



**CITY OF SOUTHPORT
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA**

113 W. MOORE STREET

January 28, 2025

4:30 PM

Please turn off all cell phones

Meetings are now open to the public. Facial coverings required, 50 people capacity with adherence to social distancing. Public comments can be made in person. Video/Audio is available on the City's website.

ETHICS STATEMENT:

"If any members know of any conflict of interest or the appearance of a conflict of interest concerning matters on the agenda, please so state at this time."

- A. Call to Order**
- B. Pledge of Allegiance**
- C. Swearing-In of New Members**
- D. Selection of Chair**
- E. Selection of Vice Chair**
- F. Explanation of Quasi-Judicial Process**
 - 1. Quasi-Judicial Process
- G. Approval of Minutes**
 - 1. Approval of Board of Adjustments January 7th, 2025 Meeting
- H. New Business**
 - 1. 406 Brunswick St Floodplain Appeal [Mo Meehan]
 - 2. 101 E Moore St Variance [Mo Meehan]
- I. Other Business**
- J. Adjourn**



CITY OF SOUTHPORT
ZONING BOARD OF ADJUSTMENT
113 W. MOORE STREET
January 7, 2025
4:30 PM

Minutes

Present: Pete Haislip, Jason Robbins, Harley Lemons, Loten Masker,
Josh Cline-McGee

Staff Present: Maureen Meehan, Planning Services Director
Wendell Biddle, City Planner
Noah Saldo, City Clerk
Tori Deviney, Deputy City Clerk

A. Chair Haislip called the meeting to order at 4:30 p.m.

B. Chair Haislip led the attendees in the Pledge of Allegiance.

C. Explanation of Quasi-Judicial Process

1. Quasi-Judicial Process

Chair Haislip provided an overview of the quasi-judicial process for the public.

D. New Business

1. Special Use Permit Application - 6249 Lookout Point Dr - ADU - [Wendell Biddle]

City planner Wendell Biddle is sworn in. Mr. Biddle presented the case of a special use permit application submitted by Cameron Smith of Cameron Smith Construction on behalf of property owners Amy and David Tetter. The request sought approval to develop a 798-square-foot accessory dwelling unit (ADU) above the garage of a single-family residence under construction at 6249 Lookout Point Drive. The property is located within a PUD-zoned area, approximately 500 feet west of the Cape Fear River and about one mile northeast of the Indiana Trail Meeting Hall. The ADU would be part of the garage structure and connected to the main residence, with the application meeting UDO Table 3.1 requirements and specific use standards for accessory dwellings.

Board members raised several questions during the discussion. Mr. Lemons inquired whether the proposed ADU, situated above the attached garage, required a special use

permit. Mr. Biddle clarified that while accessory structures, such as standalone garages or sheds, do not require such permits, accessory dwelling units, which serve as independent living facilities with provisions for cooking, eating, sanitation, and sleeping, do require special use permits under city regulations. He also explained that this applies regardless of whether the ADU is attached to or detached from the main residence.

Chair Haislip asked Mr. Lemons to clarify his concerns, as the questions appeared to focus on whether the application should be reviewed at all. Mr. Masker raised concerns about the use of the term "existing" in the definition of an ADU, noting that the primary residence had not yet been constructed. He questioned how the ADU could be considered "added within" or "on the same lot as" an existing dwelling. Mr. Biddle explained that the permit request pertained to plans for a residence and ADU in development. The approval of the special use permit was necessary to move forward with obtaining a building permit for the construction of both the primary residence and the ADU.

Mr. Biddle clarified that special use permits are not required for all accessory structures, only for accessory dwelling units (ADUs). The purpose of requiring a special use permit is to ensure that the board verifies compliance with the nine specific use standards outlined in the zoning ordinance. He emphasized that the current discussion focuses on whether the proposal meets these standards, not on changing the process itself.

Planning Services Director Maureen Meehan is sworn in. Ms. Meehan further explains the distinction between a standard accessory structure and an ADU. While constructing a garage with a finished room above it (commonly referred to as a FROG) does not require a special use permit, the inclusion of a full bathroom, kitchen, and separate living area qualifies it as an ADU, which triggers the need for a special use permit. She noted that the proposal's inclusion of a full kitchen and living space was the defining factor requiring board approval.

Mr. Biddle also addressed concerns about the word "existing" in the ADU definition, explaining that while the primary residence is not yet built, standard practice does not allow accessory structures on lots without an existing or concurrently planned primary residence. This proposal complies with that standard as it is part of the overall residential development.

The applicant, Cameron Smith is sworn in. Mr. Smith clarifies that the presence of a kitchen in the proposed ADU was what triggered the special use permit requirement. He explained that the ADU would not have a separate exterior entrance, as access is only possible through the garage, which contains both stairs and an elevator leading to the upper level. The garage itself will not be heated but will be insulated.

Chair Haislip opened the floor for public comments, but no individuals spoke in opposition or support. Mr. Lemons asked about community feedback, and Mr. Biddle responded that there were two phone inquiries from curious neighbors about the notification signs but no comments either for or against the proposal.

With no further questions, Chair Haislip closed the public hearing and moved the discussion to the board for motions.

Motion 1: Mr. Robbins made a motion that the use **will not** materially endanger the public health, safety, or general welfare if located where proposed and developed

according to the plan as submitted and approved. **Finding of Fact:** Consults standards outlined in the applicable ADU ordinance within the UDO, seconded by Mr. McGee. **All ayes. Motion carried.**

Motion 2: Mr. Masker made a motion that the use **meets** all required conditions and specifications based on the printed material, seconded by Mr. Lemons. **All ayes. Motion carried.**

Motion 3: Mr. McGee made a motion the use **will not** adversely affect the use or any physical attribute of adjoining or abutting property or that the use is a public necessity based on the material presented, seconded by Mr. Robbins. **All ayes. Motion carried.**

Motion 4: Mr. Masker made a motion the location and character of the use, if developed according to the plan as submitted and approved, **will** be in harmony with the area in which it is to be located and in general conformity with the City of Southport Comprehensive Plan, seconded by Mr. Robbins. **All ayes. Motion carried.**

Motion 5: Mr. Robbins made a motion based on the findings of fact and the evidence presented, the Board of Adjustment that the special use application be **approved** with conditions including the following: that the accessory dwelling unit may not be rented separately from the rest of the property, and that it be built in line with the plans committed, seconded by Mr. Lemons. **All ayes. Motion carried.**

E. Approval of Minutes

1. Minutes of the October 22, 2024 Meeting
Mr. Robbins motioned to approve the minutes, seconded by Mr. Lemons. **Unanimous vote; motion carried.**
2. Minutes of the November 26, 2024 Meeting
Mr. Robbins motioned to approve the minutes, seconded by Mr. McGee. **Unanimous vote; motion carried.**

F. Other Business

Mr. Haislip opened the discussion by revisiting a question raised by Mr. Lemons, asking why they were even reviewing the matter. He acknowledged the question was legitimate but appeared uncertain about how to address it. Mr. McGee then suggested a text amendment to clarify the issue, proposing the addition of certain criteria under the definition of an Accessory Dwelling Unit (ADU). He mentioned that if a dwelling unit above a garage includes a full kitchen and full bathroom, it would require a special use permit. Ms. Meehan provided an example from the previous year regarding a single-family home with an accessory dwelling unit, stating it was in the permitting stages and did not seem to differ from what was being discussed.

Mr. Robbins contributed by suggesting adding the term "existing or proposed" to clarify the situation, especially regarding whether the accessory dwelling unit was already built or in the process of being constructed. He also proposed revisiting the definitions to ensure the criteria for what constitutes an ADU are clear, particularly whether a unit provides full living amenities, such as the ability to sleep, prepare food, and have a bathroom, without needing to access the main house. Ms. Meehan reinforced

this idea, emphasizing that the unit must be a complete, independent facility, essentially functioning as an extra apartment in the house.

Mr. Lemons expressed disagreement but acknowledged the need for better clarification on them. He suggested the wording should clearly distinguish between detached and attached units, advocating for the inclusion of the terms "either attached or detached" to make the language more precise.

Mr. Biddle explained that detached accessory dwelling units typically have a smaller allowed square footage compared to attached units, which can be up to 800 square feet, whereas detached units are limited to around 530 square feet.

Mr. Masker cautioned the group, pointing out that the existing language being used might cause confusion. He mentioned that if they moved forward with a text amendment, they should avoid using multiple "ors" and instead create a clearer list. He warned that the current phrasing might lead to confusion between residential and commercial ADUs, as the regulations surrounding these are distinct. He stressed the need for absolute clarity, especially for any new permits or applications, ensuring the distinction between residential and commercial ADUs was clear and definitive, possibly by separating the residential and commercial.

Finally, Ms. Meehan sought to confirm the understanding of the group, clarifying either existing or proposed for an attached or detached unit and generating a list of the exact residential or commercial, still having to be an independent living facility to meet the definition.

Clerk Saldo provides an update on new members, informing the board that four new members will be joining them at their next meeting.

G. Adjourn

A motion to adjourn the meeting was made by Mr. Lemons and seconded by Mr. Robbins.

The meeting was adjourned at 5:16 p.m.

**STAFF REPORT
CASE # AP-25-01
APPEAL OF DETERMINATION OF THE FLOODPLAIN ADMINISTRATOR**

APPLICATION SUMMARY	
Hearing Date	January 28, 2025 Board of Adjustment
Property Owners	Brenda J. Gorman and Robert Howard
Property Address	406 Brunswick Street
Parcel ID:	237LE036
Parcel Acreage	0.47 acres
Zoning District	R-10

APPEAL REQUEST

Stephen Coggins and John Fisher, attorneys for property owners Brenda J. Gorman and Robert Howard gave Notice of Appeal of the Order to Take Corrective Action to Maureen Meehan, Floodplain Administrator and Noah Saldo, Clerk of the City of Southport on October 28, 2024.

The applicants were issued a written Order to Take Corrective Action on October 18, 2024, for a violation to the city's floodplain damage prevention ordinance. The order outlines corrective actions to be taken by the Owners within 180 calendar days of the date of the order. The corrective actions include elevating the existing structure to the regulatory flood elevation or remove or detach the new addition from the existing historic structure.

APPEAL PROCEDURE

Per Section 5.17.D of the Floodplain Damage Prevention Ordinance, any owner who has received an order to take corrective action may appeal from the order to the Board of Adjustment by giving notice of appeal in writing to the floodplain administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

An appeal of an administrative development decision must follow quasi-judicial procedures, as outlined at G.S. 160D-406. Among other things, notice must be mailed and posted on the property; witnesses must provide sworn testimony and factual evidence; and the board must base its decision upon competent, substantial, relevant evidence in the record. Politics and personal preference are not legitimate bases for the decision.

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The board of adjustment makes its own independent assessment of what the terms of the ordinance mean and “shall have all the powers of the official who made the decision” being appeal from. While some consideration as to the professional judgement of the zoning administrator should be given, ultimately the question of what the ordinance means is a question of law for which the board must make its own decision. In making this determination the key goal should be giving full effect to the terms of the ordinance and the intent of the governing board that originally adopted it, not substituting the opinion of staff as to what the ordinance should say. The Board of Adjustment is an independent Board governed by the UDO.

The board must determine any contested facts and apply relevant legal standards. The board may affirm the staff decision, reverse the staff decision, or modify the staff decision, and the board may “make any order, requirement, decision, or determination that ought to be made.”

Appeals of administrative decisions are decided by a simple majority vote. The decision of the board of adjustment may be appealed to the superior court in certiorari pursuant to G.S. 160D-1402.

APPLICANT’S JUSTIFICATION FOR APPEAL

The following are the grounds for the appeal submitted by joint counsel for the property owners:

1. The project is not a “substantial improvement” within the meaning of Article 5 of the UDO, and
2. The project is a historical property that is exempt under Section 5.20.E.5.b) of the substantial improvement requirements set forth in Article 5 of the UDO.

STAFF REVIEW

Article 5 of the Southport Unified Development Ordinance Flood Damage Prevention Ordinance was adopted by the Board of Aldermen of the City of Southport, North Carolina, on May 10, 2018, and became effective on August 28, 2018.

Adoption of a local flood ordinance is a requirement of the national floodplain insurance program’s (NFIP) community rating system (CRS) to ensure all development within special flood hazard areas follow and exceed the standards of the NFIP. The CRS program recognizes communities that implement more than the minimum requirements of the NFIP by way of reducing flood insurance rates throughout the community.

All new construction in special flood hazard areas must meet elevation and/or floodproofing requirements. Existing properties within a special flood hazard area (AE –

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VE- Coastal A) can remain and maintenance and additions to the structures are allowed to remain as built. When improvements are made to existing homes elevation and flood prevention measures are not required, unless construction costs exceed 50% of the market value of the structure. It is important to reiterate that this is not the value of the entire property, only the structure at the time of construction. Exceeding this threshold is defined as substantial improvements. All substantial improvements require that the entire structure comply with new construction standards, including elevation.

Timeline of Events

The property owners of 406 Brunswick Street submitted a building permit for an addition to an existing structure in January of 2023. Upon reviewing the application, the applicants were notified that a floodplain permit was necessary, since the structure is located in the Coastal A and AE 11 flood zones. Further, the property owners were informed that if the proposed cost of the addition exceeds 50% of the market value of the structure, it is then considered a substantial improvement, and, therefore, both the addition and the existing structure must comply with current Coastal A/V-zone standards for residential uses.

A meeting with city planning and building officials and the applicant was held after the substantial improvement determination to discuss options to meet the current floodplain ordinance. Since the home is located in the Coastal A zone, stricter standards are required than just for AE flood zones. This was explained to the applicant and that if the project cost was reduced, then there would be no requirement for compliance of the flood ordinance elevation standards.

Between February and April 2023, staff in correspondence with Erin Futral, NC NFIP Planner, worked with the applicant to ensure all exceptions provided in the floodplain damage prevention ordinance were considered that the structure did not meet the criteria for exception.

The applicant applied for a variance to Section 5.20.E.2 Additions/Improvements to allow the existing home to remain unmodified, Section 5.5 Substantial Improvements since the existing home would not be modified, and Section 5.25 standards for Coastal A Zones, since the addition is not located in the Coastal A flood zone. The variance was heard at the July 2023 Board of Adjustment meeting. No decision was made and the Board of Adjustment continued the hearing to receive further information.

The applicant, after the Board of Adjustment meeting formally requested that the variance application be put on hold to consider a modified building plan and acquire a new appraisal. The appraisal for the structure was submitted to staff in August of 2023 with new building plans that would not trigger substantial improvement requirements. The building permit was issued with the commitment from the applicants that they would remain under the 50% value of the structure including submitting updated costs throughout the building process.

In February of 2024, upon completion of the home, the applicants submitted a final cost breakdown of the entire project to the building inspector at the time they requested final inspections for a certificate of occupancy. The costs exceeded the total cost allowance because the addition exceeded the 50% threshold.

The former floodplain administrator issued a courtesy Notice of Violation and Determination on June 28, 2024 to the property owners. Upon no action to remedy the violation, a Violation Notice of Hearing was subsequently sent to the property owners on August 27, 2024. A hearing was held on September 9, 2024 allowing the applicants the ability to submit evidence and arguments pertaining to the violation. After the hearing, an Order to Take Corrective Action was signed on October 18, 2024 requiring the applicant to elevate the entire structure or remove or detach the addition from the existing structure.

Article 5 Floodplain Damage Prevention Ordinance Pertinent Sections

https://cityofsouthport.com/wp-content/uploads/2021/11/2021-1111_Southport-UDO_Article-5_Flood-Damage-Prevention.pdf

Section 5.5 Definitions

Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure.

Coastal high hazard area means a Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in Section 5.24, as Zone VE.

Historic structure means any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or

D. Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

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Substantial improvement means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

A. Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 5.18.

Section 5.15 Floodplain Development Application, Permit and Certification Requirements

D. Determinations for Existing Buildings and Structures

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

A. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

B. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

D. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

Section 5.20

E. Additions/Improvements

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.
 - b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
2. Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
4. When an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.
5. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - a) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Staff Review of Grounds for Appeal

1. Applicant states, "The project is not a "substantial improvement" within the meaning of Article 5 of the UDO, and"

Staff Review:

- a. The cost of construction exceeds 50% of the market value of the structure before the "start of construction" of the improvement. The start of construction is at the time of the issuance of the building permit.
- b. The approved 50% appraised value is \$319,000.
- c. An email dated February 28, 2024, the applicant states: "We are sensitive to the fact that we have a \$319,000.00 improvement limit on the current permitting for the new construction. We previously committed that we will not exceed our maximum provided for under the current permitting." The attached construction costs for the project were attached to the email totaling \$228,015.16.
- d. At the completion of the project, the applicants sent their final construction costs and an email dated June 3, 2024 stating that that their project had gone over budget due to inflation. The final total construction cost is \$331,137.11.
 - i. Statement from the applicant to the Building Inspector in the email dated June 3, 2024:
"Just this year alone, according to the US Bureau Of Labor Statistics the purchasing value of \$319,000.00 has increased to \$326,073.73. Our approval is \$319,000.00 authorized when the permit was issues, our actual cost to date is \$331,137.11 or 3.8% over the approval. In fact, since the time, we first applied for a permit the cost has increased much more that we had ever anticipated. One way of considering our overage is that prices at a minimum have increased 2.2% this year so in reality we missed our target by 1.6%. Obviously, we regret this, we didn't want to spend the additional money either but by the time we realized our situation it was far too late to react."
- e. At the request of the applicants for clarifying information, Eryn Futral, NFIP Planner for the NC Department of Public Safety, shared in an email dated September 19, 2024, that the substantial damage/improvement regulations do not make any exceptions to the rule. Instead, the project's total cost is the basis for determining 50% calculations. Therefore, there are no references that address inflation. All guidance refers to the actual costs of improvements.

Staff determine the project is a substantial improvement.

2. The applicant states: “The project is a historical property that is exempt under Section 5.20.E.5.b) of the substantial improvement requirements set forth in Article 5 of the UDO.”

Staff Review:

- a. The structure is listed as a contributing structure on the City of Southport’s National Register of Historic Places.
- b. The new and the existing structure must remain contributing to the National Register to qualify for a variance from elevation and floodproofing of historic structures.
- c. The project includes the demolition of an existing historic addition and construction of a new two story addition. The size and mass of the addition could prevent the structure from being considered a contributing historic structure.
- d. Permit applications for improvements (including additions) or repairs of historic structures should be accompanied by two pieces of evidence: (1) documentation that confirms the structure is designated a historic structure, and (2) documentation that confirms the proposed work will not preclude the structure’s continued designation. There is no accompanying documentation to confirm either of these items at the time of application.

Staff determine that the structure is historic and is not exempt from the substantial improvement requirements.

BOARD OF ADJUSTMENT: DECISION

- ☐ Affirms the staff determination based on the following:

- ☐ Modifies the staff determination, including the following:

- ☐ Reverses the staff determination based on the following:

The final decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board.

Attachments:

Site Plan September 2023
Survey of Property
Variance Packet from July 2023
Appraisal
Construction Cost February 2024
Construction Cost Final June 2024
Notice of Violation
Notice of Hearing
Order to Take Corrective Action
Notice of Appeal
Copies of relevant UDO provision
Email correspondence

INTERIOR DESIGNER:

212 BITMORE RD., WHITEVILLE, N.C. 28472 / 910 840-1972

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STAFF REPORT – VAR 23-03

VARIANCE APPLICATION

406 BRUNSWICK STREET

APPLICATION SUMMARY	
Presentation Date	July 25, 2023 City of Southport Board of Adjustment
Applicant	John Shirk
Owner	Brenda Jeanette Gorman
PARCEL ID	237LE036

Overview of Request

John Shirk, applicant, on behalf of Brenda Jeanette Gorman, owner, is requesting the approval of a variance from Chapter 5, Flood Damage Prevention Ordinance, for the structure located at 406 Brunswick Street. Specifically, the variance request is from multiple standards relating to elevation and construction on the original, southernmost portion of the existing structure, brought on in the context of a demolition and reconstruction of the northern section of the building.

Subject Property

The subject property is approximately 0.45 acres in size, is located at 406 Brunswick Street, and may be further identified by the Brunswick County Parcel ID 237LE036. Based upon data received from the North Carolina Flood Risk Information System, the subject property is located within multiple flood zones, from the most restrictive (Coastal A) located along the southern portion of the property along Brunswick Street, while the majority of the property further from the street located within Zone X. The subject property and structure are located within the Southport National Historic District and the structure, also known as the J. Pearce House, is included within the National Historic District's 1980 inventory as a contributing structure.

Variance Review Process

A Variance request shall be heard by the Board of Adjustment, in a public hearing, in a quasi-judicial manner to ensure procedural and substantive due process. Any person desiring to provide testimony must be sworn in before doing so. As a quasi-judicial hearing the decision makers must be fair and impartial, and you must base your decision only on the competent evidence you receive. If anyone has a direct or potential financial interest in this proposed project, they should recuse themselves. A 4/5th majority vote is required for a variance.. Each case is decided on a case-by-case basis. The decision must be based on the

specific site and not the owner or other locations they may own. The Board of Adjustment is to look at the circumstances of the property, not the circumstances of the property owner.

Floodplain regulations are similar in nature and function to zoning regulations in that both involve land use regulation and control, have benefits and performance expectations, and are often implemented under the same legislative authorities at the local or State level. However, floodplain regulations differ from zoning regulations because they specifically address human safety and property protection in relation to a known and defined natural hazard. Furthermore, as a participant of the National Flood Insurance Program and in accordance with the provisions of 44 CFR Part 60, the local jurisdiction must enforce its floodplain regulations for all development in the Special Flood Hazard Area (SFHA). The City of Southport is also a member of FEMA's **Community Rating System (CRS)** program. CRS is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the National Flood Insurance Program (NFIP). More stringent regulations include: preserving open space, required pre-construction- reference level, and post-construction elevation certificates, developing a public information program, adopting stormwater management requirements, open space preservation and adopting higher regulatory requirements.

When evaluating a request for a variance, communities should first look to their own State law and local land use zoning and floodplain management requirements. The City of Southport's Flood Damage Prevention Ordinance, incorporated into the Unified Development Ordinance in Chapter 5, in Section 5.18 explains that the Board of Adjustment "shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and the following:"

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location as defined as a functionally dependent facility, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the

- site; and
11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

The applicant has provided responses to each of the above standards, which are included as an attachment to this report.

A community should consider four important issues before granting a variance: **(1)** the community's liability, **(2)** the cumulative impacts on the floodplain of granting multiple similar variances, **(3)** the variance decision will last for the life of the structure, and **(4)** whether granting a variance will jeopardize the community's participation in the NFIP.

While variances from NFIP floodplain management criteria may seem, at first glance, to be similar to typical zoning variances, this is not actually the case. Variance requests that deal with maximum height or setbacks are usually related to aesthetic concerns and may affect property values. Variances from floodplain management criteria are not related to aesthetics, but rather may affect the safety and protection of the public, the environment, and the flood risk of a community.

Any variance from local floodplain management standards must be closely scrutinized to determine if it meets Federal and State standards for variance issuance, as well as the minimum standards adopted by the community in the variance requirements of the floodplain management ordinance. Variances can be granted for new construction and Substantial Improvements only if all the other NFIP requirements in the local floodplain management ordinance are met. The City of Southport has the below criteria and conditions for Floodplain variances as laid out in Section 5.18 of the Flood Damage Prevention Ordinance.

I. Conditions for Variances:

1. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
2. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued prior to development permit approval.
5. Variances shall only be issued upon an affirmative vote (by a four-fifths majority) on each of the **three (3)** findings below. Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth herein shall include a statement of the specific reasons or findings of fact supporting such motion:

- a) **A showing of good and sufficient cause;**
- b) **A determination that failure to grant the variance would result in exceptional hardship; and**
- c) **A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.**

As a participant of the National Flood Insurance Program, the City of Southport and the floodplain regulations it enforces are pulled directly from the Code of Federal Regulations, specifically 44 CFR Subpart A. **The following are excerpts from 44 CFR 60.6 that speak specifically to variance requests from floodplain development regulations:**

44 CFR 60.6(A)(3)(I) specifies that variances shall only be issued by a community upon a showing of good and sufficient cause. According to FEMA Floodplain Management bulletin FEMA P-993 pg. 12, “good and sufficient cause” is one that deals solely with the unique site-specific physical characteristics of the property. A “good and sufficient” cause for a variance occurs when a parcel of land possesses physical characteristics so unusual that complying with NFIP regulations in a local ordinance would create an exceptional hardship related to the property, the surrounding property owners, or the community in general. In addition, the unusual physical characteristics must be unique to that property and not be shared by adjacent parcels or be typical of other lots in the community. According to FEMA P-993, a rendering of “good and sufficient” cause should never be based on the design character of the planned construction, or local provisions that regulate standards other than health and public safety standards.

44 CFR 60.6(A)(3)(II) specifies that variances shall only be issued by a community upon a determination that failure to grant the variance would result in exceptional hardship to the applicant. FEMA P-993 pg. 13 describes the hardship as exceptional, unusual, and specific to the property involved, not the personal circumstances of the applicant. The Board of Adjustment must also weight the applicant’s hardship against the community-wide flood damage prevention requirements. According to FEMA p-993, inconvenience, aesthetic considerations, physical handicaps, personal preferences, the disapproval of one’s neighbors, or homeowners association restrictions do not qualify as exceptional hardships. This applies even if the alternative means of construction are more expensive or complicated than building the structure with a variance, or if they require the property owner to use the parcel differently than originally intended or build the home elsewhere.

44 CFR 60.6(A)(3)(III) specifies that variances shall only be issued by a community upon a determination that the granting of a variance will not result in increased flood heights. The applicant must demonstrate that flood heights will not be increased. Allowing flood heights to increase is inconsistent with the objectives of sound floodplain management and undermines a community’s efforts to protect structures by requiring elevation or

floodproofing to or above the BFE. The same CFR regulation mentions that variances must not result in additional threats to public safety, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances, and must be the minimum necessary to afford relief.

Specifics of the Request

Staff received a building permit application for the 406 Brunswick Street property in early 2023. The building permit request included the demolition of the rear portion of the primary structure, leaving the original 1877 structure intact. Upon the area left vacant by the demolished structure, a larger addition to the primary structure would be constructed. According to the applicant, the portion of the building to be demolished was itself originally a separate structure, constructed in 1893, that was later connected to the original structure. For the purposes of regulations today, the structure is considered one.

Based upon the market value of the structure and the cost of construction as demonstrated by the applicant in their building permit application, the proposal is considered substantial improvement under the definitions provided within the City of Southport Flood Damage Prevention Ordinance. Specifically, any proposal with a cost of construction more than 50% of the market value of the structure (not the entire property) shall require the entire structure to conform to the floodplain regulations as they exist today. Based on that standard, the front portion of the structure being located within the Coastal A zone, and the specifics of the building permit request, the entirety of the structure would be required to conform to the standards of the Coastal A zone.

As explained in Section 5.25 of the Flood Damage Prevention Ordinance, the Coastal A zone (also referred to as CAZ) requires all structures to be designed and constructed to the same standards as those found in V-zones, while also requiring flood openings as would be more commonly found within A-zones. The Coastal A zone is a relatively new type of flood zone designated within North Carolina and Southport, having been documented on flood maps for the first time when the most recent flood maps were adopted in 2018. As shown in Section 5.25, generally, the construction standards within Coastal A zones will necessitate elevation and will prohibit enclosures below the regulatory base flood elevation with very few exceptions. Development within this area shall also require the provision of a V-Zone Certificate, sealed by a professional engineer or architect.

The applicant is seeking a variance from the freeboard requirements in Article 5 of the UDO, more specifically section 5.19 General Standards. 5.19 (A) 16 states the following:

5.19 GENERAL STANDARDS

A. SPECIAL FLOOD HAZARD AREAS

16. In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus three (3) feet freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

Freeboard is defined by the American Society of Civil Engineers (ASCE) in ASCE 24-05, Flood Resistant Design and Construction, as “additional height used as a factor of safety in setting the minimum elevation of a structure, or floodproofing measures applied to a structure, to compensate for factors that may increase flood heights and for uncertainties inherent in determining flood frequencies and flood elevations. Freeboard is an example of a higher regulatory requirement. As such, we receive CRS points for our freeboard requirements and for structures complying with our requirements. In our ordinance, structures in the Special Flood Hazard Area are required to elevate to 3 feet above the base flood elevation. The base flood elevation + the 3-foot freeboard requirement is known as the **Regulatory Flood Protection Elevation**.

Section 5.20.E.2

Within the applicant’s submitted variance application, the applicant mentions an interpretation of Section 5.20.E.2 of the Flood Damage Prevention Ordinance. Section 5.20.E concerns specific standards applicable to additions and improvements, and the specific subsection reads as follows:

2. Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

Upon review of the building permit request and upon additional consideration with the property owner and applicant, it was determined that the proposed work did not meet the standard necessary to qualify for this provision. Should this provision have applied, the variance request outlined by this report would not be necessary. Under consideration is a variance request from specific standards of the Ordinance, not an appeal of Staff’s determination of the proposal’s applicability under this section.

Additional Considerations

It is important to view the variance process from the standpoint of how it could affect the overall community and its participation in not only the NFIP but also the Community Rating System. If allowed, this structure will count against the credit we get for freeboard with CRS and would be reported to FEMA as a noncompliance case. This information was sent to me by our Community Rating System compliance specialist. The City is currently a level 7 CRS community. As such, property owners receive a 15% discount on their flood insurance premiums. If our CRS rating was negatively impacted and bumped up to a level 8, **all** of the policy holders in Southport’s jurisdiction would get a 5% increase on their flood insurance.

This could also have potential implications with our status with the NFIP program. The State of North Carolina Floodplain Management Branch does Community Assistance visits every four years to see if we are enforcing our floodplain regulations. Even a legally issued variance would be viewed as a noncompliant structure from FEMA’s standpoint. If a participating community has

enough noncompliant structures, the City could be given a warning or could even be suspended from the program. If the community were suspended from the program, all flood insurance policies issued through the NFIP would be placed into jeopardy.

As a reminder, the applicant must prove that they meet all the conditions for variances as laid out in 5.18 I of the UDO. The applicant must prove that they have good and sufficient cause. According to FEMA P-993, good and sufficient cause is based on the physical conditions unique to the property and not design considerations or circumstances of the property owner. The applicant also has to prove how failure to grant the variance would result in exceptional hardship. inconvenience, aesthetic considerations, physical handicaps, personal preferences, the disapproval of one's neighbors, or homeowner's association restrictions do not qualify as exceptional hardships. This applies even if the alternative means of construction are more expensive or complicated than building the structure with a variance, or if they require the property owner to use the parcel differently than originally intended. The applicant must also prove that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Staff Recommendation

City of Southport Development Services Staff do not typically make recommendations regarding quasi-judicial hearings due to the requirements for presentation of evidence that occur during the hearing. As such, Staff is not providing a recommendation as to whether to approve or deny the request outlined in this report. However, if the Board reaches a determination that the request is worth consideration, Staff recommends tabling the request with specific direction for Staff and the Applicant to address.

Attachments: Application, Excerpt from FEMA P-993, Findings of Fact



Zoning Board of Adjustment Variance Application Findings of Fact

The Board of Adjustment, as established by the Board of Aldermen, shall hear and decide requests for variances from the requirements of the Floodplain Development Ordinance. The Board of Adjustment, as described in Section 5.18 of the UDO, shall determine if the application meets all requirements for a variance.

(1) A showing of good and sufficient cause;

Chair – Record a Vote (Ask if there is a favorable or non-favorable motion)

☐ Favorable

“I make a motion that good and sufficient cause has been shown.”

☐ Non-Favorable

“I make a motion that good and sufficient cause has not been shown.”

Reasoning:

(2) A determination that failure to grant the variance would result in exceptional hardship;

Chair – Record a Vote (Ask if there is a favorable or non-favorable motion)

☐ Favorable

“I make a motion that failure to grant the variance would result in exceptional hardship.”

☐ Non-Favorable

“I make a motion that failure to grant the variance would not result in exceptional hardship.”

Reasoning:

(3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Chair – Record a Vote (Ask if there is a favorable or non-favorable motion)

☐ Favorable

“I make a motion that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

☐ Non-Favorable

“I make a motion that the granting of a variance will result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

Reasoning:

Conditions (If Applicable):

TO THE CITY OF SOUTHPORT, NORTH CAROLINA BOARD OF ADJUSTMENT

VARIANCE APPLICATION (COMPLETE THE FOLLOWING)

I, John Shirk, the Applicant, hereby submit a VARIANCE Application for review and consideration of the Board of Adjustments requesting a Variance be granted from the City of Southport Ordinances as described below:

General Statement of Request (include property/project description and relevant Ordinance Code Sections):

This Variance Application is submitted for 406 W. Brunswick Street, Southport, NC for the partial demolition of the rear portion of the structure and construction of an addition to a historic house in the historic district of The City of Southport North Carolina. The home at 406 W. Brunswick Street originally was built in two complete and separate sections. The first and original structure was built in 1877 and was the sole structure on the property. A second home was built in 1893 and the two structures were connected at a later unknown time. Both houses were constructed independent of each other. The applicant is asking that the interpretation of the Southport Flood Damage Prevention Ordinance, Section 5.20 (E)(2), titled, Additions/Improvements, allow for the demolition and reconstruction of the rear portion of the structure in full compliance with this Ordinance while the front pre-fire historic structure to remain unmodified. Additionally, the applicant is asking for a variance from the Southport Flood Damage Prevention Ordinance, Section 5.25, Standards for Coastal A Zones, for the new addition that is not located within the Coastal A zone to comply with the construction requirements of the flood zone that the addition is located and not the CAZ requirements. Furthermore, the applicant is asking for a variance from Southport Flood Damage Prevention Ordinance, Section 5.5, requirements of the 3-foot Freeboard for the front structure only.

VARIANCE JUSTIFICATION STATEMENT(S)

- a. What are the practical difficulties or unnecessary hardships that prevent carrying out the strict letter of the Ordinance?

The practical difficulty that prevents carrying out the strict letter of the ordinance is the preservation of a historic structure in its current state to maintain the cohesive element of the surrounding community. Complying with the strict letter of the ordinance would require the 120-year-old structure to be lifted off the current foundation, placed on pilings and change the overall look of the structure and the neighborhood from the street and water.

- b. What hardships would result from strict application of the Ordinance? Would enforcement of the Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same district?

The undue hardship faced by strict enforcement would change the overall look of the historic structure and the surrounding community in a historic district that the City of Southport is trying to preserve.

- c. Is the hardship peculiar to the subject property? What special conditions or circumstances exist with regard to the land, structure, or building involved which are not applicable to others in the same district?

The hardship faced is peculiar to this property in that the Limit of Moderate Wave Action Line was enacted within the last 5-years that only affects approximately 25 square feet of the structure with the majority of the 25 square feet being the original attached front porch. The majority of surrounding structures in the area do not have the structure divided by multiple flood zones with the most restrictive being the Coastal A Zone.

- d. Show that the special conditions and circumstances do not result from the actions of the Applicant.
The special circumstances were not created by the applicant. The structure was built in 1893 and the applicant purchased the home in 1988. These circumstances were not created until the enactment of the Southport Flood Damage Prevention Ordinance, Coastal A Zone Requirements in 2018.

- e. If you comply with the provisions of the Ordinance, will you be able to secure reasonable return on or use of the property?
Complying with the Ordinance will not allow the owner to secure a reasonable return on the property as it will alter the historic value associated with leaving the front structure in its current state.

- f. Show that granting the variance requested will not confer on the applicant any special privileges that is denied by this Ordinance to other land, structures, or buildings in the same district?

Granting the variance does not confer any special privileges that is denied by this Ordinance. The decision to grant the variance is permitted by the Ordinance to allow the applicant to keep the front structure in its current state while constructing an addition in full compliance without variation.

- g. Are there alternative locations available for the proposed use?
This section does not apply as the variance requested is to leave the existing structure in its current state.
- h. Is the proposed use compatible with existing uses and anticipated development?
The variance request is to keep the current structure compatible with the existing uses and development.

TO THE CITY OF SOUTHPORT, NORTH CAROLINA BOARD OF ADJUSTMENT

VARIANCE APPLICATION (CONTINUED)

CHECKLIST FOR VARIANCE APPLICATION SUBMITTAL:

The following information/ documentation is **required** prior to the Variance application package submittal being scheduled for review by the Board of Adjustment.

- ☒ Completed variance application form (including answers to all of above questions a-h).
- ☒ Current and Accurate information as to applicant, owner, and property at issue
- ☐ Consent of Owner with regard to variance being requested on subject property
- ☒ Copy of specific section and reference in the Ordinance from which variance is requested
- ☐ Variance submittals require provision of twelve (12) sets of copies of a scaled plat of project or site plan (8½"x11" or 11"x17" size) showing all sides, rear, and front of property line setbacks; building, lot and parking areas, drive entrances, utilities, access roads, proposed drainage, and accessory structures. This plat shall also include: property tax I.D. number, address, owner deed reference, and any other pertinent information specific to this variance request.

☐ If applicable: Pre-application conference with Planning Staff *N/A*

☐ Applicant MUST sign the Certification Statement confirming all information provided herein is true

and correct.

☐ All FILING FEES must be paid upon submittal of completed application package:

Fees Are: \$ 500.00* (Variance)

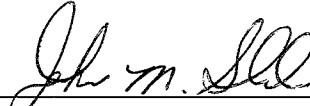
**Note: Fees are subject to the addition of costs for advertisement and/or postage costs to notify adjoining property owners.*

Application NO. _____

Page 3

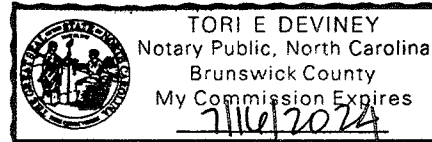
CERTIFICATION OF APPLICANT / APPELLANT:

I, John Shirk, Applicant/Appellant, hereby certify that all the information presented by me in this application is true and accurate to the best of my knowledge, information, and belief.


Signature of applicant

Date: 5/8/2023
COUNTY OF BRUNSWICK

STATE OF NORTH CAROLINA



The above applicant, John Shirk, signed before me, on this, the 8th day of May, 2023.

Tori E Deviney Tori E Deviney
NOTARY PUBLIC

7/16/2024
COMMISSION EXPIRATION

APPLICANT'S CERTIFICATION OF OWNER CONSENT

I, _____, hereby consent to this application as the [____] property owner and/or as the ____ official representative(s)] of the property owner, specific to the property located at _____ (address), and identified with a Tax Parcel I.D. Number of _____.

Signature of Applicant / Appellant

Date: _____

COUNTY OF BRUNSWICK

STATE OF NORTH CAROLINA

The above property owner and/or his official representative, _____,
signed before me, on this, the _____ day of _____, 20__.

NOTARY PUBLIC

COMMISSION EXPIRATION

CERTIFICATION OF APPLICANT / APPELLANT:

I, John Shirk, Applicant/Appellant, hereby certify that all the information presented by me in this application is true and accurate to the best of my knowledge, information, and belief.

Signature of applicant

Date: _____

COUNTY OF BRUNSWICK

STATE OF NORTH CAROLINA

The above applicant, _____, signed before me, on this, the _____ day of _____, 20__.

NOTARY PUBLIC

COMMISSION EXPIRATION

APPLICANT'S CERTIFICATION OF OWNER CONSENT

I, B. J. Gorman, hereby consent to this application as the [☒] property owner and/or as the ____ official representative(s)] of the property owner, specific to the property located at 406 W. Brunswick Street (address), and identified with a Tax Parcel I.D. Number of 237 LE036.

B. J. Gorman
Signature of Applicant / Appellant

Date: 4-27-23

COUNTY OF BRUNSWICK

STATE OF NORTH CAROLINA

The above property owner and/or his official representative, ~~B.J. Gorman~~
signed before me, on this, the 27th day of April, 20 23

NOTARY PUBLIC

Billy Taylor

COMMISSION EXPIRATION

14th Nov 2027

B99 5/3/23

John Shirk

TO THE CITY OF SOUTHPORT, NORTH CAROLINA BOARD OF ADJUSTMENT

VARIANCE APPLICATION

Current Owner Information

406 Brunswick Street
Southport, NC 28461

Owner: Brenda Jeanette Gorman, Trustee of the Brenda Jeanette Gorman Revocable Trust

Address: 406 Brunswick Street, Southport, NC 28461

Phone: (910)540-1629

Applicant: John Shirk, CFM,CZO
725 Bermuda Walk
Sunset Beach, NC 28468
(740)243-3665

COPY OF DEED ATTACHED TO APPLICATION



This certifies that there are no delinquent ad valorem taxes, fees, assessments or other liens which the Brunswick County Tax Collector is charged with collecting, that are a lien on: Parcel Number 237LE036 as noted by the Brunswick County Assessor's Office. This is not a certification that the parcel number matches the deed description.

Return to M. Isenberg Type PROP
 Total 2626 Rev Int. 8110
 Ck \$ 2626 Ck # 5142 Cash \$
 Refund Cash \$ Finance
☒ Portions of document are illegible due to condition of original.
☒ Document contains seals verified by original instrument that cannot be reproduced or copied.

NOV 18 2022 Isenberg
 Date (Asst) Tax Col. / Del. Tax Spec.

WARRANTY DEED

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

Parcel 237LE036

THIS DEED, made this 16th day of November, 2022, by and between **B. J. Gorman** (unmarried), whose address is 406 Brunswick Street, Southport, NC 28461, hereinafter, whether one or more, referred to as "GRANTOR," and **Brenda Jeanette Gorman, Trustee of the Brenda Jeanette Gorman Revocable Trust dated July 7, 2020**, whose address is 406 Brunswick Street, Southport, NC 28461, hereinafter, whether one or more, referred to as "GRANTEE":

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 or parcel of land situated in Southport, Brunswick County, North Carolina, and more particularly described as follows:

SEE Exhibit A attached hereto and incorporated herein by reference.

For back reference see Book 753 at Page 363 and Book 3326 at Page 697 of the Brunswick County Registry.

This property does include the primary residence of the Grantor.

This deed prepared by Michael R. Isenberg, a licensed North Carolina attorney, PO Box 2265, Shallotte, NC 28459 without opinion on title.

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

AND the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple; that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever; SUBJECT, HOWEVER, to the following:



Title to the property hereinabove described is subject to the following exceptions: Easements, rights-of-way and restrictions of record; all matters shown on the above-referenced map; and *ad valorem* taxes for the current year and subsequent years.

IN WITNESS WHEREOF, the Grantor has executed this instrument the day and year first above written.

B. J. Gorman (SEAL)
B. J. Gorman

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

I, Michael R. Isenberg, a Notary Public in and for the State and County aforesaid, do hereby certify that **B. J. Gorman** personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for the purposes therein set forth and in the capacity indicated.

Witness my hand and notarial seal, this the 16th day of November, 2022.

Michael R. Isenberg
Michael R. Isenberg, NOTARY PUBLIC

My commission expires: 2-28-27

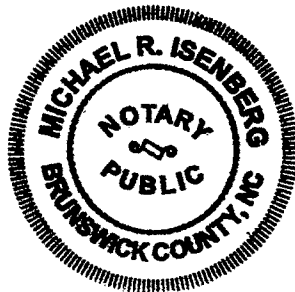




Exhibit A

TRACT ONE:

BEGINNING at a concrete monument in the northern edge of Brunswick Street, said beginning monument being located as follows: from the intersection of the southern right-of-way line of West West Street with the western right-of-way line of Caswell Avenue, west along West West Street, south 77 degrees 30 minutes 00 seconds west, 545.64' to a concrete monument, south 15 degrees 07 minutes 42 seconds east, 213.16 to a concrete monument; south 13 degrees 53 minutes 48 seconds east, 239.03' to the beginning, from said beginning thus located, thence north 13 degrees 53 minutes 48 seconds west, 239.03' to a concrete monument; thence north 77 degrees 49 minutes 26 seconds east, 57.44' to a concrete monument; thence south 13 degrees 52 minutes 14 seconds east, 297.87' to a concrete monument; thence south 13 degrees 52 minutes 14 seconds east, 16.61' to a P.K. nail set in Brunswick Street; thence northwest along Brunswick Street about 81' to another P.K. nail set in Brunswick Street; thence north 13 degrees 53 minutes 48 seconds west, 19.21' to the PLACE AND POINT OF BEGINNING, all according to a survey by Tidewater Engineering and Surveying, dated March 21, 1988, a copy of which is attached hereto for further reference; being all of that property described in Book 314 at Page 687 of the Brunswick County Registry, that lies north of the approximate center line of Brunswick Street; and further being subject to any and all rights and interest the City of Southport may have in that street known as Brunswick Street.

TRACT TWO:

To locate the beginning point, start at the intersection of the southern line of West West Street with the western line of Caswell Avenue and run thence South 77 degrees 30 minutes 00 seconds West 545.90 feet to an existing rebar in the southern line of West West Street and run thence South 15 degrees 18 minutes 11 seconds East 143.50 feet to an iron stake set, the point of beginning; from said beginning point thus located, run thence South 15 degrees 18 minutes 11 seconds East 69.46 feet to an existing concrete monument; run thence South 77 degrees 05 minutes 54 seconds West 57.48 feet to an existing concrete monument; run thence North 15 degrees 51 minutes 14 seconds West 69.66 feet to an iron stake set; run thence North 77 degrees 16 minutes 09 seconds East 58.16 feet to an iron stake set, the point of beginning, containing 0.092 acres according to a survey by Tide Water Surveying for Security Savings Bank, a copy of which is attached hereto and incorporated herein by reference.

This being the same property conveyed to Security Savings Bank in Book 3263 at Page 1084 of the Brunswick County Registry.

BOOK PAGE

0753 0363

FILED FOR REGISTRATION
BOOK 753 PAGE 363

88 DEC -2 PM 2:06

ROBERT J. REBINSON
REGISTER OF DEEDS
BRUNSWICK COUNTY, N.C.

Excise Tax

Recording Time, Book and Page

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

Mail after recording to B. J. Gorman

This instrument was prepared by Douglas A. Ledgett

Brief description for the Index
See Appendix A.

