

**Subject:** [Fwd: Fwd: CRC rules]

**From:** Jim Gregson <Jim.Gregson@ncmail.net>

**Date:** Sun, 06 Jan 2008 06:44:55 -0500

**To:** Angela Willis <Angela.Willis@ncmail.net>, Jeff Warren <Jeff.Warren@ncmail.net>

----- Original Message -----

Subject: Fwd: CRC rules

Date: Wed, 2 Jan 2008 20:30:24 -0800 (PST)

From: Sharon Clarke <rlands1@yahoo.com>

To: [jim.gregson@ncmail.net](mailto:jim.gregson@ncmail.net)

\*/Sharon Clarke <rlands1@yahoo.com>/\* wrote:

Date: Thu, 27 Dec 2007 19:13:40 -0800 (PST)

From: Sharon Clarke <rlands1@yahoo.com>

Subject: CRC rules

To: [jimgregson@ncmail.net](mailto:jimgregson@ncmail.net)

\*Dear Mr. Gregson & CRC members:\*

\*We (Robert M. & Sharon Clarke) are property owners at Cas\*\*well Beach, Oak Island Beach Villas unit 605.\*

\*This is soon to be our retirement home, and is a large financial investment for us.\*

\*In considering changes in CRC rules, we beg you to protect us and allow larger existing structures such as ours to be rebuilt if destroyed by fire or storm.\*

\*Thank you,\*

**\*Robert & Sharon Clarke\***

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**Subject:** ocean front construction

**From:** dan daugherty <dgd@roadrunner.com>

**Date:** Sat, 5 Jan 2008 22:35:23 -0500

**To:** Jeff.Warren@ncmail.net

Jeff--I don't know if you are the right person to send this to. I picked you from the CMD web site due to your job description.

The Charlotte news paper had a small article recently about a proposal to allow building on ocean front lots that do not qualify for buildings under current policy. This would be in towns that have beach renourishment programs. I would prefer that building on these lots not be allowed. Most of our beaches are moving targets and will become even more so as the ocean level rises. Building to close to the ocean will simply increase the need for future renourishment and the begging for tax dollars to protect structures that should never have been built.

If you are not the person who should get this comment, please pass it to the right person or email the persons name to me.

thanks,

Daugherty [dgd@roadrunner.com](mailto:dgd@roadrunner.com)

Dan

**Subject:** Re: Proposed Amendments to 15A NCAC 7H .0306

**From:** "Robert A Eason" <rob@qvsoftware.com>

**Date:** Wed, 2 Jan 2008 20:54:29 -0500 (EST)

**To:** Jeff.Warren@ncmail.net

Re: Proposed Amendments to 15A NCAC 7H .0306

I am concerned over the applicability of the proposed rules to oceanfront properties and both the known and the unforeseen consequences that such rule changes could create.

In order to achieve the goal of the increasing the setbacks of large structures, the geographic coverage of the Ocean Hazard Area of Environmental Concern will be increased in most areas. This will increase the regulatory jurisdiction of CAMA and perhaps have unforeseen consequences to local governments and the regulated public. There does not appear to have been analysis of what these consequences could be.

The proposed setback rule should also not be adopted until additional public hearings are held that would address the potential impacts of the resulting expanded hazard area. This would allow the CRC and the public to understand in context the impacts of increasing the large structure setback in the different geographical areas of the coast.

I am concerned over the premise that "one size fits all." The proposed rule establishes a graduated setback based on the size of the structure and the published erosion rate for a particular section of oceanfront shoreline. While this approach may be appropriate for areas along the coast that have similar erosion rates, it unfairly creates greater financial impacts on property owners as well as fiscal impacts on local governments in areas which have higher or lower erosion rates.

I suggest amending the rule to develop differing setbacks for larger structures in areas presently experiencing a rate of erosion higher than the state's average. This would be consistent with the framework of the present large structure rule. The CRC's approach previously was to double the existing setback for all parts of the coast which had an average annual erosion rate of equal to or less than the average for the entire coast. The average erosion rate for the coast used previously was 3.5' per year. For areas with erosion rates higher than the state average, an additional setback ( $30 \times 3.5' = 105'$ ) was added to the existing small structure setback and was used for the siting of large structures. A similar type provision should be incorporated into the currently proposed rule. This would help to minimize instances in which a "taking" of property rights might otherwise occur.

The complete prohibition of cantilevering of any portion of a structure within the setback is not based on sound science or engineering practices. Again, a "one size fits all" approach is not appropriate. Allowing a small amount of structure to be cantilevered into the setback would not harm the structural integrity of a building or increase its vulnerability to erosion. More importantly, in the past, cantilevering has allowed some property owners the use of their property and limited the "takings" issues. Relatively recent cantilevering of significant distances, primarily for single family dwellings, should not preclude legitimate cantilevering that does not threaten the integrity of the structure or pose other hazards. The CRC should study this matter further to determine those instances in which cantilevering is appropriate, including cantilevering of decks and other non-habitable structures.

The increased setbacks being proposed can easily constitute a taking without compensation, creating a large potential liability for us taxpayers.