 Arendell Street  
Morehead City, NC 28557  
US

2. Certified Mail (Form 3800) Article Number  
9414 7266 9904 2149 3480 48

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
 Addressee

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

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

3. Service Type:  
 Certified Mail  
 Certified Mail Restricted Delivery

Reference Information



PS Form 3811, Facsimile, July 2015 Domestic Return Receipt

[Track Another Package +](#)

**Tracking Number:** 9414726699042149347966

[Remove X](#)

Your item was delivered to an individual at the address at 1:10 pm on April 28, 2022 in OCEAN ISLE BEACH, NC 28469.

**USPS Tracking Plus<sup>®</sup> Available** [v](#)

## **Delivered, Left with Individual**

April 28, 2022 at 1:10 pm  
OCEAN ISLE BEACH, NC 28469

Feedback

**Get Updates** [v](#)

---

**Text & Email Updates** [v](#)

---

**Tracking History** [v](#)

---

**USPS Tracking Plus<sup>®</sup>** [v](#)

---

**Product Information** [v](#)

---

**See Less** [^](#)

## Roessler, Todd

---

**From:** Lisa Anglin <langlin@sunsetbeachnc.gov>  
**Sent:** Friday, April 22, 2022 3:44 PM  
**To:** Roessler, Todd  
**Subject:** Palm Cove

\*\*CAUTION: External Email\*\*

Hi Todd:

I sent your request to Town Attorney Richardson to verify that I am right in saying that there is not a local requirement for Palm Cove to seek a local variance from the Town. I will send it to you as soon as he responds.

Sincerely,

Lisa H. Anglin  
Town Administrator/Town Clerk

Town of Sunset Beach  
700 Sunset Boulevard North  
Sunset Beach, NC 28468  
Phone: 910-579-6297 Ext. 1003  
Fax: 910-579-1840

Website: [www.sunsetbeachnc.gov](http://www.sunsetbeachnc.gov)

Town Facebook: <https://www.facebook.com/townofsunsetbeach/>

Police Dept. Facebook: <https://www.facebook.com/sunsetbeachpolice/>

Fire Dept. Facebook: <https://www.facebook.com/Sunset-Beach-Fire-Dept-170799676272752/>

Please note: pursuant to NC General Statutes, Chapter 132, this message and any attachments that may be sent in response to it may be considered public records and therefore are subject to public record requests for review and copying under the Public Records Law.

## Roessler, Todd

---

**From:** Roessler, Todd  
**Sent:** Friday, April 22, 2022 2:46 PM  
**To:** katkins@sunsetbeachnc.gov  
**Subject:** FW: Palm Cove HOA - Variance Petition  
**Attachments:** Exhibit A - Permit Denial Letter.pdf; Revised Drawing Approx. Beach Profile.pdf

Katie-

I talked to your supervisor the other day, and she said that she would send me an email confirming that there are no local requirements that would require a variance. Will you please follow up with her and let me know if she will be able to send me this email by next Tuesday, April 26.

Thanks,  
Todd

### Todd Roessler

#### Kilpatrick Townsend & Stockton LLP

Suite 1400 | 4208 Six Forks Road | Raleigh, NC 27609  
office 919 420 1726 | cell 919 271 0595 | fax 919 510 6121  
[troessler@kilpatricktownsend.com](mailto:troessler@kilpatricktownsend.com) | [My Profile](#) | [VCard](#)

---

**From:** Roessler, Todd <TROessler@kilpatricktownsend.com>  
**Sent:** Wednesday, April 20, 2022 10:16 AM  
**To:** katkins@sunsetbeachnc.gov; sdills@sunsetbeachnc.gov  
**Subject:** Palm Cove HOA - Variance Petition

I represent Palm Cove HOA and am in the process of preparing a variance petition. I need to submit the petition and supporting documents by next Wednesday, April 27. One of the issues that has come up is whether Palm Cove HOA needs to seek a variance from the local government. Palm Cove HOA intends to seek a variance to expand an existing sandbag revetment by increasing its width 5-feet in a landward direction and the height by 6-feet. The sandbag revetment is intended to protect the only existing road serving the community.

Are you aware of any local requirements that the petitioner would need to seek a variance from? In other words, is the existing sandbag revetment being expanded in the landward direction into the CRC's jurisdiction as a result of local requirements?