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 23rd day of November, 1988, by and between

GRANTOR

GRANTEE

JULIA BADGETT CAIN

B. J. GORMAN and husband JOHN D. GORMAN III
4317 Woodglen Lane
Charlotte, NC 28226

TS	AS	LS	ES	PL	SL	W
30		B/L	E	036	0	

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 Southport, Smithville Township, Brunswick County, North Carolina and more particularly described as follows:

See Appendix A

Douglas A. Ledgett
0 10 08
10 21
1.00 1.5547
2.00 ap 145

000042

88-113

N. C. Bar Assoc. Form No. 3 © 1976. Revised © 1977 - James Watson & Co., Inc., Box 127, Yellandville, N. C. 27588
Printed by Agreement with the N. C. Bar Assoc. - 1287

The property hereinabove described was acquired by Grantor by instrument recorded in _____
 _____ Office of the Register of Deeds, Brunswick County, Book 752 Page 21

A map showing the above described property is recorded in Book 751 _____ page 142 _____

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

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

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

 (Corporate Name)
 BY: _____
 _____ President
 ATTEST: _____
 _____ Secretary (Corporate Seal)

USE BLACK INK ONLY

Julia Badgett Cain
 Julia Badgett Cain



NORTH CAROLINA, _____
 I, a Notary Public of the County and State aforesaid, certify that _____
 Julia Badgett Cain _____
 personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 30th day of November, 1988.
 My commission expires: 8/24/92 Sharon Colquhoun Notary Public

SEAL-STAMP

NORTH CAROLINA, _____
 I, a Notary Public of the County and State aforesaid, certify that _____
 personally came before me this day and acknowledged that _____ he is _____
 a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its _____
 President, sealed with its corporate seal and attested by _____ as its Secretary.
 Witness my hand and official stamp or seal, this _____ day of _____, 19____.
 My commission expires: _____ Notary Public

The foregoing Certificate(s) of _____ Sharon Colquhoun, Notary Public

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

Robert F. Smith
 Recorded this 2 day of December, 1988 at 2:06 P.M.

 Anita F. Smith _____
 Deputy/Assistant - Register of Deeds

APPENDIX A

BEGINNING at a concrete monument in the northern edge of Brunswick Street, said beginning monument being located as follows: from the intersection of the southern right-of-way line of West West Street with the western right-of-way line of Caswell Avenue, west along West West Street, south 77 degrees 30 minutes 00 seconds west, 545.64' to a concrete monument, south 15 degrees 07 minutes 42 seconds east, 213.16 to a concrete monument; south 13 degrees 53 minutes 48 seconds east, 239.03' to the beginning, from said beginning thus located, thence north 13 degrees 53 minutes 48 seconds west, 239.03' to a concrete monument; thence north 77 degrees 49 minutes 26 seconds east, 57.44' to a concrete monument; thence south 13 degrees 52 minutes 14 seconds east, 297.97' to a concrete monument; thence south 13 degrees 52 minutes 14 seconds east, 16.61' to a P.K. nail set in Brunswick Street; thence northwest along Brunswick Street about 81' to another P.K. nail set in Brunswick Street; thence north 13 degrees 53 minutes 48 seconds west, 19.21' to the PLACE AND POINT OF BEGINNING, all according to a survey by Tidewater Engineering and Surveying, dated March 21, 1988, a copy of which is attached hereto for further reference; being all of that property described in Book 314 at Page 687 of the Brunswick County Registry, that lies north of the approximate center line of Brunswick Street; and further being subject to any and all rights and interest the City of Southport may have in that street known as Brunswick Street.

TO THE CITY OF SOUTHPORT, NORTH CAROLINA BOARD OF ADJUSTMENT

VARIANCE APPLICATION (COMPLETE THE FOLLOWING)

I, John Shirk, the Applicant, hereby **submit a VARIANCE Application** for review and consideration of the Board of Adjustments requesting a Variance be granted from the City of Southport Ordinances as described below:

General Statement of Request (include property/project description and relevant Ordinance Code Sections):

This Variance Application is submitted for 406 W. Brunswick Street, Southport, NC for the partial demolition of the rear portion of the structure and construction of an addition to a historic house in the historic district of The City of Southport North Carolina. The home at 406 W. Brunswick Street originally was built in two complete and separate sections. The first and original structure was built in 1877 and was the sole structure on the property. A second home was built in 1893 and the two structures were connected at a later unknown time. Both houses were constructed independent of each other. The applicant is asking that the interpretation of the Southport Flood Damage Prevention Ordinance, Section 5.20 (E)(2), titled, Additions/Improvements, allow for the demolition and reconstruction of the rear portion of the structure in full compliance with this Ordinance while the front pre-firm historic structure to remain unmodified. A request for a variance from the Southport Flood Damage Prevention Ordinance, Section 5.5, Definitions, Substantial Improvement because the existing front historic structure will receive no alterations and the cost will not equal or exceed 50% of the market value. Additionally, the applicant is asking for a variance from the Southport Flood Damage Prevention Ordinance, Section 5.25, Standards for Coastal A Zones, for the new addition that is not located within the Coastal A zone to comply with the construction requirements of the flood zone that the addition is located and not the CAZ requirements. Furthermore, the applicant is asking for a variance from Southport Flood Damage Prevention Ordinance, Section 5.5, requirements of the 3-foot Freeboard for the front structure only.

VARIANCE JUSTIFICATION STATEMENT(S)

- a. What are the practical difficulties or unnecessary hardships that prevent carrying out the strict letter of the Ordinance?

The practical difficulty that prevents carrying out the strict letter of the ordinance is the preservation of a historic structure in its current state to maintain the cohesive element of the surrounding community. Complying with the strict letter of the ordinance would require the 120-year-old structure to be lifted off the current foundation, placed on pilings and change the overall look of the structure and the neighborhood from the street and water.

- b. What hardships would result from strict application of the Ordinance? Would enforcement of the Ordinance deprive the applicant of rights commonly enjoyed by other properties in the same district?

The undue hardship faced by strict enforcement would change the overall look of the historic structure and the surrounding community in a historic district that the City of Southport is trying to preserve.

- c. Is the hardship peculiar to the subject property? What special conditions or circumstances exist with regard to the land, structure, or building involved which are not applicable to others in the same district?

The hardship faced is peculiar to this property in that the Limit of Moderate Wave Action Line was enacted within the last 5-years that only affects approximately 25 square feet of the structure with the majority of the 25 square feet being the original attached front porch. The majority of surrounding structures in the area do not have the structure divided by multiple flood zones with the most restrictive being the Coastal A Zone.

- d. Show that the special conditions and circumstances do not result from the actions of the Applicant. The special circumstances were not created by the applicant. The structure was built in 1893 and the applicant purchased the home in 1988. These circumstances were not created until the enactment of the Southport Flood Damage Prevention Ordinance, Coastal A Zone Requirements in 2018.

- e. If you comply with the provisions of the Ordinance, will you be able to secure reasonable return on or use of the property?

Complying with the Ordinance will not allow the owner to secure a reasonable return on the property as it will alter the historic value associated with leaving the front structure in its current state.

- f. Show that granting the variance requested will not confer on the applicant any special privileges that is denied by this Ordinance to other land, structures, or buildings in the same district?

Granting the variance does not confer any special privileges that is denied by this Ordinance. The decision to grant the variance is permitted by the Ordinance to allow the applicant to keep the front structure in its current state while constructing an addition in full compliance without variation.

- g. Are there alternative locations available for the proposed use?

This section does not apply as the variance requested is to leave the existing structure in its current state.

- h. Is the proposed use compatible with existing uses and anticipated development?

The variance request is to keep the current structure compatible with the existing uses and development.

TO THE CITY OF SOUTHPORT, NORTH CAROLINA BOARD OF ADJUSTMENT

VARIANCE APPLICATION (CONTINUED)

CHECKLIST FOR VARIANCE APPLICATION SUBMITTAL:

The following information/documentation is **required** prior to the Variance application package submittal being scheduled for review by the Board of Adjustment.

- ☐ Completed variance application form (including answers to all of above questions a-h).
- ☐ Current and Accurate information as to applicant, owner, and property at issue
- ☐ Consent of Owner with regard to variance being requested on subject property
- ☐ Copy of specific section and reference in the Ordinance from which variance is requested
- ☐ Variance submittals require provision of twelve (12) sets of copies of a scaled plat of project or site plan (8½"x11" or 11"x17" size) showing all sides, rear, and front of property line setbacks; building, lot and parking areas, drive entrances, utilities, access roads, proposed drainage, and accessory structures. This plat shall also include: property tax I.D. number, address, owner deed reference, and any other pertinent information specific to this variance request.

- ☐ If applicable: Pre-application conference with Planning Staff
- ☐ Applicant **MUST** sign the Certification Statement confirming all information provided herein is true

and correct.

- ☐ All FILING FEES must be paid upon submittal of completed application package:
Fees Are: \$ 500.00* (Variance)

**Note: Fees are subject to the addition of costs for advertisement and/or postage costs to notify adjoining property owners.*

Application NO. _____

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CERTIFICATION OF APPLICANT / APPELLANT:

I, John Shirk, Applicant/Appellant, hereby certify that all the information presented by me in this application is true and accurate to the best of my knowledge, information, and belief.

Signature of applicant

Date: _____

COUNTY OF BRUNSWICK

STATE OF NORTH CAROLINA

The above applicant, _____, signed before me, on this, the _____ day of _____, 20__.

NOTARY PUBLIC

COMMISSION EXPIRATION

APPLICANT'S CERTIFICATION OF OWNER CONSENT

I, _____, hereby consent to this application as the [____property owner and/or as the ____official representative(s)] of the property owner, specific to the property located at _____(address), and identified with a Tax Parcel

I.D. Number of _____.

Signature of Applicant / Appellant

Application NO. _____

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Date: _____

COUNTY OF BRUNSWICK

STATE OF NORTH CAROLINA

The above property owner and/or his official representative, _____,
signed before me, on this, the _____ day of _____, 20____.

NOTARY PUBLIC

COMMISSION EXPIRATION

Application NO. _____

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FILING PROCESS INFORMATION SHEET FOR APPLICANTS

FILING OF APPLICATIONS

Appeal, Interpretation, and Variance applications are filed with the Southport Department of Planning at 1029 N. Howe Street, Southport, NC 28461. Applications may be filed in person, Monday through Friday during normal business hours, or may be mailed directly to the attention of the Administrator of the Planning Dept. (address above). Appeal applications must be filed within 30 DAYS of the date of the decision, order or action being appealed. If, for any reason, an Appeal Application is not in the physical possession of the Administrator within the prescribed 30 day deadline, the application will be deemed late. Applications for variance or zoning map interpretation may be filed at any time. In order for any application to be considered complete, all questions and information requested in the application must be answered and provided, unless specifically waived by Planning Administrator. Applications must have original notarized signatures of the applicant and owner or his representative consenting to the application action. Applications must be accompanied by the required application fees. Applications found to be incomplete will not be accepted and will be returned to the applicant.

FILING FEES:

\$ 250.00 APPEAL

\$ 250.00 INTERPRETATION

\$ 500.00 VARIANCE

SCHEDULING OF APPLICATION

Applications submitted to the Administrator, and which have been deemed to be complete, will constitute notice of appeal, interpretation request, or variance application. The Administrator shall transmit the application and notice to the Board Chairman and a hearing will be scheduled be at a regular or special meeting.

An Appeal application stays all actions by the administrator seeking enforcement of or compliance with the order or decision appealed from, unless the administrator certifies to the Board of Adjustment that (because of facts stated in the certificate) a stay would, in his opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed with except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrator.

HEARING OF APPLICATION

The Board of Adjustment is a quasi-judicial body consisting of seven (7) members. The Board's regular meeting date is the 4th Tuesday of each month at 4:30 p.m. Their meeting is held in the Indian Trail Meeting Hall 113 W. Moore Street. At the meeting, the Board will hear testimony and receive evidence from the applicant, City staff and other interested parties. Board members cannot discuss any case with any interested parties or persons prior to the public hearing of the case. Any person who testifies at the hearing must be sworn in and any written or physical evidence presented to the Board will be retained by the Board.

BOARD DECISION

An affirmative four-fifths (4/5) majority vote from the Board members is required to grant application requests. Shortly after the meeting an Order will be prepared and signed by the Board Chairman stating the Board's decision and findings. This Order will be filed with the City Clerk and delivered to the applicant. Decisions of the Board may be appealed by any aggrieved party to Superior Court within 30 days from the filing of the Board's Order.

ADDITIONAL INFORMATION

Persons seeking additional information or assistance concerning variances, appeals, or requests for interpretations should contact the Planning Director at (910) 457-7961, or the Administrative Assistant for Planning, at (910) 457-7925.

Report for Support of Variance of Southport Flood Damage Prevention Ordinance

1. **The danger that materials may be swept onto other lands to the injury of others;** The variance requested does not create any additional dangers because this is an existing structure and the variance is to leave the historic structure untouched.
2. **The danger to life and property due to flooding and erosion damage;** The variance requested does not create any additional dangers because this is an existing structure and the variance is to leave the historic structure untouched.
3. **The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owner;** While the historic structure is located in a special flood hazard area, this structure has been in place for over a century with no reported flooding damage.
4. **The importance of the services provided by the proposed facility to the community;** The structure is a valuable part of the history of the City of Southport. Southport is proud of the historic district and this structure can be located on the City of Southport Historic Register.
5. **The necessity to the facility of a waterfront location as defined as a functionally dependent facility, where applicable;** This section does not apply.
6. **The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;** This section does not apply as the historic structure is already built.
7. **The compatibility of the proposed use with existing and anticipated development;** This structure is part of the history of the City of Southport, located in the historic district and on the historic register. This meets this requirement.
8. **The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;** This existing historic structure complies with the comprehensive plan and floodplain management program as both of those plans accounted for structures of this type in this area.
9. **The safety of access to the property in times of flood for ordinary and emergency vehicles;** This property has dual access points. The front access to the property that is located in the special flood hazard area is easily accessible. The second entry point is on high ground outside the special flood hazard area adjacent to a paved roadway.
10. **The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;** This section does not apply as there is no additional structure or obstruction. The Flood Maps for the City of Southport were compiled with data that included the existence of this structure. There are no changes to the existing data generated for the adopted maps.
11. **The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;** This section does not apply as there will be no additional cost above the designed County emergency disaster plan that already included this structure. This variance is only to leave this historic structure untouched.

JAMES A. PEARCE HOUSE

<u>Date</u>	<u>Name</u>
May 1, 1877	Moses A. McKeithen & Melvina J. McKeithen To: James M. Pearce and Alice M. Pearce *****
December 24, 1906	James M. Pearce (Intestate) To: Alice M. Pearce - dower right Mary E. Pearce Cranmer - 1/6 Minnie R. Pearce Richards - 1/6 Annie K. Pearce - 1/6 Jeannette M. Pearce - 1/6 James A. Pearce - 1/6 John H. Pearce - 1/6 Mary E. Pearce to James A. Pearce 1/6 interest in the property *****
March 11, 1908	Annie K. Pearce Davis & William D. Davis To: James A. Pearce 1/6 undivided interest subject to Alice M. Pearce dower right. *****
September 2, 1919	Minnie R. Pearce Richards Cheatham & W. H. Cheathan To: John Harper Pearce 1/6 undivided interest subject to alic M. Pearce dower right. *****
November 22, 1939	John Harper Pearce & wife Irene Pearce To: James A. Pearce 1/3 interest (undivided) *****
December 13, 1939	Jeannette M. Pearce Willis & Husband H. S. Willis To: James A. Pearce 1/6 interest in the Estate of James M. Pearce *****
January 26, 1940 10:00 AM	James A. Pearce & wife Sadie To: Mary E. Pearce Cranmer & E. H. Cranmer (et ux) said property owned by James A. Pearce

James A. Pearce House
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January 26, 1940
12:00 AM

E. H. Cranmer (et ux) & Mary E. Pearce Cranmer
To: James A. Pearce (et ux) & Sadie G. Pearce for \$1.00 said
property in whole (H. D. Bomer)

May 6, 1946

Anne Pleasants Doshier (et vir) William S. Doshier
To: D. M. Davis & Anna Miller Davis said property

February 7, 1950

Jessie S. Taylor (widow)
To: D. M. Davis & Anna M. Davis (quick claim) said property

November 16, 1988

Elizabeth Davis Watkins & John Watkins (husband)
To: S.A.S., Inc.

November 16, 1988

S.A.S., Inc.
To: Julia Badgett Cain & Gordon Cain (Husband)

December 2, 1988

Julia Badgett Cain & Gordon Cain (husband)
To: B. J. Gorman & John D. Gorman II (husband)



x

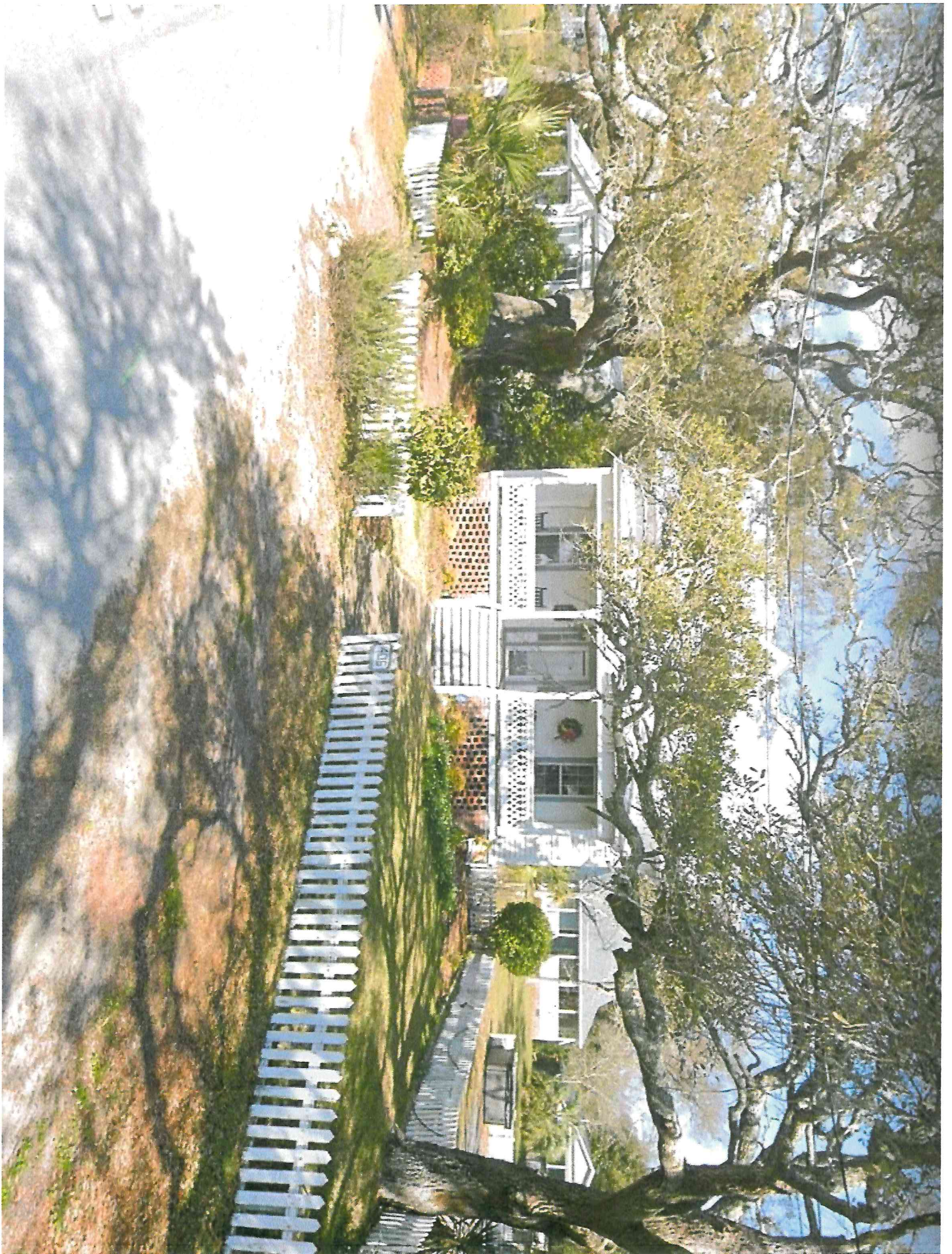
Area

ts, etc.)





406 W Brunswick St





- E. Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets and bridges) that are located in flood prone areas;
- F. Minimize damage to private and public property due to flooding;
- G. Make flood insurance available to the community through the National Flood Insurance Program;
- H. Maintain the natural and beneficial functions of floodplains;
- I. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- J. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

5.5 DEFINITIONS

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article it's most reasonable application in administering the floodplain development provisions provided herein. The definitions provided herein shall apply to this article. Where conflicting terms are found in Article 8, the terms in Section 5.5 shall apply specifically to floodplain development regulations, whereas the definitions in Article 8 shall apply to the UDO in its entirety and to those terms not defined herein.

Accessory structure (appurtenant structure) means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

Area of shallow flooding means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard see "Special Flood Hazard Area (SFHA)".

Area of future-conditions flood hazard means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology.

Base flood means the flood having a 1% chance of being equaled or exceeded in any given year.

Floodway means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

Freeboard means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the "Regulatory Flood Protection Elevation."

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hazardous waste management facility means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Highest Adjacent Grade (HAG) means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic structure means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- D. Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

- D. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- E. Is fully licensed and ready for highway use.

(For the purpose of this article, “Tiny Homes/Houses” and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.)

Reference level is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

(Alternative acceptable language for Reference Level) “Reference Level” is the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.

Regulatory flood protection elevation means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus three (3) feet freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

Remedy a violation means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage yard means any nonresidential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Shear wall means walls used for structural support but not structurally joined or enclosed at the end (except by breakaway walls). Shear walls are parallel or nearly parallel to the flow of the water.

Solid waste disposal facility means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

Solid waste disposal site means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Flood Hazard Area (SFHA) means the land in the floodplain subject to a 1% or greater chance of being flooded in any given year.

Letter of Map Change (LOMC) means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- A. Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- B. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- C. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- D. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light duty truck means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- A. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- B. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- C. Available with special features enabling off-street or off-highway operation and use.

Limit of Moderate Wave Action (LiMWA) means the boundary line given by FEMA on coastal map studies marking the extents of Coastal A Zones (CAZ).

Lowest Adjacent Grade (LAG) means the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

used shall be those required by the North Carolina State Building Code.

- d) Concrete pads, including patios, decks, parking pads, walkways, driveways, pool decks, etc. the following is required:
 - i) Shall be structurally independent of the primary structural foundation system of the structure and shall not adversely affect structures through redirection of floodwaters or debris; and
 - ii) Shall be constructed to breakaway cleanly during design flood conditions, shall be frangible, and shall not produce debris capable of causing damage to any structure. (The installation of concrete in small segments (approximately 4 feet x 4 feet) that will easily break up during the base flood event, or score concrete in 4 feet x 4 feet maximum segments is acceptable to meet this standard); and
 - iii) Reinforcing, including welded wire fabric, shall not be used in order to minimize the potential for concreted pads being a source of debris; and
 - iv) Pad thickness shall not exceed 4 inches; or
 - v) Provide a Design Professional's certification stating the design and method of construction to be used meet the applicable criteria of this section.
- e) Property Owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished, or otherwise converted to habitable space. The City of Southport will have the right to inspect the enclosed area.

E. ADDITIONS/IMPROVEMENTS

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
2. Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
4. When an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.
5. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - a) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

F. RECREATIONAL VEHICLES

Recreational vehicles shall either:

1. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
2. Meet all the requirements for new construction.

G. TEMPORARY NONRESIDENTIAL STRUCTURES

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s)

Protection Elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck. The increased loads must be considered in the design of the primary structure and included in the V-Zone Certification required under Section 5.15.C.

- O. A deck or patio that is located below the Regulatory Flood Protection Elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- P. In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
 - 1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - 2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters.
- Q. No more than four (4) electrical outlets and no more than four (4) electrical switches may be permitted below RFPE unless required by building code.

5.25 STANDARDS FOR COASTAL A ZONES (ZONE CAZ) LIMWA

Structures in CAZs shall be designed and constructed to meet V Zone requirements, including requirements for breakaway walls. However, the NFIP regulations also require flood openings in walls surrounding enclosures below elevated buildings in CAZs (see Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures). Breakaway walls used in CAZs must have flood openings that allow for the automatic entry and exit of floodwaters to minimize damage caused by hydrostatic loads. Openings also function during smaller storms or if anticipated wave loading does not occur with the base flood.

- A. All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation. Floodproofing shall not be utilized on any structures in Coastal A Zones to satisfy the regulatory flood protection elevation requirements
- B. All new construction and substantial improvements shall have the space below the lowest horizontal structural member free of obstruction so as not to impede the flow of flood waters, with the following exceptions:
 - 1. Open wood latticework or insect screening may be permitted below the lowest floor for aesthetic purposes only and must be designed to wash away in the

- event of wave impact and in accordance with the provisions of Section 5.20.D.4. Design plans shall be submitted in accordance with the provisions of Section 5.15.A.4.C; or
2. Breakaway walls may be permitted provided they meet the criteria set forth in Section 5.20.D.4. Design plans shall be submitted in accordance with the provisions of Section 5.15.A.4.C;
- C. All new construction and substantial improvements shall include, in Zones CAZ, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the design criteria in Section 5.20.D.3.C.
 - D. All new construction and substantial improvements shall meet the provisions of Section 5.24.C.
 - E. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions of Section 5.20 and Section 5.24.C-D, on the current version of the North Carolina V-Zone Certification form or a locally developed V-Zone Certification form.
 - F. Recreational vehicles may be permitted in Coastal A Zones provided that they meet the Recreational Vehicle criteria Section 5.20.F.
 - G. Fill/Grading must meet the provisions of Section 5.24.J.
 - H. Decks and patios must meet the provisions of Section 5.24.N-O.
 - I. In coastal high hazard areas, development activities other than buildings and structures must meet the provisions of Section 5.24.M.

5.26 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

Located within the Special Flood Hazard Areas established in Section 5.7, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 5.19, all new construction and substantial improvements shall meet the following requirements:

- A. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of three (3) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade plus a freeboard of three (3) feet if no depth number is specified.
- B. Nonresidential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 5.25.A so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Sections 5.15.C and 5.20.B.
- C. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

2023 Plaque List Public

To/Do	House Name	Year	No. Street
Empty Lot	Built for Will B. Davis: A River Pilot	1891	307 Brunswick Street
	Edward F. Davis House	circa 1890	316 Brunswick Street
	Moses McKeithen Homestead	1897	318 Brunswick Street
	Cassandra Grissom Cottage		320 Brunswick Street
	Garraon - Potter House	circa 1884	404 Brunswick Street
Year ??	J. Pearce House	1877 - 1895	406 Brunswick Street
	Grey Burriess House	1879	410 Brunswick Street
	Moses McKeithan House	1891	502 Brunswick Street
	John W McKeithan House	circa 1895	504 Brunswick Street
	Huddins House	1904 (?)	518 Brunswick Street
	Melvin L. Singletary House	1910	309 Clarendon Street
	William B. Moore	circa 1933	311 Clarendon Street
	Public School Building	1904	27 Dry Street
	Guhrie House	1886	108 Dry Street
	Bell-Lewis House	circa 1902	308 Dry Street
	Thompson - Harper House	Circa 1910	105 East Bay Street
	Captain J. J. Adkins House	circa 1887	113 East Bay Street
	Taylor-Chadbourne-Gore House	circa 1879	115 East Bay Street
	Grimes House	circa 1890	237 East Bay Street
no plaque	Walker-Pyke House, Southport Oldest Hon	circa 1800	239 East Bay Street
	Brunswick Inn	1859	301 East Bay Street
	Dr. Lorenzo Frink House	circa 1875	313 East Bay Street
	Jesse G. Drew House	circa 1850	409 East Bay Street
	Fort Johnson Hospital	circa 1852-1860	413 East Bay Street
	Thomas J. Jones House	circa 1893	205 East Brown Street
	Northrup Store	circa 1890	111 East Moore Street
	Bell-Clemons House	circa 1864	313 East Moore Street
	Old Post Office	1909	122 East Moore Street
	Ruark-Small House	circa 1889	230 East Moore Street
	Brunswick County Court House	circa 1854-1978	301 East Moore Street
	Foley-Hood House	circa 1891	301 East Moore Street
	J. B. Ruark House	1890	307 East Moore Street
	Drew-Platt House	circa 1882	309 East Moore Street
	Bell-Clemons Hose	circa 1864	313 East Moore Street
	Carr House	1904	315 East Moore Street
	Captain Tom Harper	circa 1898	408 East Moore Street
	S.W. Leheuw House	circa 1894	110 East Nash Street

Mt. Carmel AME - Trinty UMC 1814 - 1889	1814	209	East Nash Street
Mt. Carmel AME - Trinty UMC 1814 - 1889	1814	507	North Lord Street
Jackson House	circa 1920	211	East West Street
Dr. Thomas McClintic House	circa 1900	307	East Nash Street
Mallard-Burnett House	circa 1899	310	East Nash Street
Old Brunswick County Jail	1904	318	East Nash Street
W. R. Ferguson House	circa Early 1870's	301	East West Street
Lewis-Walton House	circa 1892	305	East West Street
N. Windsor House	circa 1890	305	East West Street
C. C. McKeithan	circa 1900	306	East West Street
J. H. McDonald Cottage	circa 1903	313	East West Street
Colored Methodist Episcopal Zion Church	Circa 1867	407	East West Street
Fargusson House	Circa 1890	111	Fort Johnston Place
Lee B. Aldridge cottage	circa 1903	304	Hillcrest Drive
Dosher-Hardee House	circa 1928	205	Leonard Street
C. C. Smith	circa 1890	107	North Atlantic Avenue
Mrs. Mary C. Davis House	circa 1889	110	North Atlantic Avenue
Amanda Foley Cottage	circa 1891	114	North Atlantic Avenue
Built by A. J. Robbins	circa 1911	118	North Atlantic Avenue
John L. Hewitt House	Pre-1850	119	North Atlantic Avenue
R. M. Wescott	circa 1893	119	North Atlantic Avenue
Built by A. J. Robbins	circa 1910	120	North Atlantic Avenue
Judge Ruark's House	circa 1936	202	North Atlantic Avenue
Hubbard House	circa 1850, 1890	216	North Atlantic Avenue
Larsen House	circa 1910	306	North Atlantic Avenue
Winnie Lancaster Boarding House	circa 1913	310	North Atlantic Avenue
Built by A. J. Robbins	circa 1911	312	North Atlantic Avenue
Tucker Fulcher House	circa 1892	316	North Atlantic Avenue
E. H. Cranmer House	circa 1895	318	North Atlantic Avenue
J. Price House	circa 1890	320	North Atlantic Avenue
Dopp House	circa 1900	405	North Atlantic Avenue
B. E. Greer House	1898	509	North Atlantic Avenue
J. A. Arnold House	1913	605	North Atlantic Avenue
David W Manson	1908	611	North Atlantic Avenue
H. Doshier House	circa 1900	614	North Atlantic Avenue
Fannie E. Wescott House	circa 1930	702	North Atlantic Avenue
Wescott-Dosher House	circa 1920	708	North Atlantic Avenue
John C. Wescott House	circa 1916	710	North Atlantic Avenue
S. Brinkman House	circa 1893, 1895	110	North Caswell Ave.
John Burriss House	circa 1885	111	North Caswell Ave.

same house
same house

S. E. Grissom House	circa 1912	114	North Caswell Ave.
Price Furpless House	1912	207	North Caswell Ave.
John Morse House	Circa 1890	215	North Caswell Ave.
Northrup House	Circa 1910	229	North Caswell Ave.
Sacred Heart Catholic Church	1941-1991	230	North Caswell Ave.
W. Thompson House	Circa 1900	231	North Caswell Ave.
Lizzie Frink Cottage	1910	512	North Caswell Ave.
Greer, Bowman, Smith House	circa 1904	514	North Caswell Ave.
Fred Douglas Moore House	circa 1927	705	North Caswell Ave.
R. Doshier Cottage	circa 1896	113	North Davis Street
R. W. McKeithan	circa 1849	119	North Davis Street
Southport Baptist Church	1871	200	North Howe Street
Amuzu Theatre Price Furpess	1918	211	North Howe Street
McKenzie's Confectionary	1910	409	North Howe Street
Pepper-Newton House	circa 1875	207	North Lord St
Captain Melvin Craig House	1889	108	North Lord Street
Doshier-Watts House	circa 1889	110	North Lord Street
T. St. George House	circa 1895	111	North Lord Street
Adkins-Ruark House	circa 1890	119	North Lord Street
Annie Parker House	1906	208	North Lord Street
Newton-McKeithan Hosue	1891	209	North Lord Street
J. Bell House	1890	210	North Lord Street
David & Hattie Arthur House	Circa 1919	211	North Lord Street
Newton-Pinner House	circa 1890	214	North Lord Street
W. T. Haskett House	1891	219	North Lord Street
Fisher House	circa 1903	314	North Lord Street
Sarah Jane Cotton House	circa 1889	319	North Lord Street
Swasey Cottage	1889	320	North Lord Street
Alexander Gore House	circa 1923	510	North Lord Street
Galloway House	circa 1895	204	Rhett Street
Colored Methodist Episcopal Zion Church	Founded 1867	407	Rhett Street
McKeithan-Ford House	circa 1900	209	Short Street
Carrie Burriess Cottage	circa 1895	217	Short Street
Willie E. & Nellie Doshier House	circa 1898	319	South Burrington Ave.
Brunswick Inn Annex	1882, 1912	114	South Davis Street
Charles E. Gause Building	1913	113	South Howe Street
Thompson-Williamson	1873	114	South Howe Street
Duvall-Greer House	circa 1910	106	South Lord Street
Parish Frink House	circa 1910	209	St. George Street
Wellington C. Howe	1906	312	St. George Street

	George Cotton	1915	316	St. George Street
	R. Doshier House	circa 1892-1893	106	West Bay Street
	Rob Davis House	circa 1915	202	West Bay Street
	Harry C. Corlette House	circa 1888	206	West Bay Street
	T. M. Thompson House	circa 1868	216	West Bay Street
	William L. Stratman House	circa 1912	114	West Brown Street
	John Smith Aldridge	circa 1908	303	West Brown Street
	P. W. Larson House	circa 1910	315	West Brown Street
	J. L. Phelps	1910	407	West Brown Street
	W. St. George House	circa 1885	106	West Moore Street
	S. Swain House	circa 1889	110	West Moore Street
	Julius Newton House	circa 1886	114	West Moore Street
	W. Newton House	circa 1886	120	West Moore Street
	Price-Thompson House	1826	215	West Moore Street
	H. Ruark House	1873	306	West Moore Street
	William Jesse Weeks House	1896	308	West Moore Street
	Julius Weeks House	1896	312	West Moore Street
	Robbins-Gause House		102	West Nash Street
	John W. Newton	1890	106	West Nash Street
No plaque Year?	D. Bender House(no plaque)	1895	109	West Nash Street
	C. C. Morse Cottage		112	West Nash Street
	Garcia-Swann House	circa 1889	113	West Nash Street
	Samuel Brinkman House		114	West Nash Street
	R. Bensell House	1880 – 1890	120	West Nash Street
Year?	J. A. Williams House		202	West Nash Street
	E. B. Daniel Homestead	circa 1875	206	West Nash Street
	Joseph N Daniel	1892-1893	214	West Nash Street
	Fred Moore House	circa 1920	107	West St George
	Ruark-Potts	1905	106	West West Street
	Henry E. O. Mintz	1904	113	West West Street
	Jacob Brinkman Cottage	1839	114	West West Street
	Jones Burriess House	circa 1875	116	West West Street
	J. Pinner House	Circa 1890	120	West West Street
	William Otlawry	Circa 1896	206	West West Street
	A. Doshier House	Late 1890's	210	West West Street
	W. Ruark House	circa 1889	214	West West Street
	G. Doshier House	circa 1890	216	West West Street
	John R. Newton	circa 1905	308	West West Street
	Phillips-Aldrige Cottage	1905	312	West West Street
	C. Almgren House	circa 1912	316	West West Street

Robert Woodside House	1903	404	West West Street
Capt. Charles Swan House	circa 1911	406	West West Street
Doshier-Eriksen House	circa 1913	414	West West Street
William Weeks House	circa 1900	423	West West Street
P. Tharp House	1894	424	West West Street
Joseph Burris House		503	West West Street
George I. Watson House	Circa 1903	316	Willis Drive
Dr. D. I. Watson House	1892	318	Willis Drive
Harold & Alice St. George House	Built 1929	131	Yaupon Drive/moved from 102
year?			
moved			

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

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

SECTION A - PROPERTY INFORMATION						FOR INSURANCE COMPANY USE
A1. Building Owner's Name B. J. Gorman					Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 406 Brunswick St.					Company NAIC Number:	
City Southport		State NC		ZIP Code 28461		
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Deed Book 3326 Page 697 Plat Deed Book 3326 Page 700; Parcel ID #237LE036						
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) <u>Residential</u>						
A5. Latitude/Longitude: Lat. <u>33.91847</u> Long. <u>-78.0239</u> Horizontal Datum: ☐ NAD 1927 ☒ NAD 1983						
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.						
A7. Building Diagram Number <u>8</u>						
A8. For a building with a crawlspace or enclosure(s):						
a) Square footage of crawlspace or enclosure(s) <u>1188.63</u> sq ft						
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade <u>N/A</u>						
c) Total net area of flood openings in A8.b <u>N/A</u> sq in						
d) Engineered flood openings? ☐ Yes ☐ No						
A9. For a building with an attached garage:						
a) Square footage of attached garage <u>N/A</u> sq ft						
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade <u>N/A</u>						
c) Total net area of flood openings in A9.b <u>N/A</u> sq in						
d) Engineered flood openings? ☐ Yes ☐ No						
SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION						
B1. NFIP Community Name & Community Number City of Southport; CID #370028			B2. County Name Brunswick		B3. State NC	
B4. Map/Panel Number 3720209600	B5. Suffix K	B6. FIRM Index Date 12/06/2019	B7. FIRM Panel Effective/ Revised Date 08/28/2018	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 11.0' *See Comments	
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: ☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source: _____						
B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____						
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No Designation Date: _____ ☐ CBRS ☐ OPA						

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 406 Brunswick St.			Policy Number:
City Southport	State NC	ZIP Code 28461	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

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

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

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

Benchmark Utilized: GPS Nail NCRTN(207.4.96.200.201) Vertical Datum: 6.43'

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

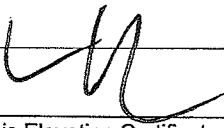
Check the measurement used.

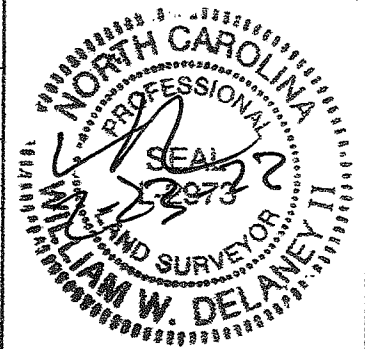
- | | | |
|---|------|--|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) | 10.3 | ☒ feet ☐ meters |
| b) Top of the next higher floor | 14.1 | ☒ feet ☐ meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | 13.3 | ☒ feet ☐ meters |
| d) Attached garage (top of slab) | N/A | ☐ feet ☐ meters |
| e) Lowest elevation of machinery or equipment servicing the building
(Describe type of equipment and location in Comments) | N/A | ☐ feet ☐ meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | 10.3 | ☒ feet ☐ meters |
| g) Highest adjacent (finished) grade next to building (HAG) | 13.0 | ☒ feet ☐ meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support | N/A | ☐ feet ☐ meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

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

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

Certifier's Name William W. DeLaney II	License Number L-2973
Title Professional Land Surveyor	
Company Name Tide Water Land Surveying	
Address 802 N. Howe St	
City Southport	State NC
ZIP Code 28461	
Signature 	Date 02/23/2023
Telephone (910)457-9580	Ext.



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

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

Since this is a Pre-Construction EC, some information is not available at this time.

Also, this EC is for an addition to an existing house that will be partially demolished.

Elevation shots were taken on 9/15/22 when the survey of the property was completed.

This property is partially located in a Coastal A Zone.

This EC was revised on this date to update information for C2(a), C2(c), and C2(f) for the existing structure that will not be demolished during this project.

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

See Instructions for Item A6.

OMB No. 1660-0008

Expiration Date: November 30, 2022

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

FOR INSURANCE COMPANY USE

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
406 Brunswick St.

Policy Number:

City
Southport

State
NC

ZIP Code
28461

Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One Caption FRONT

Clear Photo One



Photo Two Caption REAR

Clear Photo Two

ELEVATION CERTIFICATE

BUILDING PHOTOGRAPHS

Continuation Page

OMB No. 1660-0008

Expiration Date: November 30, 2022

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

FOR INSURANCE COMPANY USE

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
406 Brunswick St

Policy Number:

City
Southport

State
NC

ZIP Code
28461

Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.



Photo Three Caption Right

Clear Photo Three



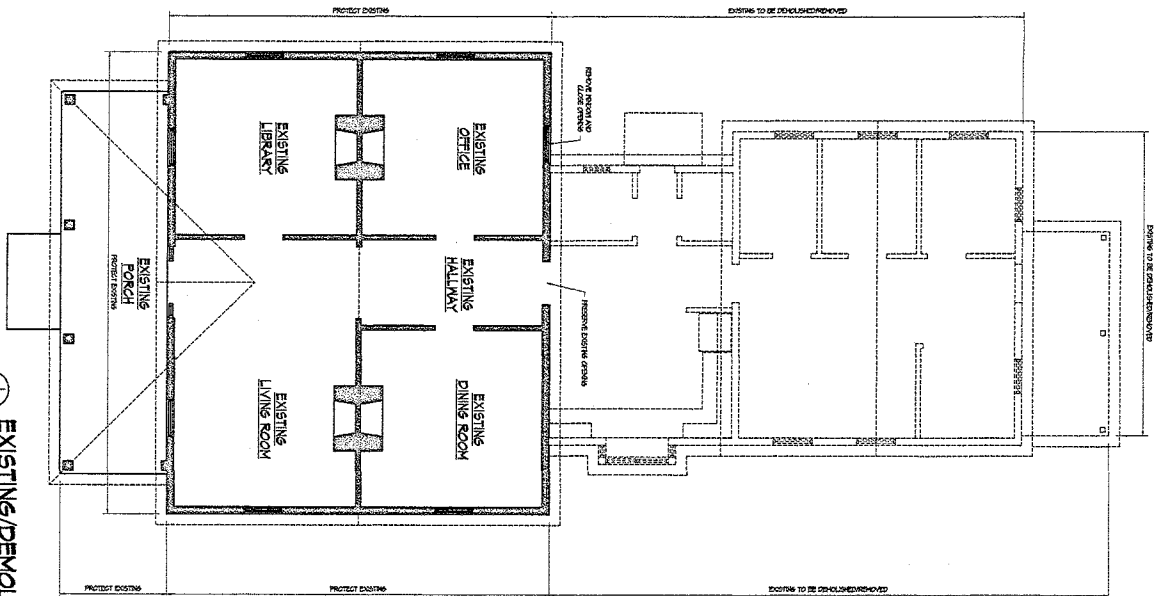
Photo Four Caption Left

Clear Photo Four

[illegible][illegible][illegible][illegible][illegible][illegible]

DIAGNOSIS: N.A.S. DUBIOUS

01 of 10



EXISTING/DEMOLITION FLOOR PLAN

SHEET NO.
02
of 10

DATE: 10/27/00
DRAWN BY: R.K. Davis

[illegible]

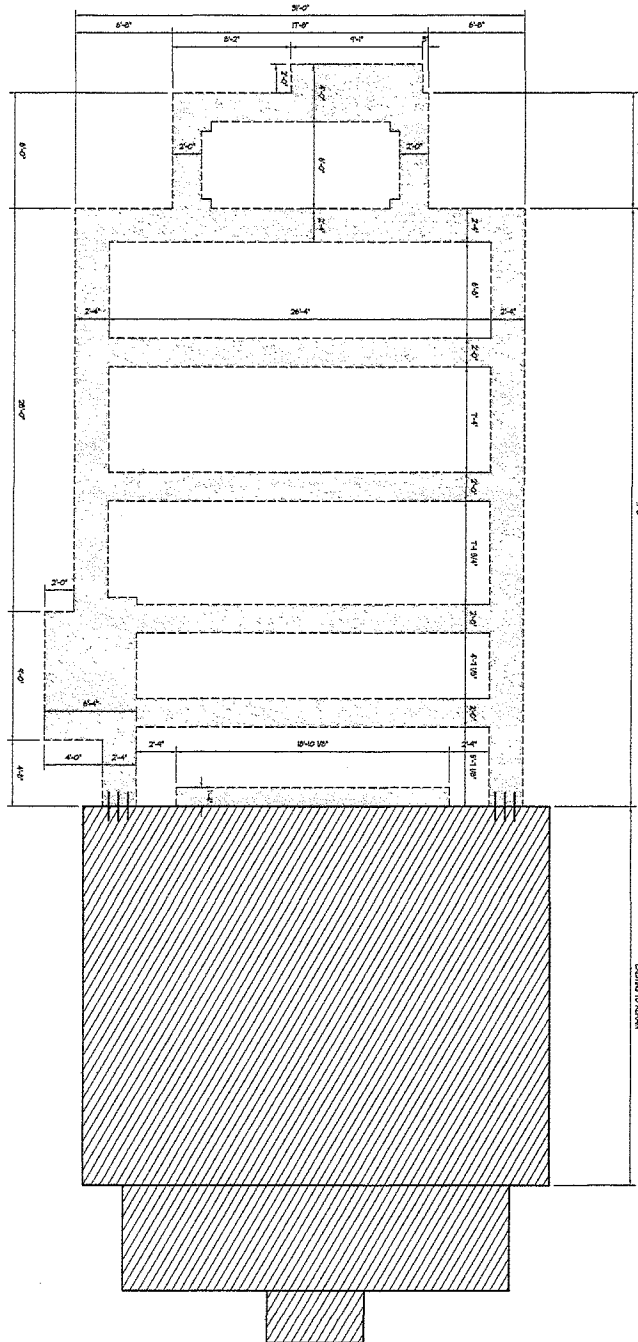
AN ADDITION AND RENOVATION OF THE RESIDENCE OF
MS. BJ GORMAN
 406 W Brunswick St, Southport, NC 28461

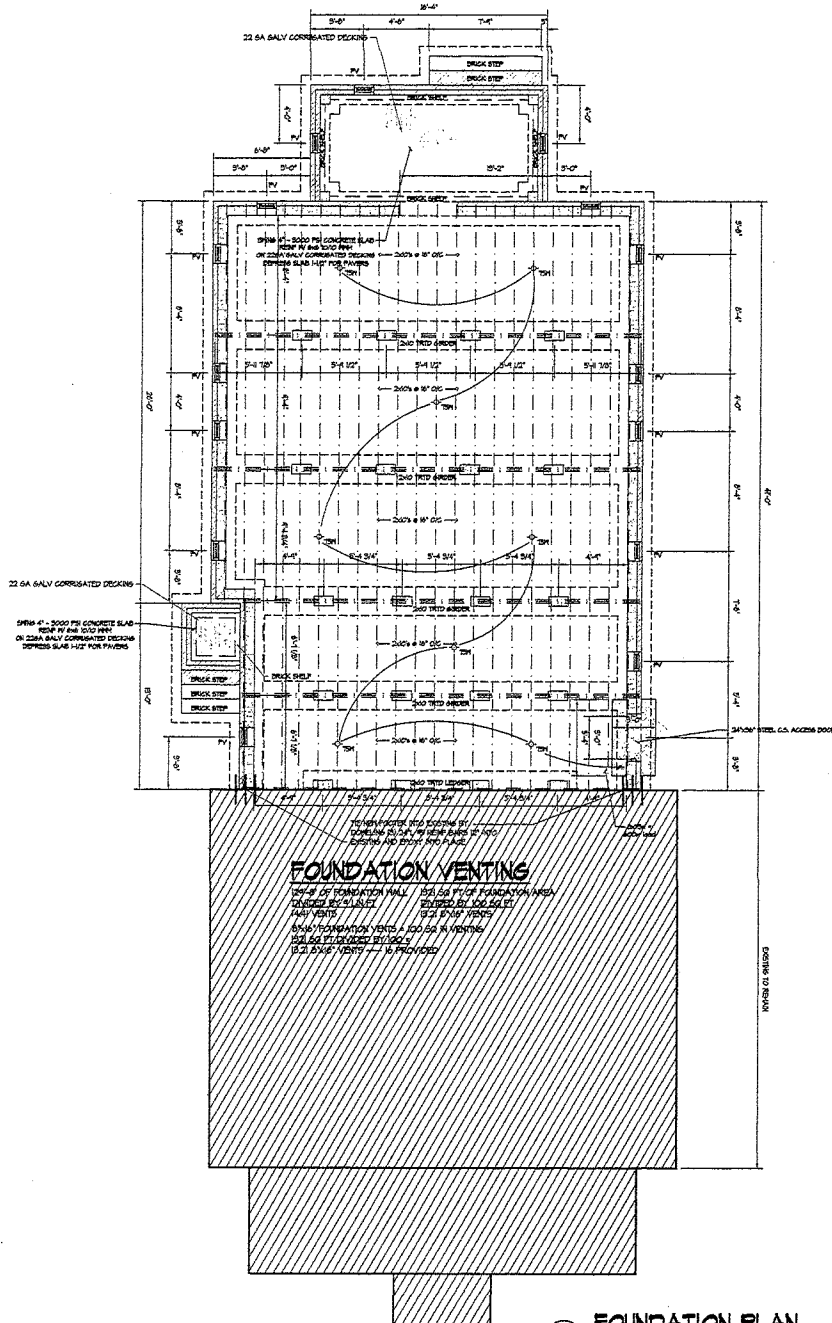
R. KEITH DAVIS
 CUSTOM DESIGN AND PLANNING
 212 HITCHCOCK RD. WHITEVILLE, N.C. 28472 / 910 840-1972

CONSULTANTS
STRUCTURAL ENGINEER:
LANDSCAPE ARCHITECT:
INTERIOR DESIGNER:



2. KEITH DAVIS IS THE OWNER OF THE MARK DESIGN ILLUSTRATED IN THESE PATENTS AND RESERVES ALL COMMON LAW COPYRIGHTS AND OTHER PROPERTIES AS ALLOWED BY LAW. THESE PATENTS MAY NOT BE USED AGAIN, REPRODUCED, SOLD, OR ASSIGNED TO A THIRD PARTY WITHOUT PRIOR WRITTEN PERMISSION AND APPROVAL OF E. KEITH DAVIS.





