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
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 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.

(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

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 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
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 revetment, 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
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

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

VARIANCE HEARING PROCEDURES

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

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

VARIANCE CRITERIA

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

(a) Will strict application of the applicable development rules, standards, or orders issued by the Commission cause the petitioner unnecessary hardships? Explain the hardships.

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

(c) Do the hardships result from actions taken by the petitioner? Explain.

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

Please make your written arguments that Petitioner meets these criteria on a separate piece of paper. The Commission notes that there are some opinions of the State Bar which indicate that non-attorneys may not represent others at quasi-judicial proceedings such as a variance hearing before the Commission. These opinions note that the practice of professionals, such as engineers, surveyors or contractors, representing others in quasi-judicial proceedings through written or oral argument, may be considered the practice of law. Before you proceed with this variance request, you may wish to seek the advice of counsel before having a non-lawyer represent your interests through preparation of this Petition.
For this variance request to be complete, the petitioner must provide the information listed below. The undersigned petitioner verifies that this variance request is complete and includes:

- **X** The name and location of the development as identified on the permit application;
- **Ex. A** A copy of the permit decision for the development in question;
- **Ex. B** A copy of the deed to the property on which the proposed development would be located;
- **Ex. C** A complete description of the proposed development including a site plan;
- **Ex. D** A stipulation that the proposed development is inconsistent with the rule at issue;
- **Ex. E** Proof that notice was sent to adjacent owners and objectors, as required by 15A N.C.A.C. 07J.0701(c)(7);
- **N/A** Proof that a variance was sought from the local government per 15A N.C.A.C. 07J.0701(a), if applicable;
- **Ex. F** Petitioner’s written reasons and arguments about why the Petitioner meets the four variance criteria, listed above;
- **Ex. G** A draft set of proposed stipulated facts and stipulated exhibits. Please make these verifiable facts free from argument. Arguments or characterizations about the facts should be included in the written responses to the four variance criteria instead of being included in the facts.

**X** This form completed, dated, and signed by the Petitioner or Petitioner’s Attorney.

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

**Signature of Petitioner or Attorney**

**Todd S. Roessler**

**Printed Name of Petitioner or Attorney**

**4208 Six Forks Road, Suite 1400**

**Mailing Address**

**Raleigh, NC 27609**

**City**

**State**

**Zip**

**April 26, 2022**

**Date**

**TRoessler@KilpatrickTownsend.com**

**Email address of Petitioner or Attorney**

**(919) 420-1726**

**Telephone Number of Petitioner or Attorney**

**(919) 510-6121**

**Fax Number of Petitioner or Attorney**
DELIVERY OF THIS HEARING REQUEST

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

**Contact Information for DCM:**

**By mail, express mail or hand delivery:**
Director
Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557

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

**By Email:**
Check DCM website for the email address of the current DCM Director
[www.nccoastalmanagement.net](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 evidence 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
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21. Powerpoint of site photos
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<td>L4</td>
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<tr>
<td>L12</td>
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<td>L20</td>
<td>009.09</td>
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</tr>
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</table>

**Certificate of Ownership and Dedication**

I hereby certify that I am the owner of the property shown and described herein, which is located in the Subdivision of Junction of the Town of Sunset Beach and that I hereby accept this plat of Subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, sidewalks, parks, open space, and other 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.

**Certificate of Approval for Recording**

I hereby certify that the Subdivision plat shown herein has been found to comply with the Subdivision Regulations of the Town of Sunset Beach, North Carolina, and that this plat has been approved by the Board of Aldermen for recording in the Office of the Register of Deeds of Brunswick County.

**Certificate of Registration by Register of Deeds**

<table>
<thead>
<tr>
<th>Date</th>
<th>Town Clerk</th>
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<tbody>
<tr>
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**Revised Map for Record**

<table>
<thead>
<tr>
<th>Lot Number</th>
<th>Street Name</th>
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</thead>
<tbody>
<tr>
<td>1-10</td>
<td>Palm Cove</td>
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</tbody>
</table>

**Revocation of Permit**

On the 2nd day of December, 2007, the permit to construct the building shown on the plat was revoked. The Permit Number is 07-001.
### Exhibit B

#### CONSTRUCTION DETAIL

<table>
<thead>
<tr>
<th>MARKET VALUE</th>
<th>DEPRECIATION</th>
<th>CORRELATION OF VALUE</th>
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<tbody>
<tr>
<td>TOTAL POINT VALUE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>BUILDING ADJUSTMENTS</td>
<td>USE MOD</td>
<td>Eff. Area</td>
</tr>
<tr>
<td>TOTAL ADJUSTMENT FACTOR</td>
<td>TYPE: VACANT LAND</td>
<td>STYLE:</td>
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<tr>
<td>TOTAL QUALITY INDEX</td>
<td></td>
<td></td>
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</table>

#### DEPR. BUILDING VALUE - CARD

| 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

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#### SALES DATA

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#### HEATED AREA

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<tr>
<th>NOTES</th>
<th>1830 E. MAIN DEAN BELK</th>
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#### OTHER ADJUSTMENTS AND NOTES

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<th>ROAD TYPE</th>
<th>LAND UNIT PRICE</th>
<th>TOTAL LAND UNITS</th>
<th>UNIT TYP</th>
<th>TOTAL ADJST</th>
<th>ADJUSTED UNIT PRICE</th>
<th>LAND VALUE</th>
<th>OVERRIDE VALUE</th>
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<tr>
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### BUILDING DIMENSIONS

#### LAND INFORMATION

<table>
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<th>HIGHEST AND BEST USE</th>
<th>USE CODE</th>
<th>LOCAL ZONING</th>
<th>FROM TAGE</th>
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<th>DEPTH / SIZE</th>
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<td>1.0000</td>
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<td>1.0000</td>
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| TOTAL MARKET LAND DATA | 1,200,000 |
| TOTAL PRESENT USE DATA |        |
STATE OF NORTH CAROLINA

