

CRC Consideration of Oceanfront
Development Standards and Setbacks

The North Carolina Coastal Management Program's oceanfront setback program had its beginnings in late 1978 in response to experience gained from administering the initial ocean front regulations adopted in September, 1977. Since the initial concept was proposed, the setback has undergone several refinements both in response to the need for a technically sound program and the need for balancing economic and private property rights considerations. The setback issue has been discussed, debated, or considered in variance and appeal hearings during nearly every Commission meeting since 1978.

The following is a brief listing of the reports, variances, appeal hearings, and presentations which make up a history of the CRC's consideration of North Carolina's ocean front setback program development. Copies of these materials are available from the Office of Coastal Management. In addition, a series of bibliographies of references used by the CRC, CRAC and OCM in this work, which includes over 500 references, is being compiled. The bibliography covers the following areas:

1. General Coastal Books
2. Barrier Islands
3. Beach Processes
4. Dunes
5. Sea Level
6. Storms
7. Erosion - General
8. Erosion Studies in N.C.
9. Erosion Study Methodology
10. Economic Impact and Legal Studies
11. Management Alternative Studies

A. Staff Reports to CRC

- 10/19/78 - General Shoreline Erosion Policies (CRC-26)
- 10/19/78 - Presentation on Merits and Downfalls of Ocean Hazard AEC Categories
- 11/30/78 - Draft Ocean Hazard AEC Revisions (EC-19)
- 11/30/78 - Revised Shoreline Erosion Policies (CRC-26 Revised)
- 2/14/79 - Report to CRAC on AEC Problems
- 2/15/79 - Slide Presentation on Ocean Hazard Standards Problems and Review of Draft AEC Reg. Changes
- 3/22/79 - Report on changes to AEC Standard Revisions (EC-26)
- 4/26/79 - AEC Standards Recommended for Approval with the Exception of Beach Bulldozing (CRC-45C)

- 4/26/79 - Public Hearing Record, AEC Standards Revisions (CRC-45A)
- 4/26/79 - Written Comments, AEC Standards Revisions (CRC-45B)
- 4/16/79 - Additional Written Comments, AEC Standards Revisions (CRC-45B - Addition)
- 7/17/79 - Erosion and Storm Surge Data Report (CRC-59)
- 8/29/79 - Ocean Hazard AEC Standards Adopted
- 8/29/79 - Beach Pushing (I&S-I)
- 10/11/79 - Problems with Setbacks Allowing Structures Too Close to Erosion Scarps (CRC-81)
- 10/11/79 - Draft Regulations on Beach Bulldozing (I&S-6)
- 11/27/79 - Nags Head AEC Dune Erosion Scarp Problem (I&S-7)
- 1/15/80 - Avon Dune Protection Problem (P&SI-19)
- 1/15/80 - Primary Dune Setback Draft Regulations (I&S-12)
- 1/15/80 - Erosion Rate Refinement (I&S-10)
- 2/26/80 - FIA Summary for CAMA areas (P&SI-20)
- 2/26/80 - Emergency Permit Procedures (CRC-113)
- 2/26/80 - Ocean Hazard Standard Impacts (I&S-15)
- 2/26/80 - Alternatives to Ocean Hazard Standards (I&S-14)
- 4/15/80 - Other States Control of Ocean Bulkheads (I&S-18)
- 4/15/80 - Methods of Providing Financial Assistance to Setback Affected Landowners (I&S-19)
- 4/15/80 - When to Measure the Ocean Front Setback (I&S-17)
- 4/15/80 - Draft Change to 7H .0306(a) (CRC-118)
- 5/28/80 - Federal Flood Insurance (CRC-123)
- 5/28/80 - Ocean Front Bulkheading Standards (I&S-22)
- 5/28/80 - Permit Expiration Time for Ocean Hazard Areas (I&S-20)
- 7/17/80 - Ocean Bulkheading Standards (I&S-26)