FOUNDATION PLAN
 1/4" = 1'-0"

- TYPICAL NOTES**
- (1) All work shall be performed in accordance with the current North Carolina State Codes and all applicable codes and ordinances as adopted by the Town of Southport. Arrange for required inspections by authorities at the proper time during progress of work.
 - (2) Coordinate work to insure efficient and orderly sequence of installation of construction elements with provisions for accommodating items installed later.
 - (3) Contractor's use of the site is full and complete.
 - (4) Contractor to assume full responsibility for the protection and safe keeping of products stored on the site.
 - (5) Dimensions and notes for a given condition are typical for all similar conditions unless otherwise noted.
 - (6) Drawings at a larger scale shall take precedence over drawings at a smaller scale.
 - (7) Contractor to protect all landscape, paving, and other site conditions from damage.
 - (8) The contractor shall arrange for the proper discontinuance and/or relocation of all public utilities when required including sewer, water, gas, electric, and telephone lines.
 - (9) Any inconsistencies between drawings and existing conditions or between the drawings themselves shall be reported to the building designer. Do not perform any work that is affected by the inconsistencies until the building designer has verified the information. Any work done will be solely at the contractor's risk and expense. The building designer will resolve the inconsistencies in a timely manner.
 - (10) Contractor to complete all work in accordance with the drawings. At the end of the job, contractor is to clean all surfaces and leave job in an orderly and neat fashion. One year warranty shall begin at acceptance of the work, as determined by the building designer. Provide all logs, equipment operating instructions, record drawings etc. to Owner.
 - (11) Contractor to mill, glue, and nail all wood trim joints.

TYPICAL FOUNDATION VENTING
 One vent should be installed for each 6 to 10 feet of foundation wall. Most building codes require 1 square foot of open ventilation area for every 150 square feet of crawlspace. Generally Automatic Foundation Vents have 50 holes of net free area per vent.

12'-0" OF FOUNDATION WALL - 150 SQ FT OF FOUNDATION AREA
 DIVIDED BY 100 SQ FT
 12.0 0.15 VENTS

12'-0" OF FOUNDATION WALL - 100 SQ FT OF FOUNDATION AREA
 DIVIDED BY 100 SQ FT
 12.0 0.15 VENTS

12'-0" OF FOUNDATION WALL - 100 SQ FT OF FOUNDATION AREA
 DIVIDED BY 100 SQ FT
 12.0 0.15 VENTS

12'-0" OF FOUNDATION WALL - 100 SQ FT OF FOUNDATION AREA
 DIVIDED BY 100 SQ FT
 12.0 0.15 VENTS

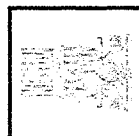
SHEET NO.
04
 of 10

DATE: 05/20/2021
 DRAWN BY: R.K. DAVIS

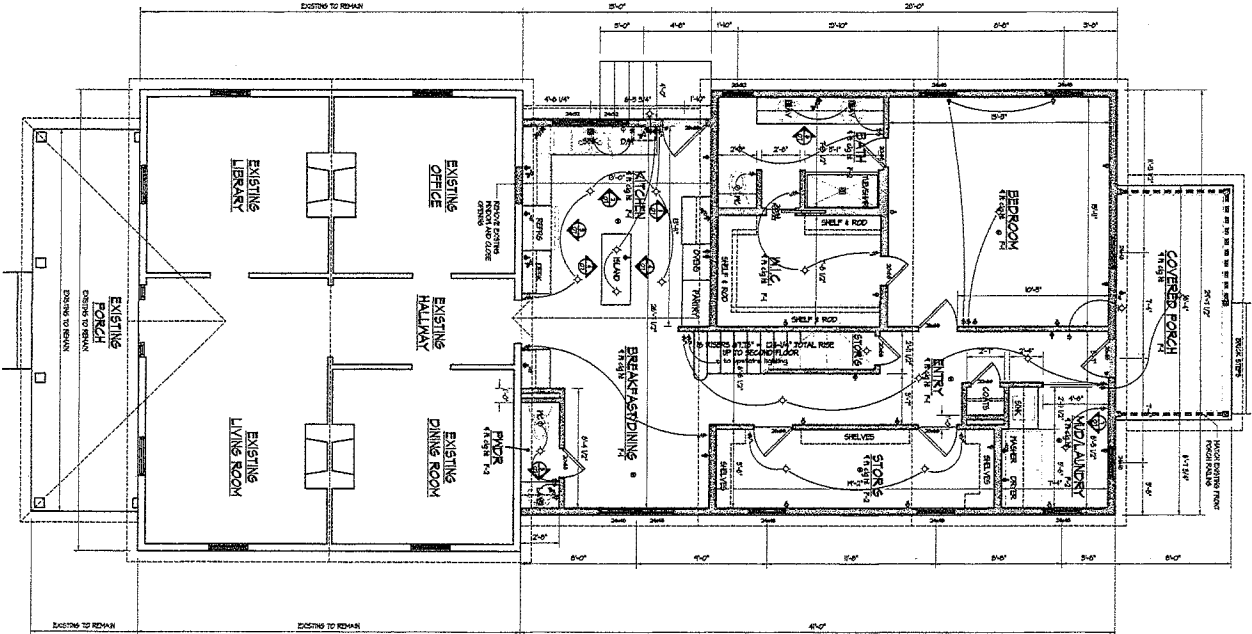
REVISIONS

AN ADDITION AND RENOVATION OF THE RESIDENCE OF
MS. BJ GORMAN
 406 W Brunswick St. Southport, NC 28461
R. KEITH DAVIS
 CUSTOM DESIGN AND PLANNING
 212 BYTOWNE RD., WHITEVILLE, N.C. 28472 / 910 840-1972

CONSULTANTS
 STRUCTURAL ENGINEER
 LANDSCAPE ARCHITECT
 INTERIOR DESIGNER



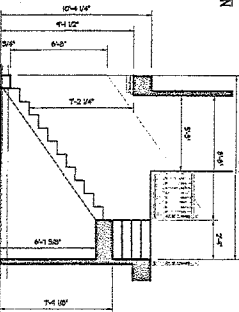
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1 FIRST FLOOR PLAN
 1/25 128,625 sq. ft. THIS FLOOR
 1/4" = 1'-0"

ELECTRICAL SYMBOL SCHEDULE

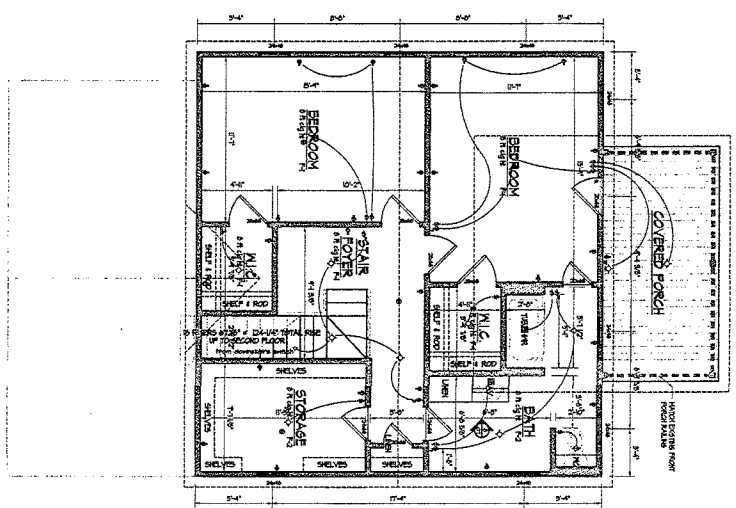
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5. 120V 50A BRANCHED CIRCUIT	6. 120V 60A BRANCHED CIRCUIT	7. 120V 70A BRANCHED CIRCUIT	8. 120V 80A BRANCHED CIRCUIT
9. 120V 90A BRANCHED CIRCUIT	10. 120V 100A BRANCHED CIRCUIT	11. 120V 110A BRANCHED CIRCUIT	12. 120V 120A BRANCHED CIRCUIT
13. 120V 130A BRANCHED CIRCUIT	14. 120V 140A BRANCHED CIRCUIT	15. 120V 150A BRANCHED CIRCUIT	16. 120V 160A BRANCHED CIRCUIT
17. 120V 170A BRANCHED CIRCUIT	18. 120V 180A BRANCHED CIRCUIT	19. 120V 190A BRANCHED CIRCUIT	20. 120V 200A BRANCHED CIRCUIT



STAIR DETAIL
 1/25 1/4" = 1'-0"

128,625 sq. ft. FIRST FLOOR HEATED
 52,500 sq. ft. SECOND FLOOR HEATED
 201,125 sq. ft. TOTAL HEATED CONSTRUCTION

2 SECOND FLOOR PLAN
 1/25 52,500 sq. ft. THIS FLOOR
 1/4" = 1'-0"



SHEET NO.
 05
 of 10

DATE
 1/25/2023
DRAWN BY
 B.K. Davis

REVISIONS

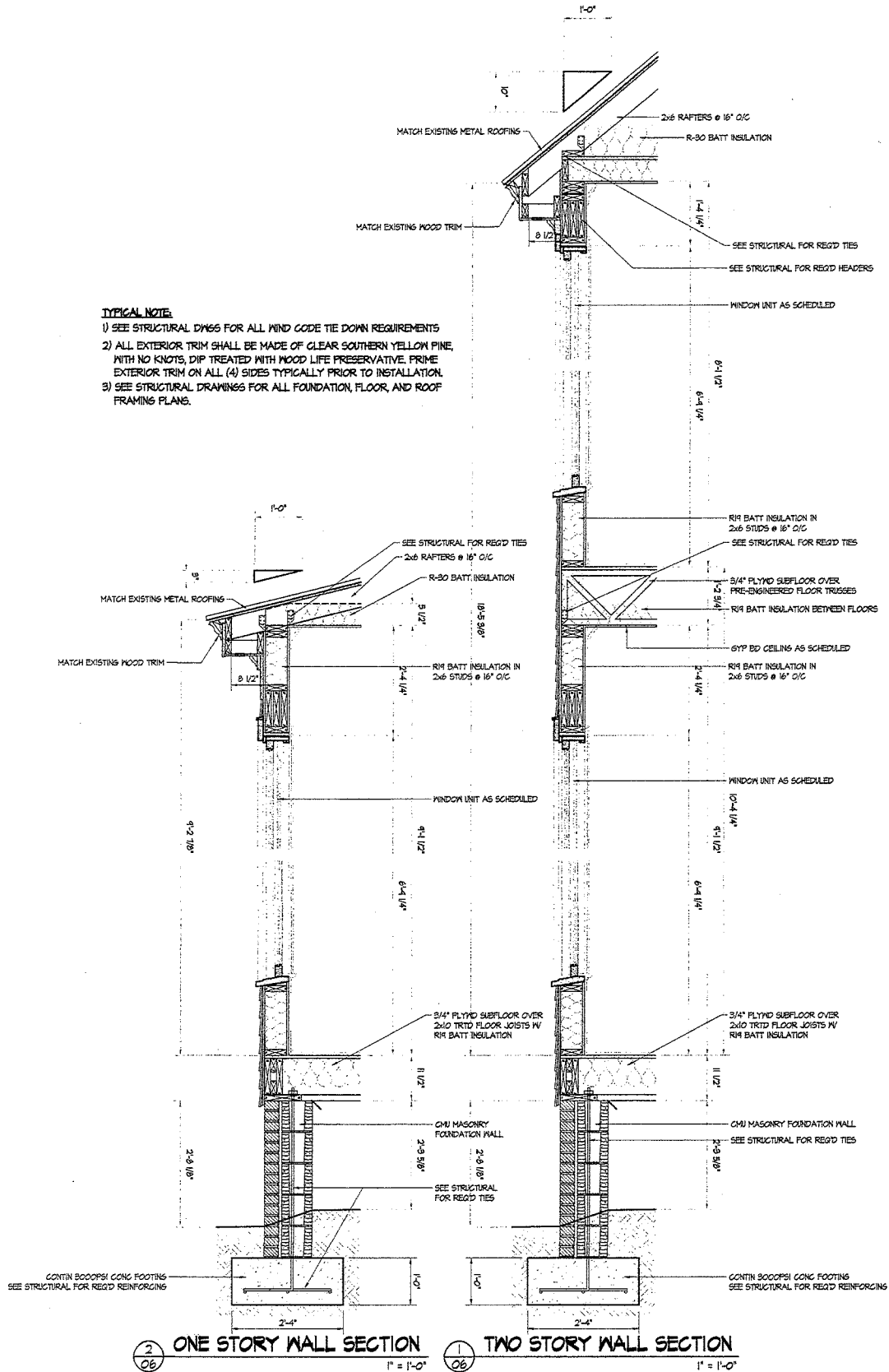
NO.	DESCRIPTION

AN ADDITION AND RENOVATION OF THE RESIDENCE OF
MS. BJ GORMAN
 406 W Brunswick St, Southport, NC 28461
R. KEITH DAVIS
 CUSTOM DESIGN AND PLANNING
 212 HITHOUSE RD., WHITEVILLE, N.C. 28472 / 910 840-1972

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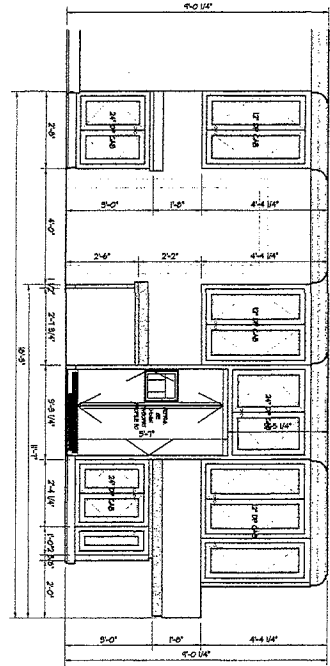
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of 10

DATE: 8/3/2022
DRAWN BY: R.K. Davis

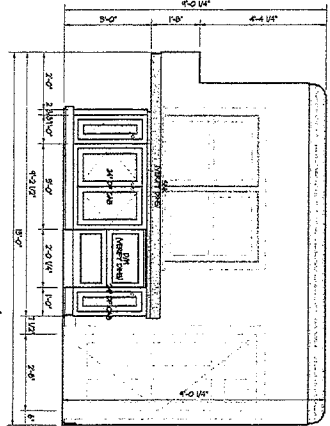
REVISIONS

AN ADDITION AND RENOVATION OF THE RESIDENCE OF
MS. BJ GORMAN
406 W Brunswick St, Southport, NC 28461
R. KEITH DAVIS
CUSTOM DESIGN AND PLANNING
212 HITHORPE RD., WHITEVILLE, N.C. 28472 / 910 840-1972

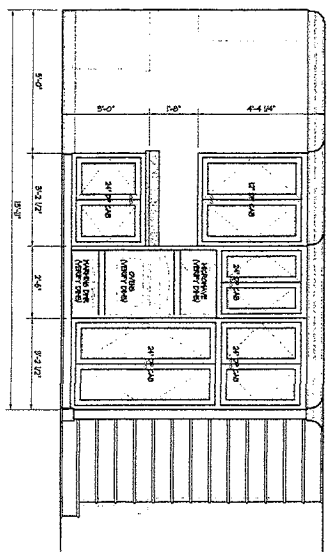
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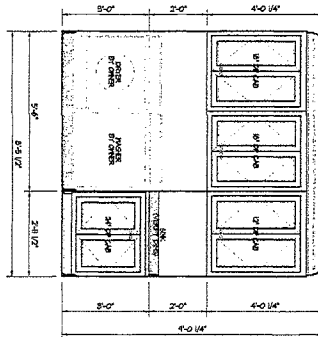
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07
INTERIOR ELEVATION
1/2" = 1'-0"



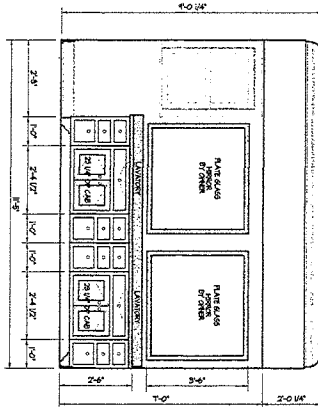
2
07
INTERIOR ELEVATION
1/2" = 1'-0"



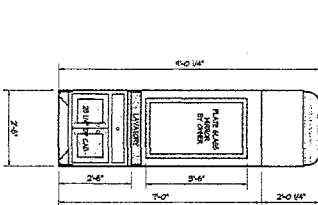
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07
INTERIOR ELEVATION
1/2" = 1'-0"



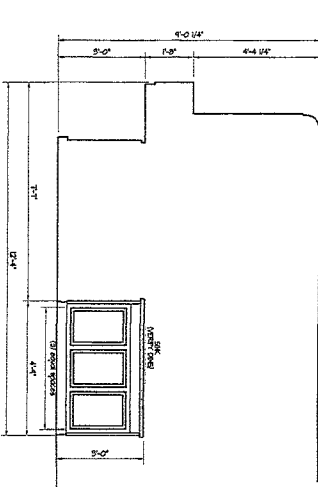
7
07
INTERIOR ELEVATION
1/2" = 1'-0"



6
07
INTERIOR ELEVATION
1/2" = 1'-0"

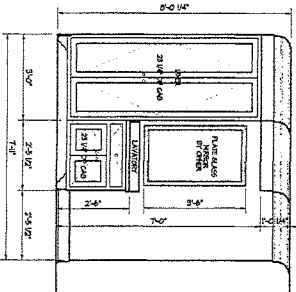


5
07
INTERIOR ELEVATION
1/2" = 1'-0"



4
07
INTERIOR ELEVATION
1/2" = 1'-0"

KITCHEN CABINET NOTES:
(1) ALL CABINETS SHALL BE ANSIF A19.1 GRADE.
(2) COUNTER TOP MATERIAL TO BE SOLID SURFACE MATERIAL OR ENGINEERED QUARTZ.
(3) COUNTER TOP MATERIAL SHALL BE SELECTED BY THE OWNER.
(4) ALL CABINET HARDWARE TO BE SELECTED BY THE OWNER.
(5) CABINET INTERIORS TO BE PAINTED BIRCH.
(6) ALL FINISHED ENDS TO RECEIVE FLAT RECESSED PANELS.



3
07
INTERIOR ELEVATION
1/2" = 1'-0"

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USE IS VOID. DATE: 08/20/2021
DRAWN BY: R. KEITH DAVIS

CONSULTANTS
SPECIALTY DRAWING
LAWSON ARCHITECTS
INTERIOR DESIGNER

AN ADDITION AND RENOVATION OF THE RESIDENCE OF
MS. BJ GORMAN
406 W Brunswick St, Southport, NC 28461
R. KEITH DAVIS
CUSTOM DESIGN AND PLANNING
212 BETHUNE RD., WHITEVILLE, N.C. 28472 / 910 840-1972

REVISIONS

NO.	DESCRIPTION

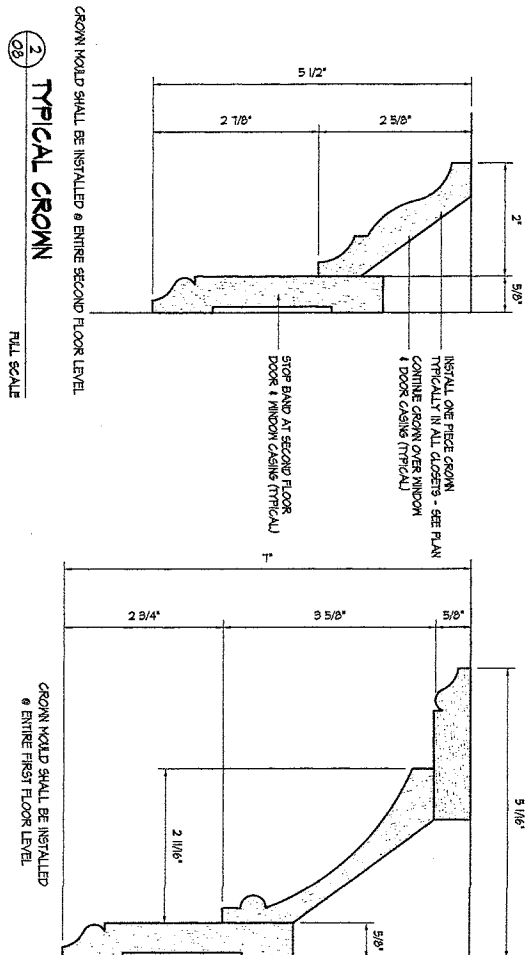
DATE: 08/20/2021
DRAWN BY: R. KEITH DAVIS

SHEET NO.
07
of 10

FINISH SCHEDULE

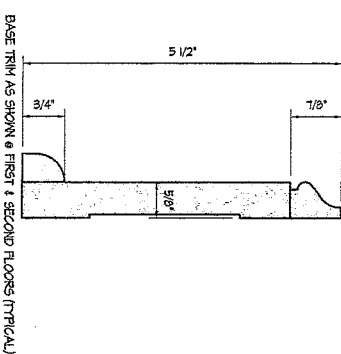
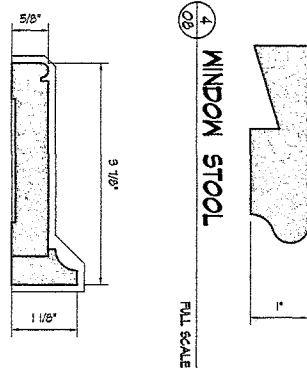
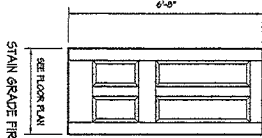
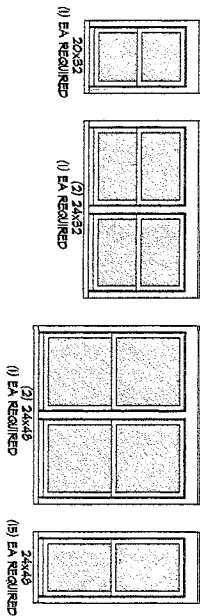
	FLOOR	BASE	WALLS	CEILING	TRIM
ROOM DESIGNATION	SEALED REINFORCED CONCRETE MARBLE TILES ENGINEERED WOOD FLOORING CERAMIC FLOOR TILE BRICK PAVERS TREATED PINE DECKING	WOOD CERAMIC TILE PAINT STAIN & SEAL	1/2" GYPSUM WALLBOARD 5 1/4" VERTICAL "V" GROOVE PANELING PAINT (3) COATS TYPE "X" GYPSUM WALLBOARD CERAMIC TILE	1/2" GYPSUM WALLBOARD SMOOTH FINISH (PAINT)	WOOD STAIN & SEAL PAINT (3) COATS
1ST FLOOR					
KITCHEN					
BREAKFAST/DINING					
WALK-IN CLOSET					
BATH					
BEDROOM					
COVERED PORCH					
ENTRY					
MID/LANDRY					
COATS					
STORAGE					
2ND FLOOR					
STAIN FOTER					
BEDROOM					
WALK-IN CLOSET					
BEDROOM					
WALK-IN CLOSET					
STORAGE					
BATH					

* WATER RESISTANT GYP. WALL BOARD @ ALL BATHS, KITCHEN, MID/LANDRY, & SHOWERS.



TYPICAL Moulding Note:
ALL Moulding SHALL BE PAINT GRADE FOR LAR

1 **TYPICAL CROWN**
FILL SCALE



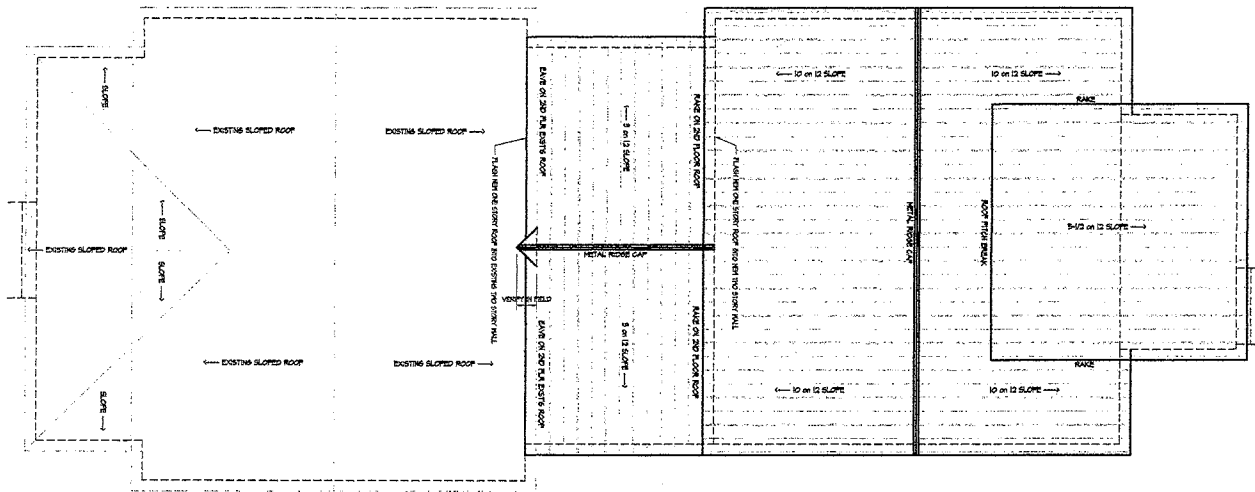
DATE: 7/27/2022
DRAWN BY: E.K. Davis

REVISIONS

AN ADDITION AND RENOVATION OF THE RESIDENCE OF
MS. BJ GORMAN
406 W Brunswick St. Southport, NC 28461
R. KEITH DAVIS
CUSTOM DESIGN AND PLANNING
212 BETHMORE RD., WHITEVILLE, N.C. 28472 / 910 840-1972

CONSULTANTS
STRUCTURAL ENGINEER
LANDSCAPE ARCHITECT
INTERIOR DESIGNER

SHEET NO.
08
of 10



09 ROOF PLAN
1/4" = 1'-0"

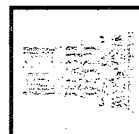
SHEET NO.
09
of 10

DATE: 09/22/2023
DRAWN BY: R.K. DAVIS

REVISIONS

AN ADDITION AND RENOVATION OF THE RESIDENCE OF
MS. BJ GORMAN
 406 W Brunswick St. Southport, NC 28461
R. KEITH DAVIS
 CUSTOM DESIGN AND PLANNING
 212 RYMORE RD., WHITEVILLE, N.C. 28472 / 910 840-1972

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INTERIOR DESIGNER



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PLUMBING NOTES

- (1) All poured concrete for each 3000 P.S.I. at 28 days and to be reinforced as indicated on drawings.
- (2) Tie floors will be installed on a 1" concrete setting bed.
- (3) Interior trim will be premium grade poplar with edges sealed and doors sealed to relative grade (finish nail driven in the pilot hole).
- (4) Outside doors will be medium grade poplar (white pine) Colonial style with 1/2" thick glass.
- (5) All door hardware shall be selected by owner.
- (6) Exterior trim will be C7 Redwood 5x7 DIP, treated with wood life preservative.
- (7) Terrace and porches will be sealed with brick pavers or pressure treated pine decking (see plans).
- (8) Eavesed foundation masonry will be oversized brick with grouting joint (verify with the owner).
- (9) All exterior trim will be stock primed white and grain sealed before installing. All trim will be primed with an oil base primer (Minwax).
- (10) All exterior trim will be finished with two (2) coats of exterior oil base primer (Minwax).
- (11) All interior door to receive three (3) coats flat latex.

- (2) coats semi-gloss oil base paint (

- (14) All retaining wall and basement wall shall have adequate temporary bracing before backfill is placed against walls. Temporary bracing shall not be removed until wall is permanently braced.
- (15) Provide 6" floor joists at 24" holes on center and may lay all concrete walls having reinforcing steel in both faces.
- (16) Shrinked steel to meet A.S.T.M. specification A-36, least 1/4" thick.

- (11) For adjustment, it bases piling direction. Provide minimum 1" non-strut gird under piling after erection. Anchor bolts lengths listed are embedment lengths.
- (12) All column to beam and beam to beam steel connections to be erected with A517T, A-325 high strength bolts. All other connections may be erected with standard machine bolts.
- (13) Typical headers at all 6" walls will be 2-2x12s with 2 1/2" blocking spaced at 24" o.c., unless noted otherwise on plan.
- (14) Typical headers at all 4" walls will be 2-2x10s with 1 1/2" plywood spacers at 24" o.c., unless noted otherwise on plan.
- (15) Use 2x10 joist hangers at all flush beams and headers.
- (16) Install double joists under all parallel partitions above.
- (17) Install double joists at each side of all openings (i.e., stairwells, stairgates, etc.).
- (18) Framing plans are schematic in nature. Install all blocking, bracing, stiffeners, etc. as required per good framing practice and standards.
- (19) Contractor shall provide hot dipped galvanized treats at all masonry openings. Treats are to be galvanized after fabrication. No cutting will be permitted in the field. Submit detail schedule for review.
- (20) Contractor shall provide miscellaneous blocking and framing as required to exactly center wiring devices and duct openings. Assume that all wiring devices, officers, and registers are to be exactly centered unless specifically noted otherwise.

MECHANICAL NOTES

- (1) All poured concrete to reach 3000 PSI at 28 days.
- (2) Machinery will be cut where necessary to leave flat foundation.
- (3) Values of structural members shall be bonded with charcoal.
- (4) Soil portion the entire building area 5'0" depth building floor.
- (5) Initial 6 x 6 WDO's shall be cut and anchored.
- (6) Initial 6 x 6 WDO's shall be cut and anchored.
- (7) Initial steel reinforcement plates must be placed on grade unless noted otherwise. Plates must be upper 1/3 of concrete slab.
- (8) Initial crane space vests along outside perimeter of crawl spaces if applicable whether included on drawings or not.
- (9) The minimal total area of ventilating openings shall be determined on the basis of 2 square feet for each 100 linear feet of exterior perimeter plus 1/5 square foot for each 100 square foot of roof area.
- (10) Crawl spaces shall include a ventilating opening within 3 feet of each corner of the crawlspace.
- (11) Ventilating openings shall be as evenly spaced as possible around the crawl space to insure proper ventilation. Standard ventilation opening is 16" x 32" (1/1 square foot). All openings shall be supplied with 1/4" mesh screen and operable damper for adjustment or flow. Verify with local building codes.
- (12) Install a min. 3" layer of builders sand over finished gravel surface.
- (13) Finish a plain, smooth, tapered over entire structure.
- (14) Top of second footing same elevation as first footing.
- (15) Reinforcing in continuous footings shall be cut through ground footings, & both true construction joints shall extend to top edge of an intersecting continuous footing.
- (16) Provide 2 x 4 lag at footing construction joints.
- (17) Top all walls 24" min. at sills and corners.
- (18) Top all walls 24" min. at sills and corners.
- (19) Should the general contractor encounter soil conditions that appear to have a loose or disturbed condition that offers less than 3500 psi the g.c. shall notify his owner to resolve directions to improve the condition.
- (20) Structural steel p. Agg
- (21) Base of stairs & chimney
- (22) Large structures for slopes & related features are to be formed with 24" sq. TPCOR Rebarless with #4 @ 12" each way.
- (23) Trimmed all doors with standard lock.

08 W

- (1) All devices to be custom residential grade (verify with Owner).
- (2) All wiring to be copper.
- (3) 12 ga. wire min. on all feeders, circuits.
- (4) Verify locations of existing conduits with Owner before installation.
- (5) Verify locations of existing conduit with Owner before install. 2" OD cast steel for outdoor lighting. (Verify with Owner)
- (6) Conduit Owner to provide for telegrapher/pole/trimmer.
- (7) Conductor shall be designed for electrical construction to meet or exceed the local electrical utility for temporary and final electrical utility for
- (8) Conductor shall be designed for local electrical utility for temporary and final electrical utility for
- (9) Conductor shall provide light fixtures as standard. Fixtures by alternate manufacturer shall be subject to review by Building Department prior to installation. Fixtures by Owner* shall be handled, set, and tapped by Contractor.
- (10) Wiring requiring electrical power, including, but not limited, to telephone, data, alarm, and telephone systems, lawn sprinkler systems, etc., shall be serviced by recognized, competent electrician, with a minimum of 10 years experience.
- (11) Contractor shall provide a system of phone lines, including the specified wiring devices and associated wire to the locations specified. The system shall be installed in accordance with the installed non-infrared fiber optic cable or an appropriate system as required by the manufacturer of the phone system selected by the Owner.

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ESIGN A
VILLE, I

- (9) Contractor shall adapt/expand all existing water supply lines to provide a complete project.
- (10) Contractor shall provide meter, service to and waste piping from all fixtures and equipment. Soil, plumbing construction must conform to all relevant codes and regulations.
- (11) Contractor shall provide all necessary permits, coordination of public authorities and all good design practices.
- (12) All plumbing fixtures shall be provided with a 1/4" of valve or stop. Fixtures cast from metal piping and copper hot and cold water supply piping. Fixtures direct "I" dimension hot and cold water supply piping to antipoint of the master bathroom provides 5/4" supply piping to shower at 1/2" hot and cold water.
- (13) All plumbing fixtures shall be provided with a 1/2" of valve or stop. Fixtures cast from metal piping and copper hot and cold water supply piping. Fixtures direct "I" dimension hot and cold water supply piping to antipoint of the master bathroom provides 5/4" supply piping to shower at 1/2" hot and cold water.
- (14) All main, branch, and supply piping shall be a minimum of 3/4" diameter. All fixture supplies shall be a minimum 1/2" piping. All piping shall be installed in accordance with the manufacturer's recommendation to an applicable code.
- (15) Provide a domestic hot water recirculating system. Draw back hot water from all remote installations utilizing balancing valves to assure a balanced system. All a minimum circulation pump will be installed with a variable speed drive (VSD). 1/2" or 3/4" bronze fitted. Install recirculation pump with a minimum of 2 pump, provide 2" pressure check valve and strainer.
- (16) Domestic hot water heaters shall be piped for parallel flow. Piping shall be arranged in an equalized flow arrangement for possible equal flow.

AN ADDITION AND RENOVATION OF THE RESIDENCE OF
MS. BJ GORMAN
 408 W Brunswick St, Southport, NC 28461

R. KEITH DAVIS
 CUSTOM DESIGN AND PLANNING
 212 HILMORE RD. WHITEVILLE, N.C. 28472 / 910 840-1972

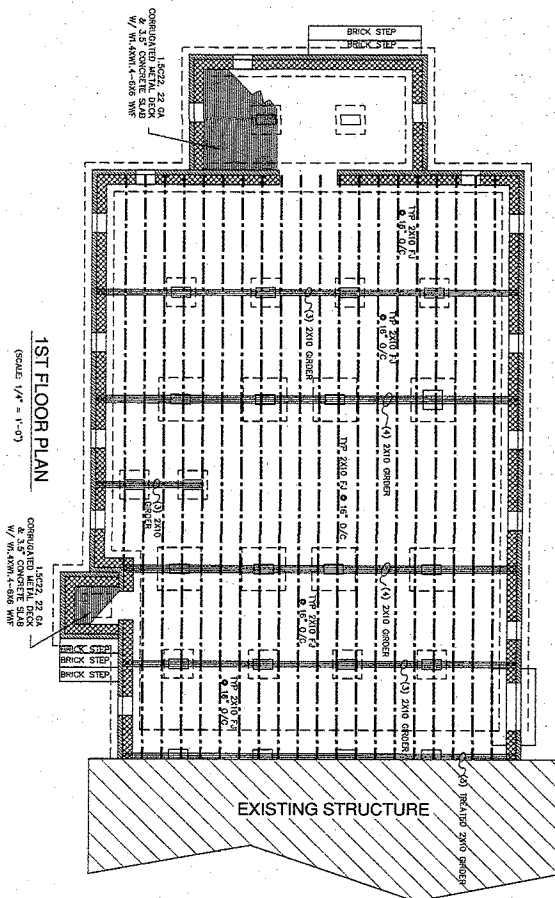
CONSULTANTS
STRUCTURAL ENGINEER:
LANDSCAPE ARCHITECT:
INTERIOR DESIGNER:



The photograph shows a large, multi-story building with a complex facade. The building has many windows and architectural details, suggesting it is a significant institutional or commercial structure. The image is in black and white, and the building is the central focus of the photograph.

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SHEET NO.
10
of 10

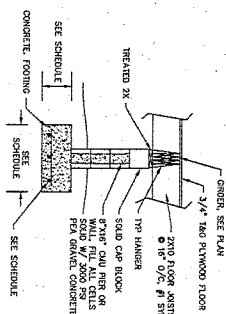


CONCRETE NOTES:

1. FLOORING DESIGNED IN ACCORDANCE TO THE 2018 NC RESIDENTIAL CODE FOR
TYPICAL DESIGN WITH STEED 150 PSI MIN. STREED.
2. FLOOR LIVE LOAD DESIGN = 50 PSF
3. WEDED NAIL FRAMING SILL CONNECTION TO ASH 4 IN5 x 4 52.
4. CLEAR DISTANCE FROM ALL FLOORING COMPONENTS, CORNER BARS SHALL HAVE THE
MINIMUM CLEARANCE AS SHOWN AT ALL CORNERS. CORNERS SHALL HAVE A MIN OF 1/4".
5. CONCT. REINFORCING STEEL SHALL HAVE 24 BAR MIN LAP OR 1N, 12".
6. SEE ARCHITECTURAL DRAWINGS FOR ADDITIONAL NOTES AND DETAILS.
7. REINFORCING STEEL SHALL BE #5, ASH 4 616.
8. SEE ARCHITECTURAL DRAWINGS FOR FINISHED FLOORING LAYOUTS.
9. CONCRETE REQUIRED TO VARY ALL DIMENSIONS W/ ARCHITECTURAL DRAWINGS
BRANCH. ASSUMED 200 LB/RSQ BEARING CAPACITY = 1600 PSF.
10. SLAB CONTROL JOINTS TO BE SPACED MAX. 17' 0".
11. CONTRACTOR TO VERIFY ALL DIMENSIONS W/ ARCHITECTURAL DRAWINGS
FOR ALL FLOORING TO BE 28 DAY COMPRESSIVE STRENGTH OF 3000 PSI.
12. CONCRETE TO HAVE MIN. 28 DAY COMPRESSIVE STRENGTH OF 3000 PSI.