GENERAL WARRANTY DEED

REVENUE STAMPS: $2,400.00

PARCEL #: 256MB001

DRAWN BY AND

KIRBY LAW FIRM, PLLC

RETURNED TO:

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 BRUNSWICK, 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:

Steven G. Thanhauser, Manager

By:

Van E. Eure, Manager

STATE OF NC
COUNTY OF Wake

I, Jill R. Highsmith, do hereby certify that Steven G. Thanhauser personally appeared 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 signing 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

Jill R. Highsmith
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 appeared before 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 signing 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

Jill R. Highsmith
Notary Public Signature

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

Jill R. Highsmith

Printed Name of Notary Public
My Commission Expires: 10-6

(See following page for additional signatures and notary acknowledgment)
Thunder Road, LLC

By: Dean E. Belk, Manager

By: Shelley E. Belk, Manager

STATE OF NC
COUNTY OF Wake

I, Jill 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: 9/24/2019

Jill R. Highsmith
Notary Public Signature

(Printed Name of Notary Public)
My Commission Expires: 10-21-31

STATE OF NC
COUNTY OF Wake

I, Jill 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: 9/24/2019

Jill R. Highsmith
Notary Public Signature
"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."
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.
<table>
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<tr>
<th>CONSTRUCTION DETAIL</th>
<th>MARKET VALUE</th>
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<th>CORRELATION OF VALUE</th>
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<tbody>
<tr>
<td>TOTAL POINT VALUE</td>
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<tr>
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<td>Eff. Area</td>
<td>Qual. BASE RATE</td>
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**TYPE:** VACANT LAND  
**STYLE:**  

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**SUBAREA**

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<td>TOTAL OB/XF VALUE</td>
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**BUILDING DIMENSIONS**

**LAND INFORMATION**

<table>
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<th>USE CODE</th>
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<th>LND MOD</th>
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</tbody>
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**SALES DATA**

2005 DIS FOR 05+FF DUE TO EX.OWNER TO NON EX.OWNER DEED DATE 5/05 NO CHANGE PER 2011 B&R
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 EXPRESS
TITLE AND WE EXPRESS NO OPINION ON TITLE TO THE PROPERTY

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 the
closing attorney is Jeff Keeter.

STATE OF NORTH CAROLINA
Revenue Stamps $3

COUNTY OF BRUNSWICK
Parcel Number 21

THIS WARRANTY DEED, made this 23rd day of February
between Palm Cove Holdings, LLC, a North Carolina limited liability company,
address of 115 North Third Street, Suite 300, Wilmington, NC 28401 (herein called "Grantor")
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 Grantee,
hereof is hereby acknowledged, has bargained and sold, and by these presents does
bargain, sell, and convey unto Grantee, its heirs and assigns forever, all that certain
located in Brunswick County, North Carolina, and more particularly describe
attached hereto and incorporated herein by reference.
SUBJECT TO the Permitted Exceptions to Title set forth on Exhibit A hereeto and incorporated herein by reference.

TO HAVE AND TO HOLD the above granted and described parcel with all and singular, the rights, privileges, easements, tenements and appurtenances belonging, or in anywise appertaining unto the said GRANTEE, its heirs and assigns forever.

And the GRANTOR, for itself, its successors and assigns, does covenant, agree and assure the said GRANTEE, its heirs and assigns, that it is seized in fee simple of the above grant property; that it has good right to sell and convey the same in fee simple; that the grantor 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 acceptance of this instrument, the GRANTEE ACKNOWLEDGES, AGREES AND UNDERSTANDS THAT THE PROPERTY IS LOCATED IN AN INLET HAZARD AREA OF ENVIRONMENTAL CONCERN. BY DEFINITION A NATURAL HAZARD AREA THAT IS ESPECIALLY VULNERABLE TO EROSION, FLOODING AND OTHER ADVERSE EFFECTS OF SALT WATERS BECAUSE OF ITS PROXIMITY TO DYNAMIC OCEAN INLETS OF NORTH CAROLINA IMPOSES SPECIAL REGULATIONS AFFECTING THE USE OF HARDENED STRUCTURES AS A MEANS OF EROSION COI

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

(SIGNATURE PAGE TO FOLLOW)
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: [Signature]
Name: Bobby W. Harrelson
Title: Manager

STATE OF NORTH CAROLINA
COUNTY OF New Hanover
(County where acknowledgment takes)

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

Witness my hand and official seal or stamp, this 23rd day of February

My Commission Expires: _
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.
<table>
<thead>
<tr>
<th>USE CODE</th>
<th>LOCAL ZONING</th>
<th>FRONTAGE</th>
<th>DEPTH</th>
<th>DEPTH / SIZE</th>
<th>LND MOD</th>
<th>COND FACT</th>
<th>OTHER ADJUSTMENTS AND NOTES</th>
<th>ROAD TYPE</th>
<th>LAND UNIT PRICE</th>
<th>TOTAL LAND UNITS</th>
<th>UNIT TYP</th>
<th>TOTAL ADJST</th>
<th>ADJUSTED UNIT PRICE</th>
<th>LAND VALUE</th>
<th>OVERRIDE VALUE</th>
<th>LAND NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFR OCEAN</td>
<td>0107</td>
<td>CR1</td>
<td>58</td>
<td>508</td>
<td>1.0000</td>
<td>0</td>
<td>1.0000</td>
<td>PS</td>
<td>1,200,000.00</td>
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<td>LT</td>
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<td>1,200,000.00</td>
<td>1200000</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL MARKET LAND DATA**

1,200,000

**TOTAL PRESENT USE DATA**
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 30th 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 hereinafore 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 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.
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, [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 [30th] day of [August], 2021.