7/17/80 - Piling Notching (I&S-23)
 8/28/80 - Application of Setback to Building Relocation (I&S-27)
 1/15/80 - General Use Standards for Ocean Hazard Areas (CRC-132)
 10/15/80 - Development Initiated Prior to Effective Date of AEC Revisions (CRC-134)
 10/15/80 - Setback Refinements (I&S-32 A&B)
 10/15/80 - Measurement of Setback After Large Storms (I&S-30)
 5/28/80 - Permit Expiration Time for Ocean Hazard Areas (I&S-20)
 7/17/80 - Ocean Bulkheading Standards (I&S-26)
 7/17/80 - Piling Notching (I&S-23)
 10/15/80 - Post Storm Rebuilding Standards (I&S-31)
 12/3/80 - Draft Revisions to Setback Standards (I&S-40)
 1/3/81 - Alternatives for Enforcing Removal of Ocean Front Structures (I&S-40)
 1/22/81 - Dune Alteration Standards (I&S-39)
 1/22/81 - Measurement of Setback Following Storms (I&S-38)
 1/22/81 - Measurement of Setback Following Berm Projects (I&S-33)
 3/12/81 - Ocean Front Setback Exemptions (I&S-43)
 3/12/81 - Measuring Vegetation Line on Berm Projects (I&S-41)
 3/12/81 - Problems With Inlet Hazard Area Standards (I&S-45)
 3/12/81 - FIA Map Updates and New Regulations (P&SI-66)
 4/30/81 - Use Standards for Ocean Hazard Areas (CRC-147)
 4/30/81 - Draft Inlet Hazard Standards (I&S-49)
 6/11/81 - Inlet Hazard Area Deleneation and Standards (I&S-52)
 7/23/81 - Inlet Hazard Development Problems (I&S-56)
 7/23/81 - Existing Lots and Structures in Inlet Hazard Areas (I&S-56)

- 7/23/81 - Dune Alteration Problems (I&S-60)
- 10/29/81 - Proposed Inlet Hazard Standards (I&S-56)
- 12/10/81 - Impacts of Development on Frontal Dunes (I&S-69)
- 2/4/81 - "Saving the American Beach. Position Paper by Coastal Geologists" (CRC-161)
- 2/4/81 - Barrier Island Dynamics (CRC-161-A)
- 2/4/81 - Management of Ocean Front Development in N.C. (CRC 161-B)
- 1/20/83 - Erosion Rate Update at Buxton (I&S-88)
- 1/20/83 - Increased Setback for Immovable Structures (I&S-89)
- 3/17/83 - Coastal Hazards Disclosure (CRC-203)
- 3/17/83 - CRC Special Building Code Committee (P&SI-128)
- 3/17/83 - History of Setback Requirements for Large Structures (I&S-98)
- 3/17/83 - Update of Average Annual Long Term Erosion Rates (I&S-97)
- 3/17/83 - Inlet Hazard Area Density Standard (I&S-99)
- 5/5/83 - Setback Requirements for Large Structures (I&S-100)
- 6/15/83 - Review of Increased Setback for Large Structures (CRC-217)
- 6/15/83 - Problems with 6 Month Ocean Front Permit Expiration (I&S-96)
- 6/15/83 - Sea Scape (P&SI-139)
- 6/15/83 - Building Code Committee Report (P&SI-140)

B. Special Presentations to CRC

- 2/15/79 - Mr. Bill Harris - Cape Hatteras National Seashore Management Plan
- 6/5/79 - Secretary Howard Lee - Carolina Beach Erosion Study Funds Request
- 6/6/79 - Mr. Bob Jamieson - Impacts of ORV's
- 6/5/79 - Ms. Kathleen Guthrie - Field Trip to ORV Damaged Areas
- 7/17/79 - Mr. Milton Heath - Legislative Provision of \$700,000 Over Next Two Years for Beach Erosion

7/17/79 - Assistant Secretary Walton Jones - DNR&CD Beach Erosion Task Force

7/17/79 - Mr. Spencer Rogers - Storm Surge and Erosion Data Report

10/17/79 - Mr. Spencer Rogers - Hurricane Frederic Impacts

11/27/79 - A. T. McGuckian - Problems with Dune Protection at Avon

1/15/80 - Dr. Paul Hosier - Impacts of ORV's

1/15/80 - Mr. John Meeshaw - U.S. Army Corps of Engineers Programs Related to Disaster Response

4/15/80 - Mr. Tom Jarrett, U.S. Army C.O.E. - Bulkheads on the Ocean Front

4/15/80 - Dr. Orrin Pilkey - Long Range Shoreline Erosion Problems

5/28/80 - Mr. Nelson Miller - Setback Slide Presentation

10/15/80 - Mr. Bo Crum, EPA - Barrier Island EIS (201 sewage treatment systems)

1/22/81 - Milton Heath - Setback Issues

1/22/81 - Mr. Larry Riggs - Resolution from the Dare County Commissioners and Chamber of Commerce to Abandon Erosion Rate Setbacks, Require Removal of Structures on Beach and Apply a Uniform 60' Setback Coast-wide

1/22/81 - Mr. Dan McLawhorn - Objection of Legislative Rule Committee to the Emergency Repair Rule

9/10/81 - Ms. Cheryl Stovall, FEMA. FEMA Activities

10/29/81 - Secretary Grimsley - Departmental Support of Proposed Inlet Regulations

10/29/81 - Mr. Jim Buffaloe - Division of Emergency Management Programs

12/10/81 - Mr. Bob Adams, N.C. DOT - DOT Response to Highway Damage Following Storms