FRAMING NOTES

- [illegible]



TYPE INTERIOR 8X16 CMU PIER
(SCALE: 1/2" = 1'-0")

Robert
Armstrong

1043-
ENGINEER

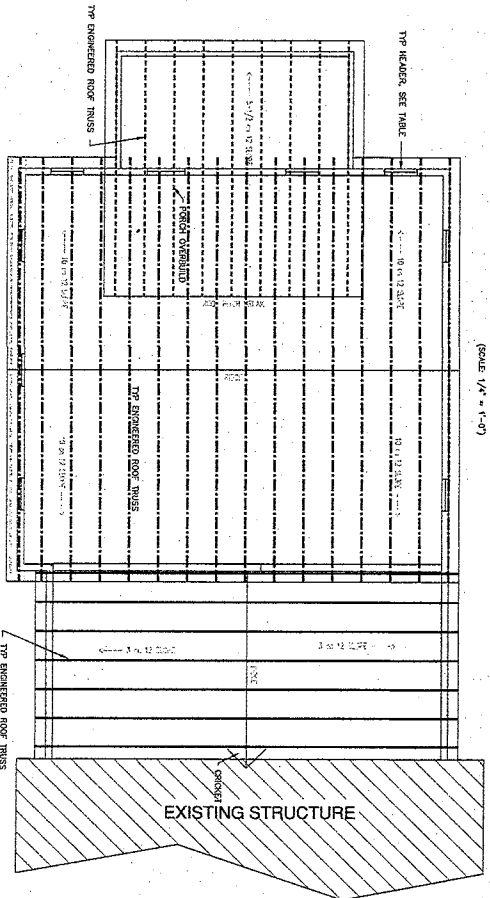
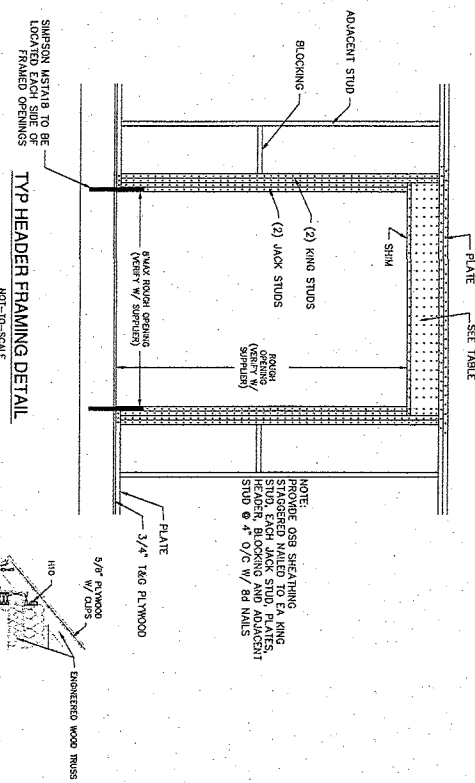
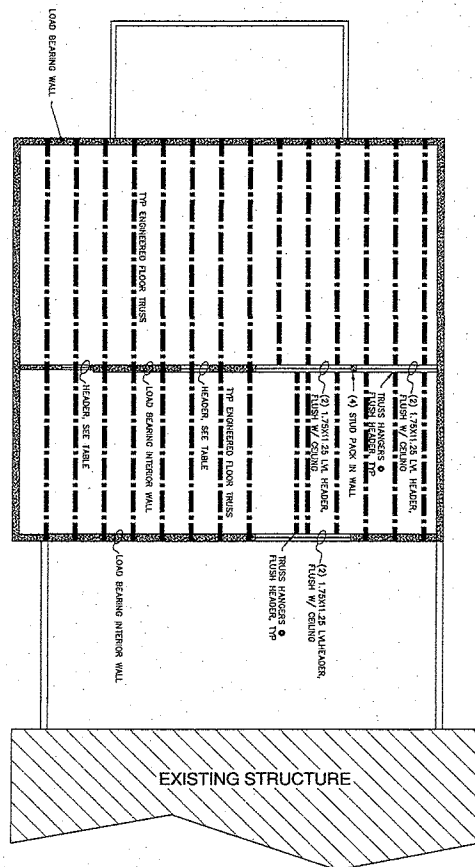


SUMMIT DESIGN GROUP, INC.
STRUCTURAL • CIVIL • MECHANICAL • ELECTRICAL
PO BOX 995
BLADENBORO, NC 28320
910-876-0376
FIRM LICENSE: C-2585

S-1	SHEET	NO.	REVISION

HOUSE ADDITION FOR:
MS. BJ GORMAN
406 W. BRUNSWICK STREET, SOUTHPORT, NC 28461
FOUNDATION & 1ST FLOOR FRAMING PLAN

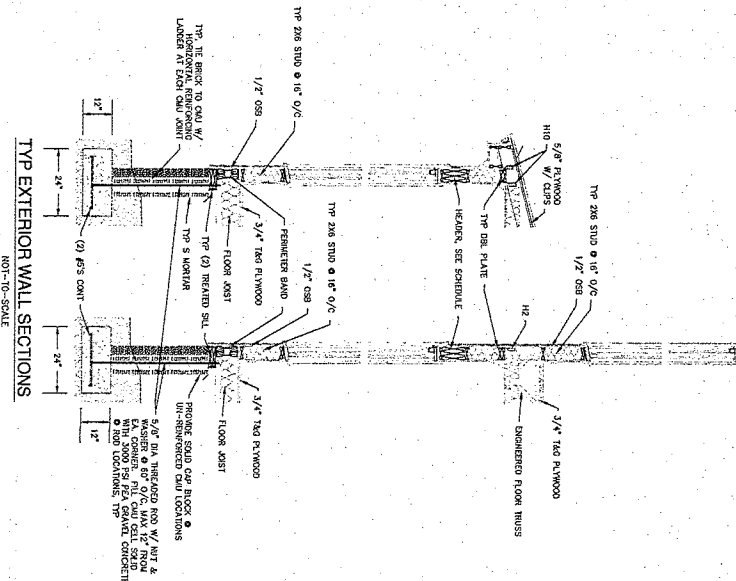
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SCALE:	1/4" = 1'-0"
DRAWN BY:	RPA
DESIGNED BY:	RPA
CHECKED BY:	
PLOT SCALE:	N/A
CAD FILE NO:	S-1



ROOF DIAPHRAGM SCHEDULE									
MATERIAL		MAX. SPACING		MAX. SPACING		MAX. SPACING		MAX. SPACING	
WALL	ROOF	WALL	ROOF	WALL	ROOF	WALL	ROOF	WALL	ROOF
1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING

EXTERIOR SHEARWALL SCHEDULE									
MATERIAL		MAX. SPACING		MAX. SPACING		MAX. SPACING		MAX. SPACING	
WALL	ROOF	WALL	ROOF	WALL	ROOF	WALL	ROOF	WALL	ROOF
1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING

HEADER SCHEDULE - UNLESS OTHERWISE NOTED									
MATERIAL		MAX. SPACING		MAX. SPACING		MAX. SPACING		MAX. SPACING	
WALL	ROOF	WALL	ROOF	WALL	ROOF	WALL	ROOF	WALL	ROOF
1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING	1/2" OSB SHEATHING



HOUSE ADDITION FOR:
MS. BJ GORMAN
406 W. BRUNSWICK STREET, SOUTHPORT, NC 28451

DETAILS, 2ND FLOOR & ROOF FRAMING

DRAWING DATA
DATE: 8/25/22
SCALE: 1/4" = 1'-0"
DRAWN BY: RPA
DESIGNED BY: RPA
CHECKED BY: N/A
PLOT SCALE: S-2
CAD FILE NO: S-2

ENGINEER
Robert Armstrong
Date: 2022.08.29
10:40:04 -0400

SUMMIT DESIGN GROUP, INC.
STRUCTURAL • CIVIL • MECHANICAL • ELECTRICAL
PO BOX 995
BLADENBORO, NC 28320
910-676-0376
FIRM LICENSE: C-2585

APPRAISAL OF REAL PROPERTY



LOCATED AT

406 W Brunswick St
Southport, NC 28461
Deed Book 4939 Page 1308 (Brunswick County Registry)

FOR

Brenda Jeanette Gorman
406 W. Brunswick Street
Southport, NC 28461

OPINION OF VALUE

1,213,000

AS OF

08/18/2023

BY

James Blake Wilson
Wilson Realty and Appraisal
P.O. Box 1254
Whiteville, North Carolina 28472
(910) 840-2850
blake.wilsonrealty@gmail.com

SUMMARY OF SALIENT FEATURES

SUBJECT INFORMATION	Subject Address	406 W Brunswick St
	Legal Description	Deed Book 4939 Page 1308 (Brunswick County Registry)
	City	Southport
	County	Brunswick
	State	NC
	Zip Code	28461
	Census Tract	0203.05
	Map Reference	209615621846
PRICE & DATE	Contract Price	\$ N/A
	Date of Contract	
PARTIES	Borrower	
	Lender/Client	Brenda Jeanette Gorman
DESCRIPTION OF IMPROVEMENTS	Size (Square Feet)	1,588
	Price per Square Foot	\$
	Location	Good
	Age	123
	Condition	Good
	Total Rooms	7
	Bedrooms	2
	Baths	1
APPRAISER	Appraiser	James Blake Wilson
	Effective Date of Appraisal	08/18/2023
VALUE	Opinion of Value	\$ 1,213,000

Wilson Realty and Appraisal
P.O. Box 1254
Whiteville, North Carolina 28472
(910) 840-2850

08/22/2023

Brenda Jeanette Gorman
406 W. Brunswick Street
Southport, NC 28461

Re: Property: 406 W Brunswick St
Southport, NC 28461
Borrower:
File No.: Gorman(406WBrunsSt)

Opinion of Value: \$ 1,213,000
Effective Date: 08/18/2023

In accordance with your request, I have appraised the above referenced property. The report of that appraisal is attached.

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership.

This report is based on a physical analysis of the site and current improvements, a locational analysis of the neighborhood and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me if I can be of additional service to you.

Sincerely,



James Blake Wilson
NC State-Certified Residential Appraiser
License or Certification #: A6017
State: NC Expires: 06/30/2024
blake.wilsonrealty@gmail.com

Appraiser Independence Certification

I do hereby certify, I have followed the appraiser independence safeguards in compliance with Appraisal Independence and any applicable state laws I may be required to comply with. This includes but is not limited to the following:

- I am currently licensed and/or certified by the state in which the property to be appraised is located. My license is the appropriate license for the appraisal assignment(s) and is reflected on the appraisal report.
- I certify that there have been no sanctions against me for any reason that would impair my ability to perform appraisals pursuant to the required guidelines.

I assert that no employee, director, officer, or agent of Brenda Jeanette Gorman, or any other third party acting as joint venture partner, independent contractor, appraisal management company, or partner on behalf of Brenda Jeanette Gorman, influenced, or attempted to influence the development, reporting, result, or review of my appraisal through coercion, extortion, collusion, compensation, inducement, intimidation, bribery, or in any other manner.

I further assert that Brenda Jeanette Gorman has never participated in any of the following prohibited behavior in our business relationship:

- 1) Withholding or threatening to withhold timely payment or partial payment for an appraisal report;
- 2) Withholding or threatening to withhold future business with me, or demoting or terminating or threatening to demote or terminate me;
- 3) Expressly or impliedly promising future business, promotions, or increased compensation for myself;
- 4) Conditioning the ordering of my appraisal report or the payment of my appraisal fee or salary or bonus on the opinion, conclusion, or valuation to be reached, or on a preliminary value estimate requested from me;
- 5) Requesting that I provide an estimated, predetermined, or desired valuation in an appraisal report prior to the completion of the appraisal report, or requesting that I provide estimated values or comparable sales at any time prior to my completion of an appraisal report;
- 6) Provided me an anticipated, estimated, encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions may be provided;
- 7) Provided to me, or my appraisal company, or any entity or person related to me as appraiser, appraisal company, stock or other financial or non-financial benefits;
- 8) Any other act or practice that impairs or attempts to impair my independence, objectivity, or impartiality or violates law or regulation, including, but not limited to, the Truth in Lending Act (TILA) and Regulation Z, or the USPAP.





Signature

James Blake Wilson

Appraiser's Name

NC State-Certified Residential Appraiser

State Title or Designation

08/22/2023

Date

A6017

State License or Certification #

06/30/2024

Expiration Date of License or Certification

NC

State

406 W Brunswick St, Southport, NC 28461

Address of Property Appraised

05/13

Borrower		File No. Gorman(406WBrunSt)	
Property Address	406 W Brunswick St	County	Brunswick
City	Southport	State	NC
Lender/Client	Brenda Jeanette Gorman	Zip Code	28461

APPRAISAL AND REPORT IDENTIFICATION

This Report is one of the following types:

- ☒ Appraisal Report (A written report prepared under Standards Rule 2-2(a), pursuant to the Scope of Work, as disclosed elsewhere in this report.)
- ☐ Restricted Appraisal Report (A written report prepared under Standards Rule 2-2(b), pursuant to the Scope of Work, as disclosed elsewhere in this report, restricted to the stated intended use only by the specified client and any other named intended user(s).)

Comments on Standards Rule 2-3

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- I have made a personal exterior and interior inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.

Reasonable Exposure Time

(USPAP defines Exposure Time as the estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.)

My Opinion of Reasonable Exposure Time for the subject property at the market value stated in this report is: 3 to 6 Months.

This opinion is based upon an analysis of prior events with the assumption of a competitive and open market. This appraiser has determined the subject would potentially need to be exposed for approximately 3 to 6 months on the open real estate market in order to have the opinion of appraised market value as of the effective date of this appraisal report.

Comments on Appraisal and Report Identification

Note any USPAP-related issues requiring disclosure and any state mandated requirements:

Item #23 of the Appraiser's Certification located on page 6 of the URAR need to be further addressed.

(Note:) The Intended User of this report is the Lender/Client. The Intended Use of this report is to evaluate the subject property that is the subject of this appraisal report for a mortgage finance transaction, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of the appraisal form and the Definition of Market Value. NO additional Intended Users are identified by this appraiser.

Scope of Work - Defined on Addendum to Appraisal Report.

APPRAISER:

Signature: James Blake Wilson

Name: James Blake Wilson

NC State-Certified Residential Appraiser

State Certification #: A6017

or State License #:

State: NC Expiration Date of Certification or License: 06/30/2024

Date of Signature and Report: 08/22/2023

Effective Date of Appraisal: 08/18/2023

Inspection of Subject: ☐ None ☒ Interior and Exterior ☐ Exterior-Only

Date of Inspection (if applicable): 08/18/2023



SUPERVISORY or CO-APPRAISER (if applicable):

Signature: _____

Name: _____

State Certification #: _____

or State License #: _____

State: _____ Expiration Date of Certification or License: _____

Date of Signature: _____

Inspection of Subject: ☐ None ☐ Interior and Exterior ☐ Exterior-Only

Date of Inspection (if applicable): _____

ENVIRONMENTAL ADDENDUM

APPARENT* HAZARDOUS SUBSTANCES AND/OR DETRIMENTAL ENVIRONMENTAL CONDITIONS

File # Gorman(406WBrunswickSt)

Borrower				
Property Address 406 W Brunswick St				
City	Southport	County	Brunswick	State NC Zip Code 28461
Lender/Client Brenda Jeanette Gorman				

*Apparent is defined as that which is visible, obvious, evident or manifest to the appraiser.

This Environmental Addendum is for use with any real estate appraisal. Only the statements which have been marked by the appraiser apply to the Subject property.

This addendum reports the results of the appraiser's routine viewing of and inquiries about the subject property and its surrounding area. It also states what assumptions were made about any observed evidence of any hazardous substances and/or detrimental environmental conditions. The appraiser is not an expert environmental inspector and therefore might be unaware of existing hazardous substances and/or detrimental environmental conditions which may have a negative effect on the safety or value of the property. It is possible that tests and inspections made by a qualified environmental inspector would reveal the existence of hazardous materials and/or detrimental environmental conditions on or around the property that would negatively affect its safety and value.

DRINKING WATER

- ☒ Drinking water is supplied to the subject from a municipal water supply which is considered safe. However, the only way to be absolutely certain that the water meets published standards is to have it tested at all discharge points.
- ☐ Drinking water is supplied by a well or other non-municipal source. It is recommended that tests be made to be certain that the property is supplied with adequate drinking water.
- ☒ Lead can get into drinking water from its source, the pipes, at all discharge points, plumbing fixtures and/or appliances. The only way to be certain that water does not contain an unacceptable lead level is to have it tested at all discharge points.
- ☒ The opinion of value is based on the assumption that there is an adequate supply of safe, lead-free drinking water.

Comments: _____

SEWER SYSTEM

- ☒ Sewage is removed from the property by a municipal sewer system.
- ☐ Sewage is disposed of by a septic system or other sanitary on-site waste disposal system. The only way to determine that the disposal system is adequate and in good good working condition is to have it inspected by a qualified inspector.
- ☒ The opinion of value is based on the assumption that the sewage is disposed of by a municipal sewer or an adequate properly permitted alternate treatment system in good condition.

Comments: _____

SOIL CONTAMINANTS

- ☒ There are no apparent signs of soil contaminants on or near the subject property (except as stated in Comments, below). It is possible that research, inspection and testing by a qualified environmental inspector would reveal existing and/or potential hazardous substances and/or detrimental environmental conditions on or around the property that would negatively affect its safety and value.
- ☒ The opinion of value is based on the assumption that the subject property is free of soil contaminants.

Comments: _____

ASBESTOS

- ☒ All or part of the improvements were constructed before 1979 when asbestos was a common building material. The only way to be certain that the property is free of friable and non-friable asbestos is to have it inspected and tested by a qualified asbestos inspector.
- ☐ The improvements were constructed after 1979. No apparent friable asbestos was observed (except as stated in Comments, below).
- ☒ The opinion of value is based on the assumption that there is no uncontained friable asbestos or other hazardous asbestos material on the property.

Comments: _____

PCBs (POLYCHLORINATED BIPHENYLS)

- ☒ There were no apparent leaking fluorescent light ballasts, capacitors or transformers anywhere on or nearby the property (except as stated in Comments, below).
- ☒ There was no apparent visible or documented evidence known to the appraiser of soil or groundwater contamination from PCBs anywhere on the property (except as reported in Comments below).
- ☒ The opinion of value is based on the assumption that there are no uncontained PCBs on or nearby the property.

Comments: _____

RADON

- ☒ The appraiser is not aware of any radon tests made on the subject property within the past 12 months (except as stated in Comments, below).
- ☒ The appraiser is not aware of any indication that the local water supplies have been found to have elevated levels of radon or radium.
- ☒ The appraiser is not aware of any nearby properties (except as stated in Comments, below) that were or currently are used for uranium, thorium or radium extraction or phosphate processing.
- ☒ The opinion of value is based on the assumption that the Radon level is at or below EPA recommended levels.

Comments: _____

USTs (UNDERGROUND STORAGE TANKS)

- ☒ There is no apparent visible or documented evidence known to the appraiser of any USTs on the property nor any known historical use of the property that would likely have had USTs.
- ☒ There are no apparent petroleum storage and/or delivery facilities (including gasoline stations or chemical manufacturing plants) located on adjacent properties (except as reported in Comments below).
- ☐ There are apparent signs of USTs existing now or in the past on the subject property. It is recommended that an inspection by a qualified UST inspector be obtained to determine the location of any USTs together with their condition and proper registration if they are active; and if they are inactive, to determine whether they were deactivated in accordance with sound industry practices.
- ☒ The opinion of value is based on the assumption that any functioning USTs are not leaking and are properly registered and that any abandoned USTs are free from contamination and were properly drained, filled and sealed.

Comments: _____

NEARBY HAZARDOUS WASTE SITES

- ☒ There are no apparent hazardous waste sites on the subject property or nearby the subject property (except as stated in Comments, below). Hazardous Waste Site search by a trained environmental engineer may determine that there is one or more hazardous waste sites on or in the area of the subject property.
- ☒ The opinion of value is based on the assumption that there are no hazardous waste sites on or nearby the subject property that negatively affect the value or safety of the property.

Comments: _____

UREA FORMALDEHYDE INSULATION (UFFI)

- ☒ All or part of the improvements were constructed before 1982 when urea foam insulation was a common building material. The only way to be certain that the property is free of urea formaldehyde is to have it inspected by a qualified urea formaldehyde inspector.
- ☐ The improvements were constructed after 1982. No apparent urea formaldehyde materials were observed (except as stated in Comments, below).
- ☒ The opinion of value is based on the assumption that there is no significant UFFI insulation or other urea formaldehyde material on the property.

Comments: _____

LEAD BASED PAINT

- ☒ All or part of the improvements were constructed before 1978 when lead based paint was a common building material. There is no apparent visible or known documented evidence of peeling or flaking Lead Paint on the floors, walls or ceilings (except as stated in Comments, below). The only way to be certain that the property is free of surface or subsurface lead based paint is to have it inspected by a qualified inspector.
- ☐ The improvements were constructed after 1978. No apparent Lead Paint was observed (except as stated in Comments, below).
- ☒ The opinion of value is based on the assumption that there is no flaking or peeling Lead Paint on the property.

Comments: _____

AIR POLLUTION

- ☒ There are no apparent signs of air pollution at the time of the appraiser's viewing of the subject property, nor were any reported (except as reported in Comments, below). The only way to be certain that the air is free of pollution is to have it tested.
- ☒ The opinion of value is based on the assumption that the property is free of air pollution.

Comments: _____

WETLANDS/FLOOD PLAINS

- ☒ The site does not contain any apparent wetlands/flood plains (except as stated in Comments, below). The only way to be certain that the site is free of wetlands/flood plains is to have it inspected by a qualified environmental professional.
- ☒ The opinion of value is based on the assumption that there are no Wetlands/Flood Plains on the property (except as stated in Comments, below).

Comments: _____

MISCELLANEOUS ENVIRONMENTAL HAZARDS

- ☒ There are no other apparent hazardous substances and/or detrimental environmental conditions on or in the area of the site except as indicated below:
- ☐ Excess noise _____
 - ☐ Radiation and/or electromagnetic radiation _____
 - ☐ Light pollution _____
 - ☐ Waste heat _____
 - ☐ Acid mine drainage _____
 - ☐ Agricultural pollution _____
 - ☐ Geological hazards _____
 - ☐ Nearby hazardous property _____
 - ☐ Infectious medical wastes _____
 - ☐ Pesticides _____
 - ☐ Other (chemical storage, drums, pipelines, etc.) _____

- ☒ The opinion of value is based on the assumption that, except as reported above, there are no other environmental hazards that would negatively affect the value of the subject property.

When any of the environmental assumptions made in this addendum are not correct, the opinion of value in this appraisal may be affected.

03/10

RESIDENTIAL APPRAISAL REPORT

File No.: Gorman(406WBrunSt)

COST APPROACH	COST APPROACH TO VALUE (if developed) ☒ The Cost Approach was not developed for this appraisal.	
	Provide adequate information for replication of the following cost figures and calculations.	
	Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value): The site value was derived from the known value of land in the market area. The best method for establishing an opinion of site value within the Brunswick County market is the Sales Comparison Approach. Similar comparable site sales are researched as well as compared and this analysis is used to derive a credible opinion of site value for use in this and similar reports. See addenda for comparable site sales considered for this subject property.	
	ESTIMATED ☐ REPRODUCTION OR ☐ REPLACEMENT COST NEW	OPINION OF SITE VALUE = \$ 500,000
	Source of cost data: Local General Contractors If Derived.	DWELLING Sq.Ft. @ \$ = \$
	Quality rating from cost service: N/A Effective date of cost data: N/A	0 Sq.Ft. @ \$ = \$
	Comments on Cost Approach (gross living area calculations, depreciation, etc.):	Sq.Ft. @ \$ = \$
	The Cost Approach to Value is not always the best indicator of market value for many properties. It is best employed for newly constructed homes, homes that are of proposed new construction or for properties that are of some special use or special purpose. No weight is placed upon the Cost Approach in the derivation of value for this subject property.	Sq.Ft. @ \$ = \$
		Sq.Ft. @ \$ = \$
INCOME APPROACH	Estimated Remaining Economic Life (if required): 45 Years	
	INDICATED VALUE BY COST APPROACH = \$ 500,000	
	INCOME APPROACH TO VALUE (if developed) ☒ The Income Approach was not developed for this appraisal.	
	Estimated Monthly Market Rent \$ 0	X Gross Rent Multiplier N/A = \$ N/A Indicated Value by Income Approach
	Summary of Income Approach (including support for market rent and GRM): Typically, buyers within the subject market do not purchase similar homes for investment or income producing properties. Income is generated by the apartment located above the detached three bay garage. However, the amount of rent generated from this apartment does not provide sufficient data to create an Income Approach to value for the entire property. Therefore, the Income Approach to Value is not derived.	
PUD	PROJECT INFORMATION FOR PUDs (if applicable) ☐ The Subject is part of a Planned Unit Development.	
	Legal Name of Project: N/A	
	Describe common elements and recreational facilities: N/A	
RECONCILIATION	Indicated Value by: Sales Comparison Approach \$ 1,213,000 Cost Approach (if developed) \$ 500,000 Income Approach (if developed) \$ N/A	
	Final Reconciliation The Sales Comparison Approach is deemed to be the best indicator of value for this subject property. The Cost Approach to Value is not derived and it is not used to help derive the final opinion of value. The value depicted above for the Cost Approach is the value derived for the site only found in regards to the subject property. Typically, buyers within the subject market do not purchase similar homes for investment or income producing properties. Therefore, the Income Approach to Value is not derived.	
	This appraisal is made ☒ "as is", ☐ subject to completion per plans and specifications on the basis of a Hypothetical Condition that the improvements have been completed, ☐ subject to the following repairs or alterations on the basis of a Hypothetical Condition that the repairs or alterations have been completed, ☐ subject to the following required inspection based on the Extraordinary Assumption that the condition or deficiency does not require alteration or repair: No plans or specifications were provided to the appraiser in regards to potential additional improvements and therefore the appraisal is completed "As-Is".	
	☐ This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.	
	Based on the degree of inspection of the subject property, as indicated below, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is: \$ 1,213,000 , as of: 08/18/2023 , which is the effective date of this appraisal. If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.	
	A true and complete copy of this report contains 39 pages, including exhibits which are considered an integral part of the report. This appraisal report may not be properly understood without reference to the information contained in the complete report.	
	Attached Exhibits:	
	☒ Scope of Work ☒ Limiting Cond./Certifications ☐ Narrative Addendum ☒ Photograph Addenda ☒ Sketch Addendum ☒ Map Addenda ☒ Additional Sales ☐ Cost Addendum ☒ Flood Addendum ☐ Manuf. House Addendum ☐ Hypothetical Conditions ☐ Extraordinary Assumptions ☐	
	Client Contact: _____ Client Name: Brenda Jeanette Gorman E-Mail: _____ Address: 406 W. Brunswick Street, Southport, NC 28461 APPRAISER SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)	
SIGNATURES	 	
	Appraiser Name: James Blake Wilson	
	Company: Wilson Realty and Appraisal	
	Phone: (910) 840-2850 Fax: _____	
	E-Mail: blake.wilsonrealty@gmail.com	
	Date of Report (Signature): 08/22/2023	
	License or Certification #: A6017 State: NC	
	Designation: NC State-Certified Residential Appraiser	
	Expiration Date of License or Certification: 06/30/2024	
	Inspection of Subject: ☒ Interior & Exterior ☐ Exterior Only ☐ None	
Date of Inspection: 08/18/2023		
Supervisory or Co-Appraiser Name: _____ Company: _____ Phone: _____ Fax: _____ E-Mail: _____ Date of Report (Signature): _____ License or Certification #: _____ State: _____ Designation: _____ Expiration Date of License or Certification: _____ Inspection of Subject: ☐ Interior & Exterior ☐ Exterior Only ☐ None Date of Inspection: _____		

Assumptions, Limiting Conditions & Scope of Work

File No.: Gorman(406WVBrunswickSt)

Property Address: 406 W Brunswick St City: Southport State: NC Zip Code: 28461
Client: Brenda Jeanette Gorman Address: 406 W. Brunswick Street, Southport, NC 28461
Appraiser: James Blake Wilson Address:

STATEMENT OF ASSUMPTIONS & LIMITING CONDITIONS

- The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.

- The appraiser may have provided a sketch in the appraisal report to show approximate dimensions of the improvements, and any such sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size. Unless otherwise indicated, a Land Survey was not performed.

- If so indicated, the appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.

- The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.

- If the cost approach is included in this appraisal, the appraiser has estimated the value of the land in the cost approach at its highest and best use, and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used. Unless otherwise specifically indicated, the cost approach value is not an insurance value, and should not be used as such.

- The appraiser has noted in the appraisal report any adverse conditions (including, but not limited to, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property, or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property, or adverse environmental conditions (including, but not limited to, the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.

- The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.

- The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.

- If this appraisal is indicated as subject to satisfactory completion, repairs, or alterations, the appraiser has based his or her appraisal report and valuation conclusion on the assumption that completion of the improvements will be performed in a workmanlike manner.

- An appraiser's client is the party (or parties) who engage an appraiser in a specific assignment. Any other party acquiring this report from the client does not become a party to the appraiser-client relationship. Any persons receiving this appraisal report because of disclosure requirements applicable to the appraiser's client do not become intended users of this report unless specifically identified by the client at the time of the assignment.

- The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public, through advertising, public relations, news, sales, or by means of any other media, or by its inclusion in a private or public database.

- An appraisal of real property is not a 'home inspection' and should not be construed as such. As part of the valuation process, the appraiser performs a non-invasive visual inventory that is not intended to reveal defects or detrimental conditions that are not readily apparent. The presence of such conditions or defects could adversely affect the appraiser's opinion of value. Clients with concerns about such potential negative factors are encouraged to engage the appropriate type of expert to investigate.

The Scope of Work is the type and extent of research and analyses performed in an appraisal assignment that is required to produce credible assignment results, given the nature of the appraisal problem, the specific requirements of the intended user(s) and the intended use of the appraisal report. Reliance upon this report, regardless of how acquired, by any party or for any use, other than those specified in this report by the Appraiser, is prohibited. The Opinion of Value that is the conclusion of this report is credible only within the context of the Scope of Work, Effective Date, the Date of Report, the Intended User(s), the Intended Use, the stated Assumptions and Limiting Conditions, any Hypothetical Conditions and/or Extraordinary Assumptions, and the Type of Value, as defined herein. The appraiser, appraisal firm, and related parties assume no obligation, liability, or accountability, and will not be responsible for any unauthorized use of this report or its conclusions.

Additional Comments (Scope of Work, Extraordinary Assumptions, Hypothetical Conditions, etc.):
See 'Addendum to Appraisal Report' for further commentary in regards to the Scope of Work for this appraisal assignment.

Certifications

File No.: Gorman(406WVBrunSt)

Property Address: 406 W Brunswick St	City: Southport	State: NC	Zip Code: 28461
Client: Brenda Jeanette Gorman	Address: 406 W. Brunswick Street, Southport, NC 28461		
Appraiser: James Blake Wilson	Address:		

APPRAISER'S CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The credibility of this report, for the stated use by the stated user(s), of the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- I did not base, either partially or completely, my analysis and/or the opinion of value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property, or of the present owners or occupants of the properties in the vicinity of the subject property.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.

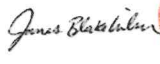
Additional Certifications: See attached Appraiser Independence Certification and the USPAP identification which are a part of this appraisal report.

DEFINITION OF MARKET VALUE *:

Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

* This definition is from regulations published by federal regulatory agencies pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 between July 5, 1990, and August 24, 1990, by the Federal Reserve System (FRS), National Credit Union Administration (NCUA), Federal Deposit Insurance Corporation (FDIC), the Office of Thrift Supervision (OTS), and

SIGNATURES	Client Contact: _____	Client Name: Brenda Jeanette Gorman
	E-Mail: _____	Address: 406 W. Brunswick Street, Southport, NC 28461
	APPRAISER	SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)
	 	Supervisory or Co-Appraiser Name: _____
Appraiser Name: James Blake Wilson	Company: Wilson Realty and Appraisal	Company: _____
Phone: (910) 840-2850	Fax: _____	Phone: _____ Fax: _____
E-Mail: blake.wilsonrealty@gmail.com		E-Mail: _____
Date Report Signed: 08/22/2023		Date Report Signed: _____
License or Certification #: A6017	State: NC	License or Certification #: _____ State: _____
Designation: NC State-Certified Residential Appraiser		Designation: _____
Expiration Date of License or Certification: 06/30/2024		Expiration Date of License or Certification: _____
Inspection of Subject: ☒ Interior & Exterior ☐ Exterior Only ☐ None		Inspection of Subject: ☐ Interior & Exterior ☐ Exterior Only ☐ None
Date of Inspection: 08/18/2023		Date of Inspection: _____



ADDITIONAL COMPARABLE SALES

File No.: Gorman(406WBrunsSt)

APPROACH

FEATURE		SUBJECT		COMPARABLE SALE # 4			COMPARABLE SALE # 5			COMPARABLE SALE # 6						
Address		406 W Brunswick St Southport, NC 28461		110 Kingsley Dr Southport, NC 28461			116 River Dr Southport, NC 28461			410 E Bay St Southport, NC 28461						
Proximity to Subject				0.59 miles E			0.95 miles NE			0.58 miles E						
Sale Price		\$ N/A		\$ 1,400,000			\$ 1,060,000			\$ 1,100,000						
Sale Price/GLA		\$ /sq.ft.		\$ 530.50 /sq.ft.			\$ 557.89 /sq.ft.			\$ 519.85 /sq.ft.						
Data Source(s)		Inspection		NCRMLS#100311826			NCRMLS#100287847			NCRMLS#100252667						
Verification Source(s)		Public Records		Public Records			Public Records			Public Records						
VALUE ADJUSTMENTS		DESCRIPTION		DESCRIPTION		+(-) \$ Adjust.	DESCRIPTION		+(-) \$ Adjust.		DESCRIPTION		+(-) \$ Adjust.			
Sales or Financing		N/A		Cash Sale			Cash Sale			Conventional						
Concessions		N/A		No Concessions			No Concessions			No Concessions						
Date of Sale/Time		N/A		04/05/2022			12/17/2021			10/26/2021						
Rights Appraised		Fee Simple		Fee Simple			Fee Simple			Fee Simple						
Location		Good		Good/Similar			Good/Similar			Good/Similar						
Site		.47 Acres +/-		.30 Acres +/-			1.16 Acres +/-		-50,000	.14 Acres +/-		+50,000				
View		Water		Water			Water			Water						
Design (Style)		Cottage		Cottage			Cottage			Cottage						
Quality of Construction		Good		Good			Good			Good						
Age		123		5		-100,000	65		-50,000	40		-50,000				
Condition		Good		Good/Superior		-50,000	Good/Superior		-50,000	Good/Superior		-50,000				
Above Grade		Total	Bd rms	Baths	Total	Bd rms	Baths	Total	Bd rms	Baths	Total	Bd rms	Baths			
Room Count		7	2	1	6	3	2.5	6	3	2	5	3	3			
Gross Living Area		1,588 sq.ft.			2,639 sq.ft.			-42,000	1,900 sq.ft.			-12,500	2,116 sq.ft.			-21,100
Basement & Finished		N/A		N/A			N/A			N/A						
Rooms Below Grade		N/A		N/A			N/A			N/A						
Functional Utility		Adequate		Adequate			Adequate			Adequate						
Heating/Cooling		FWA/Central		FWA/Central			FWA/Central			FWA/Central						
Energy Efficient Items		CF/InsWindows		Ins Windows			CF/InsWindows			CF/InsWindows						
Garage/Carport		Det. Triple Garage		Double Garage		+25,000	Single Carport		+65,000	Triple Garage						
Porch/Patio/Deck		Front Porch		Porch			Porches			Porch, Deck						
Porch/Patio/Deck (Cont)		Rear Porch, Stoop								Patio						
Fireplace		Yes		Yes			Yes			Yes						
Site Improvements		Apartment		Paving		+50,000	Paving		+50,000	Paving		+50,000				
Site Improvements (Cont)		Brick Driveway		Fencing			Outbuilding			Fencing						
Site Improvements (Cont)		Fencing					Pier									
Net Adjustment (Total)				☐ + ☒ -		\$ -122,000	☐ + ☒ -		\$ -51,000	☐ + ☒ -		\$ -28,100				
Adjusted Sale Price of Comparables				Net 8.7 %			Net 4.8 %			Net 2.6 %						
				Gross 19.4 %		\$ 1,278,000	Gross 26.5 %		\$ 1,009,000	Gross 20.7 %		\$ 1,071,900				

SALES COMPARISON APPROACH

(Note): Address for comparable sale 4 is actually 110 S. Kingsley Street, Southport. The software changes the address to the above location. Address was verified when an updated photograph of the subject property was obtained.

Addendum to Appraisal Report

File No. Gorman(406WBrunswickSt)

Borrower					
Property Address	406 W Brunswick St				
City	Southport	County	Brunswick	State	NC
				Zip Code	28461
Lender/Client	Brenda Jeanette Gorman				

Scope of Work

USPAP defines Scope of Work as the type and extent of research and analyses in an appraisal or appraisal review assignment. Scope of work includes, but is not limited to: The extent to which the property is identified, the extent to which tangible property is identified, the type and extent of data researched and the type and extent of analyses applied to arrive at opinions or conclusions. As per Standards Rule 1: in developing a real property appraisal, an appraiser must identify the problem to be solved, determine the scope of work necessary to solve the problem and correctly complete research and analyses necessary to produce a credible appraisal.

The purpose of this appraisal is to form an opinion of market value of the identified subject property. This purpose will be accomplished in compliance with USPAP as well as all other applicable State and Federal rules and regulations. The Intended Use of this appraisal report is for mortgage lending purposes. The Intended User of this report is the Lender/Client. The effective date of the opinion of value is as of the inspection date of the subject property. Numerous photographs will be taken to best represent the current condition of the subject property as of the date of inspection. The inspection performed by this appraiser as well as the photographs obtained should not be considered a home inspection or environmental assessment as these functions are beyond the certification and expertise of this appraiser. If inspections of this nature are required, qualified home inspectors and or environmental consultants should be employed.

All forms of data will be researched, evaluated and applied within the course of appraising the subject property. These forms of data include but are not limited to tax records, register of deeds records, surveys and flood information. Appraiser is not liable for any factors that impact the subject property or the value derived not present within these available forms of data as well as any information obtained during inspection or that information not made available to this appraiser during the course of evaluating the subject property. The year built for this dwelling is shown as 2014 as per Tax Administration records.

All approaches to value will be considered for this appraisal assignment. However, for this type of assignment, the Sales Comparison will be given the most consideration in deriving the final opinion of value. In order to effectively create and report the three approaches to value multiple resources will be employed which include but are not limited to public records, multiple listing services records, interviews with local real estate professionals and general contractors as well as any other data provided to the appraiser from the Lender/Client such as agreements of sale or construction plans if applicable.

Digital Signature

The signature provided and affixed within this appraisal report as well as the necessary certifications, were applied by the appraiser of record for this appraisal report. I, the appraiser, do hereby certify that I completed all aspects of the subject property evaluation including inputting all data into the appraisal report as well as reconciling the opinion of value, free of influence from the intended user, the intended user's representatives, the borrower, or any other party to this assignment.

Site Condition

There does not appear to be any adverse easements, encroachments, environmental issues or any other adverse site conditions present in regards to the subject property. Further investigation in regards to these issues should be forwarded to a surveyor, environmental consultant or any other professional with more expertise to make qualified judgments if necessary.

Site Area

The subject property's site is typical in size for the market area. The size of the subject site was obtained from data available through the Brunswick County GIS. This information is deemed accurate but cannot be guaranteed by this appraiser.

Highest and Best Use

The subject property is used for residential purposes. The highest and best use of the subject property is residential usage.

Comparable Sale Photographs

All of the comparable sale photographs used within this report were personally taken by this appraiser.

Land Comparable Sales

Similar land comparable sales were researched by this appraiser. The most similar comparable sales found due to this search is as follows:

512 W. Brunswick Street, Southport - Consists of .27 Acres +/- and sold 10/20/2022 for \$600,000
 102 Bonnet's Creek Ln, Southport - Consists of .28 Acres +/- and sold 06/07/2023 for \$389,000
 314 River Drive, Southport - Consists of .79 Acres +/- and sold 06/16/2023 for \$1,230,000

Given the range in values for the similar land comparable sales and given due consideration the proximity of the subject property to the comparable sale located at 512 W. Brunswick Street, it is the opinion of this appraiser that this land sale in the amount of \$600,000 is most similar to the subject property. The comparable sale for River Drive is greater in area as compared to the subject site and its selling price is more than twice the selling price of the next closest sale. The comparable sale at 102 Bonnet's Creek is similar to the subject property and sold for less than that of the comparable sale on W. Brunswick Street. This factor is considered in the overall evaluation of the site value and it is deemed that an appropriate site value for the subject property given the available sales is \$500,000 in the opinion of this appraiser.

Addendum to Appraisal Report

File No. Gorman(406WBrunswickSt)

<u>Borrower</u>				
Property Address	406 W Brunswick St			
City	Southport	County	Brunswick	State NC Zip Code 28461
Lender/Client	Brenda Jeanette Gorman			

Smoke Detectors & CO2 Detector

Three smoke detectors and one CO2 detector are located within the dwelling that is the subject of this appraisal report.

Additional Notes

If a more detailed analysis of the dwelling is required in order to gauge its current physical and structural condition, a qualified home inspector or General Contractor should be consulted as this is beyond the scope of work and expertise of this appraiser. The square footages reported by this appraiser for this parcel are provided by physical measurements performed by this appraiser. No value is given or implied for any personal property that is present in regards to the subject property as this is beyond the scope and expertise of this appraiser. The value provided herein is for real property only. No timber values (if any) have been included as a part of this appraisal report as this is beyond the scope of this assignment as well as the expertise of this appraiser.

Intended User

The intended user of this appraisal report is Brenda Jeanette Gorman.

Intended Use

The intended use of this appraisal report is to obtain a permit from the Town of Southport for coastal zoning purposes.

Prior Service

This appraiser has performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this appraisal report within a three year period immediately preceding acceptance of this assignment.

Exposure Time

The estimated length of time the subject property will be offered at market value through the local MLS is estimated to be 3-6 months.

FIRREA Certification

This appraiser certifies and agrees that this appraisal report was prepared in accordance with the requirements of Title XI of the Financial Institutions, Reform, Recovery, and Enforcement Act (FIRREA) of 1989, as amended (12 U. S. C. 3331 et seq.) and any applicable implementing regulation in effect at the time the appraiser signs the appraisal certification.

Office Location

The subject property is located approximately 66.9 miles from my office. This assignment requires geographic competency as part of the scope of work. I have spent sufficient time in this market and I understand the nuances of the local market as well as the supply and demand factors relating to the specific property type and location involved. Such understanding will not be imparted solely from a consideration of specific data such as demographics, costs, sales and rentals. The necessary understanding of local market conditions provides the bridge between a sale and a comparable sale or a rental and a comparable rental. I have appraised within Brunswick County for over 20 years.

Utilities/Off-Site Improvements

Municipal sewer and water utilities are provided to the subject property via the Town of Southport. These items are typical for the subject market area and do not affect the marketability of the subject property. The utilities were in working order on the day of inspection. An above ground propane tank is situated on the subject property. I observed no odors or seepage from the tank. Above ground propane tanks are not uncommon for the market area and do not affect marketability.

ANSI Guidelines

This appraiser employs the ANSI standard of measurement for all interior appraisal assignments. ANSI (American National Standards Institute) provides a standard for measuring, calculating, and reporting gross living area (GLA) and non-GLA areas of subject properties for appraisals requiring interior and exterior inspections with effective dates of April 1, 2022 or later.

Detached Double Garage & Apartment

This garage is currently used for storage and a workshop and is heated and cooled by zoned units. The upper level of the garage includes an apartment with one bedroom, one bathroom as well as a family room, kitchen and dining area.

Year Built

Tax office records depict the subject property as being built in 1900. As per the owner, portions of the dwelling were constructed in 1877 and 1893. Given this information, a year built of 1900 is used for evaluation purposes.

Overall Value Extracting Values for Land and Detached Garage with Apartment

For the purpose of this assignment a value is desired extracting the land value and value for the detached garage with apartment from the market value established within this report. The final opinion of market value derived for this subject property is calculated to be \$1,213,000. The land value is derived to be \$500,000. The detached garage with apartment is derived to be \$75,000. When the land value and detached garage with apartment value is extracted from the calculated market value of the subject property, a value of \$638,000 is derived.

Addendum to Appraisal Report

File No. Gorman(406WBrunswickSt)

Borrower					
Property Address	406 W Brunswick St				
City	Southport	County	Brunswick	State	NC
Zip Code	28461				
Lender/Client	Brenda Jeanette Gorman				

Summary of Sales Comparison Approach

The subject property is a unique historic home within close proximity to the Southport Marina and it is also within close access to the Intracoastal Waterway.

All of the comparable sales used within this report are the best available to this appraiser and they are the most similar for comparison in regards to the subject property in the opinion of this appraiser. The comparable sales used within this report were arranged in order of their selling date.

All six comparable sales provided within this report appear to be arms length transactions. Comparable sale 2 sold with seller concessions. This appraiser makes a dollar for dollar adjustment to comparable sales for these concessions.

All of the comparable sales used within this report are similar to the subject property with respect to location in the opinion of this appraiser and no adjustments for location were deemed necessary.

The site values for comparable sales 3 and 4 are similar to the subject property and no adjustments were necessary. Adjustments were necessary for site value and were made accordingly for comparable sales 1, 2, 5 and 6. The site values were derived from the known value of land in the market area and the experience of this appraiser evaluating similar properties.

Adjustments were necessary and made accordingly for differences in age and condition for all of the comparable sales used within this report.

All of the comparable sales used within this report were found on the North Carolina Regional MLS (NCRMLS) which contains a tremendous amount of sales data for the market of Brunswick County. This appraiser was able to review multiple exterior and interior photographs for accuracy of comparison to the subject property. Given the data available and the research performed by this appraiser the basis for adjustments or non adjustments that were made for the differences in items such as age and condition are justified in the opinion of this appraiser.

Adjustments were necessary and made accordingly for differences in number of bathrooms. This appraiser makes a square footage adjustment if there is a 200 square foot (more or less) difference between the subject property and a comparable sale.

Adjustments were necessary and made accordingly for difference in car storage for all of the comparable sales used within this report except for comparable sale 6. The basis for these adjustments arrive from the size, quality and presence of specific structures and how they compare to the subject property. MLS data and photographs of these comparable items were researched thoroughly to arrive at credible adjustments.

The presence of or lack thereof a fireplace does not appear to affect marketability for similar properties and therefore no adjustments for fireplaces were made or necessary within the report.

Adjustments were necessary made accordingly for differences in site improvements. The basis for these adjustments arrive from the size, quality and presence of specific structures and how they compare to the subject property. MLS data and photographs of these comparable items were researched thoroughly to arrive at credible adjustments.

Reconciliation

Additional comparable sales were provided to give a broader view of available comparable sales within the immediate market area for this subject property.

The Cost Approach to Value nor the Income Approach to Value factored into the reconciliation of this appraisal report. The Cost Approach was not formulated, and it is not deemed a suitable indicator of value as previously explained within the Cost Approach portion of this appraisal report. The subject property, as typical for the subject market, is not an income producing property and therefore, the Income Approach was not formulated.

The selling prices of the comparable sales used within this report range from \$1,060,000 to \$1,669,690.

The adjusted sales prices for all of the comparable sales used within this report ranged from \$1,009,000 to \$1,658,290.

The average adjusted sales price of the comparable sales used within this report is calculated to be \$1,213,065 which is rounded to \$1,213,000 for reporting purposes.

Given the data available and used within this report as well as the experience of this appraiser evaluating similar residential properties within the subject market, it is the opinion of this appraiser that a final value of \$1,213,000 is warranted and justified.

