



Flood Management Appels Board Agenda

Town of Swansboro

Tuesday, May 23, 2023

I. Call to Order

II. Approval of Minutes

- a. February 21, 2023, Special Meeting Minutes

III. New Business

- a. **Variance Request/ 209 Water Steet**
Presenter: Rebecca Brehmer, Projects/Planning Coordinator

In accordance with the Flood Damage Prevention Ordinance Section 152.405 Definitions; Substantial Improvement, Jordan Proctor seeks a Variance as provided under (2) Any alteration of a historic structure, provided that alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 152.417.

*Recommended Action: 1. Hold a public hearing
2. A motion to approve or deny the Variance requested based on Section 152.429 at 209 Water St.*

IV. Chairman/Board Thoughts/Staff Comments

V. Public Comments

VI. Adjournment

**Town of Swansboro
Flood Management Appeals Board
Special Meeting Minutes
February 21, 2023**

Call to Order

The meeting was called to order at 2:09 pm. Board members in attendance were Jonathan McDaniel, Brent Lanier, and Junior Freeman. John Freshwater was absent.

Minutes

On a motion by Mr. Freeman, seconded by Mr. Lanier, the minutes for the March 3, 2020, Special Meeting were approved unanimously.

Business

Variance Request for 203 Church Street/Visitor's Center

In accordance with the Flood Damage Prevention Ordinance Section 152.405 Definitions; Substantial Improvement, the Town sought a Variance as provided under 2) Any alteration of a historic structure, provided that alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 152.417.

Interior rehabilitation to the Visitor's Center (Tucker Little House) at 203 Church Street was consistent with all other sections of the Flood Damage Prevention Ordinance apart from the second clause in the definition listed above. This portion of the definition was not in keeping with the Substantial Improvement/ Substantial Damage Desk Reference FEMA P-758 nor Flood Damage Prevention Ordinance Part III: Provision for Flood Hazard Reduction: Section 154.441 Specific Standards (E) and Additional Improvements (4) (b).

Andrea Correll, Town Planner was sworn in and provided the following facts:

- 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;

The Tucker Littleton House at 203 Church Street is in the Swansboro Historic District, which is designated in the National Register of Historic Places. The variance proposed is to enable the town to do interior improvements which include adding restrooms and other facilities inside. The plans intend to keep the structure in its original state with little to no effect on the historic character or design of the structure.

- Functionally dependent facilities if determined to meet the definition as stated in §152.405, provided provisions of divisions (I)(2), (3), and (5) of this section have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

Based on the definition below, the Visitors Center does not meet the definition.

FUNCTIONALLY DEPENDENT FACILITY. 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.

- Any other type of development, provided it meets the requirements stated in this section.
N/A - The Visitors Center is not dependent on being in proximity to the water, but it benefits the functionality of the Visitor Center by being in the heart of the downtown. Please note, the town has always been very respectful of this resource and there are two elevation certificates documenting in 2018 and 2022 the relationship of the structure to the 2020 FEMA Flood Maps and the previously adopted Flood Maps which were in effect in 2018.

In passing upon variances, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this subchapter, and:

- The danger that materials may be swept onto other lands to the injury of others;
N/A - Requesting a variance on substantial improvements definition on the interior of a historic structure.
- The danger to life and property due to flooding or erosion damage;
N/A - Requesting a variance on substantial improvements definition on the interior of a historic structure.
- The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
N/A - See provided Flood Elevation Certificates from 2018 under the prior Flood Maps and 2022 under the current Flood Maps.
- The importance of the services provided by the proposed facility to the community;
The Visitor's Center is an important and vital part of this historic community and to the traveling public. It provides informational brochures and facilities to serve the public needs. Please note there are no other public restrooms on the southside of NC24.
- The necessity to the facility of a waterfront location as defined under §152.405 as a functionally dependent facility, where applicable;
The Visitor Center is dependent on proximity to the water because the facility serves visitors including members of the transient boat population and by necessity is in the waterfront historic district.
- The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
The Tucker Littleton house has been relocated to its current site several years ago for its intended purpose. It is unusual that substantial improvement of a historic structure is not exempt from the definition as it is in Substantial Improvement/Substantial Damage Desk Reference FEMA P-758 / May 2010 6.5.1 and Part III: Provisions for Flood Hazard Reduction

152.441 Specific Standards (E) Additions/improvements.

(4) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one 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-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this subchapter. 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:

(b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

- The compatibility of the proposed use with existing and anticipated development;
The Swansboro Visitors Center is a vital and compatible existing land use at the corner of Church Street and Water Street. There are no further exterior changes proposed to the outside of the building. The interior will be improved with new restrooms/showers and a laundry facility as part of a tourism funding to better serve the boaters traveling the intercoastal waterway.
- The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
The Tucker Littleton House is identified within the Traditional Town Center (TTC) Node on the CAMA LAND USE PLAN UPDATE future land use map. In other words, it is identified in the land use compatibility section that “the people of Swansboro treasure the feel and character of the historic downtown and surrounding residential areas. The character should be quantified and codified so that the future development and redevelopment can achieved a similar feel.”
- The safety of access to the property in times of flood for ordinary and emergency vehicles;
During Hurricane Florence, Church and Water Streets were flooded as well as the lower elevations in the downtown historic district.
- 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
The 2020 FEMA Map identifies this area as having a foot and a half of wave action.
- 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.
Not a relevant factor.