Thanks,  
Todd



### Todd Roessler

#### Kilpatrick Townsend & Stockton LLP

Suite 1400 | 4208 Six Forks Road | Raleigh, NC 27609  
office 919 420 1726 | cell 919 271 0595 | fax 919 510 6121  
[troessler@kilpatricktownsend.com](mailto:troessler@kilpatricktownsend.com) | [My Profile](#) | [VCard](#)

NORTH CAROLINA  
Environmental QualityROY COOPER  
Governor  
ELIZABETH S. BISER  
Secretary  
BRAXTON DAVIS  
Director

December 14, 2021

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**Palm Cove HOA  
Cindi Levine  
904 Calamint Lane  
Fayetteville, NC 28305

Dear Ms. Levine:

This letter is in response to your application for a Major Permit under the Coastal Area Management Act (CAMA), in which authorization was requested to expand an existing 1000'(L) x 20'(W) x 6'(H) sandbag revetment to a size of 1000'(L) x 25'(W) x 12'(H) along southern Jinks Creek at Lots 1-10 of the Palm Cove Subdivision, in the Town of Sunset Beach, in Brunswick County. Processing of the application, which was received as complete by the N.C. Division of Coastal Management's Wilmington Office on September 29, 2021, is now complete. Based on the state's review, the Division of Coastal Management has made the following findings:

- 1) The subject property is located at Lots 1-10 (1830 – 1848) of East Main St, in Sunset Beach, Brunswick County.
- 2) The proposed project would involve development within the Public Trust, Estuarine Waters, and Ocean Hazard Areas of Environmental Concern (AEC).
- 3) The proposed project would involve development within the existing and proposed Inlet Hazard AEC boundaries.
- 4) The proposed project is located along southern Jinks Creek and in proximity to Tubbs Inlet. The surrounding waters are classified as SA, HQW and are open to shellfish harvest.
- 5) The proposed project consists of expanding the existing 1000'(L) x 20'(W) x 6'(H) sandbag revetment to 1000'(L) x 25'(W) x 12'(H).

North Carolina Department of Environmental Quality | Division of Coastal Management  
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557  
252.808.2808

- 6) All proposed development is landward of the existing sandbag revetment.
- 7) The project involves the incorporation of 5,000 square feet of upland area.
- 8) During the joint State and Federal review process, the Division of Marine Fisheries (DMF) and the N.C. Wildlife Resources Commission (WRC) raised concerns related to loss of and impacts to intertidal habitat and how the sandbags will affect the shoreline.
- 9) The Division of Coastal Management (DCM) field staff recommended denial of the permit based upon the inconsistency with Coastal Resources Commission rules regarding the size of the sandbag revetment.
- 10) Based upon the above referenced findings, the Division of Coastal Management has determined that the proposed project to construct an oversized sandbag revetment is inconsistent with the following rules of the Coastal Resources Commission:
  - a) 15A NCAC 07H .0308 (a)(2)(L), which states in part that *“Base width of the temporary erosion control structure shall not exceed 20 feet, and the height shall not exceed six feet.”*

Given the preceding findings, it is necessary that your request for issuance of a CAMA Major Permit under the Coastal Area Management Act be denied. This denial is made pursuant to N.C.G.S. 113A-120(a)(8) which requires denial for projects inconsistent with the state guidelines for Areas of Environmental Concern or local land use plans.

If you wish to appeal this denial, you are entitled to a contested case hearing. The hearing will involve appearing before an Administrative Law Judge who listens to evidence and arguments of both parties before making a final decision on the appeal. Your request for a hearing must be in the form of a written petition, complying with the requirements of §150B of the General Statutes of North Carolina, and must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714, within twenty (20) days from the date of this denial letter. A copy of this petition should be filed with this office.

Another response to a permit application denial available to you is to petition the N.C. Coastal Resources Commission for a variance to undertake a project that is prohibited by the Rules of the Commission. Applying for a variance requires that you first stipulate that the Division of Coastal Management applied the Rules properly in issuing this denial. You may then request that the Commission vary the rules at issue and show how you believe your request meets the four criteria found at GS 113A-120.1. To apply for a variance, you must file a petition for a variance with the Director of the Division of Coastal Management and the State Attorney General's Office on a standard form, which must be accompanied by additional information on the nature of the



December 14, 2021

Page 3

project and the reasons for requesting a variance. The variance request may be filed at any time but must be filed a minimum of six weeks before a scheduled Commission meeting for the variance request to be eligible to be heard at that meeting.