Subject Photo Page

Borrower				
Property Address	406 W Brunswick St			
City	Southport	County	Brunswick	State NC Zip Code 28461
Lender/Cient	Brenda Jeanette Gorman			



Subject Front

406 W Brunswick St	
Sales Price	N/A
Gross Living Area	1,588
Total Rooms	7
Total Bedrooms	2
Total Bathrooms	1
Location	Good
View	Water
Site	.47 Acres +/-
Quality	Good
Age	123



Subject Rear



Subject Street

Subject Photos Addendum

Borrower				
Property Address	406 W Brunswick St	County	Brunswick	State NC Zip Code 28461
City	Southport			
Lender/Client	Brenda Jeanette Gorman			



Side View 1



Side View 2



Brick Paved Area



Driveway



View from Street



View from Porch

Subject Photos Addendum

Borrower				
Property Address	406 W Brunswick St			
City	Southport	County	Brunswick	State NC Zip Code 28461
Lender/Client	Brenda Jeanette Gorman			



Detached Garage Exterior - Front



Detached Garage Exterior - Rear



Detached Garage - Balcony



Whole House Generator



Detached Garage Interior - Storage



Detached Garage Interior - Workshop

Interior Photos

Borrower				
Property Address	406 W Brunswick St			
City	Southport	County	Brunswick	State NC Zip Code 28461
Lender/Client	Brenda Jeanette Gorman			



Living Room



Den



Dining Room



Bedroom



Bedroom



Captain's Stairs

Interior Photos

Borrower					
Property Address	406 W Brunswick St				
City	Southport	County	Brunswick	State	NC Zip Code 28461
Lender/Client	Brenda Jeanette Gorman				



Kitchen



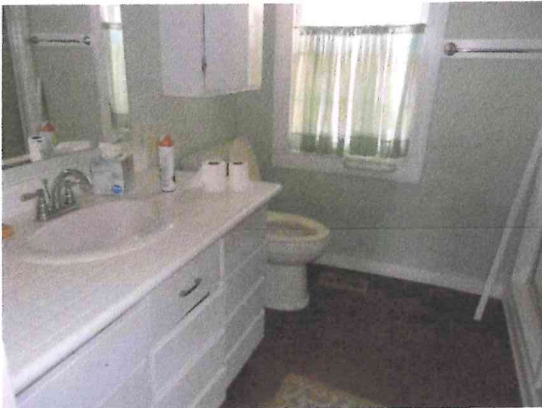
Pantry



Former Bathroom



Closet



Bathroom View 1



Bathroom View 2

Interior Photos

Borrower				
Property Address	406 W Brunswick St	County	Brunswick	State NC Zip Code 28461
City	Southport			
Lender/Client	Brenda Jeanette Gorman			



Laundry Room



Office



**Apartment Above Detached Garage
Bedroom**



**Apartment Above Detached Garage
Family Room**



**Apartment Above Detached Garage
Bathroom**



**Apartment Above Detached Garage
Dining & Kitchen**

Comparable Photo Page

Borrower				
Property Address	406 W Brunswick St	County	Brunswick	State NC Zip Code 28461
City	Southport			
Lender/Client	Brenda Jeanette Gorman			



Comparable 1

114 River Dr	
Prox. to Subject	0.94 miles NE
Sale Price	1,200,000
Gross Living Area	1,576
Total Rooms	4
Total Bedrooms	3
Total Bathrooms	2
Location	Good/Similar
View	Water
Site	1.39 Acres +/-
Quality	Good
Age	65



Comparable 2

231 E Bay St	
Prox. to Subject	0.44 miles E
Sale Price	1,669,690
Gross Living Area	3,361
Total Rooms	8
Total Bedrooms	5
Total Bathrooms	3.5
Location	Good/Similar
View	Water
Site	.14 Acres +/-
Quality	Good
Age	18



Comparable 3

104 River Watch Ln	
Prox. to Subject	0.66 miles E
Sale Price	1,250,000
Gross Living Area	2,295
Total Rooms	8
Total Bedrooms	4
Total Bathrooms	3
Location	Good/Similar
View	Water
Site	.53 Acres +/-
Quality	Good
Age	29

Comparable Photo Page

Borrower				
Property Address	406 W Brunswick St	County	Brunswick	State NC Zip Code 28461
City	Southport			
Lender/Client	Brenda Jeanette Gorman			



Comparable 4

110 Kingsley Dr	
Prox. to Subject	0.59 miles E
Sale Price	1,400,000
Gross Living Area	2,639
Total Rooms	6
Total Bedrooms	3
Total Bathrooms	2.5
Location	Good/Similar
View	Water
Site	.30 Acres +/-
Quality	Good
Age	5



Comparable 5

116 River Dr	
Prox. to Subject	0.95 miles NE
Sale Price	1,060,000
Gross Living Area	1,900
Total Rooms	6
Total Bedrooms	3
Total Bathrooms	2
Location	Good/Similar
View	Water
Site	1.16 Acres +/-
Quality	Good
Age	65

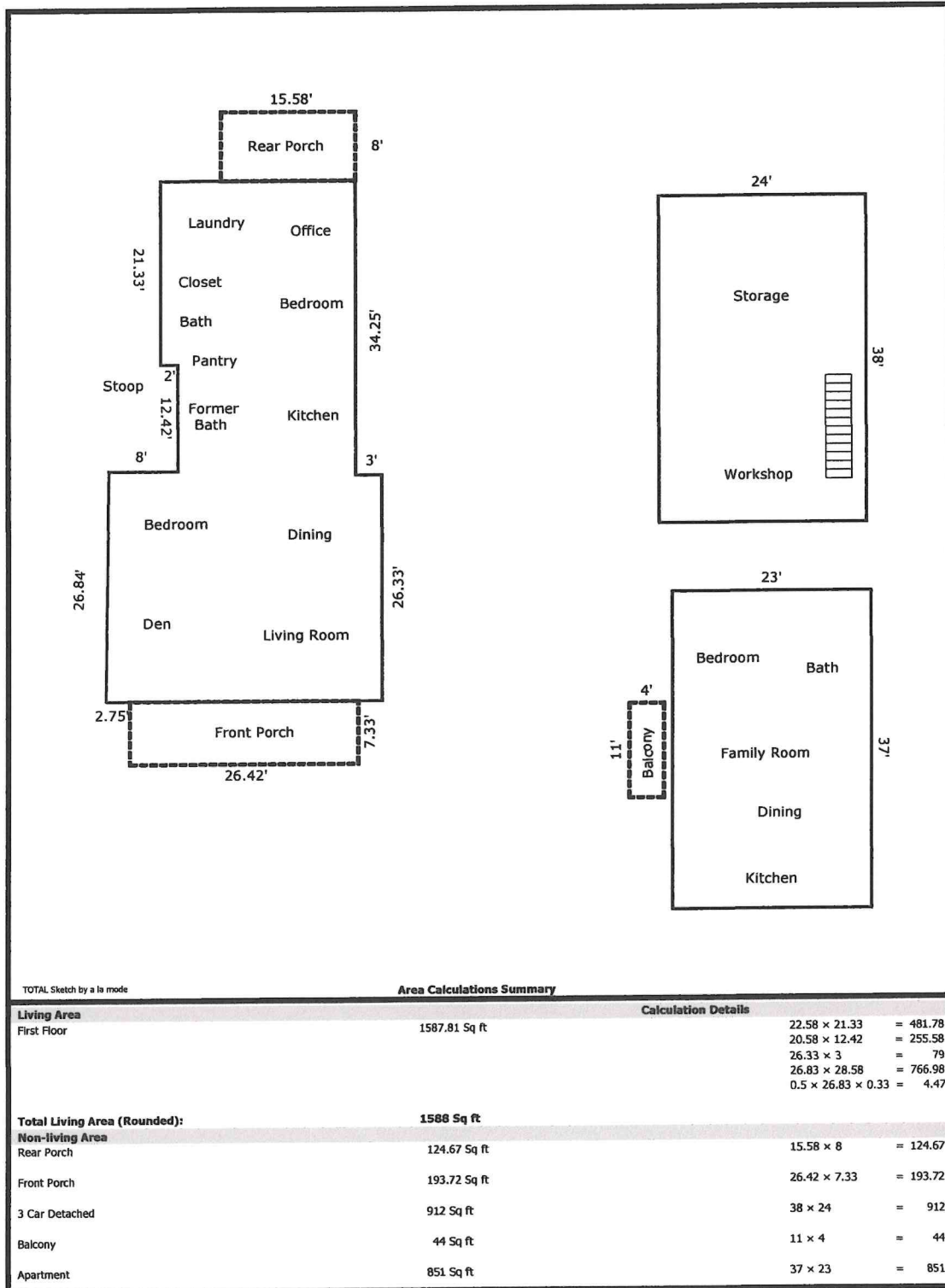


Comparable 6

410 E Bay St	
Prox. to Subject	0.58 miles E
Sale Price	1,100,000
Gross Living Area	2,116
Total Rooms	5
Total Bedrooms	3
Total Bathrooms	3
Location	Good/Similar
View	Water
Site	.14 Acres +/-
Quality	Good
Age	40

Building Sketch

Borrower				
Property Address	406 W Brunswick St			
City	Southport	County	Brunswick	State NC Zip Code 28461
Lender/Cient	Brenda Jeanette Gorman			



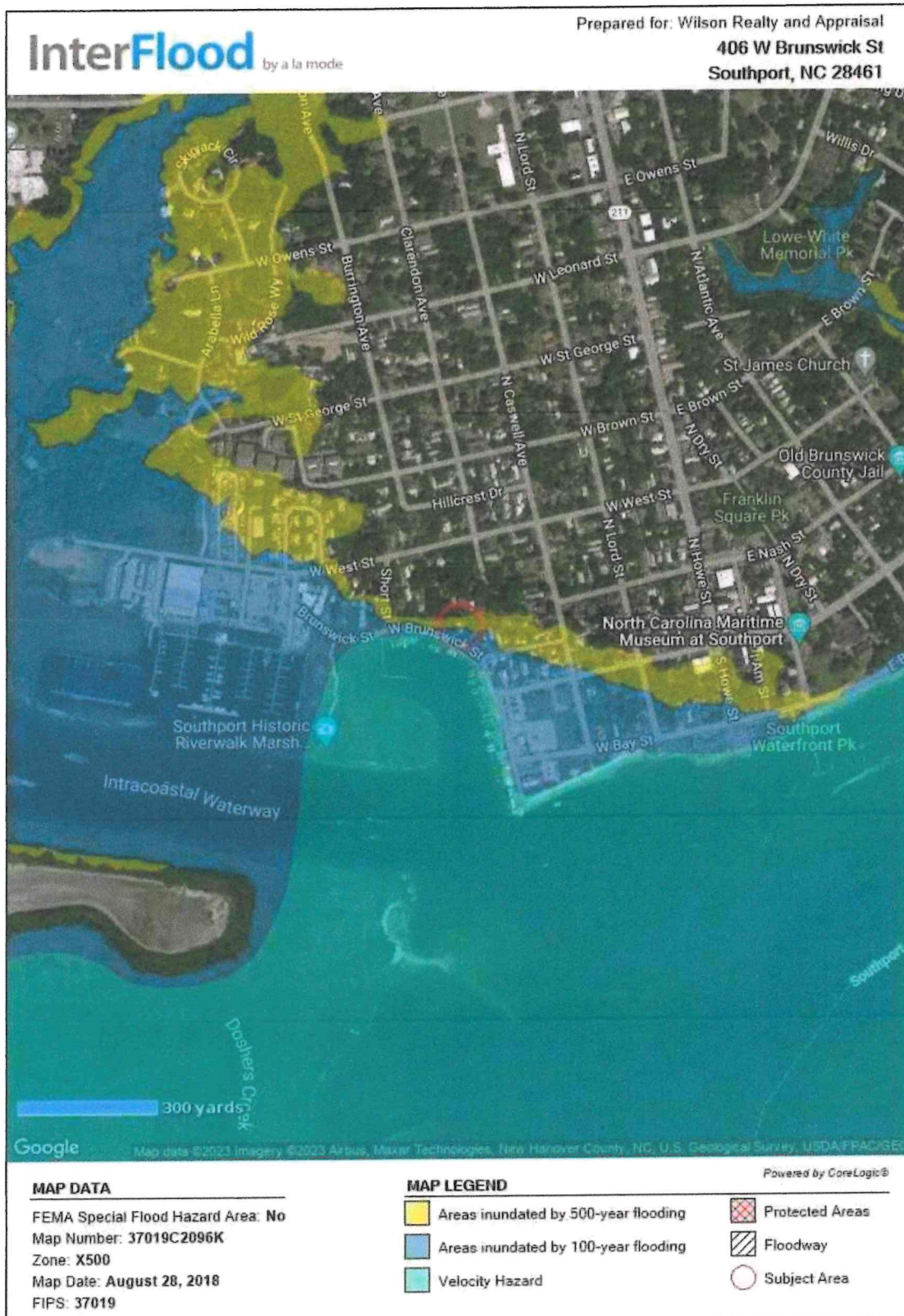
Location Map

Borrower				
Property Address	406 W Brunswick St	County	Brunswick	State NC Zip Code 28461
City	Southport			
Lender/Client	Brenda Jeanette Gorman			

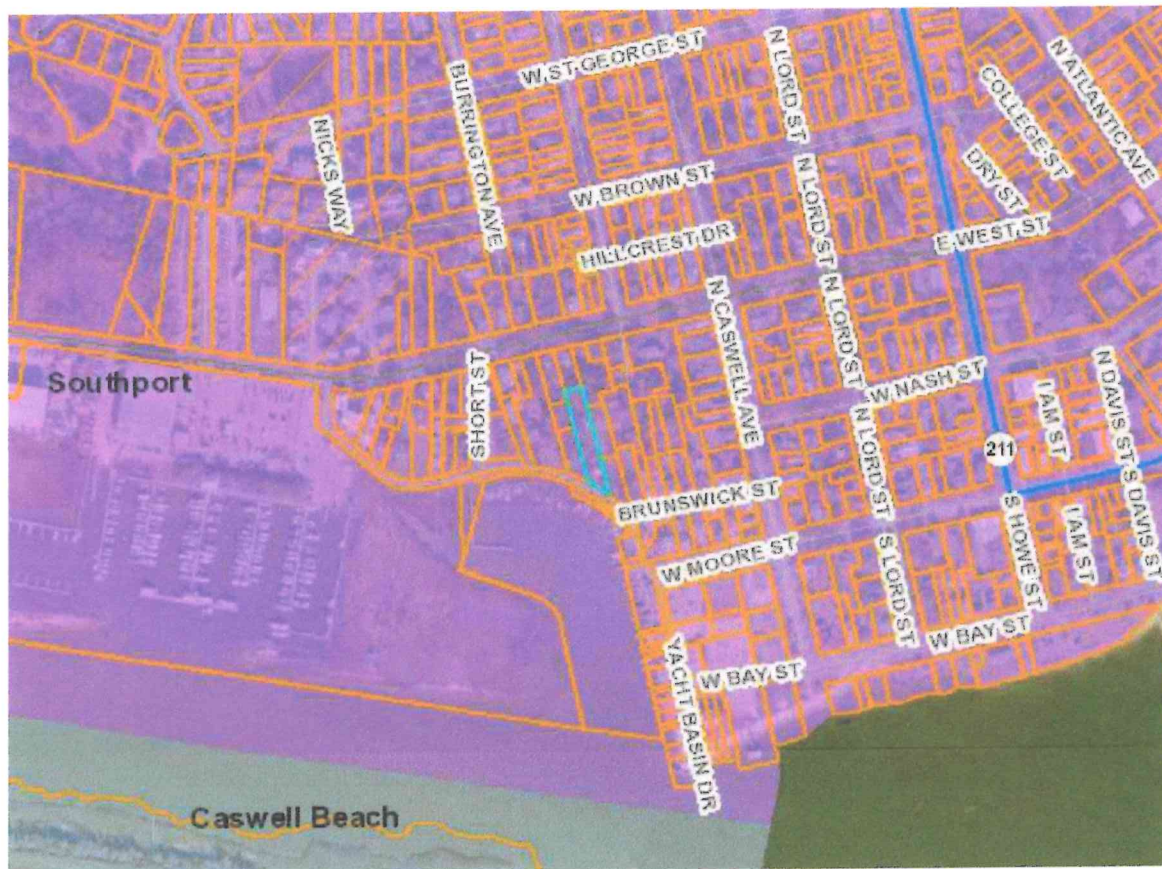


Flood Map

Borrower				
Property Address	406 W Brunswick St	County	Brunswick	State NC Zip Code 28461
City	Southport			
Lender/Client	Brenda Jeanette Gorman			



Aerial Map



Tax Card

BRUNSWICK COUNTY 8/15/2023 1:49:25 PM

BRENDA JEANETTE GORMAN REVOCABLE TR Parcel: 237LE036

406 BRUNSWICK ST SOUTHPORT 28461 SOUTHPORT UNIQ ID: 0000000000 199978

10134609 ID NO: 209615621846

BRUNSWICK COUNTY (100), DOSHER HOSP TAX (100), SOUTHPORT (100), CARD NO. 1 of 1

Reval Year - 2023 Tax Year - 2023 6-93X309.62 BRK .45AC DBK PL 3326/700 0.4500 AC SRC=

Approved by 53 on 02/04/2023 404P OLD SOUTHPORT - SMITHVILLE TW-03 CI- PG- EX- AT- LAST ACTION 20230208

CONSTRUCTION DETAIL		MARKET VALUE		DEPRECIATION		CORRELATION OF VALUE	
ITEM	QTY	UNIT	PRICE	BASE	RENT	EX	MARKET
Foundation - 1	2.00	MOD	1.43	1.43	259.00	12594.11	1000
Sub Floor System - 5	5.00	MOD	1.43	1.43	259.00	12594.11	1000
Weld	9.00	MOD	1.43	1.43	259.00	12594.11	1000
Exterior Walls - 00							
Insulation Sheathing or Plywood	36.00						
Roofing Structure - 03							
Shingles	7.00						
Roofing Cover - 12							
Perfins/Sheet Metal	5.00						
Interior Wall Construction - 8							
Interior Floor Cover - 14							
Carpet	8.00						
Heating Fuel - 04							
Electric	1.00						
Heating Type - 08							
Heat Pump Only	4.00						
Air Conditioning Type - 03							
Central	4.00						
Bedrooms/Bathrooms/Hall-Bathrooms							
12.00							
Bathrooms	12.00						
BAS - 3 FUS - 0 LL - 0							
BAS - 2 FUS - 0 LL - 0							
Half-Bathrooms							
BAS - 0 FUS - 0 LL - 0							
Office							
BAS - 0 FUS - 0 LL - 0							
TOTAL POINT VALUE							103,600
BUILDING ADJUSTMENTS							
Market/Design	15	45	1.4350				
Quality	3	AVERAGE	1.0030				
Size	Size	SIZE	3.9920				
Construction Factor	65	1.50	1.0000				
TOTAL ADJUSTMENT FACTOR			3.446				
TOTAL QUALITY INDEX			146				

Click on image to enlarge

SUBAREA		CODE	DESCRIPTION	COUNT	TH	WT	UNITS	UNIT PRICE	ORIG % COND	BLDG %	LYR	EYB	ANN DEP RATE	QVR	% COND	OB/XF DEPR VALUE
TYPE	AREA	% RPL	05	STORAGE/UTILITY	14	0	144	20.00	0	1	1999	1999	5	20		80%
BAS	1,247.00	463.85	32	FENCING	160	0	160	9.00	0	1	1999	1999	5	40		91%
POP	10,200.00	14,242.36	36	CARAGE (WITH ATTIC)	36	24	912	80.00	0	1	2000	2000	5	70		333%
POP	150.00	284.00	32	FENCING	0	0	280	14.00	0	1	201	201	5	70		100%
FIREPLACE	1 - None															
SUBAREA TOTALS	1,804	423,947														27,74

BUILDING DIMENSIONS BAS=WBW1752142512W652683E2820W3733Area:1507-UOP=NSW1155E11Area:55-FOP=STW26W7026Area:182-TotalArea:1604

LAND INFORMATION

HIGHEST AND BEST USE	USE	LOCAL CODE	ZONING	FRONT	DEPTH	LAND SIZE	LAND COND	OTHER ADJUSTMENTS	ROAD	LAND UNIT PRICE	TOTAL LAND UNITS	TOTAL ADJUST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE	LAND NOTES
SFR WAT'WV	R10	59	298	1.1400	2	1.6600			PS	9,500.00	59.000	FF	1.140	10,610.00	6,389.70	
TOTAL MARKET LAND DATA																638,970
TOTAL PRESENT USE DATA																

B4939 P1308 11-18-2022 11:49:31.000
 Brenda H. Clemmons PROP
 Brunswick County, NC Register of Deeds page 1 of 3

This certifies that there are no delinquent ad valorem taxes, fees, assessments or other liens which the Brunswick County Tax Collector is charged with collecting, that are a lien on: Parcel Number 237LE036 as noted by the Brunswick County Assessor's Office. This is not a certification that the parcel number matches the deed description.

NOV 18 2022 Theresa
 Date (Asst) Tax Col. / Del. Tax Spec.

Return to M. Isenberg Type PROP
 Total 26 Pay 5142 Int. 5142
 3 Ck \$ 26 Ck # 5142 Cash \$
 Refund Cash \$ Finance

☒ Portions of document are illegible due to condition of original.

☐ Document contains maps verified by original instrument that cannot be reproduced or copied.

WARRANTY DEED

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

Parcel 237LE036

THIS DEED, made this 16th day of November, 2022, by and between **B. J. Gorman** (unmarried), whose address is 406 Brunswick Street, Southport, NC 28461, hereinafter, whether one or more, referred to as "GRANTOR," and **Brenda Jeanette Gorman, Trustee of the Brenda Jeanette Gorman Revocable Trust dated July 7, 2020**, whose address is 406 Brunswick Street, Southport, NC 28461, hereinafter, whether one or more, referred to as "GRANTEE":

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 or parcel of land situated in Southport, Brunswick County, North Carolina, and more particularly described as follows:

SEE Exhibit A attached hereto and incorporated herein by reference.

For back reference see Book 753 at Page 363 and Book 3326 at Page 697 of the Brunswick County Registry.

This property does include the primary residence of the Grantor.

This deed prepared by **Michael R. Isenberg**, a licensed North Carolina attorney, PO Box 2265, Shallotte, NC 28459 without opinion on title.

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

AND the Grantor covenants with the Grantee that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple; that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever; SUBJECT, HOWEVER, to the following:

Deed - Page 2



84939 P1309 11-18-2022 11:49:31.000
Brenda N. Clemmons PROP
of Deeds page 2 of 3

Title to the property hereinabove described is subject to the following exceptions: Easements, rights-of-way and restrictions of record; all matters shown on the above-referenced map; and *ad valorem* taxes for the current year and subsequent years.

IN WITNESS WHEREOF, the Grantor has executed this instrument the day and year first above written.

B. J. Gorman (SEAL)
B. J. Gorman

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

I, Michael R. Isenberg, a Notary Public in and for the State and County aforesaid, do hereby certify that B. J. Gorman personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing instrument for the purposes therein set forth and in the capacity indicated.

Witness my hand and notarial seal, this the 16th day of November, 2022.

Michael R. Isenberg
Michael R. Isenberg, NOTARY PUBLIC

My commission expires: 2-28-27




 B4939 P1310 11-18-2022
 11:49:31.000
 Brenda N. Clemmons PROP
 Brunswick County, NC Register of Deeds page 3 of 3

Exhibit A

TRACT ONE:

BEGINNING at a concrete monument in the northern edge of Brunswick Street, said beginning monument being located as follows: from the intersection of the southern right-of-way line of West West Street with the western right-of-way line of Caswell Avenue, west along West West Street, south 77 degrees 30 minutes 00 seconds west, 545.64' to a concrete monument, south 15 degrees 07 minutes 42 seconds east, 213.15 to a concrete monument; south 13 degrees 53 minutes 48 seconds east, 239.03' to the beginning, from said beginning thus located, thence north 13 degrees 53 minutes 48 seconds west, 239.03' to a concrete monument; thence north 77 degrees 49 minutes 26 seconds east, 57.44' to a concrete monument; thence south 13 degrees 52 minutes 14 seconds east, 297.87' to a concrete monument; thence south 13 degrees 52 minutes 14 seconds east, 16.61' to a P.K. nail set in Brunswick Street; thence northwest along Brunswick Street about 81' to another P.K. nail set in Brunswick Street; thence north 13 degrees 53 minutes 48 seconds west, 19.21' to the PLACE AND POINT OF BEGINNING, all according to a survey by Tidewater Engineering and Surveying, dated March 21, 1988, a copy of which is attached hereto for further reference; being all of that property described in Book 314 at Page 687 of the Brunswick County Registry, that lies north of the approximate center line of Brunswick Street; and further being subject to any and all rights and interest the City of Southport may have in that street known as Brunswick Street.

TRACT TWO:

To locate the beginning point, start at the intersection of the southern line of West West Street with the western line of Caswell Avenue and run thence South 77 degrees 30 minutes 00 seconds West 545.90 feet to an existing rebar in the southern line of West West Street and run thence South 15 degrees 18 minutes 11 seconds East 143.50 feet to an iron stake set, the point of beginning; from said beginning point thus located, run thence South 15 degrees 18 minutes 11 seconds East 69.46 feet to an existing concrete monument; run thence South 77 degrees 05 minutes 54 seconds West 57.48 feet to an existing concrete monument; run thence North 15 degrees 51 minutes 14 seconds West 69.66 feet to an iron stake set; run thence North 77 degrees 16 minutes 09 seconds East 58.16 feet to an iron stake set, the point of beginning, containing 0.092 acres according to a survey by Tide Water Surveying for Security Savings Bank, a copy of which is attached hereto and incorporated herein by reference.

This being the same property conveyed to Security Savings Bank in Book 3263 at Page 1084 of the Brunswick County Registry.

Appraisal Engagement - Page 1

DocuSign Envelope ID: 42E67BF7-4CE8-4431-87E8-3447939B4BE7

Wilson Realty and Appraisal

P.O. Box 1254
Whiteville, North Carolina 28472

910-840-2850
(Office Phone & Mobile Phone)

August 11, 2023

Brenda Jeanette Gorman
406 W. Brunswick Street
Southport, North Carolina 28461

RE: Appraisal of 406 W. Brunswick Street, Southport, North Carolina
(Property #237LE036, Brunswick County)

Dear Ms. Gorman,

Hope you are doing well. Please find attached with this correspondence an 'Authorization to Appraise Property' form with accompanying 'Scope of Work Addendum'. The 'Authorization to Appraise Property' form provides an area for the ordering party's signature, which is highlighted, as well as basic information in regards to the subject property to be appraised. All information provided in regards to the subject property is as per the Brunswick County Tax Office. An additional page which is titled 'Scope of Work Addendum' provides for more detailed information in regards to the subject property as well as the intended use, intended user and reporting format.

The property to be appraised is identified above by the Brunswick County Tax Office. The fee for this assignment will be **\$1,200.00** as shown on the 'Authorization to Appraise Property'.

This Appraisal Report, as defined by Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice (USPAP), adheres to the following comments found in Standards Rule 2-3:

- My engagement in this assignment was not contingent upon developing or reporting predetermined results.

- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

Real Estate Sales & Appraisals

E-Mail: blake.wilsonrealty@gmail.com ♦ Phone: (910) 840-2850

DS
BQA

Appraisal Engagement - Page 2

DocuSign Envelope ID: 42E67BF7-4CE8-4431-87E8-3447939B4BE7

PAGE 2

Appraisal of 406 W. Brunswick Street, Southport, North Carolina

Given my current workload, the type of property to be appraised and the scope of this assignment, I anticipate an approximate seven to ten day turn time **from the date of inspection**. This projected turn time is not uncommon given this type of assignment and this appraiser's current workload.

Please return the enclosed authorization forms signed, dated and initialed where applicable to Wilson Realty and Appraisal at your earliest convenience.

If you should have any questions, please do not hesitate to contact me.

(Note): If any standing timber is present in regards to this property and a value for said timber is needed by the ordering party a state certified forestry professional should be consulted as this is beyond the scope of this assignment as well as the expertise of this appraiser. This appraiser will not be providing a value for standing timber, if any, within this appraisal report.

Respectfully,

James Blake Wilson

James Blake Wilson
NC State-Certified Residential Appraiser #A6017

JBW

Enclosures

DS
BQA

Appraisal Engagement - Page 3

DocuSign Envelope ID: 42E67BF7-4CE8-4431-87E8-3447939B48E7

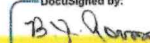
Wilson Realty and Appraisal

P.O. Box 1254
Whiteville, North Carolina 28472

910-840-2850
(Office Phone & Mobile Phone)

Authorization to Appraise Property

This will confirm your engagement to create an appraisal of the property described herein for Brenda Jeanette Gorman.

DocuSigned by:

PRIVATE INFORMATION

8/11/2023

Signature & Date

(Note): The individual signing for this appraisal order will be fully responsible for the appraisal fee.

Owner of Property: Brenda Jeanette Gorman, Trustee of the
Brenda Jeanette Gorman Revocable Trust dated July 7, 2020
(As Per the Brunswick County Register of Deeds)

Property Address: 406 W. Brunswick Street
Southport, North Carolina 28461

Contact Person: Robert Howard

Billing Address: 406 W. Brunswick Street, Southport, North Carolina 28461

Contact Info: (910) 840-4633

Appraisal Fee: \$1,200.00

Scope of Work: See Attached Scope of Work Addendum

Real Estate Sales & Appraisals

E-Mail: blake.wilsonrealty@gmail.com ♦ Phone: (910) 840-2850

DocuSign Envelope ID: 42E67BF7-4CE8-4431-87E8-3447939B4BE7

SCOPE OF WORK ADDENDUM

Date of Appraisal Engagement: August 11, 2023

(Note): Date of appraisal engagement represents the date the Authorization to Appraise Property form as well as this Scope of Work Addendum was composed.

Owner: Brenda Jeanette Gorman, Trustee of the
Brenda Jeanette Gorman Revocable Trust dated July 7, 2020
(As Per the Brunswick County Register of Deeds)

Address of Property: 406 W. Brunswick Street
Southport, North Carolina 28461

Parcel Identification: Parcel# 237LE036

(Note): Parcel identification as per the Brunswick County Tax Office.

Value Requested: Opinion of market value, in as-is condition, as of the effective date of the appraisal. A site value will be derived within the appraisal. A value will be included in the addendum to the appraisal report excluding the derived site value of the subject property.

Report Format: The appraisal report will be completed on WinTotal appraisal software and will be submitted via PDF format.

Intended Use: The intended use of this appraisal is to derive an opinion of market value for the subject parcel described within the appraisal report.

Intended User: This appraisal assignment will be completed at the request of Brenda Jeanette Gorman. The intended user of this report is Brenda Jeanette Gorman.

Approaches to Value: Sales Comparison Approach
Cost Approach
Income Approach

(Note): Further determination of applicable approaches to value will be determined upon inspection of the subject property.

Appraiser: James Blake Wilson
NC State-Certified Residential Appraiser #A6017
P.O. Box 1254
Whiteville, North Carolina 28472
(910) 840-2850

DS
BGA

E & O Insurance Declarations Page



301 E. Fourth Street, Cincinnati, OH 45202

DECLARATIONS for REAL ESTATE APPRAISERS ERRORS & OMISSIONS INSURANCE POLICY

THIS IS BOTH A CLAIMS MADE AND REPORTED INSURANCE POLICY.

THIS POLICY APPLIES TO THOSE CLAIMS THAT ARE FIRST MADE AGAINST THE INSURED
AND REPORTED IN WRITING TO THE COMPANY DURING THE POLICY PERIOD.

Insurance is afforded by the company indicated below: (A capital stock corporation)

☒ Great American Assurance Company

Note: The Insurance Company selected above shall herein be referred to as the Company.

Policy Number: **RAP3186430-23**

Renewal of: **RAP3186430-22**

Program Administrator: **Herbert H. Landy Insurance Agency Inc.
100 River Ridge Drive, Suite 301 Norwood, MA 02062**

Item 1. Named Insured: **James Blake Wilson**

Item 2. Address: **P.O. Box 1254**

City, State, Zip Code: **Whiteville, NC 28472**

Item 3. Policy Period: From **01/13/2023** To **01/13/2024**
(Month, Day, Year) (Month, Day, Year)

(Both dates at 12:01 a.m. Standard Time at the address of the Named Insured as stated in Item 2.)

Item 4. Limits of Liability:

A. \$ **500,000** Damages Limit of Liability – Each Claim

B. \$ **500,000** Claim Expenses Limit of Liability – Each Claim

C. \$ **1,000,000** Damages Limit of Liability – Policy Aggregate

D. \$ **1,000,000** Claim Expenses Limit of Liability – Policy Aggregate

Item 5. Deductible (Inclusive of Claim Expenses):

A. \$ **0.00** Each Claim

B. \$ **0.00** Aggregate

Item 6. Premium: \$ **617.00**

Item 7. Retroactive Date (if applicable): **01/13/2022**

Item 8. Forms, Notices and Endorsements attached:

D42100 (03/15) D42300 NC (05/13) IL7324 (07/21)

D42402 (05/13) D42412 (03/17) D42413 (06/17) D42414 (08/19)

Rexy A. Magnuson
Authorized Representative

D42101 (03/15)

Page 1 of 1

Appraisal License



Privacy Notice

File No. Gorman(406WBrunswSt)

Borrower					
Property Address	406 W Brunswick St				
City	Southport	County	Brunswick	State	NC Zip Code 28461
Lender/Client	Brenda Jeanette Gorman				

Pursuant to the Gramm-Leach-Bliley Act of 1999, effective July 1, 2001, Appraisers, along with all providers of personal financial services are now required by federal law to inform their clients of the policies of the firm with regard to the privacy of client nonpublic personal information. As professionals, we understand that your privacy is very important to you and are pleased to provide you with this information.

Types of Nonpublic Personal Information We Collect

In the course of performing appraisals, we may collect what is known as "nonpublic personal information" about you. This information is used to facilitate the services that we provide to you and may include the information provided to us by you directly or received by us from others with your authorization.

Parties to Whom We Disclose Information

We do not disclose any nonpublic personal information obtained in the course of our engagement with our clients to nonaffiliated third parties, except as necessary or as required by law. By way of example, a necessary disclosure would be to our employees, and in certain situations, to unrelated third party consultants who need to know that information to assist us in providing appraisal services to you. All of our employees and any third party consultants we employ are informed that any information they see as part of an appraisal assignment is to be maintained in strict confidence within the firm.

A disclosure required by law would be a disclosure by us that is ordered by a court of competent jurisdiction with regard to a legal action to which you are a party.

Confidentiality & Security

We will retain records relating to professional services that we have provided to you for a reasonable time so that we are better able to assist you with your needs. In order to protect your nonpublic personal information from unauthorized access by third parties, we maintain physical, electronic and procedural safeguards that comply with our professional standards to insure the security and integrity of your information.

Please feel free to call us at any time if you have any questions about the confidentiality of the information that you provide to us.

406 W. Brunswick St. New Addition

BJ Gorman

Permitting Limit \$319,000.00

Date	Num	Source Name	Memo	Debit	Credit	Balance
10/11/2023	3419	Faircloth Construction	Reimbursement for Roof Trusses purchased from Lowes	13,525.37		13,525.37
10/12/2023	3420	Faircloth Construction	Reimbursement for Framing Package from Lowes	8,187.39		21,712.76
10/31/2023	3421	Donnie Price Masonry	Partial Payment on Masonry Contract	8,000.00		29,712.76
11/01/2023	3422	Donnie Price Masonry	Partial Payment on Masonry Contract	9,732.40		39,445.16
11/03/2023	3423	Kenny McClain Landscaping, LLC	Kenny McClain Landscaping, LLC =Foundation Wall fill & cor	3,152.00		42,597.16
11/17/2023	3425	LYL & B Construction	Framing Contract Advance Payment	4,000.00		46,597.16
11/20/2023	3424	Southport Concrete Corp	406 W Brunswick Slab	3,569.72		50,166.88
11/20/2023	3428	Faircloth Construction	Labor, Materials & Rental Equip.	7,375.88		57,542.76
12/05/2023	3431	Lowe's Companies, Inc.	Account # 81100416135515 - 406 W Brunswick	10,113.39		67,656.15
12/09/2023	3426	LYL & B Construction	Framing	6,000.00		73,656.15
12/19/2023	3434	LYL & B Construction	Framing	10,000.00		83,656.15
12/27/2023	3435	Faircloth Construction	Labor, Materials & Rental Equip.	12,278.63		95,934.78
12/30/2023	2968	Brunswick County Landfill	Fee Construction Material to Landfill	20.06		95,954.84
01/05/2024	3436	LYL & B Construction	Framing Contract Final \$6K + Materials \$565.	6,565.00		102,519.84
01/06/2024	3438	Sonny Helms	Advance on Contract New Construction - 406 W Brunswick St	5,000.00		107,519.84
01/10/2024	3441	Faircloth Construction	Labor, Materials & Rental Equip. (Hardi Plank \$\$5910.73, Roo	16,493.57		124,013.41
01/10/2024	3437	Eastern Insulation	Quote # 824628 / 3 dated 01-08-2024 Gorman 106 W Brunsw	4,042.00		128,055.41
01/11/2024	3442	Blossman Gas Company	Partial Pymt on LP Installation	2,737.71		130,793.12
01/17/2024	2959	Brunswick County Landfill	Fee Construction Material to Landfill	35.40		130,828.52
01/22/2024	3352	Norris Heating And Air Conditioning, Inc.	Rough in HVAC ductwork and air handler	10,000.00		140,828.52
01/25/2024	3443	LYL & B Construction	Exterior Contract	5,700.00		146,528.52
01/27/2024	2960	Robert Howard	Fee Construction Material to Landfill	28.91		146,557.43
01/29/2024	3444	Sonny Helms	Advance on Contract New Construction - 406 W Brunswick St	5,180.00		151,737.43
01/30/2024	3445	Shallotte Electric Stores	Order Deposit	2,516.00		154,253.43
01/31/2024	3447	Lowe's Companies, Inc.	Account # 81100416135515 - 406 W Brunswick	8,575.48		162,828.91
01/31/2024	3448	Truist Bankcard	Card Pymt (PayPal Cedar Valley Mfg. Inc) for Invoice # IN580	8,123.68		170,952.59
01/31/2024	3449	Faircloth Construction	406 W Brunswick Street	11,073.60		182,026.19

406 W. Brunswick St. New Addition

BJ Gorman

Permitting Limit \$319,000.00

<u>Date</u>	<u>Num</u>	<u>Source Name</u>	<u>Memo</u>	<u>Debit</u>	<u>Credit</u>	<u>Balance</u>
01/31/2024	2965	Brunswick County Landfill	Fee Construction Material to Landfill	22.42		182,048.61
02/05/2024	2970	Brunswick County Landfill	Fee Construction Material to Landfill	30.68		182,079.29
02/07/2024	2972	Brunswick County Landfill	Fee Construction Material to Landfill	40.71		182,120.00
02/07/2024	3450	Ken Worden	Sheetrock Installation & Finishing Contract Progress Payment	2,000.00		184,120.00
02/08/2024	2973	Brunswick County Landfill	Fee Construction Material to Landfill	67.85		184,187.85
02/08/2024	2974	Brunswick County Landfill	Fee Construction Material to Landfill	6.75		184,194.60
02/09/2024	3451	John's Plumbing	Progress Payment - 406 W Brunswick	7,077.00		191,271.60
02/09/2024	3452	LYL & B Construction	Exterior Contract	8,000.00		199,271.60
02/09/2024	3454	North State Woodcraft	Deposit on Cabinets etc. 406 Brunswick Street	13,515.00		212,786.60
02/12/2024	2983	Brunswick County Landfill	Fee Construction Material to Landfill	33.63		212,820.23
02/18/2024	5040	Donnie Price Masonry	Masonry on Side & Back Pourches 406 W. Brunswick St. Pjt.	900.00		213,720.23
02/20/2024	2985	Brunswick County Landfill	Fee Construction Material to Landfill	15.93		213,736.16
02/23/2024	3455	LYL & B Construction	Exterior Contract	14,279.00		228,015.16
				<u>228,015.16</u>	<u>0.00</u>	<u>228,015.16</u>

406 W. Brunswick St. New Addition

BJ Gorman

New Addition

Date	Num	Source Name	Memo	Debit	Credit	Balance
115 - Notes Receivable						
115.A - 406 W. Brunswick St. Investment						
115.A2 - New Construction 406 W Brunswick						
10/11/2023	3419	Faircloth Construction	Reimbursement for Roof Trusses purchased from Lowes	13,525.37		13,525.37
10/12/2023	3420	Faircloth Construction	Reimbursement for Framing Package from Lowes	8,187.39		21,712.76
10/31/2023	3421	Donnie Price Masonry	Partial Payment on Masonry Contract	8,000.00		29,712.76
11/01/2023	3422	Donnie Price Masonry	Partial Payment on Masonry Contract	9,732.40		39,445.16
11/03/2023	3423	Kenny McClain Landscaping, LLC	Kenny McClain Landscaping, LLC =Foundation Wall fill & compact	3,152.00		42,597.16
11/17/2023	3425	LYL & B Construction	Framing Contract Advance Payment	4,000.00		46,597.16
11/20/2023	3424	Southport Concrete Corp	406 W Brunswick Slab	3,569.72		50,166.88
11/20/2023	3428	Faircloth Construction	Labor, Materials & Rental Equip.	7,375.88		57,542.76
12/05/2023	3431	Lowe's Companies, Inc.	Account # 81100416135515 - 406 W Brunswick	10,113.39		67,656.15
12/09/2023	3426	LYL & B Construction	Framing	6,000.00		73,656.15
12/19/2023	3434	LYL & B Construction	Framing	10,000.00		83,656.15
12/27/2023	3435	Faircloth Construction	Labor, Materials & Rental Equip.	12,278.63		95,934.78
12/30/2023	2968	Brunswick County Landfill	Fee Construction Material to Landfill	20.06		95,954.84
01/05/2024	3436	LYL & B Construction	Framing Contract Final \$6K + Materials \$565.	6,565.00		102,519.84
01/06/2024	3438	Sonny Helms	Advance on Contract New Construction - 406 W Brunswick St.	5,000.00		107,519.84
01/10/2024	3441	Faircloth Construction	Labor, Materials & Rental Equip. (Hardi Plank \$\$\$910.73, Roof Me...	16,493.57		124,013.41
01/10/2024	3437	Eastern Insulation	Quote # 824628 / 3 dated 01-08-2024 Gorman 106 W Brunswick	4,042.00		128,055.41
01/11/2024	3442	Blossman Gas Company	Partial Pymt on LP Installation	2,737.71		130,793.12
01/17/2024	2959	Brunswick County Landfill	Fee Construction Material to Landfill	35.40		130,828.52
01/22/2024	3352	Norris Heating And Air Conditioning, Inc.	Rough in HVAC ductwork and air handler	10,000.00		140,828.52
01/25/2024	3443	LYL & B Construction	Exterior Contract	5,700.00		146,528.52
01/27/2024	2960	Robert Howard	Fee Construction Material to Landfill	28.91		146,557.43
01/29/2024	3444	Sonny Helms	Advance on Contract New Construction - 406 W Brunswick St.	5,180.00		151,737.43
01/30/2024	3445	Shallotte Electric Stores	Order Deposit Bath Fixtures & Plumbing Materials	2,516.00		154,253.43
01/31/2024	3447	Lowe's Companies, Inc.	Account # 81100416135515 - 406 W Brunswick	8,575.48		162,828.91
01/31/2024	3448	Trust Bankcard	Card Pymt (PayPal Cedar Valley Mfg. Inc) for Invoice # IN58093	8,123.68		170,952.59
01/31/2024	3449	Faircloth Construction	406 W Brunswick Street	11,073.60		182,026.19
01/31/2024	2965	Brunswick County Landfill	Fee Construction Material to Landfill	22.42		182,048.61
02/05/2024	2970	Brunswick County Landfill	Fee Construction Material to Landfill	30.68		182,079.29
02/07/2024	2972	Brunswick County Landfill	Fee Construction Material to Landfill	40.71		182,120.00
02/07/2024	3450	Ken Worden	Sheetrock Installation & Finishing Contract Progress Payment	2,000.00		184,120.00
02/08/2024	2973	Brunswick County Landfill	Fee Construction Material to Landfill	67.85		184,187.85
02/08/2024	2974	Brunswick County Landfill	Fee Construction Material to Landfill	6.75		184,194.60
02/09/2024	3451	John's Plumbing	Progress Payment - 406 W Brunswick	7,077.00		191,271.60
02/09/2024	3452	LYL & B Construction	Exterior Contract	8,000.00		199,271.60
02/09/2024	3454	North State Woodcraft	Deposit on Cabinets etc. 406 Brunswick Street	13,515.00		212,786.60
02/12/2024	2983	Brunswick County Landfill	Fee Construction Material to Landfill	33.63		212,820.23
02/18/2024	5040	Donnie Price Masonry	Robert Howard: Masonry on Side & Back Pourches 406 W. Brunsw...	900.00		213,720.23
02/20/2024	2985	Brunswick County Landfill	Fee Construction Material to Landfill	15.93		213,736.16
02/23/2024	3455	LYL & B Construction	Exterior Contract	14,279.00		228,015.16
02/23/2024	3456	Ken Worden	Sheetrock Installation & Finishing Contract Progress Payment	500.00		228,515.16
02/24/2024	2991	Brunswick County Landfill	Fee Construction Material to Landfill	38.94		228,554.10
03/01/2024	2992	Brunswick County Landfill	Fee Construction Material to Landfill	15.93		228,570.03
03/02/2024	12191	Lowe's Companies, Inc.	Materials & Supplies - 406 W Brunswick Street	778.44		229,348.47
03/06/2024	3459	Ken Worden	Sheetrock Installation & Finishing Contract Progress Payment	2,500.00		231,848.47
03/06/2024	3460	Faircloth Construction	406 W Brunswick Street	9,010.22		240,858.69
03/06/2024	2999	Brunswick County Landfill	Fee Construction Material to Landfill	15.34		240,874.03
03/08/2024	3461	Christie Nealey	Paint Contract - Progress Payment \$7,800 Exterior & \$2,088 Interior	9,888.00		250,762.03
03/08/2024	3042	Baldwin Brass	Door Knobs Interior & Exterior	3,077.75		253,839.78
03/12/2024	3009	Brunswick County Landfill	Fee Construction Material to Landfill	18.29		253,858.07
03/12/2024	3466	Eastern Insulation	Final Payment Quote # 824628 / 3 dated 01-08-2024 Gorman 106 ...	4,042.00		257,900.07
03/12/2024	3467	Shallotte Electric Stores	Final Payment Order 2552469	2,855.95		260,756.02
03/12/2024	3484	D The Floor Man Inc.	3-12-24 Proposal Floating Option Downstairs	15,986.00		276,742.02
03/12/2024	3469	FloorTex, Inc.	Estimate # 11132 - Deposit	10,117.98		286,860.00
03/14/2024	3462	Joe Cash Electric	Electrical Contract 406 W Brunswick	7,714.00		294,574.00
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03/27/2024	3478	Eric Schrom	Materials & Labor	6,355.00		307,026.34
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Total 115.A2 - New Construction 406 W Brunswick				331,137.11	0.00	331,137.11
Total 115.A - 406 W. Brunswick St. Investment				331,137.11	0.00	331,137.11
Total 115 - Notes Receivable				331,137.11	0.00	331,137.11
TOTAL				331,137.11	0.00	331,137.11



CPI Inflation Calculator

CPI Inflation Calculator

\$ 319,000.00

in December ▼ 2023 ▼

has the same buying power as

\$326,073.73

in April ▼ 2024 ▼

Calculate

About the CPI Inflation Calculator

The CPI inflation calculator uses the [Consumer Price Index](#) for All Urban Consumers (CPI-U) U.S. city average series for all items, not seasonally adjusted. [This data](#) represents changes in the prices of all goods and services purchased for consumption by urban households.

U.S. BUREAU OF LABOR STATISTICS Postal Square Building 2 Massachusetts Avenue NE Washington, DC 20212-0001

Telephone: 1-202-691-5200 Telecommunications Relay Service: 7-1-1 www.bls.gov [Contact Us](#)



Courtesy Notice of Violation and Determination

Brenda J. Gorman Revocable Trust
Attn: BJ Gorman
406 W. Brunswick Street
Southport, NC 28461
June 28, 2024

Re: Violation and Determination of Flood Damage Prevention Ordinance

Dear Mrs. Howard,

Pursuant to Section 5.17 of the City of Southport's Unified Development Ordinance (UDO), I am writing to notify you of my determination regarding violations of the City's UDO for the addition that was constructed on your property located at the address of 406 Brunswick Street (Parcel 237LE036). Originally, when the permit was requested, and Staff reviewed the site plan and building plans, we stated that it would trigger the substantial improvement clause requiring that the entire structure be elevated out of the Floodplain so as to comply with the City's Flood Prevention Ordinance in Article 5.15.D of the UDO ¹. This is because the front portion of the porch is in the Coastal A Zone.

We discussed multiple options with you, including phasing the project, reducing the scope of the project, or complying with the substantial improvement guidelines. You did apply for a Floodplain variance with the Board of Adjustment. Staff was concerned that allowing the variance would affect the Community Rating System program, which provides a 15% discount on flood insurance premiums throughout the entire community because of our higher development standards and enforcement policies. You withdrew the variance application and agreed to move forward and attempt to comply with the UDO. This included having the existing home appraised and ensuring the cost of the project would not exceed 50% of the market value of the existing structure. As part of this process, applicants are asked to provide a list of costs, including materials, site preparation, and labor. This also includes interior finishes. Project costs do not include land surveying, landscaping, or plug-in appliances. Both you and Mr. Howard agreed to stay below the 50% threshold, and those notes were entered into the permit portal ². The City Building Inspectors asked for cost updates periodically throughout the process. I reached out to the property appraiser to get more clarification about the market value of the existing home separately from the land. He was unable to speak to me without your permission.

