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December 3, 2024

Dear Board of Adjustment at North Topsail Beach,

My name is Aneta Paval and I am an attorney. I have a hearing on an appeal for a fence permit which I filed on July 30 and which is scheduled on December 17, 2024 at 6pm but I am unable to attend it in person because I have an individual hearing with Charlotte Immigration Court on December 17 at 8am, a citizenship interview for another client in Durham, NC at 10:30 am and a Speeding and No Operator's license case in Raleigh, NC at 2pm. My office is located in Raleigh, NC which is 3 hours and 15 minutes from the town hall in North Topsail Beach. That means I have to leave Raleigh by 2pm which is impossible. On December 18, 2024 I have a master hearing in Charlotte Immigration court at 9am. My request to you is provide me with a WebEx link or a Zoom link for me to connect online. The court system uses WebEx and it is a common practice for hearings to be done on WebEx. In the alternative, I am sending you my argument as to why fences are allowed in campgrounds with B-1 zoning and also why permits for fences should not be requested for Rogers Bay Campground at all.

I applied for a fence permit SB24-000044 for my lot at 14G Oar Street North Topsail Beach NC 28460 on July 18 and it was denied on the very next day of July 19, 2024 not because it was just built, or because of the choice of its design or choice of material. It was denied because Ms. Deborah Hill, the planning director for North Topsail Beach, is interpreting the Unified Development Ordinance 4.03.11 incorrectly. She erroneously thinks that fences are not allowed in existing travel trailer parks. Rogers Bay Campground has B-1 Business District Zoning. Fences are a permitted use in B-1 business district as seen in 4.02 Permitted and Special Uses. In nonresidential districts, an open fence through which clear vision is possible from one side to the other on horizontal plane, and such openings occupy 50% or more of the area of the fence, may be erected in the rear yard to a maximum height of ten feet. See 4.03.07. The operating standards for existing travel trailers in 4.03.11 do not

prohibit fences. One section of the ordinance cannot contradict another section. Ms. Hill has indicated that Rogers Bay POA can apply for an amendment of the text of the UDO. If there is any contradiction in the UDO as to how one section, namely 4.03.11 can be interpreted by different people, then it is the responsibility of the town of North Topsail Beach to correct that, not for third parties to apply for correction and pay \$500 fees for that. The town should not be trying to benefit from its own wrongdoing by creating that contradiction and discrepancy.

In this case fences in campgrounds are allowed but permits for those fences should not be required because the campground has existed since 1993 and I counted 51 solid fences built at that campground without a permit. Neither the town of North Topsail Beach, nor Rogers Bay POA has ever requested a single owner to apply for a permit for a fence until I applied for one. Neither the town of North Topsail Beach, nor Rogers Bay POA has ever asked a single owner to remove his/her fence since it was unpermitted until I applied for a fence and built mine. So, this is not only a case of discrimination from Rogers Bay POA and North Topsail Beach against me since I was the only one who was asked to apply for a fence permit and then was asked to remove the fence right after it was built, but it is also a clear case where the Doctrine of Unclean Hands can be applied. The "doctrine of unclean hands" is a legal principle that prevents a party from seeking equitable relief in court if they have engaged in unethical or improper conduct related to the subject matter of their claim, essentially meaning a court will not assist someone who has "dirty hands" when asking for a remedy; it is based on the idea that a person seeking equity must come to court with clean hands. In other words, the town of North Topsail Beach and Rogers Bay POA cannot require owners and tenants of Rogers Bay Campground to receive a permit for a fence when they have never enforced their own Unified Development Ordinance. The cases about the doctrine of unclean hands are as follows: Shaw v. Gee 2018 NCBC 108, Food Lion, Inc v. Capital Cities/Abc, Inc. 951 F. Supp., Drapkin v. Mjallii, 441 F.Supp. 3d 145. The town of North Topsail Beach is estopped from requiring permits for fences at that campground because of the doctrine of unclean hands.

If you have any questions you can call my office at 919-410-6690.