In response to inquiries from the Board the following was clarified by Planner Correll.

- The Tucker Little House was included in the 2022 Survey.
- In 2020, the construction value was estimated at \$91,000. Those estimates are being updated and expected to be more.
- The building's value was \$99,484.00, the land valued at \$150,000.00. Without the Variance, the Town would be limited to 50% of the building's value per year.

On a motion by Mr. Lanier, seconded by Mr. McDaniel, the Variance for 203 Church Street/ Visitor Center was unanimously approved as requested.

Board/Staff Comments

Mr. Freeman suggested the Flood Management Appeals Board meet twice a year to train as to what their responsibilities are.

Adjournment

On a motion by Mr. Lanier, seconded by Mr. McDaniel, the meeting adjourned at 2:45pm.



Flood Management Appeal Board Meeting Agenda Item Submittal

Item To Be Considered: **Variance Request/ 209 Water Street**

Board Meeting Date: **May 23, 2023**

Prepared By: **Rebecca Brehmer, Projects/Planning Coordinator**

Overview: In accordance with the Flood Damage Prevention Ordinance Section 152.405 Definitions; Substantial Improvement, Jordan Proctor seeks a Variance as provided under (2) Any alteration of a historic structure, provided that alteration will not preclude the structure’s continued designation as a historic structure and the alteration is approved by variance issued pursuant to Section 152.417.

The variance request is for interior and exterior repairs of the Jesse Moore House located at 209 Water Street, to make the dwelling safe and habitable and to repair its historical details to once again become a contributing structure to the Historic District. This request is consistent with the Flood Damage Prevention Ordinance.

In preparation for the hearing, find attached the variance procedures 154.429 for your review. In addition, on April 30, 2014, the Flood Board members received training from Randy Mundt at the North Carolina Emergency Management Floodplain Management Section in which a slide states variances may be issued for repair/rehabilitation of historic structures.

Background Attachment(s):

- 1. Section 154.429 Variance Procedures
- 2. Flood Damage Prevention Regulation References
- 3. Substantial Improvement FEMA Historic Structures
- 4. Variance Workshop Slide 4.30.2014.

- Action:**
- 1. Hold a public hearing
 - 2. A motion to approve or deny the Variance requested based on Section 152.429 at 209 Water St.

Exhibit A

§ 152.429 VARIANCE PROCEDURES.

(A) The Flood Management Appeals Board, as established by the Town of Swansboro hereinafter referred to as the Appeal Board, shall hear and decide requests for variances from the requirements of this subchapter.

(B) Any person aggrieved by the decision of the Appeal Board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

(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;

The Jesse Moore House located at 209 S. Water Street is in the Swansboro Historic District, which is designated in the National Register of Historic Places. The variance proposed is to enable the owners to do interior and exterior repairs to make the dwelling safe and habitable and to repair it in kind to its historical details. Besides repairing damaged wood and blocking, there are no plans to edit anything with the foundation. The plans intend to keep the structure in its original state with little to no effect on the historic character or design of the structure. The plans are to remove the vinyl and paint the original clapboard siding.

See Exhibit B for additional historic documentation.

(2) Functionally dependent facilities if determined to meet the definition as stated in § 152.405, provided provisions of divisions (1)(2), (3), and (5) of this section have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety;

Based on the definition below, the Jesse Moore House does not meet the definition. **FUNCTIONALLY DEPENDENT FACILITY.** 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 home or dwelling.

See Exhibit C.

(3) Any other type of development, provided it meets the requirements stated in this section.

N/A - The Jesse Moore house is not dependent on being in proximity to the water, but its desirability and value is increased by being in proximity to the water. Please note, this house has been located on this property since the early 1940s and has withstood many hurricanes including Hurricanes Hazel.

See Exhibit D and E for elevation certificates.

(D) In passing upon variances, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this subchapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

N/A - Requesting a variance on substantial repairs definition on the interior of this house to renovate it in kind to its original character.

(2) The danger to life and property due to flooding or erosion damage;

N/A - Requesting a variance on substantial repairs definition on the interior of a historic structure and repairing exterior components that are damaged and in disrepair without changing the foundation or exterior structure.

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

N/A - See provided Flood Elevation Certificates
See Exhibit D and E for elevation certificates.

(4) The importance of the services provided by the proposed facility to the community;

The Jesse Moore House provides a one of a kind original contribution to the historic downtown swansboro area. This house is a true relic. This house contributes visually to the community, as well as to the properties around it if allowed to be restored to its original details. There are plans of taking off the vinyl siding and restoring the clapboard wood siding that is under the vinyl and painting it the original white.

(5) The necessity to the facility of a waterfront location as defined under § 152.405 as a functionally dependent facility, where applicable;

The historical authenticity of the Jesse Moore house is dependent on it being on the original site that Mr. Jesse Moore built the house. He was a boat captain and sold his catch off of his dock and in this house at this site. The plans are to do only the necessary repairs to make it livable and to keep its authenticity for historic purposes.

See exhibit F

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

The value of the Jesse Moore house is dependent on it being kept at its original location on Water Street at this particular site. The proximity to the water and the local landmark Poor Man's

Hole is critical. The narrative of the house and the surrounding land is important to save and allow to be available to the community.