It is my understanding that the addition to your historic structure is complete and is compliant with the Flood Damage Prevention Ordinance. However, because the cost of the project exceeded the threshold amount per UDO § 5.20.E, the substantial improvement regulations should have been exercised, and the existing structure should have been elevated. Now, the entire structure is non-compliant with the UDO.

¹ See UDO Section 5.15.D of the Unified Development Ordinance included.

² See UDO Section 5.20.E of the Unified Development Ordinance included.

In order to correct this violation, please take one of the following actions:

1. Elevate the existing historic dwelling to the Regulatory Flood Protection Elevation which is defined as three feet above the base flood elevation in compliance with the standards described in the Unified Development Ordinance, Article 5. Flood Damage Prevention. The Base Flood Elevation for 406 Brunswick Street is eleven (11) feet, so the original structure needs to be elevated to fourteen (14) feet.
2. Remove the new addition or detach the new addition from the existing historic structure.

As a result of this violation, we are unable to issue a Final Certificate of Occupancy for the addition constructed at 406 Brunswick Street. The Final CO will be held until a remedy is complete. You have **(15)** calendar days to respond to this letter and state your plans for compliance. If you would like to schedule a meeting to discuss your options further, please let me know.

Respectfully,



Dorothy (Dorrie) Dutton, Certified Floodplain Manager
Assistant City Manager/City Clerk
City of Southport
(910) 457-7900 ext. 1010
ddutton@cityofsouthport.com

cc. Eryn Futral, NFIP Planner, NCDPS
Development Services, City of Southport
Rich Alt, Mayor, City of Southport
Bonnie Therrien, City Manager, City of Southport
Stuart Turille, City Manager, City of Southport (incoming)

Reference 1

5.15 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

D. DETERMINATIONS FOR EXISTING BUILDINGS AND STRUCTURES

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- A. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- B. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- D. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

Reference 2

5.20 SPECIFIC STANDARDS

E. ADDITIONS/IMPROVEMENTS

- 1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damage and must not be any more non-conforming than the existing structure.
 - b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- 2. Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the

Wilson Realty and Appraisal
P.O. Box 1254
Whiteville, North Carolina 28472
(910) 840-2850

08/22/2023

Brenda Jeanette Gorman
406 W. Brunswick Street
Southport, NC 28461

Re: Property: 406 W Brunswick St
Southport, NC 28461
Borrower:
File No.: Gorman(406WBrunsSt)

Opinion of Value: \$ 1,213,000
Effective Date: 08/18/2023

In accordance with your request, I have appraised the above referenced property. The report of that appraisal is attached.

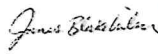
The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership.

This report is based on a physical analysis of the site and current improvements, a locational analysis of the neighborhood and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me if I can be of additional service to you.

Sincerely,




James Blake Wilson
NC State-Certified Residential Appraiser
License or Certification #: A6017
State: NC Expires: 06/30/2024
blake.wilsonrealty@gmail.com

Addendum to Appraisal Report

File No. Gorman(406WBrunsSt)

<u>Borrower</u>					
<u>Property Address</u>	406 W Brunswick St				
<u>City</u>	Southport	<u>County</u>	Brunswick	<u>State</u>	NC
				<u>Zip Code</u>	28461
<u>Lender/Client</u>	Brenda Jeanette Gorman				

Smoke Detectors & CO2 Detector

Three smoke detectors and one CO2 detector are located within the dwelling that is the subject of this appraisal report.

Additional Notes

If a more detailed analysis of the dwelling is required in order to gauge its current physical and structural condition, a qualified home inspector or General Contractor should be consulted as this is beyond the scope of work and expertise of this appraiser. The square footages reported by this appraiser for this parcel are provided by physical measurements performed by this appraiser. No value is given or implied for any personal property that is present in regards to the subject property as this is beyond the scope and expertise of this appraiser. The value provided herein is for real property only. No timber values (if any) have been included as a part of this appraisal report as this is beyond the scope of this assignment as well as the expertise of this appraiser.

Intended User

The intended user of this appraisal report is Brenda Jeanette Gorman.

Intended Use

The intended use of this appraisal report is to obtain a permit from the Town of Southport for coastal zoning purposes.

Prior Service

This appraiser has performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this appraisal report within a three year period immediately preceding acceptance of this assignment.

Exposure Time

The estimated length of time the subject property will be offered at market value through the local MLS is estimated to be 3-6 months.

FIRREA Certification

This appraiser certifies and agrees that this appraisal report was prepared in accordance with the requirements of Title XI of the Financial Institutions, Reform, Recovery, and Enforcement Act (FIRREA) of 1989, as amended (12 U. S. C. 3331 et seq.) and any applicable implementing regulation in effect at the time the appraiser signs the appraisal certification.

Office Location

The subject property is located approximately 66.9 miles from my office. This assignment requires geographic competency as part of the scope of work. I have spent sufficient time in this market and I understand the nuances of the local market as well as the supply and demand factors relating to the specific property type and location involved. Such understanding will not be imparted solely from a consideration of specific data such as demographics, costs, sales and rentals. The necessary understanding of local market conditions provides the bridge between a sale and a comparable sale or a rental and a comparable rental. I have appraised within Brunswick County for over 20 years.

Utilities/Off-Site Improvements

Municipal sewer and water utilities are provided to the subject property via the Town of Southport. These items are typical for the subject market area and do not affect the marketability of the subject property. The utilities were in working order on the day of inspection. An above ground propane tank is situated on the subject property. I observed no odors or seepage from the tank. Above ground propane tanks are not uncommon for the market area and do not affect marketability.

ANSI Guidelines

This appraiser employs the ANSI standard of measurement for all interior appraisal assignments. ANSI (American National Standards Institute) provides a standard for measuring, calculating, and reporting gross living area (GLA) and non-GLA areas of subject properties for appraisals requiring interior and exterior inspections with effective dates of April 1, 2022 or later.

Detached Double Garage & Apartment

This garage is currently used for storage and a workshop and is heated and cooled by zoned units. The upper level of the garage includes an apartment with one bedroom, one bathroom as well as a family room, kitchen and dining area.

Year Built

Tax office records depict the subject property as being built in 1900. As per the owner, portions of the dwelling were constructed in 1877 and 1893. Given this information, a year built of 1900 is used for evaluation purposes.

Overall Value Extracting Values for Land and Detached Garage with Apartment

For the purpose of this assignment a value is desired extracting the land value and value for the detached garage with apartment from the market value established within this report. The final opinion of market value derived for this subject property is calculated to be \$1,213,000. The land value is derived to be \$500,000. The detached garage with apartment is derived to be \$75,000. When the land value and detached garage with apartment value is extracted from the calculated market value of the subject property, a value of \$638,000 is derived.

406 W. Brunswick St. New Addition

BJ Gorman

New Addition

Date	Num	Source Name	Memo	Debit	Credit	Balance
115 - Notes Receivable						
115.A - 406 W. Brunswick St. Investment						
115.A2 - New Construction 406 W Brunswick						
10/11/2023	3419	Faircloth Construction	Reimbursement for Roof Trusses purchased from Lowes	13,525.37		13,525.37
10/12/2023	3420	Faircloth Construction	Reimbursement for Framing Package from Lowes	8,187.39		21,712.76
10/31/2023	3421	Donnie Price Masonry	Partial Payment on Masonry Contract	8,000.00		29,712.76
11/01/2023	3422	Donnie Price Masonry	Partial Payment on Masonry Contract	9,732.40		39,445.16
11/03/2023	3423	Kenny McClain Landscaping, LLC	Kenny McClain Landscaping, LLC =Foundation Wall fill & compact	3,152.00		42,597.16
11/17/2023	3425	LYL & B Construction	Framing Contract Advance Payment	4,000.00		46,597.16
11/20/2023	3424	Southport Concrete Corp	406 W Brunswick Slab	3,569.72		50,166.88
11/20/2023	3428	Faircloth Construction	Labor, Materials & Rental Equip.	7,375.88		57,542.76
12/05/2023	3431	Lowe's Companies, Inc.	Account # 81100416135515 - 406 W Brunswick	10,113.39		67,656.15
12/09/2023	3426	LYL & B Construction	Framing	6,000.00		73,656.15
12/19/2023	3434	LYL & B Construction	Framing	10,000.00		83,656.15
12/27/2023	3435	Faircloth Construction	Labor, Materials & Rental Equip.	12,278.63		95,934.78
12/30/2023	2968	Brunswick County Landfill	Fee Construction Material to Landfill	20.06		95,954.84
01/05/2024	3436	LYL & B Construction	Framing Contract Final \$6K + Materials \$565.	6,565.00		102,519.84
01/06/2024	3438	Sonny Helms	Advance on Contract New Construction - 406 W Brunswick St.	5,000.00		107,519.84
01/10/2024	3441	Faircloth Construction	Labor, Materials & Rental Equip. (Hardi Plank \$\$\$910.73, Roof Me...	16,493.57		124,013.41
01/10/2024	3437	Eastern Insulation	Quote # 824628 / 3 dated 01-08-2024 Gorman 106 W Brunswick	4,042.00		128,055.41
01/11/2024	3442	Blossman Gas Company	Partial Pymt on LP Installation	2,737.71		130,793.12
01/17/2024	2959	Brunswick County Landfill	Fee Construction Material to Landfill	35.40		130,828.52
01/22/2024	3352	Norris Heating And Air Conditioning, Inc.	Rough in HVAC ductwork and air handler	10,000.00		140,828.52
01/25/2024	3443	LYL & B Construction	Exterior Contract	5,700.00		146,528.52
01/27/2024	2960	Robert Howard	Fee Construction Material to Landfill	28.91		146,557.43
01/29/2024	3444	Sonny Helms	Advance on Contract New Construction - 406 W Brunswick St.	5,180.00		151,737.43
01/30/2024	3445	Shallotte Electric Stores	Order Deposit Bath Fixtures & Plumbing Materials	2,516.00		154,253.43
01/31/2024	3447	Lowe's Companies, Inc.	Account # 81100416135515 - 406 W Brunswick	8,575.48		162,828.91
01/31/2024	3448	Truist Bankcard	Card Pymt (PayPal Cedar Valley Mfg. Inc) for Invoice # IN58093	8,123.68		170,952.59
01/31/2024	3449	Faircloth Construction	406 W Brunswick Street	11,073.60		182,026.19
01/31/2024	2965	Brunswick County Landfill	Fee Construction Material to Landfill	22.42		182,048.61
02/05/2024	2970	Brunswick County Landfill	Fee Construction Material to Landfill	30.68		182,079.29
02/07/2024	2972	Brunswick County Landfill	Fee Construction Material to Landfill	40.71		182,120.00
02/07/2024	3450	Ken Worden	Sheetrock Installation & Finishing Contract Progress Payment	2,000.00		184,120.00
02/08/2024	2973	Brunswick County Landfill	Fee Construction Material to Landfill	67.85		184,187.85
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Total 115.A - 406 W. Brunswick St. Investment				331,137.11	0.00	331,137.11
Total 115 - Notes Receivable				331,137.11	0.00	331,137.11
TOTAL				331,137.11	0.00	331,137.11

TOTAL COST OF ADDITION \$331,137.11

**\$331,137.11 TOTAL COST OF ADDITION THAT COUNTS
TOWARDS SUBSTANTIAL IMPROVEMENT**

APPRAISED VALUE OF EXISTING HISTORIC HOME:

\$638,000.00

(638,000 /50%=\$319,000.00)

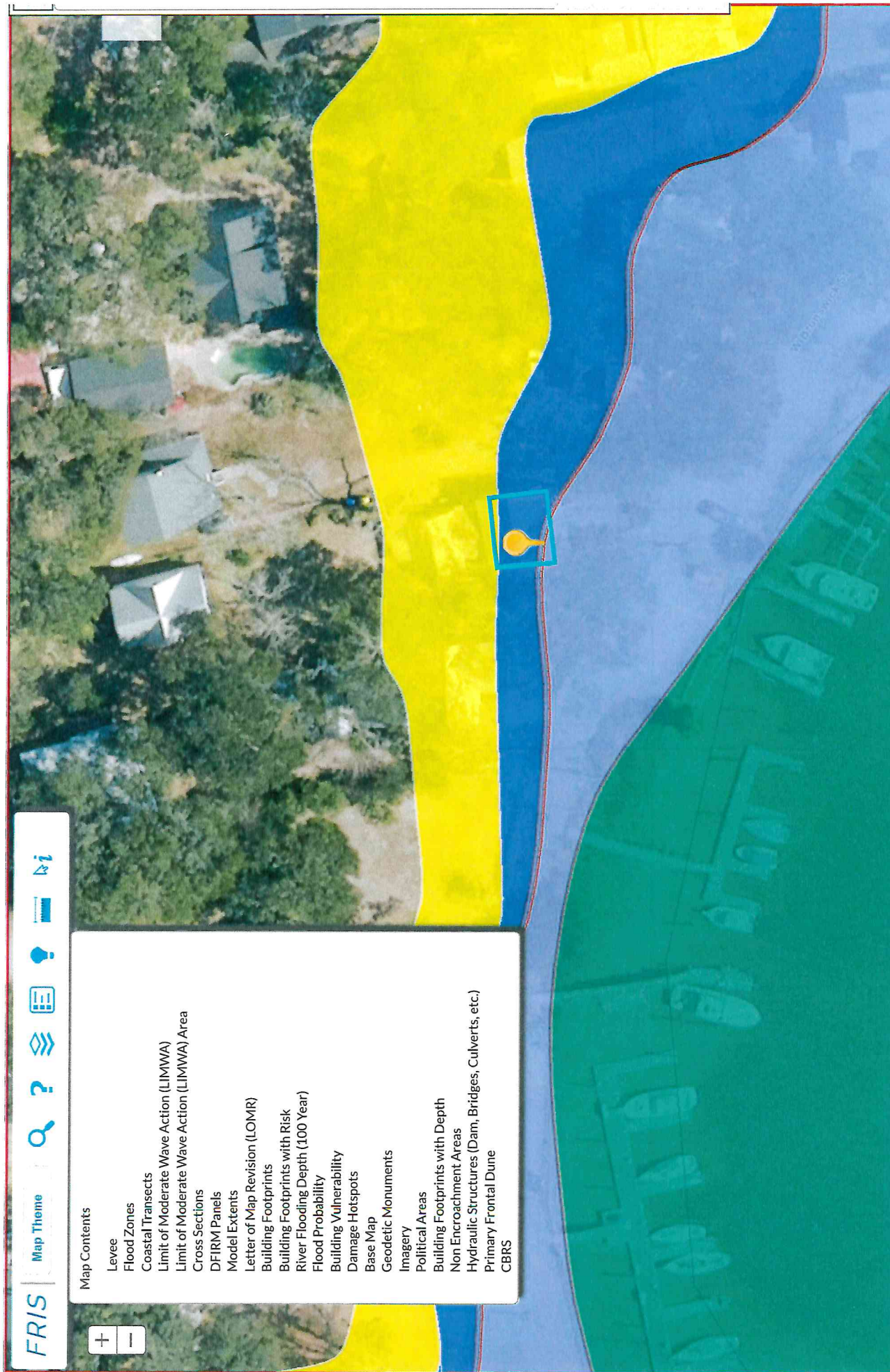
**ADDITION (\$331,137.11) >
50% APPRAISED VALUE \$319,000.00)**

Parcel: 237LE036

ID NO: 209615621846

LAST ACTION
20240417

Click on image to enlarge





City of Southport

VIOLATION- NOTICE OF HEARING

Brenda J. Gorman Revocable Trust
Attn: BJ Gorman
406 W. Brunswick Street
Southport, NC 28461

August 27, 2024

Dear Mrs. Howard,

On behalf of the City of Southport, I am writing to inform you that a Hearing has been scheduled for Monday, September 9, 2024, at 2:00 PM, at the Nash Street Substation, located at 111 E. Nash Street, Southport, NC. An additional (15) days was granted to allow you more time to decide on your course of action to remedy the Zoning/Floodplain violation at 406 W. Brunswick Street.

As a reminder, your options to bring your structure into compliance are the following:

1. Elevate the existing historic dwelling to the Regulatory Flood Protection Elevation, defined as three (3) feet above the base flood elevation, in compliance with the standards described in Article 5. Flood Damage Prevention of the UDO. The base flood elevation for 406 Brunswick Street is eleven (11) feet, so the original structure needs to be elevated to fourteen (14) feet.
2. Remove/demolish the new addition or detach the new addition from the existing historic structure.

At the Hearing, you will appear before the Floodplain Administrator and other City of Southport representatives as needed. The property owner or other parties are entitled to be heard and present arguments and evidence pertaining to the matter. After the hearing, an order will be issued by the Floodplain Administrator detailing the actions that MUST be taken to remedy the violation within a specific period. Any owner who receives an order to take corrective action may appeal the order to the Board of Adjustment within (30) days following issuance of the final order. The Board of Adjustment shall hear the appeal within a reasonable time and decide whether the order stands, is modified, or revoked.

As mentioned in the previous extension letter, compliance is the ultimate goal. If you have questions about the process or regulations, please let us know. You are also welcome to contact Eryn Futral with NCDPS, Emergency Management/Hazard Mitigation Section at (919) 819-1734. She is working closely with staff on this violation.

Respectfully,

Dorothy Dutton

Dorothy Dutton, CFM, CZO
Assistant City Manager
City of Southport

cc. Eryn Futral, NCDPS
Brady Herman, City Attorney
Stuart Turille, City Manager
Mo Meehan, City Planner and Floodplain Administrator

**STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK**

**CITY OF SOUTHPORT
FLOODPLAIN HEARING**

In Re: NOTICE OF VIOLATION
HEARING, for property
located at 406 Brunswick Street

)
)
)

**ORDER TO TAKE
CORRECTIVE ACTION**

Parcel ID 237LE036
Brenda J. Gorman Revocable Trust

)
)

THIS MATTER came for hearing before the City of Southport Floodplain Administrator and City Representatives ("City") pursuant to UDO § 5.17(B) on September 9, 2024, to consider arguments and evidence pertaining to a floodplain violation by Brenda J. Gorman and Robert Howard ("Owners"), the owners of tax parcel ID 237LE036 located at 406 Brunswick Street, Southport, North Carolina. City representatives at the hearing included Stuart Turille, Jr., City Manager, Kiley Barefoot, Building Inspector, and Maureen Meehan, Floodplain Administrator. The City having heard and considered the arguments at the hearing, having reviewed the application, written evidence, and the evidence presented by the Owners, makes the following Findings of Fact and Conclusions and enters the following Order regarding this violation.

FINDINGS OF FACT

1. The property at issue is located at 406 Brunswick Street in the City of Southport, N.C. (Brunswick County Tax Parcel ID Number: 237LE036; the “Subject Property”).
2. The current owners of the Subject Property are Brenda J. Gorman and Robert Howard on behalf of Brenda J. Gorman Revocable Trust (the “Owners”).
3. The Subject Property is located in a Coastal A Flood Zone.
4. The Owners submitted a building permit for a single-family home on the Subject Property on April 4, 2024. Upon reviewing the application, City staff determined that the proposed improvements may constitute a substantial improvement pursuant to UDO § 5.20.E if the cost for the project exceeded 50% of the market value of the existing structure, in which case the improvements must comply with the standards for new construction requiring the entire structure to be elevated out of the floodplain to comply with this City’s Flood Prevention Ordinance in Article 5 of the UDO .
5. Proposed improvement costs were provided to the City by the Owners to establish that the costs for the project would be below the substantial improvement threshold, however, upon completion of the project by the Owners, the improvements exceeded the allowable 50% of the market or appraised value of the structure.
6. A notice of violation and determination was sent by the City’s Floodplain Administrator to the Owners on June 28, 2024, stating that “because the

cost of the project exceeded the threshold amount per UDO § 5.20(E), the substantial improvement regulations should have been exercised, and the existing structure should have been elevated.”

Based on the foregoing Findings of Fact, the Floodplain Administrator makes the following:

CONCLUSIONS

1. The Owner was given the opportunity to provide written and verbal evidence during the hearing proceedings.
2. The Floodplain Administrator has the authority to hear and decide on violations of the Floodplain Ordinance pursuant to Article 5 of the UDO. Having heard the evidence and arguments presented at the hearing and after due deliberation, the City of Southport Floodplain Administrator finds that there was substantial, competent, and material evidence in the record to show that the Owners are in violation of Section 5.20.E. “Additions/Improvements” of the City’s UDO because the cost for the improvements exceeded 50% of the market value of the existing structure.

ORDER

Based on the foregoing Findings of Fact and conclusion reached by the City of Southport Floodplain Administrator after due consideration, **IT IS HEREBY ORDERED** that one of the following corrective actions be taken by the Owners within 180 calendar days of the date of this order:

1. Elevate the existing historic dwelling unit to the Regulatory Flood Protection Elevation which is defined as three (3) feet above the base flood elevation in compliance with the standards described in the Unified Development Ordinance, Article 5: Flood Damage Prevention Ordinance. The Base Flood Elevation (BFE) for 406 Brunswick Street is AE 11 and is waterward of the Line of Moderate Wave Action (LiMWA). Therefore, the structure must be raised 14' to meet the regulatory flood protection elevation and must meet the minimum requirements for structures in the Coastal A Zone.
2. Remove the new addition or detach the new addition from the existing historic structure.

So Ordered this the 18th day of October, 2024.



Maureen Meehan
Floodplain Administrator



STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

CITY OF SOUTHPORT
FLOODPLAIN HEARING

In Re: NOTICE OF VIOLATION)
HEARING, for property)
Located at 406 Brunswick Street)
)
)
)
)
)
Parcel ID 237LE036)
Brenda J. Gorman Revocable Trust)

**BRENDA J. GORMAN
REVOCABLE TRUST
NOTICE OF APPEAL**

THIS MATTER came for hearing before the City of Southport Floodplain Administrator and City Representatives ("City") pursuant to Southport Unified Development Ordinance ("UDO") § 5.17.B on September 9, 2024, to consider arguments and evidence pertaining to a floodplain violation by Brenda J. Gorman, individually and as trustee of the Brenda J. Gorman Revocable Trust, and Robert Howard, acting on behalf of the title holder of tax parcel ID 237LE036 located at 406 Brunswick Street, Southport, NC, the Brenda J. Gorman Revocable Trust (all the foregoing collectively referred to as "Owners").

On October 18, 2024, an Order was issued by the City finding the Owners in violation of § 5.20.E of the UDO ("Order"). The Order was received by Owners on October 25, 2024.

Pursuant to § 5.17.D of the UDO, Owners, through undersigned counsel, hereby jointly give Notice of Appeal of the Order to Maureen Meehan, as floodplain administrator, via email at mmeehan@cityofsouthport.com and hand delivery.

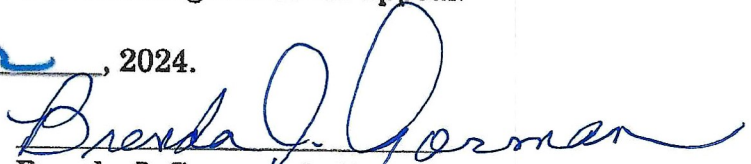
Further pursuant to § 5.17.D of the UDO, Owners, through undersigned counsel, hereby jointly give Notice of Appeal of the Order to Noah Saldo, as the Clerk of the City of Southport, via email at nsaldo@cityofsouthport.com and hand delivery.

The grounds for this appeal include, but are not limited to, the following:

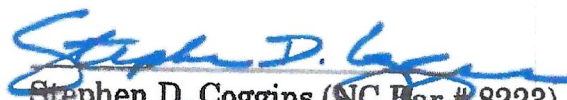
1. The project is not a "substantial improvement" within the meaning of Article 5 of the UDO, and
2. The project is a historical property that is exempt under Sec. 5.20E.5 b) from the substantial improvement requirements set forth in Article 5 of the UDO.

Owners reserve the right to add and amend grounds for appeal.

This the 28th day of October, 2024.


Brenda J. Gorman, Individually and as
Trustee of the Brenda J. Gorman Revocable
Trust


Robert Howard


Stephen D. Coggins (NC Bar # 8223)
John David M. Fisher (NC Bar #60867)
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2419 Market Street
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Attorneys for Owners

Article 5: Flood Damage Prevention Ordinance

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City of Southport
Unified Development Ordinance (UDO)

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5.1 STATUTORY AUTHORIZATION

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D of NCGS, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the Board of Aldermen of the City of Southport, North Carolina, does ordain as follows:

5.2 FINDINGS OF FACT

- A. The flood prone areas within the jurisdiction of the City of Southport are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

5.3 STATEMENT OF PURPOSE

It is the purpose of this article to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- D. Control filling, grading, dredging, and all other development which may increase erosion or flood damage.
- E. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

5.4 OBJECTIVES

The objectives of this article are to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business losses and interruptions;

- E. Minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets and bridges) that are located in flood prone areas;
- F. Minimize damage to private and public property due to flooding;
- G. Make flood insurance available to the community through the National Flood Insurance Program;
- H. Maintain the natural and beneficial functions of floodplains;
- I. Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- J. Ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

5.5 DEFINITIONS

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article it's most reasonable application in administering the floodplain development provisions provided herein. The definitions provided herein shall apply to this article. Where conflicting terms are found in Article 8, the terms in Section 5.5 shall apply specifically to floodplain development regulations, whereas the definitions in Article 8 shall apply to the UDO in its entirety and to those terms not defined herein.

Accessory structure (appurtenant structure) means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

Addition (to an existing building) means an extension or increase in the floor area or height of a building or structure.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

Area of shallow flooding means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard see "Special Flood Hazard Area (SFHA)".

Area of future-conditions flood hazard means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology.

Base flood means the flood having a 1% chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building see “Structure”.

Chemical storage facility means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

Coastal Area Management Act (CAMA) means North Carolina’s Coastal Area Management Act, this act, along with the Dredge and Fill Law and the Federal Coastal Zone Management Act, is managed through North Carolina Department of Environment and Natural Resources’ (NCDENR’s) Division of Coastal Management (DCM).

Coastal A Zone (CAZ) means an area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones; in a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (see Limit of Moderate Wave Action (LiMWA))

Coastal Barrier Resources System (CBRS) consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by Federal or State governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

Coastal high hazard area means a Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in Section 5.24, as Zone VE.

Design flood see “Regulatory Flood Protection Elevation.”

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Development activity means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non- structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

Digital Flood Insurance Rate Map (DFIRM) means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

Disposal means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

Elevated building means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Encroachment means the advance or infringement of uses, fill, excavation, buildings, structures or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

Existing building and existing structure means any building and/or structure for which the “start of construction” commenced before May 24, 1974, the date the community’s first floodplain management ordinance was adopted.

Existing manufactured home park or manufactured home subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before May 24, 1974, the initial effective date of the floodplain management regulations adopted by the community.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

Flood insurance means the insurance coverage provided under the National Flood Insurance Program.

Flood Insurance Rate Map (FIRM) means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

Flood Insurance Study (FIS) means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

Flood prone area see Floodplain.

Flood zone means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

Floodplain means any land area susceptible to being inundated by water from any source.

Floodplain administrator is the individual appointed to administer and enforce the floodplain management regulations.

Floodplain development permit means any type of permit that is required in conformance with the provisions of this article, prior to the commencement of any development activity.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

Flood-resistant material means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbars are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

Floodway means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

Freeboard means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the "Regulatory Flood Protection Elevation."

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hazardous waste management facility means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

Highest Adjacent Grade (HAG) means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

Historic structure means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- D. Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

Letter of Map Change (LOMC) means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- A. Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- B. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- C. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- D. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light duty truck means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- A. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- B. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- C. Available with special features enabling off-street or off-highway operation and use.

Limit of Moderate Wave Action (LiMWA) means the boundary line given by FEMA on coastal map studies marking the extents of Coastal A Zones (CAZ).

Lowest Adjacent Grade (LAG) means the lowest elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Market value means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

New construction means structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

Non-conversion agreement means a document stating that the owner will not convert or alter what has been constructed and approved. Violation of the agreement is considered a violation of the article and, therefore, subject to the same enforcement procedures and penalties. The agreement must be filed with the recorded deed for the property. The agreement must show the clerk’s or recorder’s stamps and/or notations that the filing has been completed.

Non-Encroachment Area (NEA) means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

Otherwise Protected Area (OPA) see “Coastal Barrier Resources System (CBRS).”

Post-FIRM means construction or other development for which the “start of construction” occurred on or after April 15, 1977, the effective date of the initial Flood Insurance Rate Map.

Pre-FIRM means construction or other development for which the “start of construction” occurred before April 15, 1977, the effective date of the initial Flood Insurance Rate Map.

Principally above ground means that at least 51% of the actual cash value of the structure is above ground.

Public safety and/or nuisance means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational Vehicle (RV) means a vehicle, which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck;

- D. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- E. Is fully licensed and ready for highway use.

(For the purpose of this article, “Tiny Homes/Houses” and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.)

Reference level is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A, AE, AH, AO, A99. The reference level is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone VE.

(Alternative acceptable language for Reference Level) “Reference Level” is the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.

Regulatory flood protection elevation means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus three (3) feet freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

Remedy a violation means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Salvage yard means any nonresidential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Shear wall means walls used for structural support but not structurally joined or enclosed at the end (except by breakaway walls). Shear walls are parallel or nearly parallel to the flow of the water.

Solid waste disposal facility means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

Solid waste disposal site means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

Special Flood Hazard Area (SFHA) means the land in the floodplain subject to a 1% or greater chance of being flooded in any given year.

Start of construction includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

Substantial damage means damage of any origin sustained by a structure during any one (1) year period whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of "substantial improvement".

Substantial improvement means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 5.18.

Technical bulletin and Technical fact sheet means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

Temperature controlled means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

Variance (floodplain development) is a grant of relief from the requirements of this article.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this article is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation (WSE) means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

5.6 APPLICATION OF ARTICLE

This ordinance shall apply to all Special Flood Hazard Areas within the City of Southport, including the Extra-Territorial Jurisdiction (ETJ), of the City of Southport.

5.7 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS), dated August 28, 2018 for Brunswick County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this article. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the City of Southport are also adopted by reference and declared a part of this article. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within three (3) months.

5.8 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Floodplain Development Permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with Section 5.6.

5.9 COMPLIANCE

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this article and other applicable regulations.

5.10 ABROGATION AND GREATER RESTRICTIONS

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

5.11 INTERPRETATION

In the interpretation and application of this article all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the Board of Aldermen; and
- C. Deemed neither to limit nor repeal any other powers granted under State statutes.

5.12 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This article does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City of Southport or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

5.13 PENALTIES FOR VIOLATION

Violation of the provisions of this article or failure to comply with any of its requirements shall be subject to Section 2.15.D and Section 5.17 of this article. Nothing herein contained shall prevent the City of Southport from taking such other lawful action as is necessary to prevent or remedy any violation.

5.14 DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The UDO Administrator, hereinafter referred to as the Floodplain Administrator, is hereby appointed to administer and implement the provisions of this article. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this ordinance.

5.15 FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS

A. APPLICATION REQUIREMENTS

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:

1. A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

- a) The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - b) The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 5.7, or a statement that the entire lot is within the Special Flood Hazard Area;
 - c) Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 5.7;
 - d) The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 5.7;
 - e) The Base Flood Elevation (BFE) where provided as set forth in Section 5.7; Section 5.16.K-L; or Section 5.21;
 - f) The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - g) The boundary and designation date of the Coastal Barrier Resource System (CBRS) area or Otherwise Protected Areas (OPA), if applicable; and
 - h) Certification of the plot plan by a registered land surveyor or professional engineer.
2. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - a) Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;
 - b) Elevation in relation to NAVD 1988 to which any nonresidential structure in Zone AE, A or AO will be flood-proofed; and
 - c) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed;
3. If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
4. A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - a) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - b) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 5.20.D, when solid foundation perimeter walls are used in Zones A, AO, AE, AH and A99;
 - c) The following, in Coastal High Hazard Areas, in accordance with Section 5.20.D and Section 5.24;

- i) V-Zone Certification with accompanying plans and specifications verifying the engineered structure and any breakaway wall designs; In addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications, and plans for VE Zone construction.
 - ii) Plans for open wood latticework or insect screening, if applicable;
 - iii) Plans for non-structural fill, if applicable. If non-structural fill is proposed, it must be demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the Base Flood Elevation or otherwise cause adverse impacts by wave ramping and deflection on to the subject structure or adjacent properties.
5. Usage details of any enclosed areas below the regulatory flood protection elevation.
6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
7. Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, CAMA, Riparian Buffers, Mining, etc.)
8. Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Section 5.20.F-G of this article are met.
9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

B. PERMIT REQUIREMENTS

The Floodplain Development Permit shall include, but not be limited to:

1. A complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
2. The Special Flood Hazard Area determination for the proposed development per available data specified in Section 5.7.
3. The regulatory flood protection elevation required for the reference level and all attendant utilities.
4. The regulatory flood protection elevation required for the protection of all public utilities.
5. All certification submittal requirements with timelines.

6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
7. The flood openings requirements, if in Zones A, AO, AE AH or A 99.
8. Limitations of use of the enclosures below the lowest floor (if applicable). (i.e., Parking, Building Access and Limited Storage only).
9. A statement, if in Zone VE, that there shall be no alteration of sand dunes which would increase potential flood damage.
10. A statement, if in Zone VE, that there shall be no fill used for structural support.
11. A statement, that all materials below BFE/RFPE must be flood resistant materials.

C. CERTIFICATION REQUIREMENTS

1. Elevation Certificates
 - a) An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certificate of the elevation of the reference level, in relation to NAVD 1988. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
 - b) An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
 - c) A final as-built Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections

shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

2. Floodproofing Certificate

a) If nonresidential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), with supporting data and an operational plan, is required prior to the actual start of any construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

b) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to deny a Certificate of Compliance/Occupancy.

3. If a manufactured home is placed within Zone A, AO, AE, AH or A 99 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Section 5.20.C.

4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse

alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit. (See also Article 6)

5. Certification Exemptions. The following structures, if located within Zone A, AO, AE, AH or A 99, are exempt from the elevation/floodproofing certification requirements specified in Items 1 and 2 of this subsection:
 - a) Recreational Vehicles meeting requirements of Section 5.20.F.1;
 - b) Temporary Structures meeting requirements of Section 5.20.G; and
 - c) Accessory Structures less than 150 square feet meeting requirements of Section 5.20.H.
6. A V-Zone Certification with accompanying design plans and specifications is required prior to issuance of a Floodplain Development permit within coastal high hazard areas. It shall be the duty of the permit applicant to submit to the floodplain administrator said certification to ensure the design standards of this article are met. A registered professional engineer or architect shall develop or review the structural design, plans, and specifications for construction and certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this article. This certification is not a substitute for an Elevation Certificate.

D. DETERMINATIONS FOR EXISTING BUILDINGS AND STRUCTURES

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- A. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- B. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- D. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

5.16 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- A. Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this article have been satisfied.
- B. Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, CAMA, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit.
- C. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- D. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- E. Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 5.23 are met.
- F. Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Section 5.15.C.
- G. Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Section 5.15.C.
- H. Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with Section 5.15.C.
- I. When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 5.15.C and Section 5.20.B.
- J. Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- K. When Base Flood Elevation (BFE) data has not been provided in accordance with Section 5.7, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 5.21.B.2 in order to administer the provisions of this article.
- L. When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Section 5.7, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this article.
- M. When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a

- Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- N. Permanently maintain all records that pertain to the administration of this article and make these records available for public inspection.
 - O. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
 - P. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this article, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
 - Q. Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
 - R. Make periodic inspections throughout all special flood hazard areas within the jurisdiction of this article. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
 - S. Follow through with corrective procedures of Section 5.17.
 - T. Review, provide input, and make recommendations for variance requests.
 - U. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Section 5.7 of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
 - V. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revisions (LOMR).

5.17 CORRECTIVE PROCEDURES

A. VIOLATIONS TO BE CORRECTED

When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

B. ACTIONS IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION

If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

1. That the building or property is in violation of the Flood Damage Prevention Ordinance;
2. That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
3. That following the hearing, the Floodplain Administrator may issue such an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

C. ORDER TO TAKE CORRECTIVE ACTION

If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, the administrator shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days. Where the floodplain administrator finds that there is imminent danger to life or other property, the administrator may order that corrective action be taken in such lesser period as may be feasible.

D. APPEAL

Any owner who has received an order to take corrective action may appeal from the order to the Board of Adjustment by giving notice of appeal in writing to the floodplain administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

E. FAILURE TO COMPLY WITH ORDER

If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

5.18 FLOODPLAIN DEVELOPMENT VARIANCE PROCEDURES

- A. The Board of Adjustment as established by the Board of Aldermen, shall hear and decide requests for variances from the requirements of this ordinance.
- B. Any person aggrieved by the decision of the Board of Adjustment may appeal such decision to the Superior Court as provided in Section 2.7.D.11.
- C. Variances may be issued for:
 1. The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued

- designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 2. Functionally dependent facilities if determined to meet the definition as stated in Section 5.5, provided provisions of Section 5.18.I.2-3;5 have been satisfied, and such facilities are protected by methods that minimize flood damages.
 3. Any other type of development provided it meets the requirements stated in this section.
- D. In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location as defined as a functionally dependent facility, where applicable;
 6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- E. A written report addressing each of the above factors shall be submitted with the application for a variance.
- F. Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- G. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

- H. The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the State of North Carolina upon request.
- I. Conditions for Variances:
 - 1. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - 2. Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - 3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 4. Variances shall only be issued prior to development permit approval.
 - 5. Variances shall only be issued upon an affirmative vote (by a four-fifths majority) on each of the three (3) findings below. Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth herein shall include a statement of the specific reasons or findings of fact supporting such motion:
 - a) A showing of good and sufficient cause;
 - b) A determination that failure to grant the variance would result in exceptional hardship; and
 - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- J. A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
 - 1. The use serves a critical need in the community.
 - 2. No feasible location exists for the use outside the Special Flood Hazard Area.
 - 3. The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 - 4. The use complies with all other applicable Federal, State and local laws.
- K. The City of Southport shall notify the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

5.19 GENERAL STANDARDS

A. SPECIAL FLOOD HAZARD AREAS

In all Special Flood Hazard Areas the following provisions are required:

- 1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure.
- 2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
4. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.
 - a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
 - b) Replacements that are for maintenance and not part of a substantial improvement may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
9. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 5.16.J. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Section 5.13.C of this ordinance.
10. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

11. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
12. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
13. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
14. When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.
15. When a structure is in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.
16. In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus three (3) feet freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade

5.20 SPECIFIC STANDARDS

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section 5.6 or Section 5.16.K-L the following provisions, in addition to Section 5.17, are required:

A. RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 5.5.

B. NONRESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 5.5.

Structures located in A, AE, AH, AO and A99 Zones may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

For AO Zones, the floodproofing elevation shall be in accordance with Section 5.15.C. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator official as set forth in Section 5.15.C along with the operational and maintenance plans.

C. MANUFACTURED HOMES

1. New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Section 5.5.
2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes, adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15 or a certified engineered foundation. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
3. All enclosures or skirting below the lowest floor shall meet the requirements of Section 5.20.D.1-3.
4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.

D. ELEVATED BUILDINGS

Fully enclosed areas of new construction and substantially improved structures, which are below the lowest floor:

1. Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
2. Shall be constructed entirely of flood resistant materials, up to the regulatory flood protection elevation;
3. Shall include, in Zones A, AO, AE, AO and A99, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria;
 - a) A minimum of two (2) flood openings on different sides of each enclosed area subject to flooding;

- b) The total net area of all flood openings must be at least one square inch for each square foot of enclosed area subject to flooding;
 - c) If a building has more than one (1) enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - d) The bottom of all required flood openings shall be no higher than (1) foot above the adjacent grade;
 - e) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - f) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
4. Shall allow, in Coastal High Hazard Areas (Zones VE), either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided it is not part of the structural support of the building and is designed so as to breakaway, under abnormally high tides or wave action, without causing damage to the structural integrity of the building, provided the following design specifications are met:
- a) Material shall consist of open wood latticework or insect screening; or
 - b) Breakaway walls shall meet the following design specifications:
 - c) Breakaway walls shall have flood openings that allow for the automatic entry and exit of floodwaters to minimize damage caused by hydrostatic loads, per Section 5.20.D.3;
 - i) Design safe loading resistance of each wall shall be not less than 10 nor more than 20 pounds per square foot; or
 - ii) Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values

used shall be those required by the North Carolina State Building Code.

- d) Concrete pads, including patios, decks, parking pads, walkways, driveways, pool decks, etc. the following is required:
 - i) Shall be structurally independent of the primary structural foundation system of the structure and shall not adversely affect structures through redirection of floodwaters or debris; and
 - ii) Shall be constructed to breakaway cleanly during design flood conditions, shall be frangible, and shall not produce debris capable of causing damage to any structure. (The installation of concrete in small segments (approximately 4 feet x 4 feet) that will easily break up during the base flood event, or score concrete in 4 feet x 4 feet maximum segments is acceptable to meet this standard); and
 - iii) Reinforcing, including welded wire fabric, shall not be used in order to minimize the potential for concreted pads being a source of debris; and
 - iv) Pad thickness shall not exceed 4 inches; or
 - v) Provide a Design Professional's certification stating the design and method of construction to be used meet the applicable criteria of this section.
- e) Property Owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor shall not be improved, finished, or otherwise converted to habitable space. The City of Southport will have the right to inspect the enclosed area.

E. ADDITIONS/IMPROVEMENTS

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - a) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
2. Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - a) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - b) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
4. When an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.
5. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
 - a) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
 - b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

F. RECREATIONAL VEHICLES

Recreational vehicles shall either:

1. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
2. Meet all the requirements for new construction.

G. TEMPORARY NONRESIDENTIAL STRUCTURES

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s)

in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval;

1. A specified time period for which the temporary use will be permitted. Time specified should not exceed three (3) months, renewable up to one (1) year;
2. The name, address, and phone number of the individual responsible for the removal of the temporary structure;
3. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
5. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

H. ACCESSORY STRUCTURES

When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking, or restroom areas);
2. Accessory structures shall not be temperature-controlled;
3. Accessory structures shall be designed to have low flood damage potential;
4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
5. Accessory structures shall be firmly anchored in accordance with Section 5.19.A;
6. All service facilities such as electrical shall be installed in accordance with Section 5.19.D; and
7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Section 5.20.D.3.
8. An accessory structure with a footprint less than 150 square feet that satisfied the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 5.15.C.

I. TANKS

When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

1. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

2. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
3. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 5.20.B of this article shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
4. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
 - a) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
 - b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

J. OTHER DEVELOPMENT

1. Fences in regulated floodways and NEAS that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 5.23 of this article.
2. Roads and watercourse crossings in regulated floodways and NEAS. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 5.23 of this article.

5.21 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 5.7, where no Base Flood Elevation (BFE) data is available, the following provisions, in addition to Section 5.19 and 5.20, shall apply:

- A. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of 20 feet each side from top of bank or five (5) times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

1. If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Section 5.16.K-L.
2. All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than (5) acres or has more than 50 lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Section 5.7 to be utilized in implementing this ordinance.
3. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Section 5.5.

5.22 STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- A. Standards outlined in Sections 5.19 and 5.20; and
- B. Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

5.23 FLOODWAYS OR NON-ENCROACHMENT AREAS

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 5.7. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Sections 5.19 and 5.20, shall apply to all development within such areas:

- A. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 1. The proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit, or
 2. A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

- B. If Section 5.23.A is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- C. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - 1. The anchoring and the elevation standards of Section 5.20.C; and
 - 2. The no encroachment standard of Section 5.23.A.

5.24 COASTAL HIGH HAZARD AREAS (ZONES VE)

Coastal High Hazard Areas are Special Flood Hazard Areas established in Section 5.7, and designated as Zones VE. These areas have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, in addition to meeting all requirements of this article with the exception of floodway and non-encroachment area provisions (Section 5.23), the following provisions shall apply:

- A. All new construction and substantial improvement shall:
 - 1. Be located landward of the reach of mean high tide;
 - 2. Be located landward of the first line of stable natural vegetation; and
 - 3. Comply with all applicable CAMA setback requirements.
- B. All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation. Floodproofing shall not be utilized on any structures in Coastal High Hazard Areas to satisfy the regulatory flood protection elevation requirements.
- C. All new construction and substantial improvements shall have the space below the lowest floor free of obstruction so as not to impede the flow of flood waters, with the following exceptions:
 - 1. Open wood latticework or insect screening may be permitted below the regulatory flood protection elevation for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with Section 5.20.D.4.A. Design plans shall be submitted in accordance with Section 5.15.A.4.C; or
 - 2. Breakaway walls may be permitted provided they meet the criteria set forth in Section 5.20.D.2. Design plans shall be submitted in accordance with Section 5.15.A.4.C.
- D. All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structures attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
 - 1. Water loading values used shall be those associated with the base flood.
 - 2. Wind loading values used shall be those required by the current edition of the North Carolina State Building Code.
- E. For concrete pads, including patios, decks, parking pads, walkways, driveways, pool decks, etc. the following is required:

1. Shall be structurally independent of the primary structural foundation system of the structure and shall not adversely affect structures through redirection of floodwaters or debris; and
 2. Shall be constructed to breakaway cleanly during design flood conditions, shall be frangible, and shall not produce debris capable of damage to any structure. (The installation of concrete in small segments (approximately 4 feet x 4 feet) that will easily break up during the base flood event, or score concrete in 4 feet x 4 feet maximum segments is acceptable to meet this standard); and
 3. Reinforcing, including welded wire fabric, shall not be used in order to minimize the potential for concreted pads being a source of debris; and
 4. Pad thickness shall not exceed four (4) inches; or
 5. Provide a Design Professional's certification stating the design and method of construction to be used meet the applicable criteria of this section.
- F. For swimming pools and spas, the following is required:
1. Be designed to withstand all flood-related loads and load combinations.
 2. Be designed and constructed to break away during design flood conditions without producing debris capable of causing damage to any structure; or
 3. Be elevated so that the lowest horizontal structural member is elevated above the RFPE; or
 4. Be sited to remain in the ground during design flood conditions without obstructing flow that results in damage to any structure
 5. Registered design professionals must certify to local officials that a pool or spa beneath or near a VE Zone building will not be subject to flotation or displacement that will damage building foundations or elevated portions of the building or any nearby buildings during a coastal flood.
 6. Pool equipment must be located above the RFPE whenever practicable. Pool equipment shall not be located beneath an elevated structure.
- G. All elevators, vertical platform lifts, chair lifts, etc. the following is required:
1. Elevator enclosures must be designed to resist hydrodynamic and hydrostatic forces as well as erosion, scour, and waves.
 2. Utility equipment in Coastal High Hazard Areas (VE Zones) must not be mounted on, pass through, or be located along breakaway walls.
 3. The cab, machine/equipment room, hydraulic pump, hydraulic reservoir, counter weight and roller guides, hoist cable, limit switches, electric hoist motor, electrical junction box, circuit panel, and electrical control panel are all required to be above RFPE. When this equipment cannot be located above the RFPE, it must be constructed using flood damage-resistant components.
 4. Elevator shafts/enclosures that extend below the RFPE shall be constructed of reinforced masonry block or reinforced concrete walls and located on the landward side of the building to provide increased protection from flood damage. Drainage must be provided for the elevator pit.
 5. Flood damage-resistant materials can also be used inside and outside the elevator cab to reduce flood damage. Use only stainless steel doors and door frames below the BFE. Grouting in of door frames and sills is recommended.