[Notary Public]

My Commission Expires: 01-31-2024

NORTH CAROLINA
CUMBERLAND COUNTY

I, [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 [30th] day of [August], 2021.

[Notary Public]

My Commission Expires: 01-31-2024
<table>
<thead>
<tr>
<th>CONSTRUCTION DETAIL</th>
<th>MARKET VALUE</th>
<th>DEPRECIATION</th>
<th>CORRELATION OF VALUE</th>
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</thead>
<tbody>
<tr>
<td>TOTAL POINT VALUE</td>
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<tr>
<td>BUILDING ADJUSTMENTS</td>
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<td>TOTAL QUALITY INDEX</td>
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<tr>
<td>STYLE:</td>
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</tr>
</tbody>
</table>

| DEPR. BUILDING 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 |

**SALES DATA**

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**NOTES**

SALE FOR 3 PCLS NO CHANGE PER 2011 & R

**BUILDING DIMENSIONS**

| SUBAREA | TOTAL OB/XF VALUE | 0 |

| FIREPLACE |

| SUBAREA | TOTALS |

| BUILDING DIMENSIONS | LAND INFORMATION |

<table>
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<tr>
<th>HIGHEST AND BEST USE</th>
<th>USE CODE</th>
<th>LOCAL ZONING</th>
<th>FRONTAGE</th>
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<th>DEPTH / SIZE</th>
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<th>LAND NOTES</th>
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<tr>
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<td>0107</td>
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<td>9</td>
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</table>

| TOTAL MARKET LAND DATA | 1,200,000 |

| TOTAL PRESENT USE DATA | |
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 _/___ day of ___, 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

This instrument was prepared by _M__ 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: ________________________________
Name: Bobby W. Harrelson
Title: Manager

STATE OF NORTH CAROLINA
COUNTY OF New Hanover
(County where acknowledgment taken)

I, ________________________________, 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 1st day of July, 2021.

______________________________
Notary Public

My Commission Expires: 9-20-21
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.
### CONSTRUCTION DETAIL

<table>
<thead>
<tr>
<th>DEPRE. BUILDING VALUE - CARD</th>
<th>MARKET VALUED</th>
<th>DEPR. OB/XF VALUE - CARD</th>
<th>MARKET LAND VALUE - CARD</th>
<th>TOTAL MARKET VALUE - CARD</th>
</tr>
</thead>
<tbody>
<tr>
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<td>2,221,840</td>
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</table>

### DEPRECIATION

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<td>SFR CONSTRUCTION</td>
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### BUILDING ADJUSTMENTS

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<th>TOTAL POINT VALUE</th>
<th>135,000</th>
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</table>

### BUILDING ADJUSTMENTS

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<thead>
<tr>
<th>BUILDING ADJUSTMENTS</th>
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</thead>
</table>

### SUBAREA

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<th>DESCRIPTION</th>
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<th>TOTAL QUALITY INDEX</th>
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<tr>
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<td>1.190</td>
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</table>

### SALES DATA

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<tr>
<th>UNIT PRICE</th>
<th>ORIG %</th>
<th>BLDG%</th>
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<td>1,800.00</td>
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</table>

### NOTES

- **Return/Appeal**: Parcel: 256MB005
- **Notes**: PLAT: UNQ ID 00084/02081 122839
- **ID NO**: 10541158013
- **Reval Year**: 2019 Tax Year: 2022
- **L-5 PALM COVE PL 84/81**
- **Appraised by 06 on 08/25/2021 06SP PALM COVE**
- **TW-06 CI- FR- 11 16 EX- AT- LAST ACTION 20211124**

---

Click on image to enlarge.
### Subarea Totals

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Buildings</th>
<th>Uses</th>
<th>Local Zoning</th>
<th>Frontage</th>
<th>Depth</th>
<th>Lnd Mod</th>
<th>Additions and Notes</th>
<th>Road Type</th>
<th>Land Unit Price</th>
<th>Total Land Units</th>
<th>Adjusted Unit Price</th>
<th>Land Value</th>
<th>Override Value</th>
<th>Land Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFR Ocean</td>
<td>0107</td>
<td>CR1</td>
<td>58</td>
<td>480</td>
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<td>1,200,000.00</td>
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<td></td>
</tr>
</tbody>
</table>

**Total Market Land Data:** 1,200,000

**Total Present Use Data:**

---

The image contains a table with columns for subarea, buildings, uses, local zoning, frontage, depth, land modification, additions and notes, road type, land unit price, total land units, adjusted unit price, land value, override value, and land notes. The table provides specific data for each entry, such as the land unit price, total land units, and adjusted unit price, along with the land value and override value, all related to the SFR Ocean subarea.
NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: $0.00

Parcel Identifier No. P555 MB 005 Verified by County on the day of , 20

By: Mary Kay Baynard, Esq., JAMES, MEIIROY & 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

JILL MARIE RUNNION
(unmarried)

17825 Spinnakers Reach Drive
Cornelius, NC 28031

GRANTEE

JILL MARIE RUNNION, TRUSTEE OF THE
JILL MARIE RUNNION REVOCABLE
TRUST DATED MARCH 20, 2019

17825 Spinnakers Reach Drive
Cornelius, NC 28031

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.

NC Bar Association Form No. 6 © 1/1/2010
Printed by Agreement with the NC Bar Association
All or a portion of the property herein conveyed ___ includes or ___ does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Map Book # at Pages 1-2 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 Grantee 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.