12/10/81 - Mr. Dave Brower - Beach Access Study

2/4/82 - Mr. Dave Brower - Disaster Response Study

4/1/82 - Mr. Dave Kelly - Six Steps in Division of Emergency Management's Response to Disasters

4/1/82 - Mr. Jim Weathers - Division of Emergency Management Prototype Storm Response Plan for Local Governments

- 7/1/82 - Mr. John Sanders - Sea Grant SLOSH Modeling
- 1/9/83 - Mr. Spencer Rogers - Setback Influence on Building Location

C. Variance Petitions Appeal Hearings, and Declaratory Rulings

- 11/30/78 - David Miller Appeal and Variance Petition. Onslow County. Cottage located within dune area. Denied.
- 10/11/79 - John Patterson Variance Petition. Long Beach. Cottage located within setback area. Denied. (CRC-82)
- 10/11/79 - Robert Bauer Variance Petition. Long Beach. Cottage located within setback area. Denied. (CRC-83)
- 10/11/79 - Southwind Realty Variance Petition. Long Beach. Cottage located within setback area. Denied. (CRC-84)
- 10/11/79 - Danny Leonard Variance Petition. Long Beach. Cottage located within setback area. Denied. (CRC-85)
- 1/15/80 - Ben Ward Variance Petition. Kitty Hawk. Cottage within setback area. Denied. (CRC-93)
- 1/15/80 - Abdel Fahmy Variance Petition. Onslow County. Cottage within setback area. Denied. (CRC-98)
- 1/15/80 - Mostala Fahmy Variance Petition. Onslow County. Cottage within setback area. Denied. (CRC-00)
- 1/15/80 - Douglas Gray Variance Petition. Kill Devil Hills. Cottage located within setback area. Denied. (CRC-100)
- 1/16/80 - T. L. Kale Permit Appeal. Holden Beach. Cottage within setback area. Denied.
- 2/26/80 - Clayton Heath Variance Petition. Shell Island - Extension of seawall. Granted. (CRC-98)
- 4/15/80 - John Lewis Appeal and Variance Petition. Surf City. Location of cottage in setback area. Denied. (CRC-108)
- 7/17/80 - Town of Topsail Beach Appeal. Waterline in inlet hazard area. Granted with conditions.
- 8/28/80 - Gib Barbee Variance Petition. Yaupon Beach. Campground within setback area. Granted with conditions. (CRC-130)
- 8/28/80 - Shell Island Development Variance Petition - Wrightsville Beach. Setback. Granted with conditions.

- 12/4/80 - L&R Properties Variance Petition. Nags Head. Location of tennis court within setback area. Denied. (CRC-139)
- 1/23/81 - Ramada Inn Variance Petition. Nage Head. Jetty for non-"threatened" structure. Denied. (CRC-140).
- 3/12/81 - Douglas Gray Appeal. Kill Devil Hills. Location of cottage within setback area. Denied.
- 3/12/81 - Sunset Beach. Appeal of Permit Issuance to Ocean Isle Beach. Excavation of inlet area. Granted.
- 9/11/81 - John Hansen Variance Petition. Nags Head. Dune alteration. Granted. (CRC-153)
- 9/11/81 - Shell Island Declaratory Ruling. Wrightsville Beach. Beach access provisions in land use plan. Upheld. (CRC-155)
- 10/29/81 - William Carpenter Appeal and Variance Petition. Kill Devil Hills. Location of cottage within setback area. Denied.
- 2/24/82 - A. Clayman Variance Petition. West Onslow Beach. Pilings on rear toe of frontal dune. Granted with conditions. (CRC-162)
- 4/1/82 - Town of Long Beach Variance Petition. Parking lot within setback area. Granted with conditions.
- 12/3/82 - L. Rector/P. Roberts Variance Petition. Topsail Beach. Dune relocation. Granted. (CRC-189)
- 1/20/83 - Town of Emerald Isle Appeal. Emerald Isle. Neighbors contested beach access ramp location. Denied.
- 5/5/83 - Harold Lang/C. Rollander appeal. Wrightsville Beach. Neighbor contended lot too small to build.
- 6/17/83 - John Hooper Variance Petition. Buxton. Locate motel within setback area. Denied. (CRC-215)
- 7/29/83 - W. R. Rosse Variance Petition. Holden Beach. Oceanfront seawall for post-1979 building, Denied. (CRC-230)
- 7/29/83 - A. Eltefugh Variance Petition. Carolina Beach. Location of Condominium within setback area. Denied.
- 7/29/83 - James Lanier Variance Petition. Topsail Beach. Relocation of dune. Granted. (CRC-229)