6. If an elevator is designed to provide access to areas below the BFE, it shall be equipped with a float switch system that will activate during a flood and send the elevator cab to a floor above the RFPE.
- H. Property owners shall be required to execute and record a non-conversion agreement prior to issuance of a building permit declaring that the area below the lowest floor, or the detached accessory building shall not be improved, or otherwise converted; the City of Southport will have the right to inspect the enclosed area. This agreement shall be recorded with the Brunswick County Register of Deeds and shall transfer with the property in perpetuity.
- I. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in Section 5.15; Section 5.23.C.1-2; Section 5.24.D; and Section 5.24.J of this ordinance on the current version of the North Carolina "National Flood Insurance Program V-Zone Certification" form.
- J. Fill shall not be used for structural support. Limited non-compacted and non-stabilized fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided it is demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the Base Flood Elevation and not cause any adverse impacts by wave ramping and deflection to the subject structure or adjacent properties. In determining the potential for an increase in the Base Flood Elevation, the applicant shall include a quantitative coastal engineering analysis with supporting calculations and information prepared by a licensed and registered North Carolina coastal geologist or engineer demonstrating no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent elevated buildings and structures. The analysis shall be submitted under the applicable professional seal with accompanying third-party review fee.
- K. There shall be no alteration of sand dunes which would increase potential flood damage. In determining the potential for an increase in flood damage, the applicant shall include a quantitative coastal engineering analysis with supporting calculations and information prepared by a licensed and registered North Carolina coastal geologist or engineer demonstrating no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent elevated buildings and structures. The analysis shall be submitted under the applicable professional seal with accompanying third-party review fee.
- L. No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of this section have been satisfied.
- M. Recreational vehicles may be permitted in Coastal High Hazard Areas provided that they meet the Recreational Vehicle criteria of Section 5.20.F and the Temporary Structure provisions of Section 5.20.G.
- N. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the Regulatory Flood Protection Elevation and any supporting members that extend below the Regulatory Flood

Protection Elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck. The increased loads must be considered in the design of the primary structure and included in the V-Zone Certification required under Section 5.15.C.

- O. A deck or patio that is located below the Regulatory Flood Protection Elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- P. In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:
 - 1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
 - 2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters.
- Q. No more than four (4) electrical outlets and no more than four (4) electrical switches may be permitted below RFPE unless required by building code.

5.25 STANDARDS FOR COASTAL A ZONES (ZONE CAZ) LIMWA

Structures in CAZs shall be designed and constructed to meet V Zone requirements, including requirements for breakaway walls. However, the NFIP regulations also require flood openings in walls surrounding enclosures below elevated buildings in CAZs (see Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures). Breakaway walls used in CAZs must have flood openings that allow for the automatic entry and exit of floodwaters to minimize damage caused by hydrostatic loads. Openings also function during smaller storms or if anticipated wave loading does not occur with the base flood.

- A. All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation. Floodproofing shall not be utilized on any structures in Coastal A Zones to satisfy the regulatory flood protection elevation requirements
- B. All new construction and substantial improvements shall have the space below the lowest horizontal structural member free of obstruction so as not to impede the flow of flood waters, with the following exceptions:
 - 1. Open wood latticework or insect screening may be permitted below the lowest floor for aesthetic purposes only and must be designed to wash away in the

- event of wave impact and in accordance with the provisions of Section 5.20.D.4. Design plans shall be submitted in accordance with the provisions of Section 5.15.A.4.C; or
2. Breakaway walls may be permitted provided they meet the criteria set forth in Section 5.20.D.4. Design plans shall be submitted in accordance with the provisions of Section 5.15.A.4.C;
- C. All new construction and substantial improvements shall include, in Zones CAZ, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the design criteria in Section 5.20.D.3.C.
 - D. All new construction and substantial improvements shall meet the provisions of Section 5.24.C.
 - E. A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions of Section 5.20 and Section 5.24.C-D, on the current version of the North Carolina V-Zone Certification form or a locally developed V-Zone Certification form.
 - F. Recreational vehicles may be permitted in Coastal A Zones provided that they meet the Recreational Vehicle criteria Section 5.20.F.
 - G. Fill/Grading must meet the provisions of Section 5.24.J.
 - H. Decks and patios must meet the provisions of Section 5.24.N-O.
 - I. In coastal high hazard areas, development activities other than buildings and structures must meet the provisions of Section 5.24.M.

5.26 STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO)

Located within the Special Flood Hazard Areas established in Section 5.7, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Section 5.19, all new construction and substantial improvements shall meet the following requirements:

- A. The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of three (3) feet, above the highest adjacent grade; or at least two (2) feet above the highest adjacent grade plus a freeboard of three (3) feet if no depth number is specified.
- B. Nonresidential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 5.25.A so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as per Sections 5.15.C and 5.20.B.
- C. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

5.27 EFFECTS ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE

This article in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted May 24, 1974 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this article shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the City of Southport enacted on May 24, 1974, as amended, which are not reenacted herein are repealed.

5.28 EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his or her authorized agents before the time of passage of this article; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this article.

5.29 EFFECTIVE DATE

This article shall become effective August 28, 2018.

5.30 ADOPTION CERTIFICATION

This is a true and correct copy of the flood damage prevention ordinance (Article 5 of the Southport Unified Development Ordinance) as adopted by the Board of Aldermen of the City of Southport, North Carolina, on the 10th day of May, 2018.

From: [Kiley Barefoot](#)
To: [Maureen Meehan](#)
Subject: FW: 406 Brunswick Street Window Replacement and Project costs
Date: Thursday, January 23, 2025 1:53:27 PM
Attachments: [Construction Cost as of 2.27.24.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Here you go

Kiley Barefoot



Chief Building Inspector
Development Services
[910-457-7925](tel:910-457-7925) | kbarefoot@cityofsouthport.com
www.cityofsouthport.com
[Southportnc.viewpointcloud.com](https://southportnc.viewpointcloud.com)
A row of four small square icons for Facebook, Instagram, Twitter, and YouTube.

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.



Let us know how we are doing!

From: robertdhoward@bizec.rr.com <robertdhoward@bizec.rr.com>
Sent: Wednesday, February 28, 2024 10:40 AM
To: Kiley Barefoot <kbarefoot@cityofsouthport.com>
Cc: B J Gorman <bjgorman48@ec.rr.com>
Subject: 406 Brunswick Street Window Replacement and Project costs

Good morning, Kiley. Lowes replacement windows arrived yesterday. They are in one of our trailers parked at the job site in the back yard if you care to inspect them before we begin the work to exchange the windows. Lowes is compensating one of our contractors to remove and replace the windows. We hope to complete removing the existing windows and reinstalling the replacement windows and trim over the next several days. Will you need to inspect the windows, the work, or the completion of the work, if so at what intervals is convenient for you? We have the painters, HVAC, and electrical contractors on site now so we are hoping that this necessary work will not unnecessarily delay any of them; nevertheless, we want you to have full and completed access to avoid delays.

On another unrelated note, BJ mentioned that you have inquired about our project expenditures on several occasion. We are sensitive to the fact that we have a \$319,000.00 improvement limit on the current permitting for the new construction. We previously committed that we will not exceed our maximum provided for under the current permitting. We are happy to share with you where we are at this point in time. Please see the attached and let me know if you have questions or need additional information or documentation.

I know that you are a very busy person and I apologize for any inconvenience we may be

causing you, however we want to do it the right way and within your guidelines to the extent possible. We appreciate your willingness to assist.

BJ Gorman

Robert Howard

From: [Kiley Barefoot](#)
To: [Maureen Meehan](#)
Subject: 406 W Brunswick Street Final Construction Costs
Date: Thursday, January 23, 2025 2:02:25 PM
Attachments: [Final Accounting of New Const.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Kiley Barefoot



Chief Building Inspector

Development Services

[910-457-7925](tel:910-457-7925) | kbarefoot@cityofsouthport.com

www.cityofsouthport.com

Southportnc.viewpointcloud.com



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Let us know how we are doing!

From: Kiley Barefoot

Sent: Monday, June 3, 2024 11:19 AM

To: Dorothy Dutton <Ddutton@cityofsouthport.com>

Subject: FW: [EXTERNAL] 406 W Brunswick Street Construction Costs

Dorrie,

Attached is the final construction cost for 406 Brunswick. They went over what we allowed them to spend, and they are above the 50% of improvements to value. The EC's have been uploaded as well. Let me know if you want to talk this one over before you/we decide.

Happy Monday...

Kiley Barefoot



Building Inspector

Development Services

[910-457-7925](tel:910-457-7925) | kbarefoot@cityofsouthport.com

www.cityofsouthport.com

Southportnc.viewpointcloud.com



E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.



Let us know how we are doing!

From: robertdhoward@bizec.rr.com <robertdhoward@bizec.rr.com>

Sent: Monday, June 3, 2024 11:11 AM

To: Kiley Barefoot <kbarefoot@cityofsouthport.com>

Cc: gormanbj1@gmail.com

Subject: [EXTERNAL] 406 W Brunswick Street Construction Costs

Good morning, Kiley. Please find attached the financial accounting report, on the construction costs, that the City told BJ on Friday, that is needed to consider issuing a Certificate of Occupancy. I believe we have paid all outstanding invoices and Contracts. If that changes, we will provide an update. Quite honestly until this morning when we finalized the outstanding invoices, we didn't know exactly where we would end up financially. Even so we did realize that we were close and perhaps a little over the \$319,000.00 limit.

Unfortunately, the number we received for materials and supplies have increased tremendously since the permit was issues in September or October. Just this year alone, according to the US Bureau Of Labor Statistics the purchasing value of \$319,000.00 has increased to \$326,073.73. Our approval is \$319,000.00 authorized when the permit was issues, our actual cost to date is \$331,137.11 or 3.8% over the approval. In fact, since the time, we first applied for a permit the cost has increased much more that we had ever anticipated. One way of considering our overage is that prices at a minimum have increased 2.2% this year so in reality we missed our target by 1.6%. Obviously, we regret this, we didn't want to spend the additional money either but by the time we realized our situation it was far too late to react.

We regret that we exceed the permit limit; we are extremely concerned about the resulting effect this will have from the City's point of view. Please let me know if you have any questions or need additional information or documentation. BJ and I stand ready and willing to respond to you at your discretion.

Respectfully,

BJ Gorman
Robert D Howard
114 N. Atlantic Ave
Southport, NC 28461

910-840-4633

WARNING: This email originated from outside of the City of Southport. Please DO NOT click on links or attachments unless you are familiar with the sender and know the content to be safe.

From: [Futral, Eryn \(NCEM\)](#)
To: [Travis Henley](#)
Subject: RE: [External] Permit Question
Date: Monday, April 24, 2023 9:15:29 AM
Attachments: [image002.png](#)
[image004.png](#)
[image005.png](#)

Good morning,

I hope you had a great weekend! I believe John will be contacting you regarding the Brunswick Street project in the next couple of days. We discussed the structure and the fact that I felt the best solution for the project was to seek the variance for a historic structure. This would not only cover the town but also the homeowner. The project maybe considered a non-structural attachment, but with the Coastal A/V zone requirements we need to consider free-of-obstruction and that can be tricky.

Anyway, let me know if any other questions come up. Take care.

Respectfully,

Eryn K. Futral, AICP, CFM, CZO
NFIP Planner, Eastern Branch
NC Department of Public Safety
Emergency Management/Hazard Mitigation Section
Mobile: (919) 819-1734
Eryn.futral@ncdps.gov
www.ncdps.gov



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From: Travis Henley <thenley@cityofsouthport.com>
Sent: Friday, April 21, 2023 8:35 AM
To: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>
Subject: Re: [External] Permit Question

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That's what I'm thinking too, but I appreciate you going out there.

Travis Henley, MPA, CFM - Director

Development Services

City of Southport

O: 910-457-7900 x1008

M: 910-269-7212

<https://cityofsouthport.com/>



From: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>

Sent: Friday, April 21, 2023 8:25 AM

To: Travis Henley <thenley@cityofsouthport.com>

Subject: RE: [External] Permit Question

No worries, I will follow up this afternoon with an email. From the plans I am fairly certain my previous thoughts will be maintained.

Thanks!

From: Travis Henley <thenley@cityofsouthport.com>

Sent: Friday, April 21, 2023 8:24 AM

To: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>

Subject: Re: [External] Permit Question

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Thanks Eryn. I unfortunately already have an 11am as does Dorrie, otherwise we'd be there.

Travis Henley, MPA, CFM - Director

Development Services

City of Southport

O: 910-457-7900 x1008

M: 910-269-7212

<https://cityofsouthport.com/>



From: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>

Sent: Friday, April 21, 2023 8:15 AM
To: Travis Henley <thenley@cityofsouthport.com>
Subject: RE: [External] Permit Question

Good morning,

I just wanted to let you know that I am making a site visit today at 11am. I have also received some documentation from John Shirk (pictures, EC, and plans). The final determination lies with the town, but it will help me provide my opinion if I get my eyes on the structure. Please feel free to join us if you have the time and/or give me a call to discuss.

Thanks!

Respectfully,

Eryn K. Futral, AICP, CFM, CZO
NFIP Planner, Eastern Branch
NC Department of Public Safety
Emergency Management/Hazard Mitigation Section
Mobile: (919) 819-1734
Eryn.futral@ncdps.gov
www.ncdps.gov



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From: Travis Henley <thenley@cityofsouthport.com>
Sent: Wednesday, April 12, 2023 10:19 AM
To: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>
Subject: Re: [External] Permit Question

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

Pictures we can get, plans I do not know. The original two structures are both pre-1900, the connection between them happened at some unknown point later on. It certainly functions as

one structure today but they may all be structurally independent.

Travis Henley, MPA, CFM - Director

Development Services

City of Southport

O: 910-457-7900 x1008

M: 910-269-7212

<https://cityofsouthport.com/>



From: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>

Sent: Wednesday, April 12, 2023 10:10 AM

To: Travis Henley <thenley@cityofsouthport.com>

Subject: RE: [External] Permit Question

Do you have the plans to show this? Pictures?

From: Travis Henley <thenley@cityofsouthport.com>

Sent: Wednesday, April 12, 2023 10:09 AM

To: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>

Subject: Re: [External] Permit Question

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Oh, one more question - the home was originally constructed as two separate buildings and then connected via a hallway. That doesn't change anything, does it?

Travis Henley, MPA, CFM - Director

Development Services

City of Southport

O: 910-457-7900 x1008

M: 910-269-7212

<https://cityofsouthport.com/>



From: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>

Sent: Wednesday, April 12, 2023 9:59 AM

To: Travis Henley <thenley@cityofsouthport.com>

Subject: RE: [External] Permit Question

Absolutely, thank you for asking though =)

From: Travis Henley <thenley@cityofsouthport.com>

Sent: Wednesday, April 12, 2023 9:54 AM

To: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>

Subject: Re: [External] Permit Question

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

Thank you Eryn - glad to know I was thinking on the right path. Just so you're aware, the person asking the question is John Shirk, Brunswick County's former Floodplain Administrator. Would you be okay if I shared this email with him?

Travis Henley, MPA, CFM - Director

Development Services

City of Southport

O: 910-457-7900 x1008

M: 910-269-7212

<https://cityofsouthport.com/>



From: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>

Sent: Wednesday, April 12, 2023 9:35 AM

To: Travis Henley <thenley@cityofsouthport.com>

Subject: RE: [External] Permit Question

Good morning,

Very good question and I appreciate you reviewing your ordinance to figure out all available solutions/avenues for the property owner. In this case, there is a substantial change to the existing structure in the demolition of a portion of the structure. This would preclude the use of this section. I still feel the appropriate avenue is seeking a variance from the ordinance due to the structures contributing historic status in the national register.

Take care!

Respectfully,

Eryn K. Futral, AICP, CFM, CZO
NFIP Planner, Eastern Branch
NC Department of Public Safety
Emergency Management/Hazard Mitigation Section
Mobile: (919) 819-1734
Eryn.futral@ncdps.gov
www.ncdps.gov



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From: Travis Henley <thenley@cityofsouthport.com>
Sent: Wednesday, April 12, 2023 9:22 AM
To: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>
Cc: Dorothy Dutton <Ddutton@cityofsouthport.com>; Kiley Barefoot <kbarefoot@cityofsouthport.com>; Tori Deviney <tdeviney@cityofsouthport.com>
Subject: Re: [External] Permit Question

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Hi Eryn,

Following up on this same situation with another question:

Section 5.20.E.2 says the following:

Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

In this particular case, an entire wing of the building is being demolished and then replaced with new construction. There also appears to be modifications beyond the "standard door in the common wall." But assuming the original home could meet that standard, would the demolition and rebuilding of an addition count under this section in your view? Or would it

only count in the case of a new addition to an existing structure with no associated demolition?

Lot of nuance here, but we hadn't considered this piece of the Ordinance and I want to be sure we're giving every benefit to the property owner we reasonably can.

Thanks!
Travis

Travis Henley, MPA, CFM - Director

Development Services
City of Southport
O: 910-457-7900 x1008
M: 910-269-7212
<https://cityofsouthport.com/>



From: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>
Sent: Thursday, January 26, 2023 2:28 PM
To: Travis Henley <thenley@cityofsouthport.com>
Cc: Dorothy Dutton <Ddutton@cityofsouthport.com>; Kiley Barefoot <kbarefoot@cityofsouthport.com>; Tori Deviney <tdeviney@cityofsouthport.com>; B. Wayne Strickland <scubasouth@gmail.com>
Subject: RE: [External] Permit Question

Yes, the entire structure would need to remain contributing to the National Register. The variance is up to the appeals board for Southport. The good thing about the variance route for historic homes is that only the minimum necessary could and should be granted which means some floodplain development standards can be required: flood vents, elevated floor to specified amount, elevated utilities, etc. Especially for the new portion.

From: Travis Henley <thenley@cityofsouthport.com>
Sent: Thursday, January 26, 2023 2:14 PM
To: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>
Cc: Dorothy Dutton <Ddutton@cityofsouthport.com>; Kiley Barefoot <kbarefoot@cityofsouthport.com>; Tori Deviney <tdeviney@cityofsouthport.com>; B. Wayne Strickland <scubasouth@gmail.com>
Subject: Re: [External] Permit Question

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Thanks Eryn (and more from Southport)!

Just for clarification, with regard to the historic structure, we need a determination that the new building would remain contributing before they apply for a variance, but even then they're not entitled to the variance, correct? It would just help them show a hardship?

Thanks!

Travis

Travis Henley, MPA, CFM - Director

Development Services

City of Southport

O: 910-457-7900 x1008

M: 910-269-7212

<https://cityofsouthport.com/>



From: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>

Sent: Monday, January 23, 2023 2:28 PM

To: Travis Henley <thenley@cityofsouthport.com>

Cc: Dorothy Dutton <Ddutton@cityofsouthport.com>; Kiley Barefoot <kbarefoot@cityofsouthport.com>; Tori Deviney <tdeviney@cityofsouthport.com>

Subject: RE: [External] Permit Question

Good afternoon,

Thank you for sending me the additional information. I have attached two guidance documents that you should keep handy for situations like this one: FEMA P-758 Substantial Improvement/Damage Desk Reference and FEMA P-467-2 Historic Structures.

Development in the Coastal A zone is treated like it is in a V zone which triggers the free-of-obstruction requirements. FEMA P-758 Table 6-1b. Compliance Matrix (V Zone) provides a quick guide for additions/renovations and whether the addition and/or existing structure must comply with current code. When the addition is a substantial improvement both the addition and the existing structure must comply with current code whether or not the addition is structurally attached. So, in this case, yes, the pre-firm house and the addition will need to comply with current Coastal A/V zone standards. See also page 6-15 Lateral Additions to pre-FIRM Buildings (V zone,

residential).

There are a couple situations where an addition will not trigger the original structures compliance and those can be found in the SI/SD Desk Reference as well. Let me know if you have further questions.

If the structure is a “contributing” structure to the National Register Historic District, it may qualify for a variance from the substantial improvement requirements in the ordinance. See Southport FDPO definition below:

Historic Structure means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) Certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program.”

It sounds like there will be an entire wing of this home replaced and will be brand new. The new and existing structure must remain contributing to the NR to qualify for a variance from the elevation and flood proofing. I looked on the National Register and it indicates this house is called the James Pearce House C. 1877, 1893. It looks as though it is contributing, but you will need to double check with NC SHPO staff. If this is considered, we can discuss further.

Raleigh Office

919-814-6570 (Auto Attendant)

Fax 919-814-6898

FHR-8-300 (11-78)

United States Department of the Interior
Heritage Conservation and Recreation Service

**National Register of Historic Places
Inventory—Nomination Form**

For HCRS use only
received
date entered

Continuation sheet

Item number

Page Fourteen

Site #	Key	Description
		to an older and smaller frame structure behind it. George Davis, a local builder, constructed the more substantial and pretentious "double cottage" in front of the older one in 1893. The interior of both parts of the house have the familiar attributes of architectural detail found in <u>all</u> houses of the 1885-1910 period.

Respectfully,

Eryn K. Futral, AICP, CFM, CZO
NFIP Planner, Eastern Branch
NC Department of Public Safety
Emergency Management/Hazard Mitigation Section
Mobile: (919) 819-1734
Eryn.futral@ncdps.gov
www.ncdps.gov



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From: Travis Henley <thenley@cityofsouthport.com>
Sent: Monday, January 23, 2023 11:26 AM
To: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>
Cc: Dorothy Dutton <Ddutton@cityofsouthport.com>; Kiley Barefoot <kbarefoot@cityofsouthport.com>; Tori Deviney <tdeviney@cityofsouthport.com>
Subject: Re: [External] Permit Question

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Hey Eryn,

The address is 406 Brunswick Street, Southport. I've attached the building plans and site plan to this email. I'm not sure I can speak with any level of expertise as to how the building is connected above the foundation, other than to say that it appears all new proposed walls will be directly attached to the existing structure, replacing the previous addition.

Southport does not have a local historic district, but does have a national registry district and this home is included within it. The original home is circa 1877.

Kiley/Dorrie, feel free to add anything additional that I missed.

Thanks!

Travis

Travis Henley, MPA, CFM - Director

Development Services

City of Southport

O: 910-457-7900 x1008

M: 910-269-7212

<https://cityofsouthport.com/>



From: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>

Sent: Monday, January 23, 2023 9:35 AM

To: Travis Henley <thenley@cityofsouthport.com>

Cc: Dorothy Dutton <Ddutton@cityofsouthport.com>; Kiley Barefoot <kbarefoot@cityofsouthport.com>; Tori Deviney <tdeviney@cityofsouthport.com>

Subject: RE: [External] Permit Question

Good morning,

There is a lot going on with this structure and I have a couple questions.

What is the address?

Is the structure connected above the foundation? If so, how?

Are there any plans you can share so I can get a better idea of what is going on structurally?

Is the structure a contributing structure to the historic district?

Thanks!

Respectfully,

Eryn K. Futral, AICP, CFM, CZO
NFIP Planner, Eastern Branch
NC Department of Public Safety
Emergency Management/Hazard Mitigation Section
Mobile: (919) 819-1734
Eryn.futral@ncdps.gov
www.ncdps.gov



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From: Travis Henley <thenley@cityofsouthport.com>
Sent: Friday, January 20, 2023 5:11 PM
To: Futral, Eryn (NCEM) <eryn.futral@ncdps.gov>
Cc: Dorothy Dutton <Ddutton@cityofsouthport.com>; Kiley Barefoot <kbarefoot@cityofsouthport.com>; Tori Deviney <tdeviney@cityofsouthport.com>
Subject: [External] Permit Question

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Eryn,

I know this is being sent to you after 5 on Friday, so I certainly don't expect an answer until next week, but wanted to get something in front of you just to make 100% sure we're looking at something correctly.

We have a rather old pre-FIRM structure here in Southport which has been added onto over the years. The original piece of the home was built over a Century ago. They are proposing to tear down the addition and replace it with a new addition that would also include a new second story. The front portion of the original home is in the Coastal A zone, but the area of the existing addition, to be torn down and rebuilt, is in the Shaded X or X. It is our

determination that if the proposed work is substantial improvement (which we believe to be the case based on cost of construction submitted by the applicant on the building permit exceeding the tax value of the entire structure as it currently stands today), the entirety of the structure would need to be brought into compliance with V-Zone specifications given the presence of Coastal A.

We have been led to believe that a previous Building Inspector, who still works part-time for us, is operating under previous guidance received from FEMA that if the foundation for the addition was separate, then the new piece is not subject to flood requirements that might be brought on by the other side of structure. Our understanding, and I've run this by a few other floodplain admins in the region already, is that if there is ANY structural connection between the two, then it is one structure for the purposes of flood. We have asked for the submittal of a floodplain development permit and are reviewing it in advance of setting a meeting with the property owner to provide them with a path forward.

(The home is located within a National Historic District, if that makes a difference)

I hope that email makes sense, but all we're looking for is agreement that the path we are operating on is the correct one and that the supposed previous guidance regarding the foundations either never was or is not any longer valid.

Any help you can provide would be very much appreciated!

Best,
Travis

Travis Henley, MPA, CFM - Director

Development Services

City of Southport

O: 910-457-7900 x1008

M: 910-269-7212

<https://cityofsouthport.com/>



Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

From: [Kiley Barefoot](#)
To: [Travis Henley](#)
Subject: RE: 406 W. Brunswick Street, Southport, NC
Date: Tuesday, April 11, 2023 5:00:11 PM
Attachments: [image003.png](#)
[image004.png](#)
[image002.png](#)

Will do.

Kiley Barefoot
Building Inspector
CAMA LPO
City of Southport
1029 N. Howe St
Southport, NC 28461
(P) 910-457-7925



From: Travis Henley <thenley@cityofsouthport.com>
Sent: Tuesday, April 11, 2023 4:36 PM
To: Kiley Barefoot <kbarefoot@cityofsouthport.com>
Subject: Re: 406 W. Brunswick Street, Southport, NC

If you could do that I'd appreciate it

Get [Outlook for iOS](#)

From: Kiley Barefoot <kbarefoot@cityofsouthport.com>
Sent: Tuesday, April 11, 2023 4:24:09 PM
To: Travis Henley <thenley@cityofsouthport.com>
Subject: RE: 406 W. Brunswick Street, Southport, NC

I don't believe there were any. I would have to look over the plans again.

Kiley Barefoot
Building Inspector
CAMA LPO
City of Southport
1029 N. Howe St
Southport, NC 28461
(P) 910-457-7925



From: Travis Henley <thenley@cityofsouthport.com>
Sent: Tuesday, April 11, 2023 4:04 PM
To: Kiley Barefoot <kbarefoot@cityofsouthport.com>
Subject: Re: 406 W. Brunswick Street, Southport, NC

Sorry - what was the extent of the modifications to the existing structure other than the teardown of the previous addition?

Travis Henley, MPA, CFM - Director

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From: Kiley Barefoot <kbarefoot@cityofsouthport.com>
Sent: Tuesday, April 11, 2023 4:03 PM
To: Travis Henley <thenley@cityofsouthport.com>
Subject: RE: 406 W. Brunswick Street, Southport, NC

Large two story on the back. I can get the plans if needed?

Kiley Barefoot
Building Inspector
CAMA LPO
City of Southport
1029 N. Howe St
Southport, NC 28461
(P) 910-457-7925



From: Travis Henley <thenley@cityofsouthport.com>
Sent: Tuesday, April 11, 2023 3:37 PM
To: Kiley Barefoot <kbarefoot@cityofsouthport.com>

Subject: Re: 406 W. Brunswick Street, Southport, NC

what else was planned, if you remember?

Travis Henley, MPA, CFM - Director

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From: Kiley Barefoot <kbarefoot@cityofsouthport.com>

Sent: Tuesday, April 11, 2023 3:27 PM

To: Travis Henley <thenley@cityofsouthport.com>

Subject: RE: 406 W. Brunswick Street, Southport, NC

Travis,

You are correct, it is much more than a common wall and simple door.

Kiley Barefoot

Building Inspector

CAMA LPO

City of Southport

1029 N. Howe St

Southport, NC 28461

(P) 910-457-7925



From: Travis Henley <thenley@cityofsouthport.com>

Sent: Tuesday, April 11, 2023 3:18 PM

To: Kiley Barefoot <kbarefoot@cityofsouthport.com>

Subject: Fw: 406 W. Brunswick Street, Southport, NC

Kiley,

See email thread below - my recollection was that 406 E. Brunswick was including far more than just the addition of a simple door on the common wall - is that your understanding of the plans too or am I missing something?

Travis Henley, MPA, CFM - Director

Development Services

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From: John Shirk <jshirk5152@gmail.com>

Sent: Wednesday, April 5, 2023 10:08 AM

To: Travis Henley <thenley@cityofsouthport.com>

Subject: Re: 406 W. Brunswick Street, Southport, NC

Correction, my apologies. It's 5.20(E)(2)

Sent from my iPhone

On Apr 5, 2023, at 9:59 AM, John Shirk <jshirk5152@gmail.com> wrote:

Sorry. Correction is 5.20 (E)(2)

Sent from my iPhone

On Apr 5, 2023, at 9:56 AM, John Shirk <jshirk5152@gmail.com> wrote:

Thank you for the quick response. I pulled the City of Southport Flood Damage Prevention Ordinance from your website and it was referencing substantially damage and improvement section. If you could take a quick phone call I'd be glad to quickly discuss. 740-243-3665

Sent from my iPhone

On Apr 5, 2023, at 8:37 AM, Travis Henley
<thenley@cityofsouthport.com> wrote:

Good morning Mr. Shirk,

Thanks for reaching out, good to hear from you.

Before we respond in more detail, a question: you reference "Section 21-20(e)(2)" multiple times - what is that referring to? It does not appear to coincide with any section in either the current UDO (adopted 2020) or the previous UDO, which is no longer valid anyway. Is that a technical bulletin?

I'll follow up with more detail once we're on the same page there.

Thanks,
Travis

Travis Henley, MPA, CFM - Director

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<Outlook-3yiklqvm.png>

From: John Shirk <jshirk5152@gmail.com>

Sent: Wednesday, April 5, 2023 7:14 AM

To: Travis Henley <thenley@cityofsouthport.com>

Subject: 406 W. Brunswick Street, Southport, NC

Good morning, Mr. Henley,
I hope this email finds you well. First, I would like to introduce myself. My name is John Shirk. I am a Certified Floodplain Manager and was the Brunswick County Floodplain Administrator until December 2021. I was asked to review and advise Mr. Robert Howard and Ms. BJ Gorman on their Project located at 406 W. Brunswick Street in your city. I was preparing a packet to ask for a variance from the Southport Floodplain Ordinance when it really dawned on me that this is more of an interpretation than a variance. Some of the information I believe you do not know that may assist in this, is the house at 406 W. Brunswick Street is in fact two houses. The first original structure was built in 1877 and was the primary structure. In 1893 the second house was built independent of the first house. These houses were then connected at a later unknown time by way of the breezeway. After reviewing the project with this additional information, I hope you can see that IF the interpretation on Section 21-20 (E) (2) is this historic

structure is evaluated as an addition to the existing structure with no modifications other than a standard door in the common wall, the project could move forward and the new addition would fully comply with all portions of the Flood Damage Prevention Ordinance allowing the front structure to remain untouched. This would fall in line with the authority of the Floodplain Administrator to make this determination and would keep a historic structure and the integrity of the historic neighborhood intact. SO in summary, we really are not asking to vary from the ordinance as Section 21-20 (E) (2) would allow this depending on the interpretation. I know there is a lot more information that goes along with this and this is just the "Reader's Digest" version. I would be happy to discuss this with you if you wish. I can be contacted at (740)243-3665.

I appreciate your time.

Sincerely,
John M. Shirk, CFM,CZO

From: robertdhoward4320@gmail.com
To: [Travis Henley](#)
Cc: [B J Gorman](#)
Subject: RE: Permitting Question - 406 W. Brunswick Street, Southport, NC
Date: Friday, March 3, 2023 10:27:07 AM
Attachments: [image001.png](#)

Mr. Henley, thank you for responding to our questions. We continue to work with several professionals and your responses are applicable to our conversations with them. I know there has to be a way forward for us to build this home as originally intended; its just going to be much more cumbersome and expensive because of the, in my opinion, unrealistic constraints that prevail, seemly during this administration in the City of Southport.

From: Travis Henley <thenley@cityofsouthport.com>
Sent: Friday, March 3, 2023 8:17 AM
To: robertdhoward4320 <robertdhoward4320@gmail.com>
Subject: Re: Permitting Question - 406 W. Brunswick Street, Southport, NC

Good morning Mr. Howard,

Apologies for taking so long to get back to you, this week very quickly got away from me with everything going on.

Based on the scope of work you've presented, the project will always be considered substantial improvement. If the structure is within Coastal A, then the standards of Coastal A apply. If the structure is out of Coastal A (because of a LOMA, or because you've moved the structure, or some other reason), but still within the AE zone, then the standards of AE will apply. Based on the elevation certificates you've previous submitted, it appears the existing structure currently meets the AE standards, but having your architect verify that wouldn't be a bad idea.

If the LOMA, or moving the structure, results in the structure being out of the Coastal A AND out of AE, then substantial improvement no longer applies, because at that point, there would be no flood standards applicable to you.

I hope this answers the question, but I'll keep trying if I've missed the mark again!

Best,
Travis

Travis Henley, MPA, CFM - Director

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From: Travis Henley <thenley@cityofsouthport.com>

Sent: Monday, February 27, 2023 4:05 PM

To: robertdhoward4320 <robertdhoward4320@gmail.com>

Subject: Re: Permitting Question - 406 W. Brunswick Street, Southport, NC

No need to apologize sir - I'm the one who should be apologizing for making this so difficult. I'll have something to you as soon as I can, I think we're on the same page now.

Travis Henley, MPA, CFM - Director

Development Services

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From: robertdhoward4320 <robertdhoward4320@gmail.com>

Sent: Monday, February 27, 2023 4:04 PM

To: Travis Henley <thenley@cityofsouthport.com>

Subject: Re: Permitting Question - 406 W. Brunswick Street, Southport, NC

Mr. Henley, just a note to bring to your attention that I made a mistake in the second paragraph in my email sent to you this morning. I inadvertently typed southernly; I intended northerly. I apologize for this mistake.

Sent from my Galaxy

----- Original message -----

From: Travis Henley <thenley@cityofsouthport.com>

Date: 2/26/23 4:43 PM (GMT-05:00)

To: robertdhoward4320 <robertdhoward4320@gmail.com>, bjgorman48@ec.rr.com

Subject: Re: Permitting Question - 406 W. Brunswick Street, Southport, NC

Good evening,

I've tried to put together as clear and concise an explanation of what "substantial improvement" is and how it works. This is still incredibly dense, I fully admit that - I trimmed as much as I could while maintaining enough information so that I'm not skipping important pieces of this. As I mentioned, it is a very complex and, quite frankly, confusing process - it's one of the more difficult things planners deal with. I hope this is helpful but am more than willing to answer any question you throw at me.

What is substantial improvement?

Substantial improvement is defined as a construction project wherein the cost of construction is greater than 50% of the market value of the structure. Substantial improvement is not a requirement unique to Southport.

Why does substantial improvement exist?

It exists to provide a mechanism for existing structures, built under previous regulations, to come into compliance with the currently applicable floodplain regulations when major construction projects are proposed. It is a process to try to limit the number of non-conforming structures within a community and to hopefully reduce flood-related damages for individual property owners and broadly across the community.

Who does it apply to?

Any property owner with a structure located within a floodzone that proposes a construction, renovation, addition, or other similar project can be involved in this, if the construction project's cost of construction is greater than 50% of the market value of the structure. It only applies when that 50% threshold is met. Multiple projects that are phased out can also trigger the substantial improvement definition.

How does it work?

1. A construction project is proposed via a building permit for a structure within the floodplain. Every building permit proposal requires submittal of a cost of construction amount whether it is in the floodplain or not.
2. The cost of construction is compared to any available data regarding the market value of the structure. In most cases, the most readily available data for that is the Brunswick County tax card. If an applicant has an official appraisal that shows a different market value, Staff can utilize that appraisal.
3. If the cost of construction exceeds 50% of the value of the structure, floodplain regulations are applied to the project in the same manner as it would be applied to a new structure. If the cost of construction is less than 50% of the market value of the structure, the project is only required to be no more nonconforming than the existing

structure.

- a. For example, if an existing home is not elevated high enough based on current floodzone regulations, and an addition is not considered a substantial improvement, the addition only needs to be at least the same height as the current structure.
 - b. If the addition is considered substantial improvement, then both the addition and the existing structure both must be brought into compliance with the minimum elevation requirement and any other applicable construction standards.
4. In all applications within the floodzone, a most stringent floodzone requirements apply if a structure touches multiple zones. There is no size threshold here, whether we're talking about substantial improvement projects or new construction projects.
 5. From here, a project continues as any other construction project would.

Taking this back to the home at 406 Brunswick, the project's cost of construction amount being greater than 50% of the value of the structure is why everything must comply with the current flood regulations. Because the existing structure touches Coastal A, that's the floodzone that applies. If the project was not substantial improvement, then the Coastal A zone would be irrelevant.

Coastal A is a new type of floodzone, and has only existed in Southport since 2019 when the most recent flood maps were adopted - to be clear, these floodmaps are drawn up by FEMA and the State of NC, not by each locality individually. Any construction project permitted prior to 2019 would not have had to contend with Coastal A. I haven't been with Southport very long, but in the time I have been here, Coastal A has been a feature of almost every flood conversation I've had. As far as the LOMA goes, you may want to check out this webpage if you haven't already: <https://www.fema.gov/flood-maps/change-your-flood-zone/loma-lomr-f>

I truly hope this is helpful, but please know I'll answer anything you ask me and if your contractor or anyone else you're talking with has questions for me, please feel free to share my contact info with them and I'm more than happy to chat with them too.

Best,
Travis

Travis Henley, MPA, CFM - Director

Development Services

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<https://cityofsouthport.com/>



From: robertdhoward4320 <robertdhoward4320@gmail.com>
Sent: Friday, February 24, 2023 4:17 PM
To: Travis Henley <thenley@cityofsouthport.com>
Subject: Re: Permitting Question - 406 W. Brunswick Street, Southport, NC

Thanks for your response and we look forward to hearing from you next week.

Sent from my Galaxy

----- Original message -----

From: Travis Henley <thenley@cityofsouthport.com>
Date: 2/24/23 4:00 PM (GMT-05:00)
To: robertdhoward4320@gmail.com
Cc: 'B J Gorman' <bjgorman48@ec.rr.com>, Dorothy Dutton <Ddutton@cityofsouthport.com>
Subject: Re: Permitting Question - 406 W. Brunswick Street, Southport, NC

Don't apologize, sir! The "substantial improvement" section is one of the most complex and confusing things we deal with in Planning. Let me see if I can try to write out a workflow for you that might be easier to understand.

As far as the LOMA is concerned, that is certainly an option available to you but a rather complex one and one that isn't often quick. To your specific question about how substantial improvement impacts you after a LOMA is approved, I hate to say "it depends" but in this case, it truly does depend on what the LOMA actually ends up saying. Let me put something together and I'll try to keep it as clear as I can and will follow-up with you as soon as I can!

Have a great weekend,
Travis

Travis Henley, MPA, CFM - Director

Development Services

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From: robertdhoward4320@gmail.com <robertdhoward4320@gmail.com>
Sent: Friday, February 24, 2023 1:41 PM
To: Travis Henley <thenley@cityofsouthport.com>
Cc: 'B J Gorman' <bjgorman48@ec.rr.com>; Dorothy Dutton <Ddutton@cityofsouthport.com>
Subject: RE: Permitting Question - 406 W. Brunswick Street, Southport, NC

Thank you, Mr. Henley. I am still not understanding “substantial improvement constraints”. To follow up, if we are able to get out of the Coastal Zone A, then what obstacles does “Substantial Improvements” cause us that other Southport properties don’t have to deal with? If we are out of the Coastal Zone A, then can we get a permit? I just can’t seem to understand the difference between constructing a new home vs what we are doing.

The reason I am attempting to understand, we are considering, using professionals, to seek a LOMA to mitigate our issue this is causing us within Southport. What are your thoughts? If for example we could obtain the map amendment, what special requirements and constraints would be on us as you define “substantial Improvements” as it relates to BJ’s property. There are many houses being built within the City; we seemly are having more difficulties, working within your system, with permitting than others; just attempting to figure out how we can obtain the desired result. If you are bound and determined to prevent us from moving forward with this project, then we need to look for other options.

Thank you again for responding; sorry this is over our heads!

From: Travis Henley <thenley@cityofsouthport.com>
Sent: Friday, February 24, 2023 12:57 PM
To: robertdhoward4320@gmail.com
Cc: B J Gorman <bjgorman48@ec.rr.com>; Dorothy Dutton <Ddutton@cityofsouthport.com>
Subject: Re: Permitting Question - 406 W. Brunswick Street, Southport, NC

Good morning sir,

The lengthiness of my response was solely an attempt to provide detail, nothing more. That said, I'm not sure why the response came to you with seemingly random sections highlighted, it did not appear that way on my screen when I sent it. I've copied the two questions you included in your most recent email and provided answers in red.

1. Is the only reason that we are being required by the City to either lift the house or move it back, the fact that a small portion of the home (less than 100 heated s.f.) is in the Coastal A

Zone? Hope this can be answered with a yes or not so that we can understand.

It is one of two reasons - it is the fact that the structure (heated and unheated s.f.) is in Coastal A, plus the fact that the scope of work is deemed "substantial improvement." To be clear, the City is not requiring that you move the house back, we only included it because it is an option available to you.

2. For purposes of this conversation, in the event that the Coastal A zone line was a few feet to the south (at the southwest corner of the home), taking us out of the Coastal A zone, could we move forward with our construction without raising the home or moving it back a few feet?

Based on the elevation certificate you provided in the February 8 email, you would not be required to elevate if the structure was not within the Coastal A zone, if that elevation certificate is referencing the existing structure. I only include that last caveat because on the elevation certificate, the source is listed as "construction drawings." It would still be deemed "substantial improvement" though, and any inconsistencies with today's code would still need to be corrected.

Hopefully this is more clear - I apologize that I can't provide yes or no answers here, but unfortunately the answers are more complicated than that.

Best regards,
Travis

Travis Henley, MPA, CFM - Director

Development Services

City of Southport

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M: 910-269-7212

<https://cityofsouthport.com/>



From: robertdhoward4320@gmail.com <robertdhoward4320@gmail.com>

Sent: Friday, February 24, 2023 10:46 AM

To: Travis Henley <thenley@cityofsouthport.com>

Cc: B J Gorman <bjgorman48@ec.rr.com>

Subject: RE: Permitting Question - 406 W. Brunswick Street, Southport, NC

Thank you, Mr. Henley for responding to our questions. Due to my limited understanding of this complicated issue, I believe you are avoiding answering or giving a complicated response to my simple question, so let me ask it again in a different way using the attached highlighted survey of the subject property. Specifically, I am referring to the yellow highlighted area on the attached survey.

1. Is the only reason that we are being required by the City to either lift the house or move it back, the fact that a small portion of the home (less than 100 heated s.f.) is in the Coastal A Zone? Hope this can be answered with a yes or not so that we can understand.
2. For purposes of this conversation, in the event that the Coastal A zone line was a few feet to the south (at the southwest corner of the home), taking us out of the Coastal A zone, could we move forward with our construction without raising the home or moving it back a few feet?

Understand that we are going to complete this project within the stringent (and unrealistic in my opinion) City of Southport requirements. Once we can understand the answer to our questions, then we can consider our options to accomplish our mission while retaining the integrity of this historical home.

Thank you for taking the time to answer our questions. Please understand that we are not experts so our questions may be elementary to you, but they are important to us.

Respectfully,

Robert D Howard
114 N. Atlantic Ave
Southport, NC 28461

910-840-4633

From: Travis Henley <thenley@cityofsouthport.com>

Sent: Friday, February 24, 2023 8:44 AM

To: robertdhoward4320 <robertdhoward4320@gmail.com>; Dorothy Dutton <Ddutton@cityofsouthport.com>

Subject: Re: Permitting Question - 406 W. Brunswick Street, Southport, NC

Good morning Mr. Howard,

I apologize again for not receiving your previous emails and the delay on getting this response over to you. I've tried to go down the list in order of the questions in your email, but I apologize for the length of this email. If there's anything that doesn't make sense or that prompts further questions, please let me know.

I certainly in no way challenge the historical nature of the home nor the fact that it has weathered many a storm in the past. However, **I must push back on the notion that this property in particular is being subjected to the most stringent interpretation of the combined**

regulations. As the Floodplain Administrator, it is my duty to enforce the City's flood damage prevention regulations as they are written, which is exactly what has been done in this case. If I deviate from those rules, I put the City's participation in the National Flood Insurance Program in jeopardy, which would severely impact a number of property owners throughout Southport. There is a process for deviations from what is written in the Ordinance, one that specifically cites historic structures, but that process requires obtaining a Variance from the Board of Adjustment. I cannot grant that variance myself, it is not a power granted to me by the Ordinance nor by State Statute or federal regulations.

It is correct that that area being within the Coastal A zone is what renders the construction subject to those requirements. If a property or structure falls within multiple flood zones, the requirements of the most restrictive flood zone apply to the project. There is not a size threshold for which this requirement is applied - it would still be applicable if the numbers you provided were far less.