152.441 Specific Standards

(E) Additions/improvements.

(4) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one 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-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this subchapter. 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:

(b) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

substantial improvement of a historic structure is not exempt from the definition as it is in Substantial Improvement/Substantial Damage Desk Reference FEMA P-758 / May 2010 6.5.1 and Part III: Provisions for Flood Hazard Reduction

(7) The compatibility of the proposed use with existing and anticipated development

The Jesse Moore house is a vital and compatible existing land use at the last residential property on Water Street before the quaint historical downtown. Besides removing vinyl and repairing rotted wood, there are no further exterior changes proposed to the outside of the building. Fixing original details and making the interior safe and livable is the goal.

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

The Jesse Moore house is identified in historical documents such as Jack Dudley's book "Swansboro- Friendly City by the Sea" and is actually on the front cover of the book. It is integral to the fabric of the area. It states in the land use compatibility section that "the people of Swansboro treasure the feel and character of the historic downtown and surrounding residential areas. The character should be quantified and codified so that the future development and redevelopment can achieve a similar feel."

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles; During Hurricane Florence, Church and Water Streets were flooded as well as the lower elevations in the downtown historic district and it was accessible.

(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 The 2020 FEMA Map identifies this area as having a foot and a half of wave action.

(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.

Not a relevant factor.

(E) A written report addressing each of the above factors shall be submitted with the application for a variance.

See answers above.

(F) Upon consideration of the factors listed above and the purposes of this subchapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this subchapter.

(G) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may 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 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.

This request is minimal.

(4) Variances shall only be issued prior to development permit approval.

The town is requesting this variance prior to applying for tourism funding to upfit the interior facilities.

(5) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

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

The desire to restore this house to its original details, and to bring about its original charm is why a variance is necessary. It originally was built as a humble and quaint cottage for a boat captain. Changing its elevation or lifting it would permanently destroy its historical charm. Without this variance, the house will need to be demolished.

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expenses, create

nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

There will be no concerning change or increase to any of the above factors.

(J) A variance may be issued for solid waste disposal facilities or sites, 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. N/A

(5)

(1) The use serves a critical need in the community.

(2) No feasible location exists for the use outside the special flood hazard area.

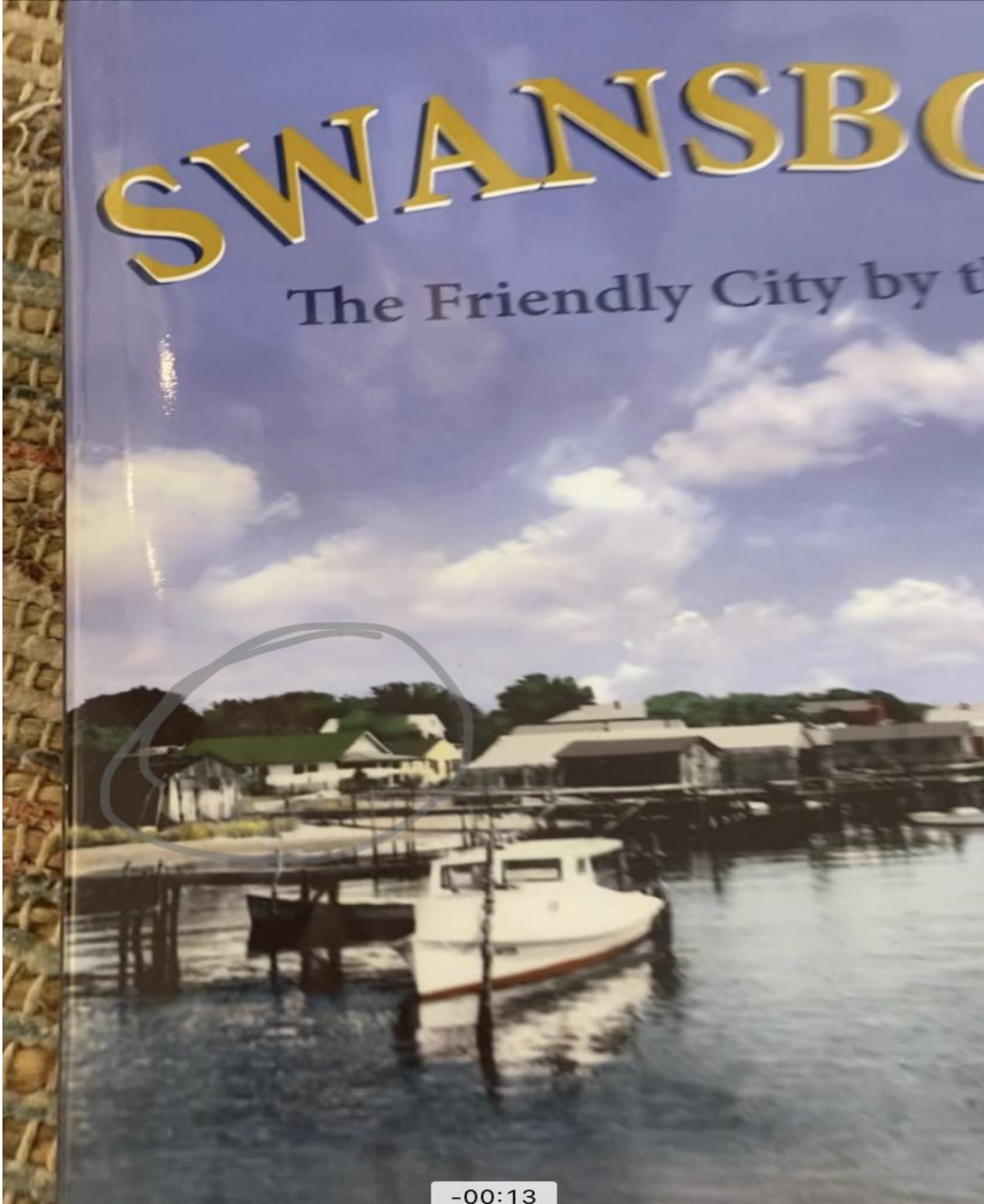
(3) The reference level of any structure is elevated or flood-proofed to at least the regulatory flood protection elevation.

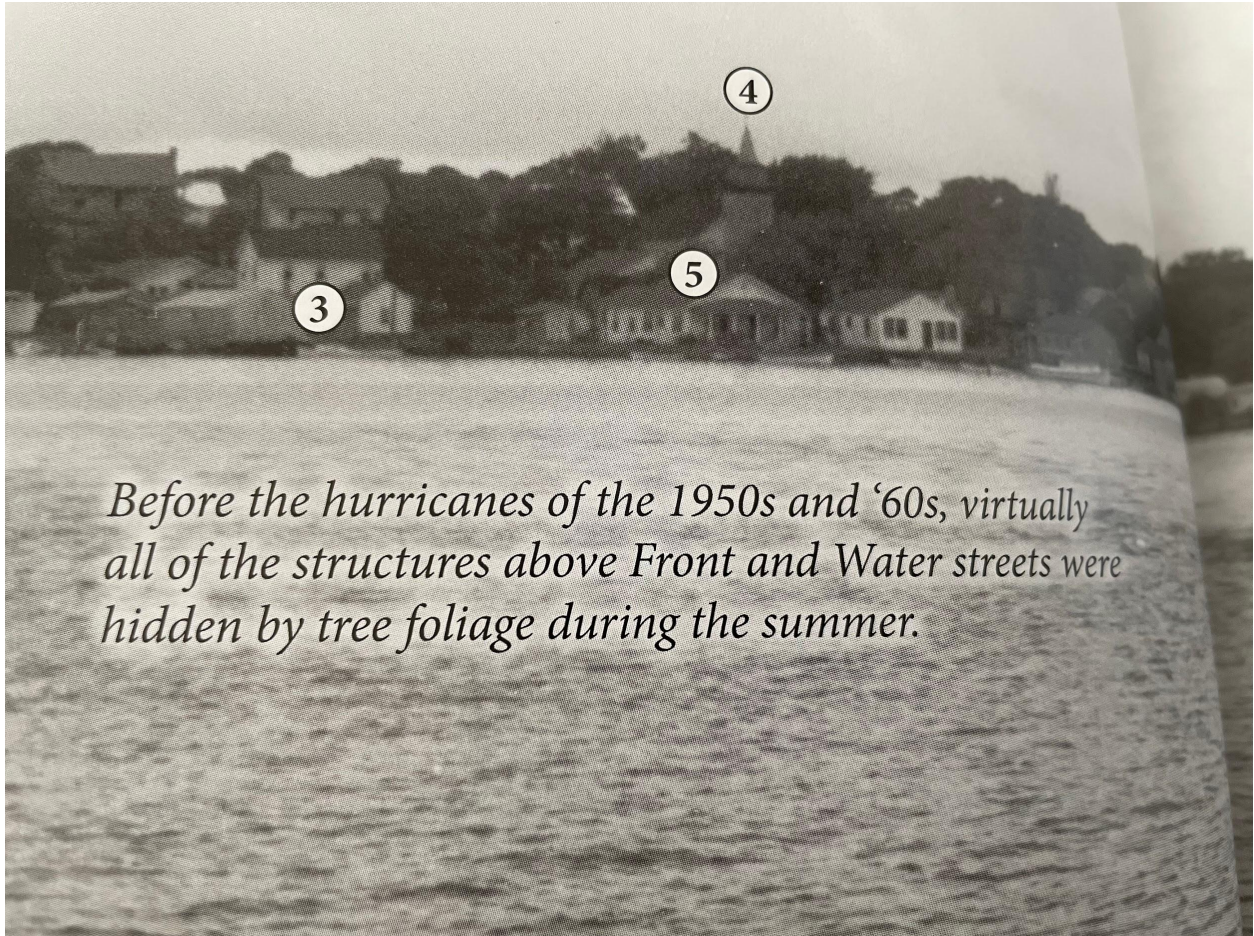
(4) The use complies with all other applicable federal, state and local laws.

The Town of Swansboro has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

(Ord. 2005-O3, passed 3-15-2005; Am. Ord. 2012-O4, passed 4-17-2012; Am. Ord. 2014-O13, passed 6-17-2014; Am. Ord. 2020-O3, passed 6-8-2020)

Exhibit B





Before the hurricanes of the 1950s and '60s, virtually all of the structures above Front and Water streets were hidden by tree foliage during the summer.





Cliff Watson's house

Jesse Moore's house

Poor Man's Hole

270

After the hurricane, Jesse Moore moved his house to this location, 209 Water Street.

Exhibit D and E

U.S. DEPARTMENT OF HOMELAND SECURITY
 Federal Emergency Management Agency
 National Flood Insurance Program

OMB No. 1660-0008
 Expiration Date: November 30, 2018

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 Flora B. Kowalski | | | | Policy Number: | |
| A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 209 S. Water Street | | | | Company NAIC Number: | |
| City Swansboro | State North Carolina | ZIP Code 28584 | | | |
| A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) Tax PIN 536410469294 (Deed Book 4123, Page 912) | | | | | |
| A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) Residential | | | | | |
| A5. Latitude/Longitude: Lat. 34.68688 Long. -77.12059 Horizontal Datum: <input type="checkbox"/> NAD 1927 <input checked="" type="checkbox"/> 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 9 | | | | | |
| A8. For a building with a crawlspace or enclosure(s): | | | | | |
| a) Square footage of crawlspace or enclosure(s) 1709.00 sq ft | | | | | |
| b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade 5 | | | | | |
| c) Total net area of flood openings in A8.b 344.00 sq in | | | | | |
| d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | | | |
| A9. For a building with an attached garage: | | | | | |
| a) Square footage of attached garage 0.00 sq ft | | | | | |
| b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade 0 | | | | | |
| c) Total net area of flood openings in A9.b 0.00 sq in | | | | | |
| d) Engineered flood openings? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | | | |
| SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION | | | | | |
| B1. NFIP Community Name & Community Number Town of Swansboro 370179 | | | B2. County Name Onslow (Independent City) | | B3. State North Carolina |
| B4. Map/Panel Number 3720536400 | B5. Suffix K | B6. FIRM Index Date 02-16-2007 | B7. FIRM Panel Effective/Revised Date 11-03-2005 | B8. Flood Zone(s) VE | B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 11.0' |
| B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: <input type="checkbox"/> FIS Profile <input checked="" type="checkbox"/> FIRM <input type="checkbox"/> Community Determined <input type="checkbox"/> Other/Source: _____ | | | | | |
| B11. Indicate elevation datum used for BFE in Item B9: <input type="checkbox"/> NGVD 1929 <input checked="" type="checkbox"/> NAVD 1988 <input type="checkbox"/> Other/Source: _____ | | | | | |
| B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Designation Date: _____ <input type="checkbox"/> CBRS <input type="checkbox"/> OPA | | | | | |

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2018

| | | | | |
|--|-------------------------|-------------------|----------------------------------|--|
| 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. 209 S. Water Street | | | Policy Number: | |
| City Swansboro | State North Carolina | ZIP Code 28584 | 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: NCGS Mon. "ON 39" PID EA1497 Vertical Datum: NAVD 1988

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) | 2.12 | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| b) Top of the next higher floor | 6.28 | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | 5.31 | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| d) Attached garage (top of slab) | N/A | <input type="checkbox"/> feet <input type="checkbox"/> meters |
| e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment and location in Comments) | 8.11 | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | 3.22 | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| g) Highest adjacent (finished) grade next to building (HAG) | 4.68 | <input checked="" type="checkbox"/> feet <input type="checkbox"/> meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support | 3.15 | <input checked="" type="checkbox"/> feet <input type="checkbox"/> 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 Pate D. Phillips | License Number L-2640 | | |
| Title Professional Land Surveyor | | | |
| Company Name Bell & Phillips Surveying, PLLC (License No.: P-0391) | | | |
| Address 604E Cedar Point Boulevard | | | |
| City Cedar Point | State North Carolina | | ZIP Code 28584 |
| Signature | Date 01-16-2018 | Telephone (252) 393-6101 | 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)
Elevation per Sect. C Item C2.e is bottom of electric meter box located on right side of dwelling. Elevation of heat pump pad located on left side of dwelling is 9.15'. All elevations in Sect. C are NAVD 1988. Latitude and longitude established using the North Carolina Flood Risk Information System. There are 14 total vents in crawl space, however only five are within one foot of exterior adjacent grade. Dwelling originally built in 1944 per Onslow County tax records, prior to the initial FIRM map for the Town of Swansboro, dated October 18, 1983. No higher base flood elevation found per Onslow County Flood Insurance Study.

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2018

| | | | | |
|---|-------------------------|-------------------|----------------------------------|----------|
| 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. 209 S. Water Street | | | Policy Number: | |
| City Swansboro | State North Carolina | ZIP Code 28584 | Company NAIC Number | |
| SECTION E -- BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE) | | | | |
| For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters. | | | | |
| E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG). | | | | |
| a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ <input type="checkbox"/> feet <input type="checkbox"/> meters <input type="checkbox"/> above or <input type="checkbox"/> below the HAG. | | | | |
| b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ <input type="checkbox"/> feet <input type="checkbox"/> meters <input type="checkbox"/> above or <input type="checkbox"/> below the HAG. | | | | |
| E2. For Building Diagrams 6-9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1-2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ <input type="checkbox"/> feet <input type="checkbox"/> meters <input type="checkbox"/> above or <input type="checkbox"/> below the HAG. | | | | |
| E3. Attached garage (top of slab) is _____ <input type="checkbox"/> feet <input type="checkbox"/> meters <input type="checkbox"/> above or <input type="checkbox"/> below the HAG. | | | | |
| E4. Top of platform of machinery and/or equipment servicing the building is _____ <input type="checkbox"/> feet <input type="checkbox"/> meters <input type="checkbox"/> above or <input type="checkbox"/> below the HAG. | | | | |
| E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown. The local official must certify this information in Section G. | | | | |
| SECTION F -- PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION | | | | |
| The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge. | | | | |
| Property Owner or Owner's Authorized Representative's Name | | | | |
| Address | | City | State | ZIP Code |
| Signature | | Date | Telephone | |
| Comments | | | | |
| <input type="checkbox"/> Check here if attachments. | | | | |

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2018

| | | | |
|--|-------------------------|-------------------|----------------------------------|
| 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. 209 S. Water Street | | | Policy Number: |
| City Swansboro | State North Carolina | ZIP Code 28584 | Company NAIC Number |

SECTION G – COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

- G1. The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. The following information (Items G4–G10) is provided for community floodplain management purposes.

| | | |
|-------------------|------------------------|---|
| G4. Permit Number | G5. Date Permit Issued | G6. Date Certificate of Compliance/Occupancy Issued |
|-------------------|------------------------|---|

G7. This permit has been issued for: New Construction Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building: _____ feet meters Datum _____

G9. BFE or (in Zone AO) depth of flooding at the building site: _____ feet meters Datum _____

G10. Community's design flood elevation: _____ feet meters Datum _____

| | |
|-----------------------|-----------|
| Local Official's Name | Title |
| Community Name | Telephone |
| Signature | Date |

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

Check here if attachments.

BUILDING PHOTOGRAPHS

OMB No. 1660-0008
Expiration Date: November 30, 2018

ELEVATION CERTIFICATE

See Instructions for Item A6.

| | | | | |
|--|-------------------------|-------------------|----------------------------------|--|
| 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. 209 S. Water Street | | | Policy Number: | |
| City Swansboro | State North Carolina | ZIP Code 28584 | 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

Photo One Caption Front (street) and right side view 01-10-2018

Clear Photo One



Photo Two

Photo Two Caption Partial front and left side view showing heat pump 01-10-2018

Clear Photo Two

ELEVATION CERTIFICATE **BUILDING PHOTOGRAPHS** OMB No. 1660-0008
Continuation Page Expiration Date: November 30, 2018

| | | | |
|--|-------------------------|-------------------|----------------------------------|
| 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. 209 S. Water Street | | | Policy Number: |
| City Swansboro | State North Carolina | ZIP Code 28584 | 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 A6.



Photo Three

Photo Three Caption Left side view showing heat pump 01-10-2018

Clear Photo Three



Photo Four

Photo Four Caption Rear (deck) and right side view 01-10-2018

Clear Photo Four

BUILDING PHOTOGRAPHS

OMB No. 1660-0008
Expiration Date: November 30, 2018

ELEVATION CERTIFICATE

See Instructions for Item A6.

| | | | |
|--|-------------------------|-------------------|----------------------------------|
| 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. 209 S. Water Street | | | Policy Number: |
| City Swansboro | State North Carolina | ZIP Code 28584 | 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

Photo One Caption Typical flood vent within one foot of exterior adjacent grade (five total) 01-10-2018 Clear Photo One

Photo Two

Photo Two

Photo Two Caption Clear Photo Two

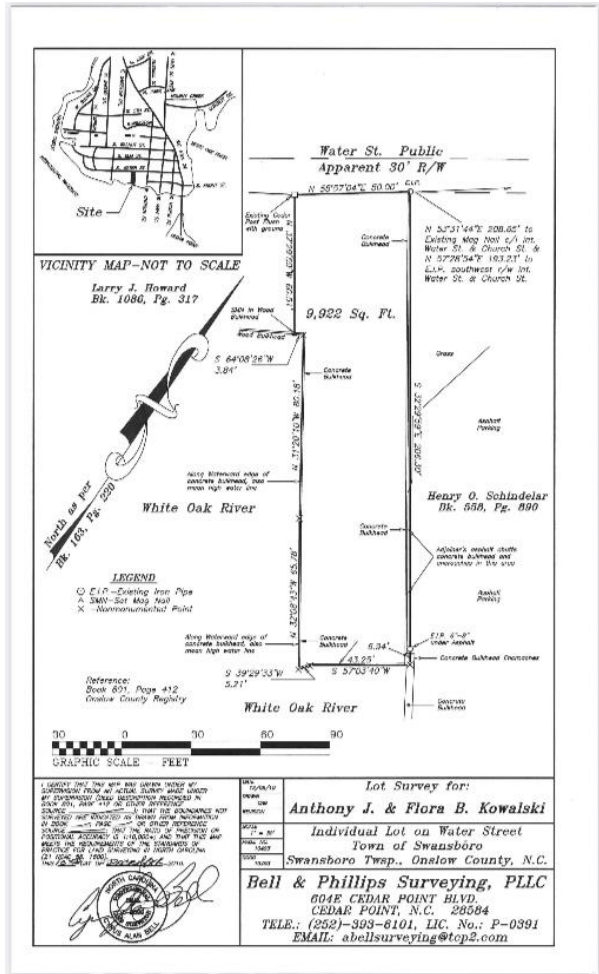
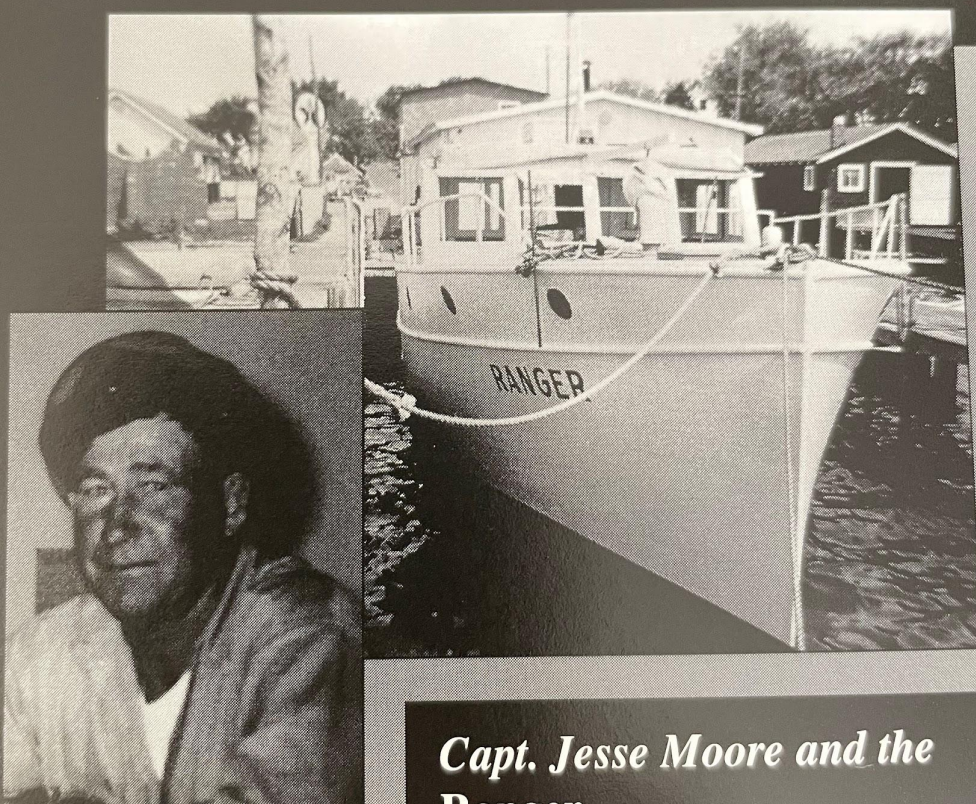
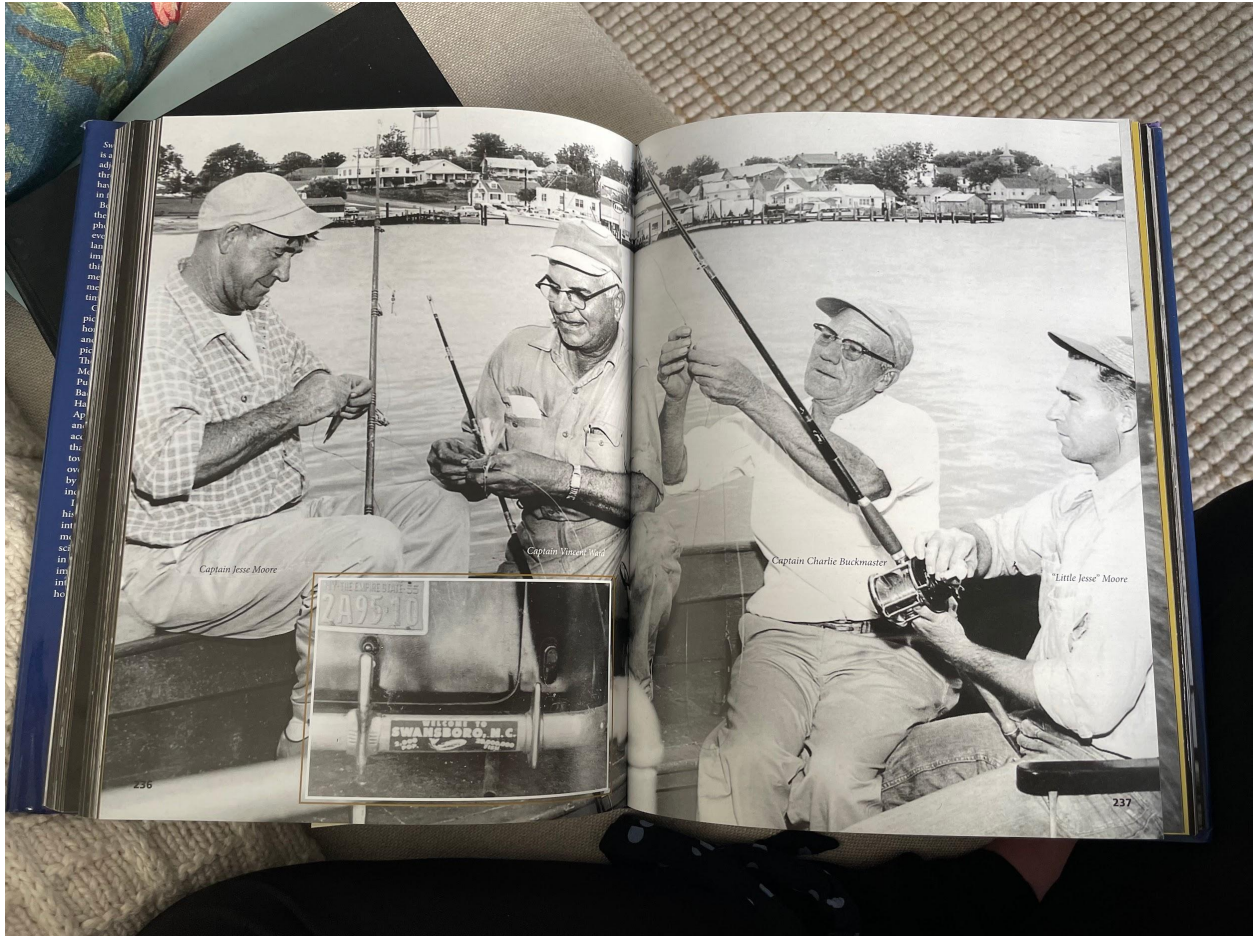


Exhibit F



Capt. Jesse Moore and the Ranger.



FLOOD DAMAGE PREVENTION

PART I: GENERAL PROVISIONS

§ 152.405 DEFINITIONS.

Unless specifically defined below, words or phrases used in this subchapter shall be interpreted so as to give them the meaning they have in common usage and to give this subchapter it's most reasonable application.

SUBSTANTIAL IMPROVEMENT. 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:

(1) 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

(2) 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 § 152.417.

Part III: Provisions for Flood Hazard Reduction

152.441 Specific standards

(E) Additions/improvements.

(4) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one 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 year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this subchapter. 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 minium necessary to assume 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.

§ 152.429 VARIANCE PROCEDURES.

(A) The Flood Management Appeals Board, as established by the Town of Swansboro hereinafter referred to as the Appeal Board, shall hear and decide requests for variances from the requirements of this subchapter.

(B) Any person aggrieved by the decision of the Appeal Board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

(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 § 152.405, provided provisions of divisions (1)(2), (3), and (5) of this section have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

(3) Any other type of development, provided it meets the requirements stated in this section.

(D) In passing upon variances, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this subchapter, 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 under § 152.405 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 subchapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this subchapter.

(G) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may 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 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:

(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 expenses, 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 or sites, 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 flood-proofed to at least the regulatory flood protection elevation.
- (4) The use complies with all other applicable federal, state and local laws.
- (5) The Town of Swansboro has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least 30 calendar days prior to granting the variance.

(Ord. 2005-03, passed 3-15-2005; Am. Ord. 2012-04, passed 4-17-2012; Am. Ord. 2014-013, passed 6-17-2014; Am. Ord. 2020-03, passed 6-8-2020)



Substantial Improvement/ Substantial Damage Desk Reference

FEMA P-758 / May 2010



FEMA

- If the FIRM has been revised and the SFHA has widened to include more area, that area is now subject to the NFIP requirements. For example, areas that were previously designated X zone may now be shown as A zone or V zone. Improvements and repairs to buildings that were outside of the SFHA but are now in the revised SFHA must be evaluated to determine if the work is SI/SD.
- If the FIRM has been revised and the flood zone or BFE changed, a determination that work is a substantial improvement requires that the building meet NFIP requirements for new construction based on the revised flood zone and revised BFE.
- If the FIRM has been revised and either the floodway boundaries are changed or a floodway is newly delineated, a determination that improvements or repairs to a building are SI/SD may require an encroachment analysis.

6.5 Requirements for Certain Structures

This section describes how SI/SD is addressed for certain types of buildings in accordance with the NFIP floodplain management requirements, including:

- Historic structures (Section 6.5.1)
- Manufactured homes (Section 6.5.2)
- Accessory structures and certain agricultural structures (Section 6.5.3)

6.5.1 Historic Structures

The NFIP gives special consideration to the unique value of designated historic buildings and structures. Provided such structures retain their designations, communities do not have to require them to be brought into compliance if they will be substantially improved or have been substantially damaged. Section 3.4.1 includes the NFIP's definition for "historic structures." The term includes structures that are: (1) listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; (2) certified or preliminarily determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as a registered historic district; or (3) designated as historic site under a State or local historic preservation program that is approved by the Secretary of the U.S. Department of Interior. The definition does not include structures that are merely old, those that residents refer to as historic, or those that happen to be located in historic districts.

The NFIP floodplain management requirements contain two provisions that are intended to provide relief for historic structures located in SFHAs:

- (1) The NFIP definition of "substantial improvement" includes the following exclusion for historic structures: "*Any alteration of a 'historic structure,' provided that the alteration will not preclude the structure's continued designation as an 'historic structure.'*" The exclusion also applies to historic structures that have been substantially damaged. This provision allows communities to exempt historic structures from the SI/SD requirements of the NFIP.

NC Floodplain Mapping presents NFIP & Variance Workshop

Swansboro Town Hall 30 April 2014

Presenter:

Randy Mundt, AICP, CFM



North Carolina Emergency Management
Floodplain Management Section



Variance Procedures

➤ Variances may be issued for:

- Repair/rehabilitation of historic structures
- "Functionally Dependent Facilities"*
- Any other type of development, provided it meets the requirements of the Ordinance

*narrowly defined: limited to docking or port facilities necessary for loading cargo or passengers, shipbuilding, or ship repair. Does not include long-term storage, manufacture, sales or service facilities.