Information about both a permit appeal in the Office of Administrative Hearings and the Variance process may be obtained by contacting a member of my staff, or by visiting the Division's web page at: <http://www.nccoastalmanagement.net/web/cm/90>.

Members of my staff are available should you desire assistance in the future. If you have any questions concerning this matter, please contact Mr. Jonathan Howell at [Jonathan.Howell@ncdenr.gov](mailto:Jonathan.Howell@ncdenr.gov).

Sincerely,



Braxton C. Davis  
Director, Division of Coastal Management

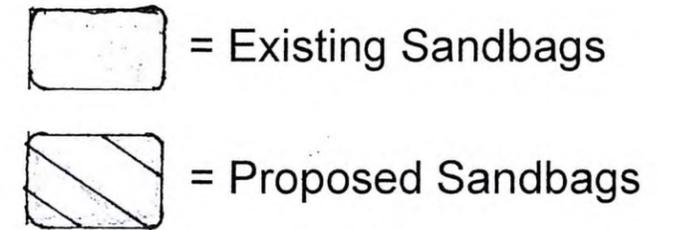
cc: Greg Curry – U.S. Army Corps of Engineers, Wilmington, NC  
Danny Smith – Director, NC Division of Water Resources, Raleigh, NC  
Paul Wojoski – NC Division of Water Resources, Raleigh, NC  
Holley Snider – NC Division of Water Resources, Wilmington, NC  
Dan Sams - DEMLR, Wilmington, NC  
Debbie Wilson – Registered Agent (via email)



# Proposed Structures

## X-Sections

Palm Cove Subdivision HOA  
c/o Cyndi Levine  
Sandbag Revetment  
Lots 1 - 10, Sunset Beach  
Brunswick County  
Drawn By: Debbie Wilson  
7/20/21 Scale: 1" = 3'  
Sheet 5 of 5

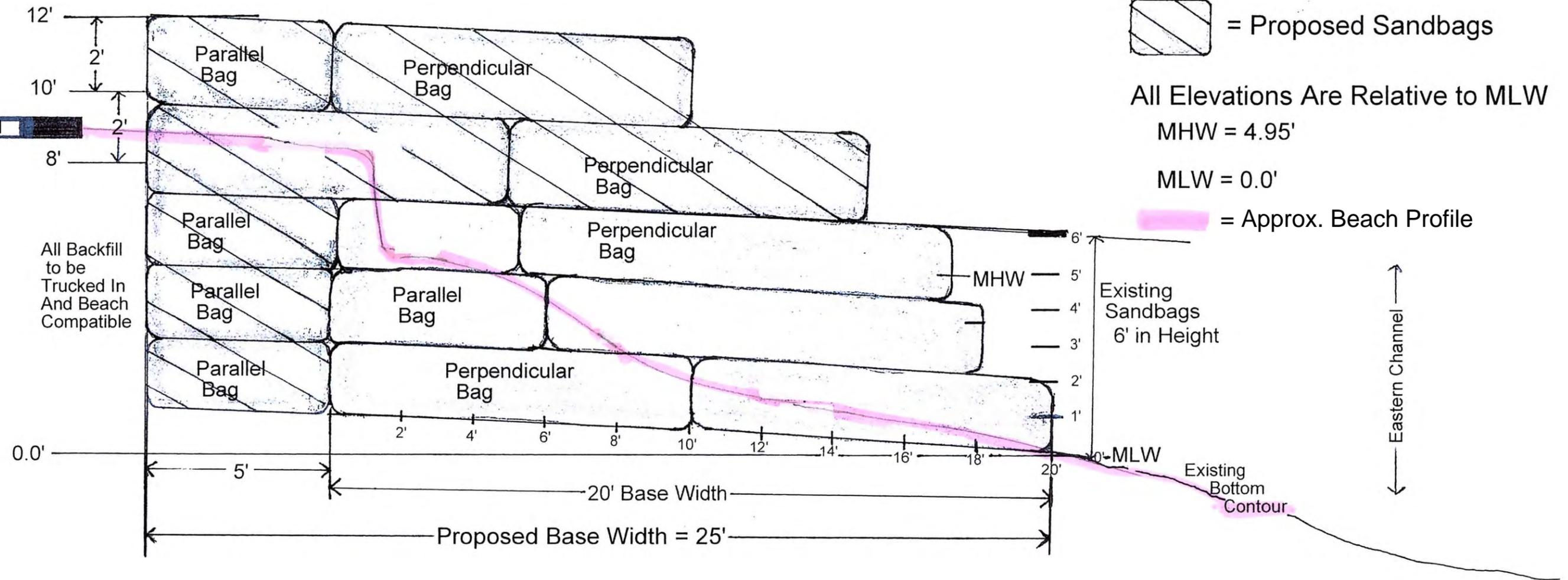


All Elevations Are Relative to MLW

MHW = 4.95'

MLW = 0.0'

Approx. Beach Profile



## EXHIBIT D

### Palm Cove HOA Variance Petition Stipulation

Petitioner, Palm Cove HOA, through its attorney, Todd S. Roessler, stipulates that the proposed development that is the subject of this variance petition is inconsistent with Coastal Resource Commission Rules 15A NCAC 7H .0308(a)(2)(L).



# **NC COASTAL RESOURCES COMMISSION MEETING**

**June 8, 2022**

**Palm Cove HOA  
(CRC-VR-22-04)  
Oversize Sandbags**



# View of Project Area – Google Earth 2022

## Sunset Beach, Brunswick County



# View of Project Area – Google Earth 2022



# View of Project Area – Google Earth 2022



**View of  
Project Area –  
Google Earth  
2009**



**View of  
Project Area –  
Google Earth  
2012**



**View of  
Project Area –  
Google Earth  
2014**



**View of  
Project Area –  
Google Earth  
2016**



**View of  
Project Area –  
Google Earth  
2019**



**View of  
Project Area –  
Google Earth  
2021**

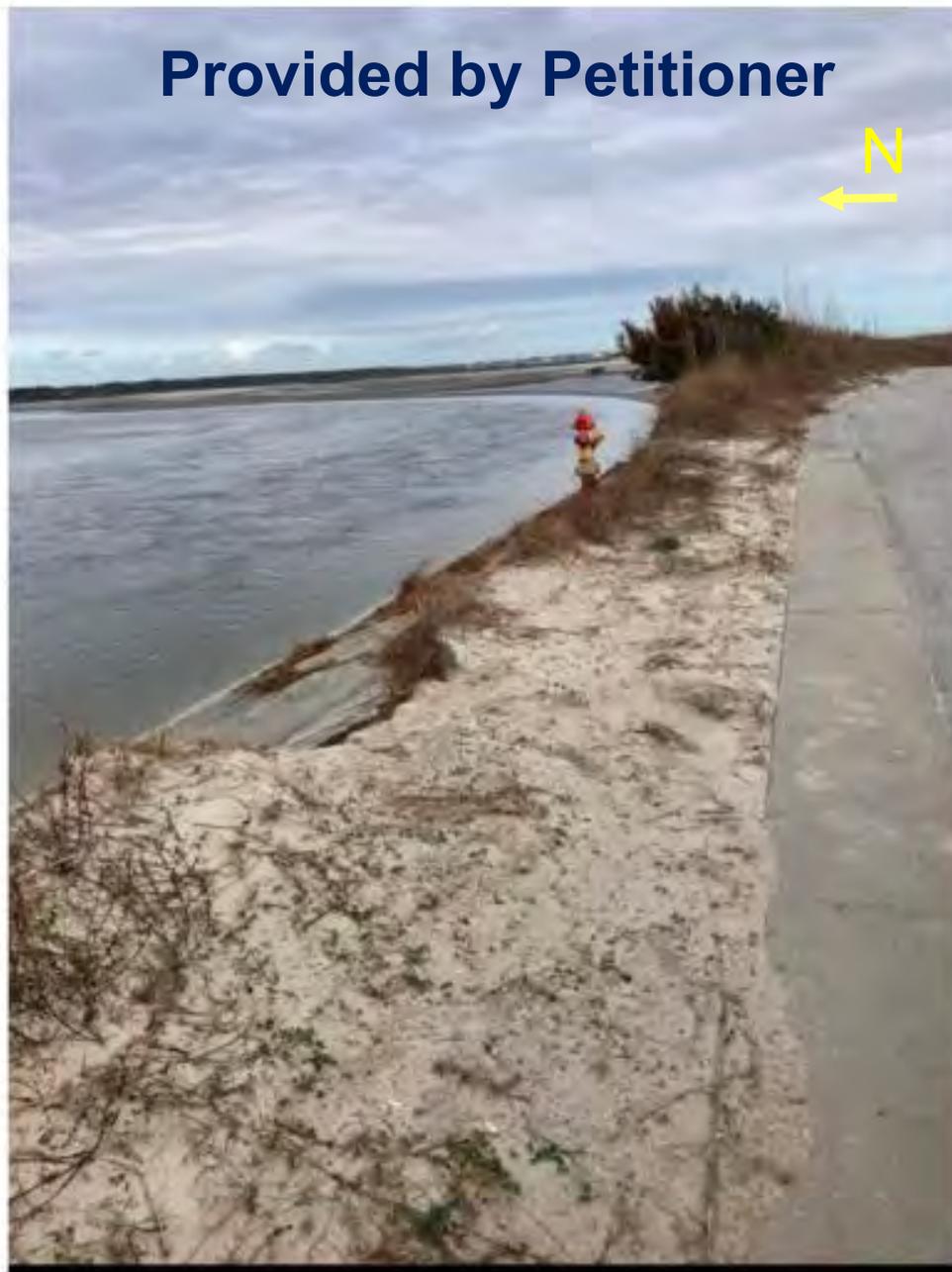


# Provided by Petitioner



Palm Cove Estuarine Shoreline – 2018.

**Provided by Petitioner**



Shoreline erosion exposing fire hydrant. December 27, 2019.

**View of project area  
looking East**

**Photo taken by DCM  
staff on September 23,  
2020**



**View of project area  
looking West**

**Photo taken by DCM  
staff on November 10,  
2021**



**View of project area  
looking West**

**Photo taken by DCM  
staff on November 10,  
2021**

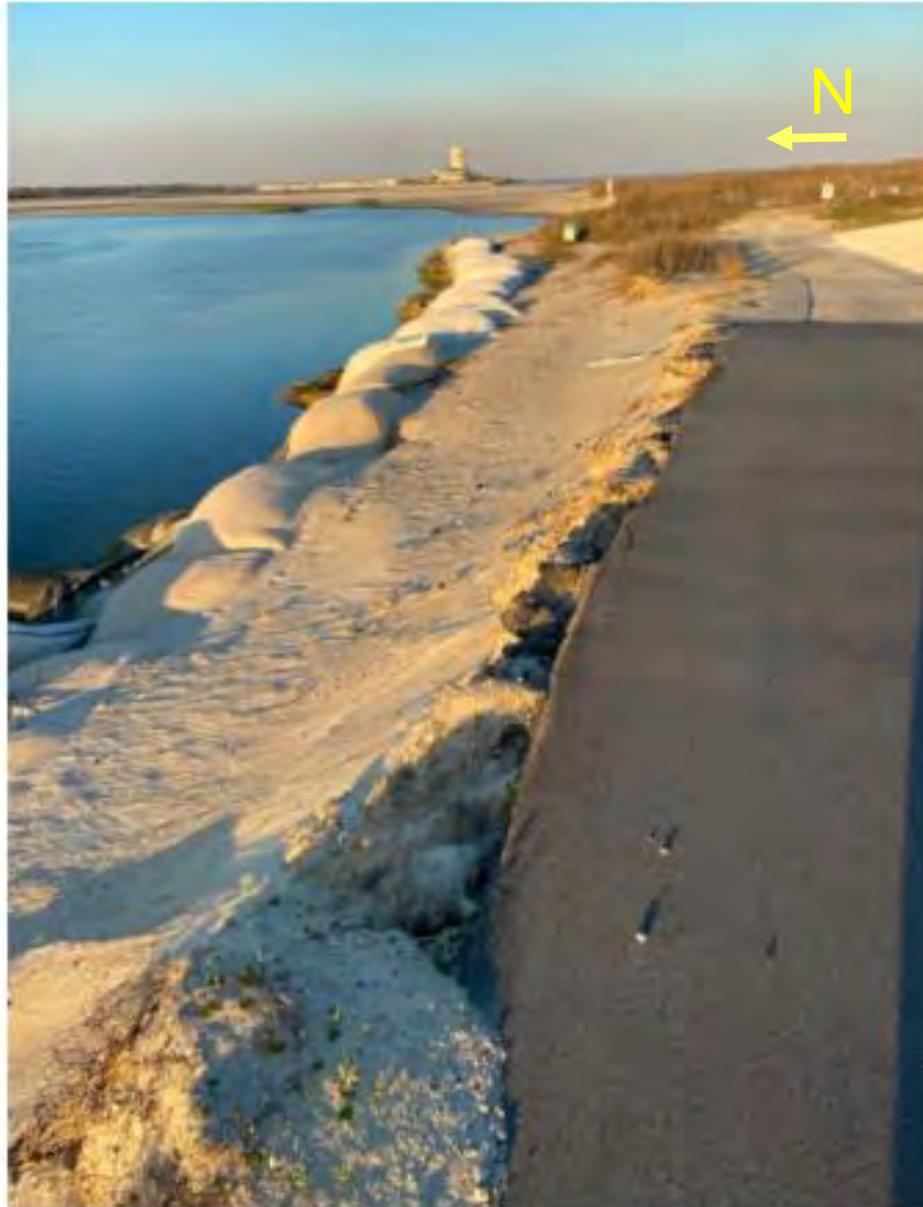


**View of project area  
looking East**

**Photo taken by DCM  
staff on February 2,  
2022**



# Provided by Petitioner



Sandbag Revetment and Road – April 10, 2022.