However, the reason your case specifically is subjected to bringing the entirety of the structure into compliance with the Coastal A zone is due to the "Substantial Improvement" standards of the Flood Damage Prevention Ordinance. When a construction project includes a cost of construction greater than 50% of the current market value of the structure, that construction project requires the entirety of the structure to come into compliance with the current flood damage prevention regulations. Were the construction proposed less than 50% of the market value of the home, you would not be required to bring the existing structure into compliance with the Coastal A requirements. However, based on the proposed cost of construction within the building permit application, the cost of construction far exceeds the value of the existing structure.

(To be clear, all we have to go on currently to determine the value of the structure is the tax card from Brunswick County. As we mentioned when we met, if you can provide an appraisal with a higher structure value, we can use that to help you, if possible.)

Southport does enforce a freeboard requirement above the base flood elevation, that freeboard amount is 3 feet. That standard can be found referenced in multiple sections within Article 5 of the Unified Development Ordinance (Article 5 being the Flood Damage Prevention article). To answer the question in your second email from February 13, you are correct that freeboard is a local requirement.

To answer your last question: By virtue of the cost of construction and the value of the existing structure as determined via the tax card from Brunswick County, the proposed project at 406 Brunswick is considered a substantial improvement because the cost of construction is greater than 50% of the value of the existing structure. When a project meets the definition of substantial improvement, the entirety of the structure must come into

compliance with the applicable flood damage prevention regulations in force at that time. Due to there being a portion of the structure within the Coastal A zone, it is the requirements of that zone that must be enforced upon the entirety of the structure.

Best,
Travis

Travis Henley, MPA, CFM - Director

Development Services
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M: 910-269-7212
<https://cityofsouthport.com/>



From: robertdhoward4320 <robertdhoward4320@gmail.com>
Sent: Thursday, February 23, 2023 11:03 AM
To: Travis Henley <thenley@cityofsouthport.com>; Dorothy Dutton <Ddutton@cityofsouthport.com>
Subject: Re: Permitting Question - 406 W. Brunswick Street, Southport, NC

Thank you sir.

Sent from my Galaxy

----- Original message -----

From: Travis Henley <thenley@cityofsouthport.com>
Date: 2/23/23 10:56 AM (GMT-05:00)
To: Dorothy Dutton <Ddutton@cityofsouthport.com>, robertdhoward4320@gmail.com
Subject: Re: Permitting Question - 406 W. Brunswick Street, Southport, NC

Hello Mr. Howard,

I want to apologize as well - both of your previous emails are right there in my junk folder, but I received this one just fine. I'm working on responses to your questions and will send them over as soon as I can.

Thanks for following up again!

Best,
Travis

Travis Henley, MPA, CFM - Director

Development Services
City of Southport
O: 910-457-7900 x1008
M: 910-269-7212
<https://cityofsouthport.com/>



From: Dorothy Dutton <Ddutton@cityofsouthport.com>
Sent: Thursday, February 23, 2023 10:52 AM
To: robertdhoward4320@gmail.com <robertdhoward4320@gmail.com>
Cc: Travis Henley <thenley@cityofsouthport.com>
Subject: RE: Permitting Question - 406 W. Brunswick Street, Southport, NC

Mr. Howard,

Our apologies. Travis just looked through his emails, which were delivered to his junk mail folder. I am glad you followed up again. Travis will add you to his email address book to avoid future mix-ups. Please let us know how we can help!

I am happy to help.
Thank you.

Dorrie Dutton

From: robertdhoward4320@gmail.com <robertdhoward4320@gmail.com>
Sent: Thursday, February 23, 2023 10:39 AM
To: Dorothy Dutton <Ddutton@cityofsouthport.com>
Cc: Travis Henley <thenley@cityofsouthport.com>
Subject: FW: Permitting Question - 406 W. Brunswick Street, Southport, NC

Ms. Dutton, I have emailed (hereinbelow) Mr. Henley requesting information on February 8th with a follow-up on February 13th, without an acknowledgement or response. Could you please follow up to see if there is a problem with the email address, I have for him or if there is some other issue?

Thank you for your assistance with this and other requests.

Robert D Howard
114 N. Atlantic Ave
Southport, NC 28461

910-840-4633

From: robertdhoward@bizec.rr.com <robertdhoward@bizec.rr.com>
Sent: Monday, February 13, 2023 1:34 PM
To: 'thenley@cityofsouthport.com' <thenley@cityofsouthport.com>
Cc: B J Gorman (bjgorman48@ec.rr.com) <bjgorman48@ec.rr.com>
Subject: RE: Permitting Question - 406 W. Brunswick Street, Southport, NC

Mr. Henley, I am not sure why you are not responding to our request for assistance. We have been attempting to obtain a permit for 5 weeks now. Can you help us please or refer us to someone else.

According to my understanding and research the 11.5 ft elevation we have meets the Federal Standard, it's the freeboard that the City tacks on the citizens. Is this correct?

From: robertdhoward@bizec.rr.com <robertdhoward@bizec.rr.com>
Sent: Wednesday, February 8, 2023 7:33 PM
To: 'thenley@cityofsouthport.com' <thenley@cityofsouthport.com>
Cc: B J Gorman (bjgorman48@ec.rr.com) <bjgorman48@ec.rr.com>
Subject: Permitting Question - 406 W. Brunswick Street, Southport, NC

Good afternoon, Mr. Henley, I hope that you are enjoying this beautiful day in Southport. Since our meeting with you, BJ and I have been researching related issues to include seeking professional guidance and advice regarding the situation we find ourselves in obtaining permitting for her home retrofit.

As I mentioned to you, we strongly feel that before disturbing the historical integrity of her front house (which is not a part of the construction project) by lifting and/or moving it, we should exhaust every other reasonable option. This house has been in place for 130 years and has weathered many storms including Hurricane Hazel in the mid 1950's, without flooding or significant storm damage. Mr. Henley, I believe our project meets the spirit of the regulations, however for some unknown reason we are being subjected to the most stringent interpretation of the combined regulations. Personally, for the first time in my life, I feel my Hometown, that I have served and loved for many years is being unreasonable; nevertheless, since I am not a tourist or newcomer, we have limited options.

I am attaching hereto the most recent Elevation Certificate and survey we have for this home. According to the Surveyor's calculations we have 77.34 heated square feet and 155.46 square feet

of covered porch in the Coastal A Zone. It is our understanding from our conversation with you, that this is causing us all the issues in obtaining a permit from the City; are we understanding this correctly?

One of the professionals that we are working with asked us if Southport has a free board requirement above the 11-foot elevation; could you please provide me with this information.

On another note, could you please tell me concisely and unambiguously exactly why we are being denied a permit for the intended retrofit and improvements to this property. We need this information so that we can address the City's concerns not our interpretation of ongoing conversations.

With kindest regards,

Robert D Howard
114 N. Atlantic Ave
Southport, NC 28461

910-840-4633

STAFF REPORT CASE# V-24-03 VARIANCE APPLICATION

APPLICATION SUMMARY	
Hearing Date	January 28, 2025 Board of Adjustment
Applicant	Andrew Laing
Property Owner	Single Deck, LLC
Parcel ID:	237LG009
Parcel Acreage	0.10 acres
Zoning District	CBD – Central Business District

VARIANCE PROPOSAL

Andrew Laing, applicant and owner, is requesting a variance for relief from the Southport Unified Development Ordinance standards outlined in 3.14 Parking, specifically, Table 3.4 Minimum Off-Street Parking Spaces Required. The applicant is requesting relief from the requirement of 1 parking space per dwelling unit, allowing no off-street parking for proposed dwelling units.

PROPERTY LOCATION AND DESCRIPTION



Subject property is located at 101 E Moore Street and can be further identified by Brunswick County Parcel ID 237LG009. This is an approximately 4,400 square foot lot on the corner of Howe and Moore Streets. The property is zoned Central Business District (CBD). There are no minimum lot sizes or setback requirements for lots within the CBD.

There is an existing retail establishment and offices on this property. The existing structure will remain and be the first floor of the mixed-use project.

VARIANCE DESCRIPTION

The applicant has applied for a variance to seek relief from the requirement of off-street parking for a mixed-use project with four (4) dwelling units. The proposal includes closing an existing driveway on N. Howe Street, constructing curb, and striping new spaces for public parking per NCDOT requirements.

Per Section 3.14 Table 3.4, mixed use developments must provide one (1) parking space per dwelling unit in addition to any requirements for the other uses within the development.

MIXED USES	One (1) space per dwelling unit in addition to that required by the other uses contained within the development.
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CASE HISTORY

Andrew Laing, property owner, and Full House Properties, LLC, applicant, requested a Major Site Plan Review in August 2022 to redevelop 101 E Moore Street. This mixed-use proposal involves adding four (4) dwelling units built over an existing nonresidential structure.

Staff presented the complete application to the Planning Board at the September 8, 2022, Planning Board meeting. A review committee comprising Chair Sue Hodgins, Mr. Fred Fiss, and Mr. Scott Jones met on October 11, 2022. The Committee reviewed the submitted site plan and renderings. The proposed parking configuration needed revisions due to the size of the parking spaces, the need to provide access to the building, and the location of trash receptacles. The application was on hold until a new site plan was available.

The applicant submitted an updated site plan to Staff on December 22, 2023. Staff sent comments to the applicant in January with concerns about the ability of parked automobiles to turn around in the lot. Per Section 3.14 of the UDO, off-street parking cannot back out onto a public right-of-way. A maneuverability plan prepared by Davenport Engineers showed between 10 and 30 point turns to get vehicles out of the parking lot facing forward. This study did not consider key variables, including car door opening, ingress/egress from the building, and trash receptacle placement. The City Engineer confirmed that the proposed maneuverability was not acceptable.

Since the applicant could not meet the dimensional standards for required off-street parking on this property, they applied for and received a variance from the Board of Adjustment on January 23, 2024. The variance allows guests to pull into required parking spaces and back out to exit the lot. The approval is conditional upon the approval of the major site plan and that visual safety cues will be installed for both the vehicles leaving the parking lot and pedestrians along Howe Street.

V-24-03 Staff Report BOA 1/28/2025

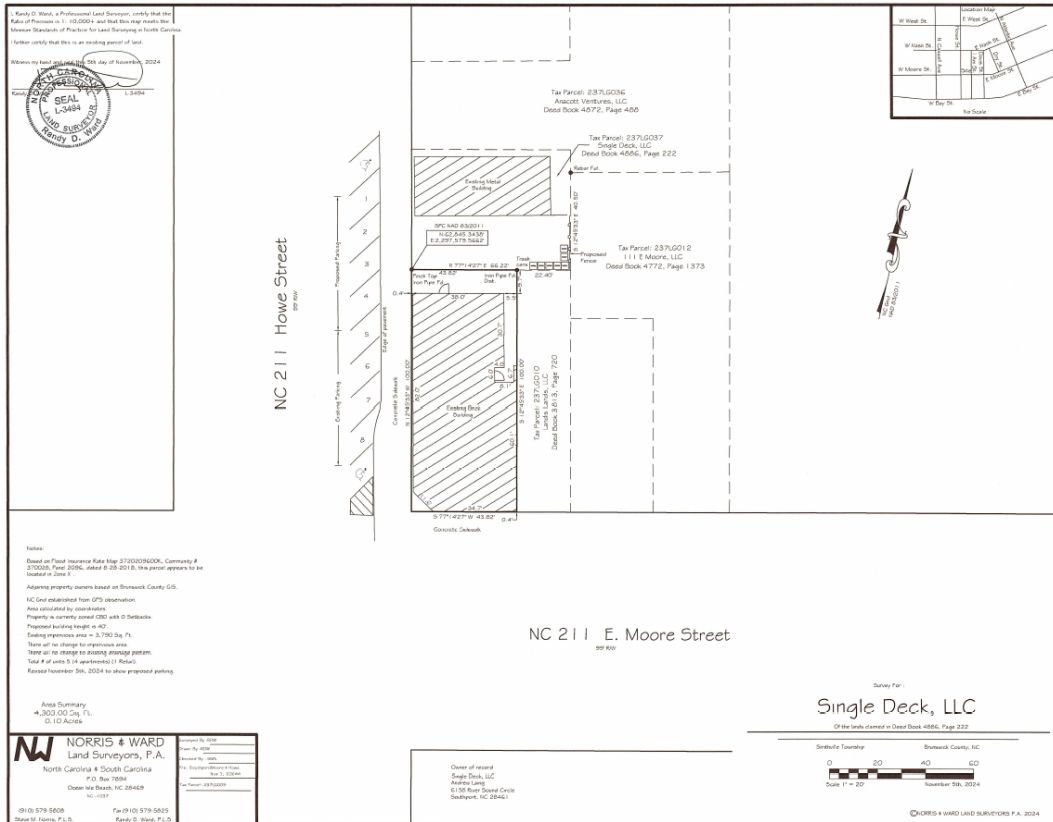
Upon receipt of the updated site plan and variance, the Planning Board requested that the review committee reconvene due to public safety and welfare concerns since the driveway is located on a busy sidewalk on North Howe Street.

With Kevin Locklin replacing former ETJ Planning Board member Scott Jones, the review committee met with staff, including the city manager and the applicant, to discuss the Planning Board's safety concerns.

The applicant was provided information from Benjamin Hughes, NCDOT Division 3 District 3 Engineer, proposing an alternative that could satisfy the Planning Board's safety concerns and provide sought-after public parking. The new proposal will include closing the existing driveway from N. Howe Street and adding public parking spaces. The closure of the driveway requires a variance from Table 3.4 Minimum Off-Street Parking Space Requirements for the removal of on-site parking, in order to meet the minimum development standards for major site plan approval.

The applicant submitted a new site plan in November 2024 with a closed driveway and delineated public parking. The Planning Board has not made a final decision on the major site plan.





APPLICANT'S JUSTIFICATION FOR VARIANCE

Full justification by the property owner is found in the attached application and narrative.

Unnecessary hardship from carrying out the strict letter of the law:

There is not enough room on the property and adjacent property to allow vehicles to turn around. Vehicles would be required to back out of the lot through a public right-of-way.

Hardship from conditions peculiar to the property:

The hardship is due to unique characteristic of the property. The building covers most of the lot and there is not room for parking.

Hardship is not a result from the actions of the applicant or property owner:

The building was built prior to the owner acquiring the property. There are no setback or lot size restrictions in the CBD.

Consistent with the spirit purpose and intent of the unified development ordinance:

Parking for other uses within the CBD is not required and the variance will maintain the overall integrity of the neighborhood.

STAFF COMMENTS

It is important to note that this case and hearing is a separate variance from the one that was heard for this project in January of 2024. The evidence and testimony heard at the previous hearing have no bearing on the deliberation and decision for this case.

City of Southport Planning Staff do not usually make recommendations regarding quasi-judicial hearings due to the requirements for presentation of evidence that occur during the hearing. As such, Staff is not providing a recommendation as to whether to approve or deny the request outlined in this report.

VARIANCE PROCEDURE

The variance request you will be hearing is a quasi-judicial decision so it must be conducted in a way to ensure procedural and substantive due process. Anyone wanting to provide testimony must be sworn in. As a quasi-judicial hearing the decision makers must be fair and impartial, and you must base your decision only on the competent evidence you receive. If anyone has a direct or potential financial interest in this proposed project, they should recuse themselves. A 4/5th majority vote is required for a variance. Conditions can be applied but they must be proportional and directly applicable to the variance situation. In other words, they should be designed in such a way to assist the applicant to come into better and closer conformance with the City's zoning regulations. All evidence and testimony heard is substantive and competent in nature. Each case is decided on a case-by-case basis. The decision must be based on the specific site and not the owner or other locations they may own. The Board of Adjustment is to look at the circumstances of the property, not the circumstances of the property owner.

General Statute (GS) 160D-705. (d) codifies the evaluative criteria the Board of Adjustment finds to be met when deciding a variance request. The four standards are:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

These requirements from the General Statutes must be the standards utilized when hearing and deciding on variance cases. If approval is granted, the variance application needs to comply with all 4 criteria outlined above.

Before granting a variance, the Board of Adjustment must take a separate vote and vote affirmatively (by a 4/5 majority) on each of the four (4) required findings stated above. Findings of fact are an accepted record of the exhibits, evidence presented, and a formal recording of the decision made at the hearing. The motion to adopt the findings of fact can be made in conjunction with the motion to approve or deny the application or as a separate motion afterwards. A motion to make an affirmative finding on each of the 4 criteria requirements shall include a statement of the specific reasons or facts supporting each motion. A motion to deny a variance may be made on the basis that any 1 or more of the 4 criteria set forth are not satisfied or that the application is incomplete and shall include a statement of the specific reasons or facts that support it.

BOARD OF ADJUSTMENT: FINDING OF FACTS AND CONCLUSION OF LAW

The Chairman will now guide the Board through the following motions, which have been distributed in advance of the hearing:

Motion 1:

“Unnecessary hardship would result from a strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property”

[There should be some factual explanation by the Board for its decision on this motion.]

Finding of Fact:

“Unnecessary hardship would not result from a strict application of the ordinance. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property”

[There should be some factual explanation by the Board for its decision on this motion.]

Finding of Fact:

Motion 2:

“The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance”

[There should be some factual explanation by the Board for its decision on this motion.]

Finding of Fact:

“The hardship does not result from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance”

Finding of Fact:

Motion 3:

“The hardship did not result from actions taken by the applicant or property owner. The act of purchasing property with knowledge that circumstances exist that might justify a variance shall not be considered as a self-created hardship”

[There should be some factual explanation by the Board for its decision on this motion.]

Finding of Fact:

“The hardship did result from actions taken by the applicant or property owner. The act of purchasing property with knowledge that circumstances exist that might justify a variance shall not be considered as a self-created hardship”

[There should be some factual explanation by the Board for its decision on this motion.]

Finding of Fact:

Motion 4:

“The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice achieved.”

[There should be some factual explanation by the Board for its decision on this motion.]

Finding of Fact:

“The requested variance is not consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice achieved.”

[There should be some factual explanation by the Board for its decision on this motion.]

Finding of Fact:

Motion 5: Based on the findings of fact and the evidence presented, the Board of Adjustment:

☐ Recommends denial of the variance application based on the following:

☐ Recommends approval of the variance application with conditions, including the following: _____

☐ Recommends approval of the variance application with no conditions.

The final decision of the Board will be reduced to writing. A copy will be recorded with the Register of Deeds for Brunswick County.

Attachments:

Application
Site Plan



Variance Application

City of Southport, North Carolina

1029 N. Howe St, Southport NC 28461
www.southportnc.org

Planning & Inspections
Phone 910-457-7961 Fax 910-457-7957

For Staff Use Only

Application No. VAR-24-03

Receipt No. _____ MLM

FEE: \$ 750

Date Received: 11/26/24

APPLICANT / APPELLANT INFORMATION

Applicant's Name: Single Deck, LLC (Andrew Laing, Mgr) Phone: 760-799-1969

Mailing Address: 6217 Pebble Shore Ln

City: Southport State: NC Zip Code: 28461

Email: andrewscottlaing@gmail.com

PROPERTY (Location/identification information for property to which variance request refers):

Name of Owner: Single Deck, LLC

Address of property: 101 E Moore Street City: Southport

State: NC Zip Code: 28461 Phone: 760-799-1969

Tax Parcel ID: 237LG009 Zoning District Classification: CBD

Subdivision Name: N/A Section: N/A Lot #: Part of Lot 39

Current Use of Property: retail store

VARIANCE APPLICATION (COMPLETE THE FOLLOWING):

I, Andrew Laing, Mgr of Single Deck, LLC, the Applicant, hereby **submit a VARIANCE Application** for review and consideration of the Board of Adjustments requesting a Variance be granted from the City of Southport Ordinances as described below:

General Statement of Request (include property/project description and relevant Ordinance Code Sections):

We are requesting a variance from UDO Section 3.14 to allow
on street parking for the project located at 101 E Moore Street. The
parking issue was previously heard on January 23, 2024 and the
BOA granted a variance. Since that hearing the Planning Board has
asked the applicant to reconsider the site design to exclude providing
parking on site and on an adjacent parcel.

VARIANCE JUSTIFICATION STATEMENT(S)

a. What are the unnecessary hardships that would result from carrying out the strict letter of the Ordinance? It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

Requirement of this ordinance would cause an unnecessary hardship
because the traffic would be required to back out of the property into
the street right-of-way as there is not enough room on the property to
allow for vehicles to backout of spaces and turn around on the property.

b. How does the hardship result from conditions that are peculiar to the property, such as location, size, or topography? Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

When the building was built on the property the parking requirements
were not in existence. The building covers the majority of the
land and there is not room for the required parking and driveway.

c. Show that the hardship does not result from the actions of the Applicant or property owner.

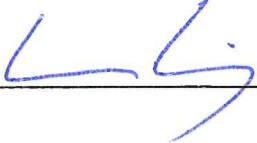
The building was built prior to the Applicant/Property Owner acquiring the property. There are no lot size or set back restrictions in CBD.

d. Describe how the requested variance is consistent with the spirit, purpose and intent of the Southport Unified Development Ordinance, such that public safety is secured and substantial justice achieved.

The requested variance is consistent with the spirit, purpose and intent of the Southport UDO since parking is not required in CBD except for residential purposes.

APPLICANT'S CERTIFICATION OF OWNER CONSENT

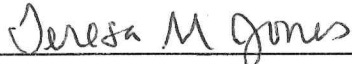
I, Andrew Laing, Mgr of Single Deck, LLC, hereby consent to this application as the [☒] property owner and/or as the _____ official representative(s)] of the property owner, specific to the property located at 101 E. Moore St, Southport, NC (address), and identified with a Tax Parcel I.D. Number of 237LG009.

Signature of Applicant:  Date: 11/26/24

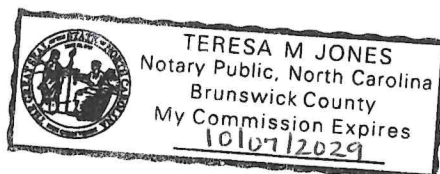
COUNTY OF: Brunswick STATE OF: North Carolina

ACKNOWLEDGEMENT

The above property owner and/or his official representative, Andrew Laing, signed before me, on this, the 26th day of November, 20 24.


NOTARY PUBLIC

10/07/2029
COMMISSION EXPIRATION

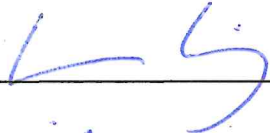


For Staff Use Only

Application No. _____

CERTIFICATION OF APPLICATION / APPELLIANT:

I, Andrew Laing, Mgr of Single Deck, LLC, Applicant / Appellant, hereby certify that all the information presented by me in this application is true and accurate to the best of my knowledge, information, and belief.

Signature of Applicant:  Date: 11/26/24

COUNTY OF: Brunswick STATE OF: North Carolina

ACKNOWLEDGEMENT

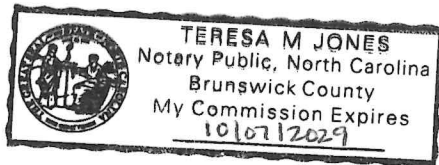
The above applicant, Andrew Laing, signed before me, on this, the 26th day of November, 2024.

Teresa M Jones

NOTARY PUBLIC

10/07/2029

COMMISSION EXPIRATION



For Staff Use Only

Application No. _____

NARRATIVE

We are requesting a variance from Section 3.14 of the City of Southport's Unified Development Ordinance (UDO) to allow on street parking for the property located at 101 E Moore Street. The strict application of the off-street parking requirements would create undue hardship due to the unique characteristics of the property and its surrounding area. The existing property is narrow and does not accommodate the required number of off-street parking spaces to be designed as required by the UDO. On-street parking is common in the area and is consistent with the surrounding developments, offering a practical solution that supports both parking needs and pedestrian safety without compromising the public health, safety, or welfare. Additionally, allowing on-street parking aligns with the intent of the UDO, promoting a more sustainable, walkable environment. Given these factors, we believe the variance will maintain the overall integrity of the neighborhood while fulfilling the parking needs of the development.

The BOA previously granted a variance on January 23, 2024. This application is being submitted solely as an alternative to the previously approved variance and is not intended to override, replace, negate, invalidate, or supersede the BOA's prior decision.

I, Randy D. Ward, a Professional Land Surveyor, certify that the Ratio of Precision is 1:10,000+ and that this map meets the Minimum Standards of Practice for Land Surveying in North Carolina.

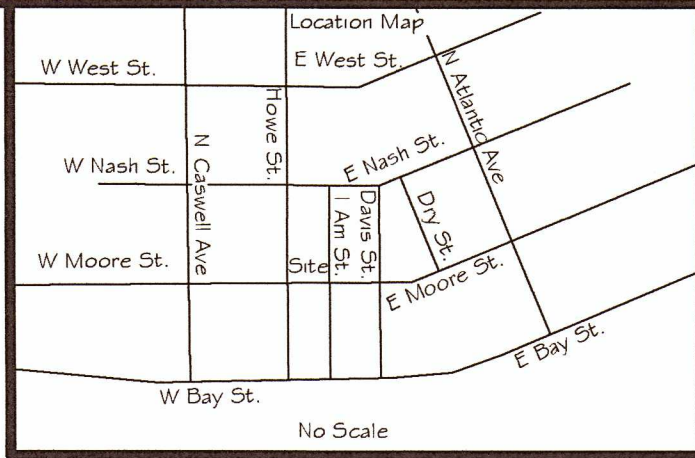
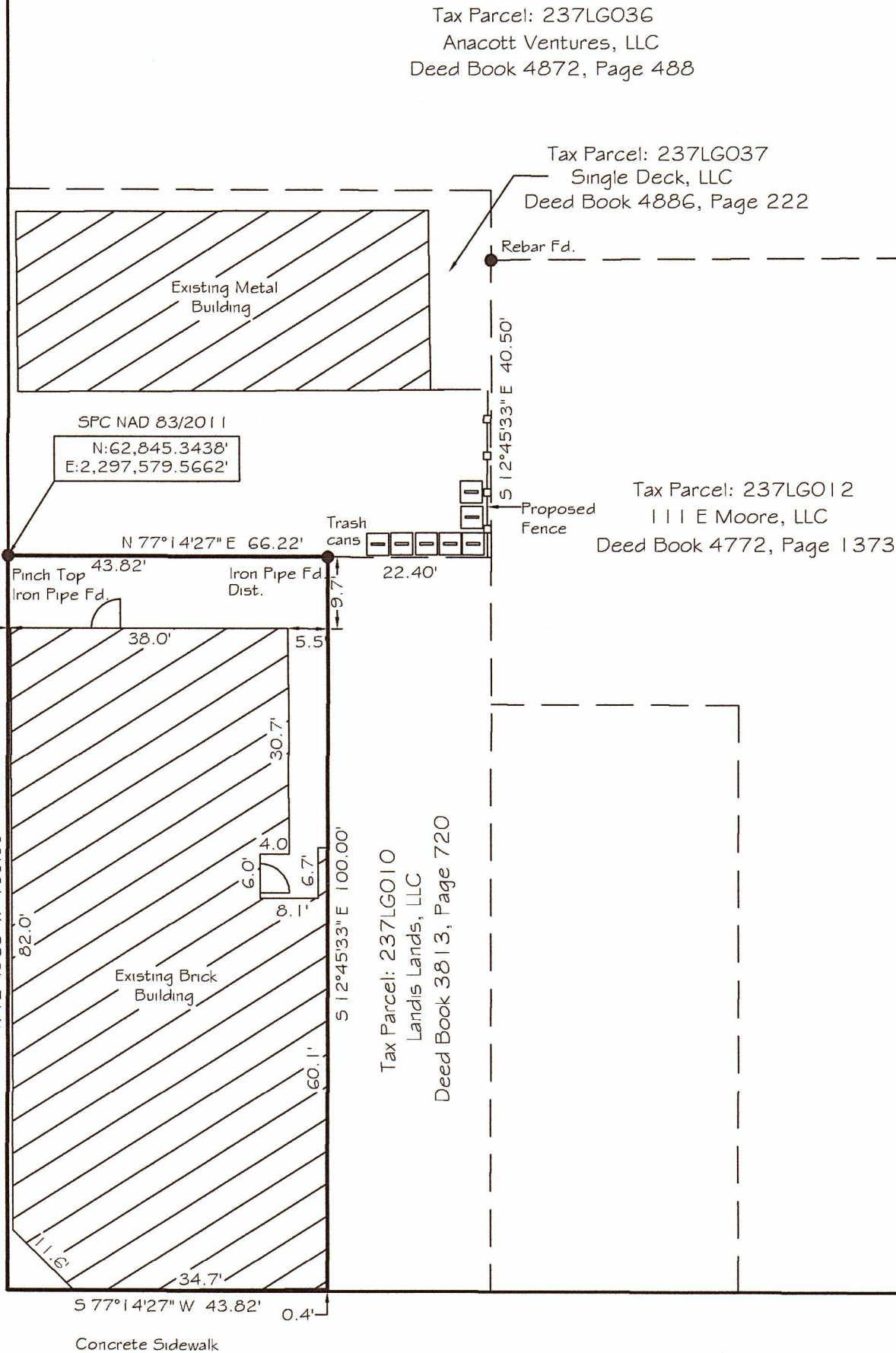
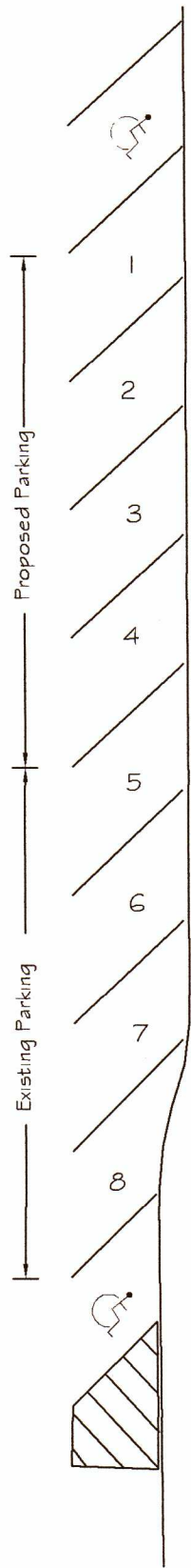
I further certify that this is an existing parcel of land.

Witness my hand and seal this 5th day of November, 2024



NC 211 Howe Street

99' R/W



Notes:

Based on Flood Insurance Rate Map 3720209600K, Community # 370028, Panel 2096, dated 8-28-2018, this parcel appears to be located in Zone X.

Adjoining property owners based on Brunswick County GIS.

NC Gnd established from GPS observation.

Area calculated by coordinates.

Property is currently zoned CBD with 0 Setbacks.

Proposed building height is 40'.

Existing impervious area = 3,790 Sq. Ft.

There will no change to impervious area.

There will no change to existing drainage pattern.

Total # of units 5 (4 apartments) (1 Retail).

Revised November 5th, 2024 to show proposed parking.

Area Summary
4,383.00 Sq. Ft.
0.10 Acres



NORRIS & WARD
Land Surveyors, P.A.

North Carolina & South Carolina
P.O. Box 7894
Ocean Isle Beach, NC 28469
NC-1037

(910) 579-5808

Fax (910) 579-5825

Steve M. Norris, P.L.S.

Randy D. Ward, P.L.S.

Surveyed By: RDW

Drawn By: RDW

Checked By: SMN

P/e: Southport/Moore & Howe
Nov 5, 2024

Tax Parcel: 237LG009

Owner of record

Single Deck, LLC

Andrew Laing

6158 River Sound Circle

Southport, NC 28461

NC 211 E. Moore Street

99' R/W

Survey For :

Single Deck, LLC

Of the lands claimed in Deed Book 4886, Page 222

Smithville Township

Brunswick County, NC



Scale 1" = 20'

November 5th, 2024

©NORRIS & WARD LAND SURVEYORS P.A. 2024

subdivisions, prior to approval of a final plat, all required traffic impact recommendations shall be installed and inspected.

3.14 PARKING

A. GENERAL

1. Each application for a zoning permit shall include information as to the location and dimensions of off-street parking and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the UDO Administrator to determine whether the requirements of this section are met.

B. PARKING LOT DESIGN

1. Surfacing. All parking lots with 10 or more spaces shall provide a dustproof surface with adequate drainage facilities and must comply with the Parking Facility Landscaping requirements contained within this article. Parking facilities containing 25 or more spaces shall be paved with concrete, asphalt material, or with alternative paving material determined to exhibit equivalent water resistance and load bearing characteristics as asphalt or concrete. When parking is proposed in excess of the minimum requirements, alternative pervious surface materials are encouraged.
2. Lighting. Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.
3. Setbacks. All parking lots shall observe a minimum front setback of not less than five (5) feet and a side yard on a corner lot of not less than five (5) feet.
4. Curb or Bumpers. The required parking setbacks shall be set off from parking areas by either continuous curb or one (1) noncontinuous stationary bumper for each parking space abutting on a yard, which curb or bumper shall not be less than five (5) inches or more than two (2) feet high.
5. Separation of Bumper and Walkways. In the event any parking stall abuts upon a walkway or sidewalk, there shall be a space of three and a half feet between the wheel bumper or curb and the edge of the walkway.
6. Off-street parking areas shall be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles.
7. Off-street parking areas shall be designed so that parked vehicles do not encroach upon, extend onto, or cause vehicles to back into public rights-of-way, sidewalks, or strike against or damage any wall, vegetation, utility, or other structure.
8. The size of any single surface parking lot area shall be limited to three (3) acres, unless divided by a street, building, or continuous landscaped area. Larger parking lots shall be separated by buildings or landscaped areas.
9. Paved parking areas shall have lines demarcating each parking space.
10. Off-street parking areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, off-street parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

11. Each off-street automobile parking area shall comply with the following minimum dimensions, compact spaces (eight (8) feet width by 16 feet long) may be utilized to meet 10% of the required parking:

Table 3.3: Parking Lot Dimensional Requirements			
Angle (degrees)	Stall Width (feet)	Stall Depth (feet)	Aisle Width between parking spaces (feet)
0	9	9	12
20	9	14	12
30	9	16-1/2	12
45	9	19-1/6	12
60	9	20-1/2	14-1/2
70	9	20-5/6	23
90	9	18	24

C. MINIMUM OFF-STREET PARKING REQUIREMENTS

1. The number of exclusive off-street residential parking spaces required by this section shall be provided on the same lot with the principal use, unless otherwise permitted by this ordinance, and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum.
2. In the case of mixed uses (an establishment comprised of more than one (1) use; e.g. restaurant and hotel), which may include a principal and accessory use, the total requirements for off-street parking shall be the sum of the requirements of the various uses computed separately and the off-street parking space for one (1) use shall not be considered as providing the required off-street parking for any other use, except as provided for in the shared parking criteria in this article.
3. Handicapped parking spaces shall be in accordance with the regulations set forth by the Americans with Disabilities Act and shall be identified by appropriate signage. The minimum number of spaces shall be provided in accordance with the state building code.
4. Fractional space requirements shall be rounded up to the next whole space.

D. MINIMUM OFF-STREET PARKING RATIOS

1. The following table establishes the formulas to be used to calculate the number of parking spaces required for a particular use. For uses that do not correspond to the use types listed in Table 3.4, Minimum Off-Street Parking Spaces Required, the UDO Administrator shall determine the minimum parking space requirement. In such instances, the applicant shall provide adequate information for review, which includes, but is not limited to the type of use(s), number of employees, the occupancy of the building, square feet of sales, service and office area, parking spaces proposed, and hours of operation.
2. Within the CBD zoning district, no off-street parking shall be required for any nonresidential use, whether new construction or change of use/redevelopment. Within the CBD zoning district, all residential uses require full compliance with the off-street parking requirements contained herein.

3. In the BD zoning district, for nonresidential uses, where on-street or public parking facilities are located within 500 linear feet of a proposed use, measured as a straight-line distance from the entrance of the building, the minimum off-street parking requirement may be reduced by 50%. This reduction shall not apply to residential uses.
4. Within any zoning district, if the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use.

Table 3.4: Minimum Off-Street Parking Spaces Required	
Change of Use or Redevelopment in the CBD and BD District	
A change of use or redevelopment whereby the floor area of the building or parcel is not expanded by greater than 15%.	No parking required.
Change of use or redevelopment whereby the floor area of the building or parcel is expanded by greater than 15%.	Additional parking required shall be calculated based on the increase in square footage in floor area, above the 15% threshold, of the expanded building. All other applicable requirements of this section shall apply.
Change of use from a residential to nonresidential use.	50% of the required parking shall be provided. All other applicable requirements of this section shall apply.
Change of use from a nonresidential to residential use or the addition of residential uses.	Full compliance with residential off-street parking space minimum and all other requirements.
Uses	Required Parking
Residential Uses	
DWELLING, SINGLE-FAMILY, MANUFACTURED HOME ON SINGLE LOT, MODULAR HOMES	Two (2) spaces per dwelling unit. Nonconforming lots within the R-10 district are exempt from this requirement.
DWELLING, TWO-FAMILY (DUPLEX), MULTI-FAMILY, TRIPLEX OR QUADRAPLEX	Two (2) spaces on the same lot for each dwelling unit. In addition to this requirement, overflow parking shall be provided as follows: 1- 10 units = 2 spaces, 10- 20 units = 4 spaces, 21- 30 units = 5 spaces, 31- 40 units = 6 spaces, 41- 50 units = 7 spaces, 51-100 units = 10 spaces.
FAMILY CARE HOME	One (1) space for each attendant in addition to the required two (2) spaces per dwelling unit.
MANUFACTURED HOME PARK	Parking space sufficient to accommodate at least two (2) automobiles shall be located on each manufactured home space.
MIXED USES	One (1) space per dwelling unit in addition to that required by the other uses contained within the development.
Nonresidential Uses	
ADULT ESTABLISHMENT; ELECTRONIC GAMING OPERATIONS; TATTOO AND PIERCING ESTABLISHMENT	One (1) space per 100 square feet of floor area.

Table 3.4: Minimum Off-Street Parking Spaces Required	
ALCOHOLIC BEVERAGES, PACKAGED, RETAIL SALES; LIQUOR STORES	One (1) space per 200 square feet of floor area.
ASSOCIATIONS OR ORGANIZATIONS: CIVIC, SOCIAL & FRATERNAL; CLUBS AND LODGES CATERING EXCLUSIVELY TO MEMBERS AND THEIR GUESTS; CULTURAL ARTS CENTER, INCL. THEATERS, OFFICES, CLASSROOMS, ETC.; AND MUSEUMS, ART GALLERIES	One (1) space per 300 square feet of floor area.
AUTOMOTIVE, MAJOR AND MINOR; SERVICE STATIONS	One (1) space per each 400 square feet of floor area; One (1) space for each service bay; four (4) stacking spaces for each washing stall, plus two (2) drying spaces for each washing stall; and/or 1.5 spaces for each fuel nozzle.
BED & BREAKFAST	One (1) space for every rental room plus one (1) space for every two (2) permanent occupants.
BOTTLE SHOP AND WINE BAR; NIGHTCLUB	One (1) space per 200 square feet of floor area.
BUILDING MATERIAL DEALERS; HARDWARE, LAWN, OR GARDEN STORE; FEED, SEED, AND FERTILIZER SALES, RETAIL; FARM MACHINERY SALE AND SERVICE; FUEL & ICE DEALERS; MANUFACTURED HOME DEALERS	One (1) space per 500 square feet of floor area.
BUSINESS, COMMERCIAL, OR OTHER NON-RESIDENTIAL USE NOT ELSEWHERE CLASSIFIED	One (1) space per 200 square feet of floor area.
BUS TERMINALS AND RAILROAD STATIONS; TAXICAB STANDS	One (1) space per 500 square feet of floor area.
CHURCHES, SYNAGOGUES & RELIGIOUS INSTITUTIONS	One (1) space per every 6 seats, or (1) space per every 100 square feet of seating area in main assembly room, whichever is greater. Note: Churches located within the Southport National Register Historic District are exempt from providing off-street parking.
COMMERCIAL PARKING LOTS	One (1) space per employee; otherwise, none required.
COMMERCIAL RECREATION, INDOOR; SHOOTING RANGE, INDOOR; DANCE STUDIOS	One (1) space per every 200 square feet of floor area, excluding bowling alley lanes, range stalls, and similar areas not utilized by the public.
COMMERCIAL RECREATION, OUTDOOR; RECREATION FACILITY PRIVATE, INCL. CLUBS & RECREATION FACILITIES ASSOC. WITH MULTIPLE FAMILY COMPLEXES, GOLF COURSES, TENNIS FACILITIES, COUNTRY CLUBS, ETC.; GOLF COURSE, PRIVATE OR PUBLIC, W/RELATED SERVICES INCL. PRO SHOP; SHOOTING RANGE, OUTDOOR	One (1) space per every 400 square feet of recreation-related area and/or 25 spaces per nine holes, plus one (1) space per employee on shift of greatest employment.
CONTRACTORS, EQUIPMENT & SUPPLY DEALERS & SERVICE; CONTRACTORS, HEAVY CONSTRUCTION; GRADING, PAVING, MARINE, ETC.	One (1) space per 1,000 square feet of floor area.
DAYCARE, ADULT AND CHILD	One (1) space for each employee and one (1) space for every 10 children/adults or fraction thereof.
DIVERS, COMMERCIAL; FISHING, COMMERCIAL; FURRIERS AND FUR STORAGE; EXTERMINATING SERVICES	One (1) space per 400 square feet of floor area.

Table 3.4: Minimum Off-Street Parking Spaces Required	
DRY CLEANERS; LAUNDRY, COIN-OPERATED	One (1) space for each 200 square feet of floor area used by the general public.
DRY STORAGE	One (1) space per employee, if applicable.
EDUCATIONAL FACILITY	Two (2) spaces per classroom. For high schools or college/post-secondary, one (1) space per 10 students.
FARMERS'S MARKET; FRUIT & VEGETABLE MARKET, WHOLESALE WITH INCIDENTAL RETAIL	One (1) space per 500 square feet of permanent retail area; otherwise none required if a seasonal/temporary market.
FLEA MARKET	One (1) space per 1,000 square feet of floor area.
FUNERAL HOMES	One (1) parking space for each five (5) seats in the chapel or parlor, plus one (1) for each funeral vehicle.
GOVERNMENT USE, CITY OF SOUTHPORT; GOVERNMENT USES WITH BUILDINGS, NON-CITY OF SOUTHPORT	One (1) space per 300 square feet of floor area.
HEALTH SERVICES	One (1) space per 300 square feet of floor area.
HOSPITALS	Two (2) spaces for each bed.
HOTEL, MOTEL, OR INN; HOTEL, RESIDENTIAL OR BOUTIQUE; GUEST LODGING	One (1) space for every rental room.
JAIL	One (1) space per employee on the largest shift.
KENNEL	One (1) space per 400 square feet of floor area.
LIBRARY	One (1) space per 500 square feet of floor area.
MANUFACTURING, ARTISAN	One (1) space per 500 square feet of floor area.
MANUFACTURING, GENERAL, LIMITED, AND INTENSIVE; GAS COMPANIES (LP-BOTTLED & BULK STORAGE); MOTOR FREIGHT COMPANIES, MOVERS, VAN LINES, AND STORAGE; MOTION PICTURE PRODUCTION & DISTRIBUTION; RESEARCH & DEVELOPMENT; SALVAGE OPERATIONS; WELDING, REPAIR; LAUNDRY, INDUSTRIAL; GARBAGE COLLECTION, PRIVATE (NO LANDFILLS)	One (1) space per employee on the largest shift.
MARINA, COMMERCIAL	One (1) parking space for each wet slip, one (1) parking space for every four (4) dry stack boat storage units, and where applicable 25 total 12' x 40' spaces per boat ramp, plus parking required for other uses.
MARITIME SALES, RENTAL, AND SERVICE	One (1) space per each 400 square feet of floor area and/or one (1) space for each service bay
MICROBREWERY OR MICRODISTILLERY	One (1) space per 100 square feet of floor area tasting room area; One (1) per 500 square feet for production and storage areas.
NURSING & PERSONAL CARE FACILITY	One (1) space per three (3) residents, plus one (1) additional space for each employee.
OFFICE, GENERAL; RADIO & TELEVISION STATIONS, STUDIOS, AND OFFICES; MANUFACTURED HOME (INDIVIDUAL) FOR OFFICE AND/OR EXHIBITION	One (1) space per 300 square feet of floor area.

Table 3.4: Minimum Off-Street Parking Spaces Required	
PARKS & RECREATION AREAS, MUNICIPAL	No parking required.
PERSONAL SERVICE ESTABLISHMENT	One (1) space per 300 square feet of floor area.
RECREATIONAL VEHICLE PARK	Two (2) parking spaces at each campsite + 1 per 500 sq. ft. of enclosed area for offices, maintenance facilities, etc. within the park.
RESTAURANT, CARRY-OUT	One (1) space per 200 square feet of floor area.
RESTAURANT, STANDARD & FAST-FOOD	One (1) space per 100 square feet of floor area.
RETAIL SALES, MAJOR; GROCERY STORES; SHOPPING CENTER	One (1) space per 300 square feet of floor area.
RETAIL SALES, MINOR AND MODERATE	One (1) space per 200 square feet of floor area.
SOLAR FARM	One (1) space per facility.
STORAGE, SELF-SERVICE	Minimum five (5) spaces or one (1) space for each 100 storage units, whichever is greater, plus one (1) space for each employee and two (2) spaces for manager's quarters, if present.
TELEPHONE COMMUNICATION FACILITY, UNATTENDED; WIRELESS TELECOMMUNICATION FACILITY OR COMPLEX, FREESTANDING AND SUBSTANTIAL MODIFICATIONS	One (1) space per facility.
US POSTAL SERVICE; PACKAGE DELIVERY SERVICES, COMMERCIAL	One (1) space per 400 square feet of floor area.
UTILITY STATIONS & PLANTS (PUBLIC & PRIVATE) INCL. LIFT STATIONS, SUBSTATIONS, ETC.	One (1) space per employee employed on-site, if applicable; Otherwise, none required.
VETERINARY SERVICES	One (1) space per 500 square feet of floor area
WAREHOUSING, GENERAL; WHOLESALE TRADE, DURABLE AND NON-DURABLE GOODS;	One (1) space per 1,000 square feet of gross floor area
WATER TRANSPORTATION INCL. DOCKS, TUGBOATS, BARGES, AND EXCURSIONS	No parking required.

E. SHARED PARKING

The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one half (½) of the parking spaces required for churches, theater, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

F. UTILIZATION OF BOAT SLIPS AS REQUIRED PARKING

1. A boat slip is defined herein as a space designed for the mooring of a single watercraft and usually projecting from a dock. Eating and drinking establishments and water-oriented retail businesses may utilize boat slips to meet off- street parking requirements subject in accordance with the following standards: