

Lynn Barbee
Mayor

Joe Benson
Council Member

Deb LeCompte
Council Member



Jay Healy
Mayor Pro Tem

Mike Hoffer
Council Member

Bruce Oakley
Town Manager

Notice of Violation

Attn to: Ant Bates Motel LLC
Street Address: 124 E Main St
City, State & Zip: Benson, NC 27504

Date: December 20th, 2023

REFERENCE: 3 Cape Fear Blvd, Carolina Beach NC 28428 (Silver Dollar)

To whom it may concern:

A meeting occurred on December 15th between Town staff and staff at the Silver Dollar regarding several concerns for a new barrier that has been placed at the Silver Dollar that currently does not meet the new ordinance that was recently adopted by Town Council.

To ensure that the newly constructed barrier follows the Town ordinances the following things need to be altered:

1. The base needs to be squared. Whether that be shaved to a square or a square base added that is no more than ½ in height.
2. It needs to be detached from the building. The barrier should not be something that needs tools to remove it from the building.
3. There shall be a minimum of two but no more than three horizontal rigid connections on each barrier. Which means that preexisting connections need to be removed to meet this, including the vertical ones.
4. The bar tops that have been attached to the windows also need to be easily removeable. Meaning they cannot act as a permanent encroachment. For them to remain up please ensure that they are easily detachable or modified in a way that they can be folded up.
5. Given the location, the sidewalk was measured at 20ft. The barrier cannot exceed more than 5ft from the building.
6. A revised drawing of the layout of the sidewalk café for the 2024 permit.

This letter is to notify you that the referenced property is in violation of town ordinances and to ensure that there is a timeline in which to have the issues addressed in a timely manner.

Reference of Section & Chapter& Ordinance: Chapter 34, Section 66: Operations

(b) Encroachments shall not involve permanent alterations to public space. Any obstructions used in the encroachment area shall be of a type that is easily removed from the public right-of-way. Encroachments shall be removed within 24 hours of notice from the town.

(3) If utilized, barriers shall be:

- i. Size: a minimum of 36 inches and a maximum of 48 inches in height, and must be free-standing, stable, and removable.
- ii. Base: The base of the barrier shall be square and flat footed and no more than ½ inch in height.
- iii. Barrier connections: Rigid wood or metal shall be utilized to connect each barrier. There shall be a minimum of two but no more than three horizontal rigid connections on each barrier.
- iv. Signage: Temporary signage may be utilized in between barriers in accordance with Chapter 40 Article

In no instance shall an encroachment exceed more than ¼ the width of the boardwalk.

The Violation shall be abated in accordance to *Section 18-38* of the Town Municipal Code, compliance must be met within 30 days of the date of this written notice or posting of said property. Failure to meet compliance will result in further action to remove or remediate the condition at the owners' expense.

The owner has 30 days from receipt of the written notice of the determination within which to file an appeal. Appeals of administrative decisions made by the staff shall be made to the board of adjustment. An appeal is taken by filing a notice of appeal with the local government clerk or a local government official designated by ordinance. The notice of appeal shall state the grounds for the appeal (G.S. 160D-405).

Please contact me at 910-458-8492 with any questions or concerns.

Ashley Martin

12/20/2023

Date:

Code Enforcement Officer

TOWN OF CAROLINA BEACH
1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428
910 458 8492
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