**Provided by Petitioner –  
Dredge Footprint  
adjacent to Palm Cove**

**April 13, 2022**



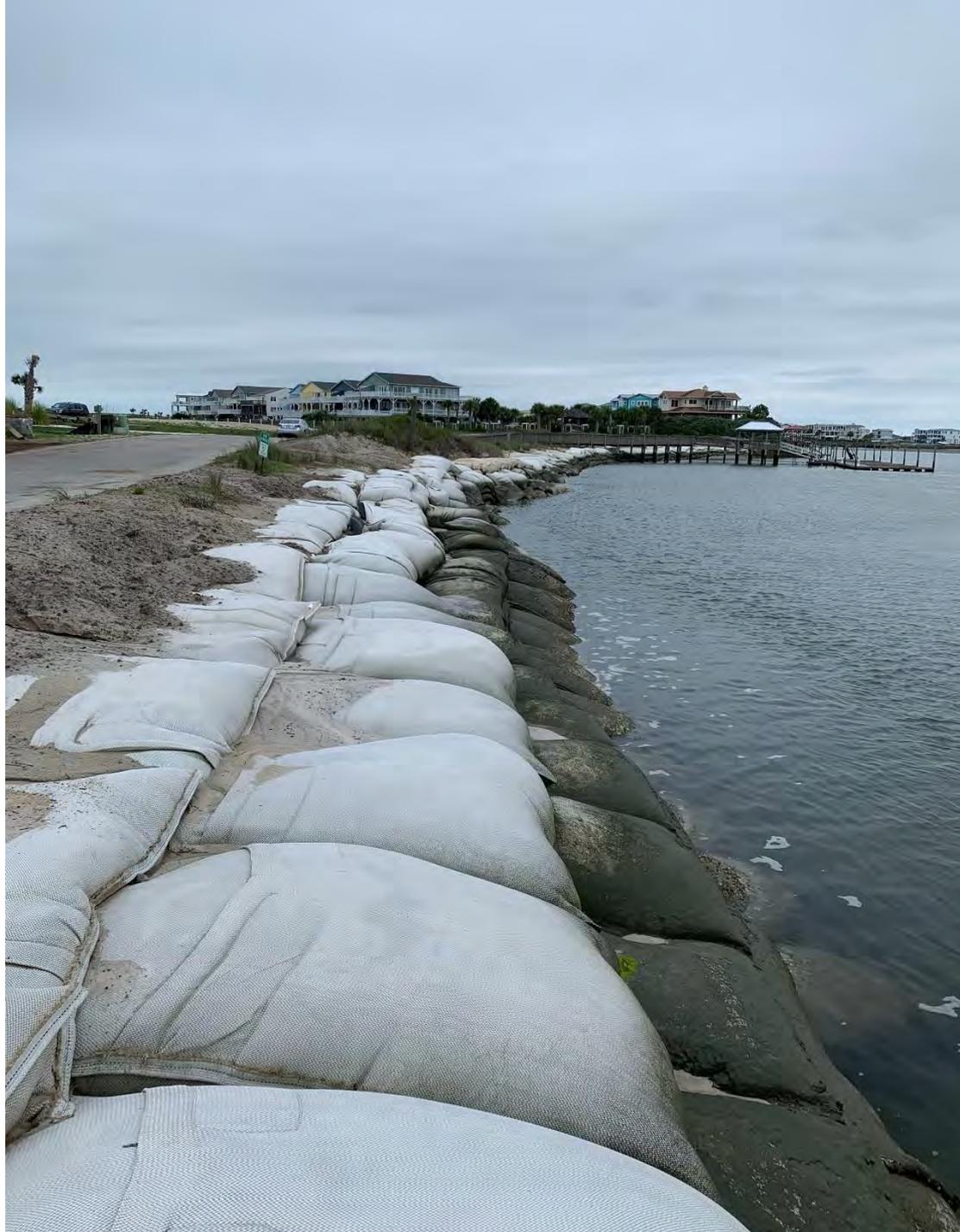
**View of project area  
looking East**

**Photo taken by DCM  
staff on May 24, 2022**



**View of project area  
looking West**

**Photo taken by DCM  
staff on May 24, 2022**

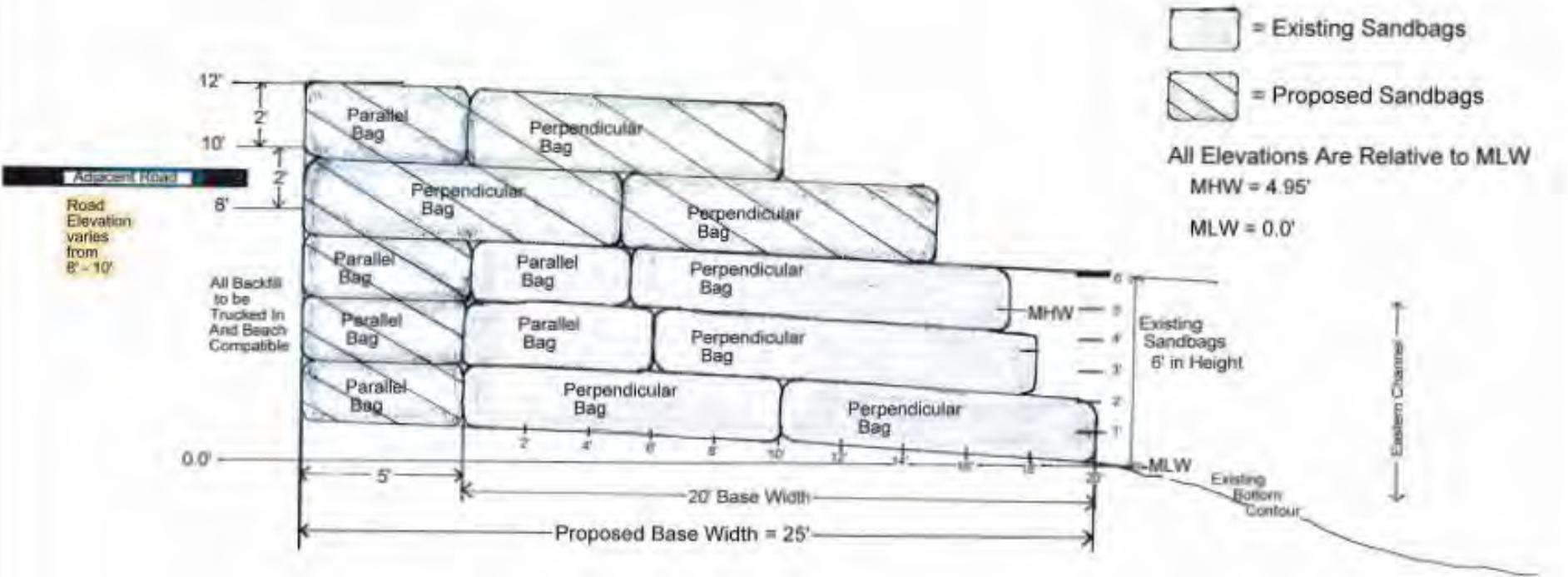


# Permit Drawing- Palm Cove HOA

5 of 5

## Proposed Structures X-Sections

Palm Cove Subdivision HOA  
c/o Cyndi Levine  
Sandbag Revetment  
Lots 1 - 10, Sunset Beach  
Brunswick County  
Drawn By: Debbie Wilson  
7/20/21 Scale: 1" = 3'  
Sheet 5 of 5



RECEIVED

SEP 13 2021

DCM WILMINGTON, NC



## VARIANCE CRITERIA

15A NCAC 07J.0703(f)

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

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