[Signature]

(Entity Name)

Print/Type Name: JILL MARIE RUNNION (SEAL)

Print/Type Name: ______________________

(Print/Type Name)

State of _______________ County of _______________, in the County of _______________, and State aforesaid, certify that JILL MARIE RUNNION, personally appeared before me this day and acknowledged the due execution of the following instrument, and the contents thereof expressed. Witness my hand and Notarial stamp or seal this ___ day of ________, 2023.

[Notary's Printed or Typed Name]

Notary Public

My Commission Expires: _________________

Name:

(Print/Type Name)

State of _______________ County of _______________, in the County 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 ________, 2023.

[Notary's Printed or Typed Name]

Notary Public

My Commission Expires: _________________

Name:

(Print/Type Name)

[Notary's Printed or Typed Name]

State of _______________ County of _______________, in the County of _______________, and State aforesaid, certify that __________________________, a North Carolina 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/she 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__.

[Notary's Printed or Typed Name]

Notary Public

My Commission Expires: _________________

Name:

(Print/Type Name)
EXHIBIT A

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, Page 81, 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, GRANTEES 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.
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**TOTAL MARKET LAND DATA**

1,200,000

**TOTAL PRESENT USE DATA**
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

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

HOWARD BEACH HOUSE, LLC,
a North Carolina Limited Liability Company
125 Chesterwood Court
Mooresville, NC 28117

GRANTEE

TIMOTHY DONATELLI & wife,
ADRIAN DONATELLI
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 Grantor in fee simple.

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

By: Kelly C. Howard
Title: Manager

SUSAN ARCHER
NOTARY PUBLIC
Iredell County
North Carolina
My Commission Expires: December 31, 2024

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 affects 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. 226MB006).

DONATELLI 6/1-20
Lot 6 Palm Cove, Sunset Beach, NC 28468
## CONSTRUCTION DETAIL

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### MARKET LAND VALUE - CARD
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### TOTAL APPRAISED VALUE - CARD
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### TOTAL PRESENT USE VALUE - PARCEL
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### TOTAL VALUE DEFERRED - PARCEL
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### TOTAL TAXABLE VALUE - PARCEL $1200000

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### BUILDING DIMENSIONS

### LAND INFORMATION

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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 & Godfrey, P. C.

STATE OF NORTH CAROLINA
Revenue Stamps $1,700.00
COUNTY OF BRUNSWICK
Parcel Number 256MB007

THIS WARRANTY DEED is made this ___ 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.
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: ____________________________
Name: Robert C. Exum
Its: Member/Manager

STATE OF NORTH CAROLINA
COUNTY OF New Hanover

I, Myra V. Hewett, a Notary Public for New Hanover County, North Carolina, do hereby certify that Robert C. 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 V. Hewett
Notary Public

My Commission Expires: 7-4-2020

00133316
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.
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</table>

TOTAL MARKET LAND DATA

1,200,000

TOTAL PRESENT USE DATA
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 closing attorney.

STATE OF NORTH CAROLINA
Revenue Stamps $ 1,800.00

COUNTY OF BRUNSWICK
Parcel Number 256MB008

THIS WARRANTY DEED, made this ___ day of August, 2015 by and between PORT CITY ADVISORS, LLC, a North Carolina limited liability company with a mailing address of 503 Old 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: ____________________________
Name: __________________________
Its: ____________________________

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

I, DIANE M. STEWART, a Notary Public for BRUNSWICK County, North Carolina, do hereby certify that STEVE SAEED, 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 1st day of AUGUST 2015.

Diiane M. Stewart
Notary Public

My Commission Expires:

6-18-2017

118563.2
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.
### Construction Detail

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### Market Value

| Foundation - 3 | 10.00 |
| Efficient Area | 4,465 |
| BASE PRICE | $190,260 |
| RCN | 8517612016 |
| YRB | 2016 |
| AYB | 2016 |
| Standard | 0.01000 |

### Depreciation

- **Dep. Building Value - Card**: $843,240
- **Dep. OB/XF Value - Card**: $37,980
- **Market Land Value - Card**: $1,200,000
- **Total Market Value - Card**: $2,081,220
- **Total Appraised Value - Card**: $2,081,220
- **Total Appraised Value - Parcel**: $2,081,220
- **Total Present Use Value - Parcel**: $0
- **Total Value Deferred - Parcel**: $0
- **Total Taxable Value - Parcel**: $2,081,220

### Building Adjustments

| Market/Design | 05 | 1.00 |
| Quality | 5 | EXCELLENT | 1.2500 |
| Size | Size | 0.9500 |
| Construction Factor | 05 | 1.00 |

### Total Quality Index

151

### Subarea

- **Basement (BAS)**
  - **Area**: 32' x 42'
  - **Code**: 42
  - **Price**: $17,000.00

- **First Floor (F1)**
  - **Area**: 32' x 42'
  - **Code**: 42
  - **Price**: $17,000.00

- **Second Floor (F2)**
  - **Area**: 32' x 42'
  - **Code**: 42
  - **Price**: $17,000.00

- **Third Floor (F3)**
  - **Area**: 32' x 42'
  - **Code**: 42
  - **Price**: $17,000.00

### Building Dimensions

- **Basement (BAS)**: 2,172 sq ft
- **First Floor (F1)**: 1,640 sq ft
- **Second Floor (F2)**: 1,640 sq ft
- **Third Floor (F3)**: 1,640 sq ft
- **Fireplace (FPC)**: 720 sq ft

### Notes

- **Click on image to enlarge**
- **No change per 2011 EBR**
- **OB/XF DEPR. VALUE**: $37,976

### Building Codes

- **Basement (BAS)**: N22W16S18W4S14E4S32E42N42W26Area: 2172
- **First Floor (F1)**: S18E26N18W26Area: 468
- **Second Floor (F2)**: S6W42N6E42Area: 252
- **Third Floor (F3)**: F16N42W26N22W16S18W4S14E4S
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Exert 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

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

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 10th 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 CELESTRA COURT, ST JAMES, NY 11780 to second party, DEFG PROPERTY LLC whose mailing address is 10 CELESTRA 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 located 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 thereto belonging unto the said Grantee, and her heirs and assigns, free and discharged from all right, title, claim or interest of the said Grantor 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 hereinto set their hands, this the day and year first above written.

FRANK CAPOBIANCO  
DANA CAPOBIANCO

RALPH DIBUGNARA  
BEATRIZ DIBUGNARA

STATE OF NEW YORK  
COUNTY OF SUFFOLK  
SS.

I, Kynthia 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 10th day of December, 2021

(Official Seal)

Kynthia M. Rosario  
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  
Deputy/Assistant-Register of Deeds  
COUNTY
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.
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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 __ 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, GRANTEES 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. 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. 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 15th day of June, 2018.

Notary Public:

My commission expires: 06-15-2031
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: ____________________________ (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 15th day of June, 2018.

Notary Public:

My commission expires: 06-21-2024
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.

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 25th day of May, 2022.

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 access 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 Tendler, 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

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.

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.

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.

June 23, 2021

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

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.
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
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.

SEP 13 2021

DCM WILMINGTON, NC
### 1. Primary Applicant/ Landowner Information

<table>
<thead>
<tr>
<th>Business Name</th>
<th>Project Name (if applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palm Cove HOA</td>
<td>Palm Cove Sandbag Revetment</td>
</tr>
</tbody>
</table>

Applicant 1: First Name | MI | Last Name  
Cyndi                |    | Levine     

Applicant 2: First Name | MI | Last Name

If additional applicants, please attach an additional page(s) with names listed.

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>PO Box</th>
<th>City</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>904 Calamint Lane</td>
<td></td>
<td>Fayetteville</td>
<td>NC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ZIP</th>
<th>Country</th>
<th>Phone No. 1</th>
<th>City</th>
<th>State</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>28305</td>
<td>USA</td>
<td>260-402-8947</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Street Address (if different from above) | City | State | ZIP |
|----------------------------------------|------|-------|-----|

Email: nurselefty2002@mac.com

### 2. Agent/Contractor Information

<table>
<thead>
<tr>
<th>Agent/Contractor 1: First Name</th>
<th>MI</th>
<th>Last Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debbie</td>
<td>D</td>
<td>Wilson</td>
</tr>
</tbody>
</table>

Agent/Contractor 2: First Name | MI | Last Name

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>PO Box</th>
<th>City</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Wilmington</td>
<td>NC</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ZIP</th>
<th>Phone No. 2</th>
<th>Contractor #</th>
</tr>
</thead>
<tbody>
<tr>
<td>28408</td>
<td>910-612-0402</td>
<td></td>
</tr>
</tbody>
</table>

Email: debbiew75@charter.net

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3. Project Location

<table>
<thead>
<tr>
<th>County (can be multiple)</th>
<th>Street Address</th>
<th>State Rd. #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brunswick</td>
<td>1830 - 1848 East Main Street</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subdivision Name</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palm Cove</td>
<td>Sunset Beach</td>
<td>NC</td>
<td>28468</td>
</tr>
</tbody>
</table>

Phone No. 260 - 402 - 8947 ext.
Lot No.(s) (if many, attach additional page with list) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10

a. In which NC river basin is the project located? Lumber
b. Name of body of water nearest to proposed project Jinks Creek, Eastern Channel
c. Is the water body identified in (b) above, natural or manmade? Natural □ Manmade □ Unknown
d. Name the closest major water body to the proposed project site. Atlantic Ocean
e. Is proposed work within city limits or planning jurisdiction? Yes □ No □
f. If applicable, list the planning jurisdiction or city limit the proposed work falls within. Sunset Beach

4. Site Description

a. Total length of shoreline on the tract (ft.) 1,070' along Eastern Channel
b. Size of entire tract (sq.ft.) 459,558 sq. ft.
c. Size of individual lot(s)
   1.56, 1.15, 1.06, 0.96, 0.90, 0.86, 0.81, 0.97, 1.09, 1.19 acres (If many lot sizes, please attach additional page with a list)
d. Approximate elevation of tract above NHW (normal high water) or NWL (normal water level) 4' - 12' NHW or NWL

e. Vegetation on tract
   Sea Oats, American Beach Grass, Lawn Grasses, Palm Trees and ornamental landscaping
f. Man-made features and uses now on tract
Single family residences, paved road, community docking facility, sandbags

g. Identify and describe the existing land uses adjacent to the proposed project site.

Residential

h. How does local government zone the tract? Residential CR-1

i. Is the proposed project consistent with the applicable zoning? (Attach zoning compliance certificate, if applicable)
   Yes □ No □ NA

j. Is the proposed activity part of an urban waterfront redevelopment proposal? □ Yes □ No

k. Has a professional archaeological assessment been done for the tract? If yes, attach a copy. □ Yes □ No □ 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? □ Yes □ No □ NA

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DCM WILMINGTON, NC
m. (i) Are there wetlands on the site?  
   - Yes  No

(ii) Are there coastal wetlands on the site?  
   - Yes  No

(iii) If yes to either (i) or (ii) above, has a delineation been conducted?  
   (Attach documentation, if available)  
   - Yes  No

n. Describe existing wastewater treatment facilities.

   Municipal

o. Describe existing drinking water supply source.

   Municipal

p. Describe existing storm water management or treatment systems.

   None

5. Activities and Impacts

a. Will the project be for commercial, public, or private use?  
   - Commercial  Public/Government  Private/Community

b. Give a brief description of purpose, use, and daily operations of the project when complete.

   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.

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.

   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.

d. List all development activities you propose.

   Installation of a larger temporary sandbag revetment to protect the only access road to the properties which is still experiencing continued erosion.

e. Are the proposed activities maintenance of an existing project, new work, or both?

   Both

f. What is the approximate total disturbed land area resulting from the proposed project?  
   - Sq.Ft  Acres

   5,000

g. Will the proposed project encroach on any public easement, public accessway or other area that the public has established use of?  
   - Yes  No  NA

h. Describe location and type of existing and proposed discharges to waters of the state.

   None proposed

i. Will wastewater or stormwater be discharged into a wetland?  
   - Yes  No  NA

   If yes, will this discharged water be of the same salinity as the receiving water?  
   - Yes  No  NA

j. Is there any mitigation proposed?  
   If yes, attach a mitigation proposal.

   - Yes  No  NA

<Form continues on back>
### 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.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>A project narrative.</td>
</tr>
<tr>
<td>b.</td>
<td>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.</td>
</tr>
<tr>
<td>c.</td>
<td>A site or location map that is sufficiently detailed to guide agency personnel unfamiliar with the area to the site.</td>
</tr>
<tr>
<td>d.</td>
<td>A copy of the deed (with state application only) or other instrument under which the applicant claims title to the affected properties.</td>
</tr>
<tr>
<td>e.</td>
<td>The appropriate application fee. Check or money order made payable to DENR.</td>
</tr>
<tr>
<td>f.</td>
<td>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.</td>
</tr>
<tr>
<td>g.</td>
<td>A list of previous state or federal permits issued for work on the project tract. Include permit numbers, permittee, and issuing dates.</td>
</tr>
<tr>
<td>h.</td>
<td>Signed consultant or agent authorization form, if applicable.</td>
</tr>
<tr>
<td>i.</td>
<td>Wetland delineation, if necessary.</td>
</tr>
<tr>
<td>j.</td>
<td>A signed AEC hazard notice for projects in oceanfront and inlet areas. (Must be signed by property owner)</td>
</tr>
<tr>
<td>k.</td>
<td>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.</td>
</tr>
</tbody>
</table>

### 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-5 Bridges and Culverts  
- [ ] DCM MP-3 Upland Development  
- [ ] DCM MP-4 Structures Information

Please note the following information:

**DCM WILMINGTON, NC**

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SEP 13, 2021  
252-808-2808 :: 1-888-4RCOAST :: www.nccoastalmanagement.net
Form DCM MP-2

EXCAVATION and FILL
(Except for bridges and culverts)

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

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

<table>
<thead>
<tr>
<th>Access Channel (NLW or NWL)</th>
<th>Canal</th>
<th>Boat Basin</th>
<th>Boat Ramp</th>
<th>Rock Groin</th>
<th>Rock Breakwater</th>
<th>Other (excluding shoreline stabilization)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Width</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avg. Existing Depth</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Final Project Depth</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

1. EXCAVATION

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

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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revised: 12/26/06
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'

h. Type 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.

7/28/21  
Date

Palm Cove Sandbag Revetment  
Project Name

Palm Cove HOA  
Applicant Name  
SEP 1 3 2021  
Agent for: DCW WILMINGTON, NC  
Applicant Signature

RERIVED
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: *
Street Address: 1830 to 1848 E Main Street
Address Line 2: 
City / State / Zip Code: Sunset Beach NC 28468 USA

Is this a transportation project? *
\( \square \) Yes \( \square \) No

Type(s) of approval sought from the DWR:
\( \square \) 401 Water Quality Certification - Regular
\( \square \) 401 Water Quality Certification - Express
\( \square \) Individual Permit
\( \square \) Modification
\( \checkmark \) Shoreline Stabilization

Does this project have an existing project ID#? *
\( \square \) Yes \( \square \) 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.

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: 

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

Phone Number: 949-660-6300 (off); 949-330-3777 (cell)

Email Address: delahantylaw@gmail.com

I certify that I have authorized Debbie Wilson, Agent 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:

Signature

Print or Type Name

Title

Date

This certification is valid through 12/31/2021

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DCM WILMINGTON, NC
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. 7620

Address of the Structure Being Protected:

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

Property Owner: Ann Morales

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

Ann Morales

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

Tim Jackson

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SEP 13 2021
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 1, Palm Cove Plat 84/81
Sunset Beach, 28468

Property Owner: Palm Cove Holdings

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

Bobby Harrelson
2/6/2020

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

Tim Jackson

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SEP 13 2021
DCM WILMINGTON, NC
AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION

Name of Property Owner Requesting Permit: Palm Cove
Mailing Address: 901 Calmwater Lane
                      Fayetteville, NC 28305
Phone Number: 904-402-8947
Email Address: nsc.lefhyaraca2morp.com
I certify that I have authorized __________________________________________________________________________,
Agent / Contractor
to act on my behalf, for the purpose of applying for and obtaining all CAMA permits
necessary for the following proposed development: __________________________________________________________________________
Stabilization for Palm Cove
at my property located at __________________________________________________________________________,
in __________________________________________________________________________ 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
Cyndi Levine
Print or Type Name
President HCT
Title

DATE

This certification is valid through ______/_____/______

RECEIVED
SEP 13 2021
DCM WILMINGTON, NC
NC DIVISION OF COASTAL MANAGEMENT
SANDBAG REMOVAL NOTICE

I, Cyndi Levine, 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: 3/6/2023

Address of the Structure Being Protected:
Lot 3 Palm Cove, Plat 64/61
Sunset Beach, 28468

Property Owner: Benjamin Levine & Cyndi Levine

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

Print Name: Cyndi Levine/Benjamin Levine
Date: 2/6/2020

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

Benjamin Levine/Cyndi Levine give permission to Tim Jackson to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted above.

Print Name: Cyndi Levine
Print Agent Name: Tim Jackson

Owner or Officer Signature: Tim Jackson
Print Agent Name:

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SEP 1 3 2021
DCM WILMINGTON, NC
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

This certification is valid through 12/31/2022

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SEP 13 2021

DCM WILMINGTON, NC
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 yrs

Address of the Structure Being Protected:
Lot 4 Palm Cove Plat 84/81
Sunset Beach, 28468

Property Owner:    

If the property is owned by a Firm or Corporation give the name of the officer or authorized representative:
2/6/2020

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

Print owner or Officer Name
Print Agent Name

Owner or Officer Signature
Print Agent Name

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SEP 13 2021
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: ___________  Permit No. ____________

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:

Tim Jackson
Owner or Officer Name

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

Jill Marie Ronnion give permission to Tim Jackson to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted above.

Tim Jackson
Owner or Officer Name

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SEP 13 2021
DCM WILMINGTON, NC
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:  adriantockler@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 10 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

This certification is valid through  /  /  

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SEP 13 2021

DCM WILMINGTON, NC
NC DIVISION OF COASTAL MANAGEMENT
SANDBAG REMOVAL NOTICE

1. Kelly Howard ____________ understands 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. 740207

Address of the Structure Being Protected:
Lot 6 Palm Cove Plat 24/81
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:

Date: 2/6/2020

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

Kelly Howard ____________ give permission to Tim Jackson
Print Owner or Office Name
Print Agent Name

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

Tim Jackson
Print Agent Name

Owner or Officer Signed

RECEIVED SEP 13 2021
DCM WILMINGTON, NC
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 years. Permit No. 7020-

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                Date

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

L, Donna W. Conner, give permission to, Tim Jackson

Print name of officer/agent

Owner or Officer Signature

Tim Jackson
Print Agent Name

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

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SEP 13 2021
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 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 28468 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:

Karen Triplett

Signature

Karen Triplett

Print or Type Name

Owner

Title

07/13/2021

Date

This certification is valid through ____/_____/______

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SEP 13 2021

DCM WILMINGTON, NC
SANDBAG REMOVAL NOTICE

Karen Triplett, the property owner, hereby requests removal of temporary erosion control structures placed on the property located at Lot 9, Palm Cove, Plat 84/81, Sunset Beach, NC 28468.

Temporary erosion control structures may remain in place for up to eight years after the date of approval if it is protecting a building and associated septic system, 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 20 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 6 years. Permit No. 16200.

Address of the Structure Being Protected:
Lot 9, Palm Cove, Plat 84/81, Sunset Beach, NC 28468

Property Owner: Karen Triplett

If the property is owned by a firm or corporation, give the name of the officer or authorized representative: 2/6/2020

Karen Triplett, Print Name

Tim Jackson, Print Agent Name

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

Karen Triplett, Print Name

Tim Jackson, Print Agent Name

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

Karen Triplett, Owner or Officer Signature

Tim Jackson, Print Agent Name

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DCM WILMINGTON, NC
NC DIVISION OF COASTAL MANAGEMENT
SANDBAG REMOVAL NOTICE

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.

Address of the Structure Being Protected:
Lot 9 Palm Cove  Plat 84/81
Sunset Beach, 28468

Property Owner: Susan E Spratt/David Tendler

If the property is owned by a Firm or Corporation give the name of the officer or authorized representative:
7/3/2020

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

Tim Jackson
Printed Name
Owner or Officer Signature

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SEP 13 2021
DCM WILMINGTON, NC
AGENT AUTHORIZATION FOR CAMA PERMIT APPLICATION

Name of Property Owner Requesting Permit:  

Mailing Address:  
205 Tuscarora Rd.  
Carthage, NC 28327

Phone Number:  
910-322-5787

Email Address:  
ItalianaX5@cantvnglink.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  

at my property located at  
Palm Cove Lot #10

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

/  
Print or Type Name

/  
Title

07/31/2021

This certification is valid through  

RECEIVED

SEP 13 2021

DCM WILMINGTON, NC
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 utility 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 Permit No. 24210

Address of the Structure Being Protected:
Lot 10 Palm Cohoe, Plat 84/81
Sunset Beach, 28468

Property Owner: Tatiana McCuen

If the property is owned by a firm or corporation give the name of the officer or authorized representative:

Tatiana McCuen

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

Tatiana McCuen, give permission to Tim Jackson to act as my/our agent in obtaining a CAMA General Permit to place sandbags on the property noted below.

Tim Jackson

[Signature]

Print Name

Print Agent Name
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 / 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, 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:

Signature

Print or Type Name

Title

Date

This certification is valid through ______/______/_______

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SEP 13 2021

DCM WILMINGTON, NC
Existing Conditions

- Elevation of existing Road varies from 8' to 10'
- Top of Bags
- Base of Bags
- 2' Elevation of existing Road
- Horizontal Scale: 1" = 3'
- All Elevations Are Relative to MLW
  - MHW = 4.95'
  - MLW = 0.0'

Received: SEP 13 2021
DCM WILMINGTON, NC
Proposed Structures

X-Sections

- Road Elevation varies from 8'-10'
- All Backfill to be Trucked In and Beach Compatible

- Existing Sandbags
- Proposed Sandbags

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

Existing Sandbags 6' in Height

Proposed Base Width = 25'

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SEP 13 2021
DCM WILMINGTON, NC
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
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

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:**

<table>
<thead>
<tr>
<th></th>
<th>DREDGED</th>
<th>FILLED</th>
<th>OTHER</th>
</tr>
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<tbody>
<tr>
<td>(A) Uplands</td>
<td>N/A</td>
<td>N/A</td>
<td>5,000 sq. ft.</td>
</tr>
<tr>
<td></td>
<td></td>
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<td>(Sandbags placed landward of NHW)</td>
</tr>
<tr>
<td>(B) Vegetated Wetlands</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>(C) Open Water</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(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 5,000 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.

Submitted by: Brendan Brock  Date: September 29, 2021  Office: Wilmington
Odell Williamson Trustee and Bullington Ladane Williamson Trustee
2 Causeway
Ocean Isle Beach, NC 28469

1. Article Addressed to:

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

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

CAMA PERMIT APPLIED FOR

PROJECT: Applicant proposed to increase an existing sandbag revetment to an oversized alignment, totaling approx. 25,000 sqft 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.

APPLICANT:

Palm Cove HOA

Agent: Debbie Wilson
(910) 612-0402

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

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

COMMENTS ACCEPTED THROUGH October 26, 2021
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 MANAGER REVIEW:  

B) DATE RECEIVED BY MAJOR PERMITS UNIT:  
APPLICATION ASSIGNED TO:  
PUBLIC NOTICE REC'D:  10-4-21  
ADJ. RIP, PROP NOTICES REC'D:  

C) 75 DAY DEADLINE:  12-13-21  
MAIL OUT DATE:  9-29-21  
PERMIT FINAL ACTION: ISSUE  

DISTRICT OFFICE:  WILMINGTON  
FEE REC'D: $400 (60/40)#1056  
END OF NOTICE DATE:  10-25-21  
DEED REC'D:  Yes  
150 DAY DEADLINE:  2/26/22  
STATE DUE DATE:  10-25-21  

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<tr>
<th>AGENCY</th>
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<td>9/21/21</td>
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<td>DCM – LUP Consistency Determination</td>
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<td>DWR – Public Water Supply</td>
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<td>Concerns re: recs if allowed</td>
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<td>Wants study on impacts</td>
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<td>NC Dept of Commerce</td>
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</table>
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:

X 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
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 oversize alignment, totaling approximately 25,000 sq ft. 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: X 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
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**  

X This agency has no comment on the proposed project.  

☐ This agency approves 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 Shannon Jenkins

AGENCY NC DMF - Shellfish Sanitation/Recreational Water Quality

SIGNATURE Kelly Brannigan for Shannon Jenkins DATE 10/4/21

RECEIVED OCT 5 2021

MP SECTION MHD
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**

X 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
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
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

MP SECTION MHD
MEMORANDUM:

TO: Gregg Rodmar, 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

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 sandbar 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 25 ft. and the crest height to 12 ft. 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 4/22/2022. 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 with further questions or concerns.
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: Meridie Dunn  
AGENCY: NCWRC  
SIGNATURE: Meridie  
DATE: 10-25-2021
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.

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 ft², to protect an imminent 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 \( \text{Calidris canutus rufa} \), 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
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
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

X 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

MP SECTION
DCM - MHD CITY

North Carolina Department of Environmental Quality | Division of Coastal Management
Wilmington Office | 127 Cardinal Drive Extension | Wilmington, North Carolina 28405
910.796.7215
Good afternoon Ali,

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

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,
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

Todd S. Roessler  
Attorney for Palm Cove HOA

Enclosure
April 26, 2022

Via Certified Mail – Return Receipt Requested

Preston Trible
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.

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

Todd S. Roessler  
Attorney for Palm Cove HOA

Enclosure
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.

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

Todd S. Roessler
Attorney for Palm Cove HOA

Enclosure
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.

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Sincerely,

KILPATRICK TOWNSEND & STOCKTON LLP

Todd S. Roessler
Attorney for Palm Cove HOA

Enclosure

20031331V.1
2. Certified Mail (Form 3800) Article Number

Braxton Davis
NC Division of Coastal Management
400 Commerce Avenue
Morehead City, NC 28557
US

2. Certified Mail (Form 3800) Article Number

Cameron Ingram
NC Wildlife Resources Commission
1701 Mail Service Center
Raleigh, NC 27699-1700
US

2. Certified Mail (Form 3800) Article Number

Kathy Rawls, Director
NC Division of Marine Fisheries
3441 Arendell Street
Morehead City, NC 28557
US

2. Certified Mail (Form 3800) Article Number

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?
Yes  No

If YES, enter delivery address below:

APR 29 2022

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?
Yes  No

If YES, enter delivery address below:

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?
Yes  No

If YES, enter delivery address below:
Your item was delivered to an individual at the address at 1:10 pm on April 28, 2022 in OCEAN ISLE BEACH, NC 28469.

Delivered, Left with Individual
April 28, 2022 at 1:10 pm
OCEAN ISLE BEACH, NC 28469

Get Updates

Text & Email Updates

Tracking History

USPS Tracking Plus®

Product Information

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
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 | 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 | My Profile | VCard
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).
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 2

North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.808.2808
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.

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)
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

Proposed Structures
X-Sections

= Existing Sandbags
= Proposed Sandbags

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

Road Elevation varies from 8'-10'
All Backfill to be Trucked In And Beach Compatible

Proposed Base Width = 25'

Existing Sandbags 6' in Height

MLW
Existing Bottom Contour

20' Base Width

= 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

Project area

Image © 2022 Maxar Technologies
View of Project Area – Google Earth 2022
Overview of Project Area

Lots 1-10 Palm Cove

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
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 – 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
Proposed Structures

X-Sections

- Existing Sandbags
- Proposed Sandbags

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

Roid Elevation varies from 6' - 10'
All Backfill to be Trucked In And Beach Compatible

Proposed Base Width = 25'

RECEIVED  SEP 8 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.