Best Regards, Attorney Aneta Paval



**The southern and northern bathhouses at Rogers Bay have white vinyl fences and the green section of the campground has a masonry and vinyl solid fence**

**List of solid fences which have been allowed at Rogers Bay campground for years:**

- 5 Atlantic Street NTB – white vinyl fence 6ft high
- 6 Atlantic Street NTB – white vinyl fence 6ft high
- 15 Atlantic Street NTB – white vinyl fence 6ft high
- 64 Beach Street NTB – white vinyl fence 6ft high
- 49 Beach Street NTB – white vinyl fence 6ft high
- 45 Beach Street NTB – white vinyl fence 6ft high
- 70 Beach Street NTB – grey vinyl fence 8ft high
- 78 Carolina Street NTB – white vinyl fence 6ft high
- 79 Carolina Street NTB – wooden fence 6ft high
- 85 Carolina Street NTB – grey painted wooden fence 6ft high
- 75 Beach Street NTB – wooden fence 6ft high
- 68 Beach Street NTB – wooden fence 6ft high
- 93 Carolina Street NTB – white vinyl fence 6ft high
- 90 Carolina Street NTB – white vinyl fence 6ft high
- 85 Carolina Street NTB – grey vinyl fence 6ft high
- 122 Dock Street NTB – white painted wooden fence 6ft high
- 139 Carolina Street NTB – blue painted wooden fence 6ft high
- 123 Carolina Street NTB – blue painted wooden fence 6ft high
- 122 Carolina Street NTB – beige vinyl fence 6ft high
- 124 Carolina Street NTB – grey painted wooden fence 6ft high
- 136 Carolina Street NTB – wooden fence 6ft high
- 125 Carolina Street NTB – white vinyl fence 6ft high
- 126 Carolina Street NTB – wooden fence 6ft high
- 127 Carolina Street NTB – wooden fence 6ft high
- 151 Flamingo Street NTB – white vinyl fence 8ft high and 24ft long
- 181 Flamingo Street NTB – white vinyl fence 6ft high
- 169 Gull Street NTB – wooden fence 6ft high

170 Gull Street NTB – brown wooden fence 6ft high  
169 Herring Street NTB – wooden fence 6ft high  
78 Mullet Street NTB – wooden fence 6ft high  
180 Reel Street NTB – wooden fence 6ft high  
35 Kayak Street NTB – white vinyl fence 6ft high  
38 Kayak Street NTB – white vinyl fence 6ft high  
44 Kayak Street NTB – grey wooden fence 6ft high  
20 Jetty Street NTB – wooden fence 6ft high  
29 Jetty Street NTB – white vinyl fence 6ft high  
30 Jetty Street NTB – white vinyl fence 6ft high  
138 Quarterdeck Street NTB – white vinyl fence 6ft high  
106 Quarterdeck Street NTB – white vinyl fence 6ft high  
130 Quarterdeck Street NTB – white vinyl fence 6ft high  
127 Quarterdeck Street NTB – white vinyl fence 6ft high  
122 Quarterdeck Street NTB – wooden fence 6ft high  
61 Pelican Street NTB – white vinyl fence 6ft high  
56 Pelican Street NTB – white vinyl fence 6ft high  
87 Pelican Street NTB – wooden fence 6ft high  
50 Pelican Street NTB – white vinyl fence 6ft high  
44 Oar Street NTB – white vinyl fence 6ft high  
42 Oar Street NTB – beige vinyl fence 6ft high  
39 Oar Street NTB – white painted wooden fence 6ft high



**§ 4.03.07 FENCES.**

Ornamental fences not over four feet high may project into or may enclose any front or side yard, and fences enclosing rear yards may be six feet high. In nonresidential districts, an open fence through which clear vision is possible from one side to the other on a horizontal plane, and such openings occupy 50% or more of the area of the fence, may be erected in the rear yard to a maximum height of ten feet. Fences intended solely for enclosure of tennis courts, batting cages or other similar structures shall be exempt from the maximum height requirements of this section. In no event shall any electrified or barbed wire fence be erected or retained. Fences must be maintained in sound condition such that they are fully standing. No fence shall be erected in any location that interferes with the line-of-sight of motorists using public or private roadways. A zoning permit must be obtained from the Zoning Administrator for any fence erected in the town.

(Ord. passed 11-2-2011)

#### **§ 4.03.11 OPERATING STANDARDS FOR EXISTING TRAVEL TRAILER PARKS.**

It is the intent of this section to set minimum standards for existing campgrounds which have been developed for occupancy on a temporary basis. A travel trailer or recreational vehicle is not a residential structure, but is a vehicle in which people live temporarily. Throughout this section, use of either of the phrases "travel trailer" or "recreational vehicle" shall be deemed to include both as defined in Article 11, Definitions.

(A) *Sanitation facilities.* All toilet, shower, lavatory and laundry facilities, provided:

- (1) Shall be maintained in a clean and sanitary condition;
- (2) Shall be kept in good repair;
- (3) Shall be safely and adequately lighted;
- (4) Shall be easily accessible and conveniently located to all spaces;
- (5) Shall be constructed according to applicable building codes and maintained in compliance with all rules and regulations of the County Health Department; and
- (6) Shall conform to any and all applicable laws of the town, the county and the state.

(B) *Safe water supply required.* A safe, adequate and conveniently located water supply must be provided within each park. All water supply systems shall be installed, altered and operated pursuant to the state and County Health Department guidelines, rules and regulations.

(C) *Sewage disposal.* Each park shall provide and maintain at least one sewage disposal station (dump station) within the park, operated and constructed pursuant to all statutes, rules and regulations of the state and the County Health Department. All sewage disposal systems shall be installed, altered and operated pursuant to all applicable state statutes, and state and/or county rules and regulations.

(D) *Garbage and solid waste.* Each park shall provide solid waste storage, collection and disposal within the park in such a manner as to not create a health hazard, promote rodents or insect breeding, or cause accidents, a fire hazard or a nuisance from the odor. In addition, each park shall provide a minimum of one leak-proof container with a tight-fitting lid and a capacity of at least 20 gallons for every two spaces within the park. Such containers shall be no more than 150 feet from any space and stored in such a manner as to prevent spillage. Alternate methods of solid waste collection may be approved on an individual park basis by the director of public works. Approval of alternate systems will not be arbitrarily withheld provided that the collection systems would appear to the director to comply with the spirit of this provision.

(E) *Electrical services.* Where electrical service is provided, the installation and use of such facilities shall conform to all applicable codes and be subject to inspection by the town building inspector.

(F) *Manufactured homes prohibited.* It shall be unlawful for a person to park or store a manufactured home in a travel trailer park.

(G) *Road worthiness required at all times.* Each park shall maintain a permanent record book which shall be available during regular business hours of the park for inspection by the Town Building Inspector, containing the following information:

- (1) Name and address of owners of each travel trailer or recreational vehicle located within the park at any point in time;

(2) Date when the vehicle was parked in its current location;

(3) License plate numbers for each vehicle. Every travel trailer or recreational vehicle located within the town shall maintain a current license plate issued by the state or the department of motor vehicles or similar agency within the state where the vehicle is registered;

(4) A notation as to the date of each inspection by park officials to verify that each vehicle is properly licensed and road worthy. **ROAD WORTHY** shall be defined as being fully intact so that the vehicle can be removed from the park within a reasonable time in the event that an emergency situation arises requiring evacuation of the island. A vehicle that has the tongue or other device needed to tow the vehicle removed, the axles removed, flat tires, missing tires or tires in extremely poor condition shall not be considered road worthy; except that vehicles designed with a quick-release system relating to the tongue or other towing device, may detach the device and store it within close proximity of the vehicle. Additionally, vehicles that, for whatever reason, are neither capable of self-propulsion nor towable by a light-duty truck as originally designed by the manufacturer shall not be considered road worthy. Any vehicle requiring a Department of Transportation permit or any other special permit for towing is specifically prohibited from placement within any travel trailer park. Additionally, any vehicle in excess of 320 square feet, as measured in the towing mode, is prohibited within any travel trailer park; and

(5) In connection with this subsection, each park in existence at the time of the adoption of this amendment shall submit a park design to the Building Inspector within 30 days, indicating the number of spaces within the park, their relative positions and all streets within the park. All spaces should be appropriately numbered on the design and following approval of the numbering system by the building inspector, such numbers must be displayed within the park.

(H) *Structural attachments to travel trailers are prohibited.* All structural improvements or additions to a travel trailer or used in connection with a travel trailer which might contribute to a delay or the inability to readily remove that or any other trailer from its parking space are prohibited. In addition, all attachments or improvements to travel trailers or used in connection with travel trailers not herein specifically permitted are prohibited.

(1) The following attachments or improvements are permitted:

(a) Any addition built into the travel trailer by the manufacturer and designed to fold out or extend from the trailer which does not interfere with the immediate removal of the trailer or any other travel trailer;

(b) Decks which are:

i.) Properly anchored;

ii.) Not in excess of ten feet by 20 feet, however, alternate configurations may be approved by the building inspector, on a case by case basis, provided that no deck may exceed 200 square feet. The approval of alternate configurations may not be arbitrarily withheld;

iii.) No more than ten feet perpendicular to the travel trailer;

iv.) No more than 20 feet parallel with the travel trailer;

v.) One level, not more than 16 feet from grade;

vi.) With or without rails;

vii.) Covered by a canvas awning attached to the travel trailer, but not to the deck itself or a cover certified by a state licensed professional engineer to meet or exceed the 130 mph wind

load requirement of the State Building Code, and can be capable of being securely stored within one hour; and

viii.) Not placed in such a manner as to interfere with the removal of the travel trailer that it is used in connection with, or any other travel trailer.

(c) Storage sheds not in excess of seven feet wide, four feet deep, and eight feet two inches in height, properly anchored, shall not be placed adjacent to any roadway, and only one shed authorized per lot; and

(d) Landscaping or vegetation which does not interfere with the immediate removal of the travel trailer.

(l) *Improvement permits required.* Any improvements or repair activity within a travel trailer park or in connection with a travel trailer, whether within a park or not, may require permits. Any individual contemplating improvements or repair to or in connection with a travel trailer must consult the building inspector before commencing any action.

(1) Uncovered decks to be used in connection with travel trailers require building permits. The application for the building permit must include an engineered drawing of the proposed deck and its position relative to the travel trailer, the street and any other travel trailer nearby. Building permits will be issued jointly in the name of the travel trailer owner and the park and indicate the space number where the activity is approved. No deck shall impede the ingress or egress of any recreational vehicle either to, from or within the travel trailer park.

(2) All development activities shall comply with all state statutes and rules and regulations adopted pursuant to the Coastal Area Management Act.

(3) All development activity located within the town shall conform to FEMA requirements as set out in the flood damage prevention ordinance and as amended from time to time by either FEMA or the Board of Aldermen.

(J) *Compliance.* Campgrounds are required to comply with 44 C.F.R. § 60.3, the 2012 North Carolina Building Code, as amended and this ordinance. New recreational vehicle parks and the placement of recreational vehicles are not permitted in the town, pursuant to State Building Code § G601.1, as amended and the town's adoption of V Zone construction standards throughout Coastal AE Zones.

(K) *Existing campgrounds.* Existing campgrounds are classified as a nonconforming use, subject to the provisions of this section. Expansion of an existing campground is prohibited pursuant to the State Building Code § G601.1, as amended and § 9.01.01 of this ordinance. No deviations are allowed without a special use permit pursuant to § 2.06.04.

(L) *Recreational vehicles.* Recreational vehicles may be permitted in existing campgrounds provided that the unit is 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.

(M) *Evacuation.* In the interest of public safety due to an impending hazardous condition, the Board of Aldermen is authorized to call for the mandatory evacuation of all travel trailers and recreational vehicles. Failure to obey the mandatory evacuation order shall constitute a violation of this ordinance.

(Ord. passed 11-2-2011; Ord. 2013-3, passed 6-17-2013; Ord. passed 7-6-2022)

Rogers Bay Property Owners Association  
PO Box 517  
Sneads Ferry, NC 28460  
Telephone: 910-328-0568  
Email: [rogersbayoffice@embarqmail.com](mailto:rogersbayoffice@embarqmail.com)

Date: 7-12-2024

Re: Vinyl Fence

Name: Aneta Pava

Address: 7404 Chapel Hill Rd. Ste. M  
Raleigh, NC 27607

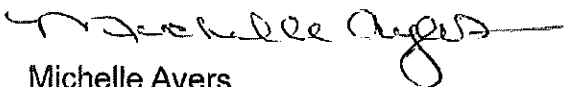
Dear: Aneta Pava

This letter is to notify you that your request to build a vinyl fence 18' X 6' on lot# 146 Has been approved by the Board and the Property Manager. It is approved based on the dimensions in your drawing attached, and final approval from NTB.

You will need to take this letter, along with the permit application that you can find on the link listed <https://www.citizenserve.com/northtopsailbeach>.

If you have any questions, please feel free to reach out to me.

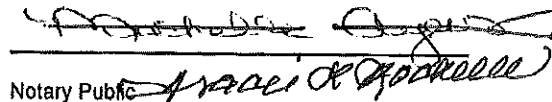
Sincerely,



Michelle Ayers  
Property Manager

STATE OF NORTH CAROLINA  
COUNTY OF ONSLOW

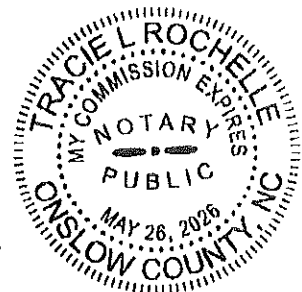
The foregoing instrument was acknowledged before me  
This 07/12/24 (date) by Michelle Ayers  
(name of person acknowledged)

  
Notary Public

Printed name: Tracie L. Rochelle

My commission Expires:

May 26 2026



§ 10.02.01 DEVELOPMENT WITHOUT A PERMIT 4021 Island Dr Lot 15G Oar St

From: Deb Hill (dh@northtopsailbeachnc.gov)  
 To: anetapaval@yahoo.com; rogersbayoffice@embarqmail.com  
 Cc: kwinzler@northtopsailbeachnc.gov  
 Date: Friday, July 19, 2024 at 12:14 PM EDT

**Rogers Bay Manager:** please forward email to your Board members. I request that they encourage Ms. Paval to comply with § 4.03.11 OPERATING STANDARDS FOR EXISTING TRAVEL TRAILER PARKS.

**Mrs. Aneta Paval:** I hope that the information in this email answers any questions you may have. If not, feel free to contact me directly.

As of 7/19/2024, no permit has been issued for FNC24-000008, as your application is incomplete. The Permit Specialist advised you on 7/19/2024 that, "The uploaded fence panel image appears to be a solid-board fence. Per https://www.northtopsailbeachnc.gov/buildinginspections/page/fencegate-application if the proposed fence is solid, or is prone to trapping debris: V-Zone Certificate prepared by a qualified registered design professional demonstrating no harmful diversion of floodwaters or wave runoff and wave reflection that would increase damage to adjacent buildings and structures."

**PERMIT PROJECT**  
 FILE #: 24-000008  
 4021 ISLAND DR LOT 14G OAR NORTH TOPSAIL BEACH NC 28440  
 BUILDING A WHITE SOLID BOARD PRIVACY FENCE 6FT TALL AND 18FT LONG ON 14G OAR STREET NORTH TOPSAIL BEACH NC 28440

ROUTE NAME	PERMIT #	STATUS			
FENCE PERMIT ROUTE	FNC24-000008	ON HOLD. SEE REVIEW COMMENTS			
ACTIVITY TYPE	DEPARTMENT	ASSIGNED TO	STATUS	DUE	COMPLETED
Initial Review	North Topsail Beach	Kate Winzler	On Hold. See Review Comments	07/19/2024	07/19/2024
Plan Check	North Topsail Beach	Kate Winzler			
Zoning Review	North Topsail Beach	Deborah Hill			

\* Re-Submittal Required. The uploaded fence panel image appears to be a solid-board fence. Per https://www.northtopsailbeachnc.gov/buildinginspections/page/fencegate-application if the proposed fence is solid, or is prone to trapping debris: V-Zone Certificate prepared by a qualified registered design professional demonstrating no harmful diversion of floodwaters or wave runoff and wave reflection that would increase damage to adjacent buildings and structures.

V-Zone requirements are not new to Rogers Bay Campground. Since 2000, the Town of North Topsail Beach Board of Aldermen adopted both V zone and AE zones as Coastal High Hazard Area.

The requirement for V-Zone Certification by registered professional engineer or architect is not new, as a solid board fence can act as obstructions to the free flow of water and waves, and is included in Section XI: Other Development on the V-Zone Certification, required by FEMA/NFIP and NC Department of Public Safety:

<b>SECTION XI: OTHER DEVELOPMENT</b>	
Note: This section must be certified by a registered professional engineer or architect, or a registered design professional, for all buildings, structures, retaining walls, retaining walls, solid fences, privacy walls, decks, porches, and other development activities.	
a) No other development activity has taken place on the site; or	
b) Any other development activity as designed and constructed will not cause the wave reflection that would increase damage to adjacent buildings and structures.	
<b>SECTION XII: CERTIFICATION</b>	
Name of Certifier	Title
Firm Name	License Number

Solid board fences are addressed in FEMA's Technical Bulletin 5 Free-of-Obstruction Requirements for Buildings Located in Coastal High Hazard Areas in accordance with the National Flood Insurance Program, on p. 21.

**Fences and Privacy Walls**

Fences and privacy walls (including walls separating one property from another) may obstruct or divert flood flow and waves. They must be analyzed for their effects on flood conditions and the effects of debris generated by fence/wall failure during flood events. For floodplain management purposes, it can be presumed that open fences (e.g., wood/plastic/metal slat fencing with generous openings, etc.) will not lead to harmful diversion of floodwaters or wave runoff and reflection. Fences with smaller openings, and solid fences and walls, may be prone to trapping debris.

Solid fences and privacy walls, and fences prone to trapping debris, must be designed and constructed to fail under base flood conditions without causing harm to adjacent NFIP-compliant buildings. Where building or fire codes require ground level walls for tenant fire separations, efforts should be made to satisfy code requirements while minimizing potential adverse effects due to flood diversion.

Siting of new buildings near existing fences or walls should be reviewed carefully. Figure 16 shows an example of a shore-perpendicular solid wall that failed during a coastal flood event and damaged the pile foundation of an adjacent elevated building.

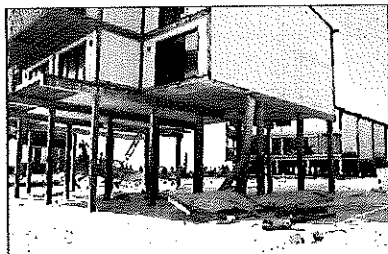


Figure 16. Shore-perpendicular reinforced masonry wall failed and collapsed into the foundation of an adjacent building, contributing to failure of the corner foundation piling and pile cap/beam.

**North Topsail Beach Flood Damage Prevention Ordinance (June 4, 2020)**

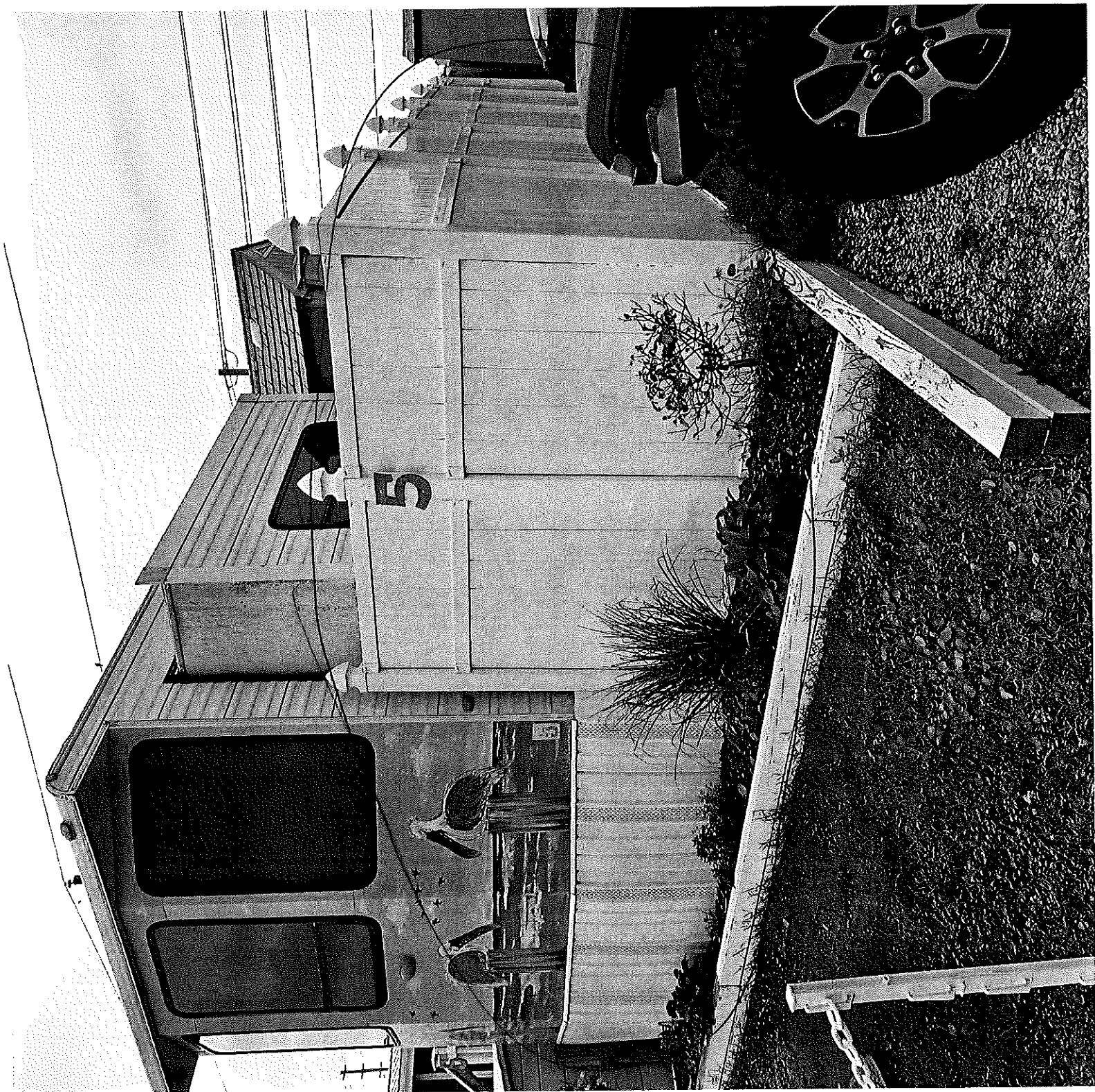
§ 7.04 ADMINISTRATION. (B) Floodplain development application, permit and certification requirements. (3) Certification requirements.  
 (f) V-Zone certification. A V-Zone certification with accompanying design plans and specifications is required prior to issuance of a floodplain development permit 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. Prior to the certificate of compliance/occupancy issuance, the Floodplain Administrator may require that a registered professional engineer or architect certify the finished construction is compliant with the design, specifications and plans for VE Zone construction.

**§ 7.06 Provisions for flood hazard reduction. SECTION G. Coastal high hazard areas (Zones VE and AE)**

(C) Coastal high hazard area (Zones VE and AE). Coastal high hazard areas are special flood hazard areas established in § 7.03(B), and designated as Zones VE and AE. These areas have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new construction and substantial improvements shall meet the following provisions, in addition to the provisions of § 7.05 (A) and (B):







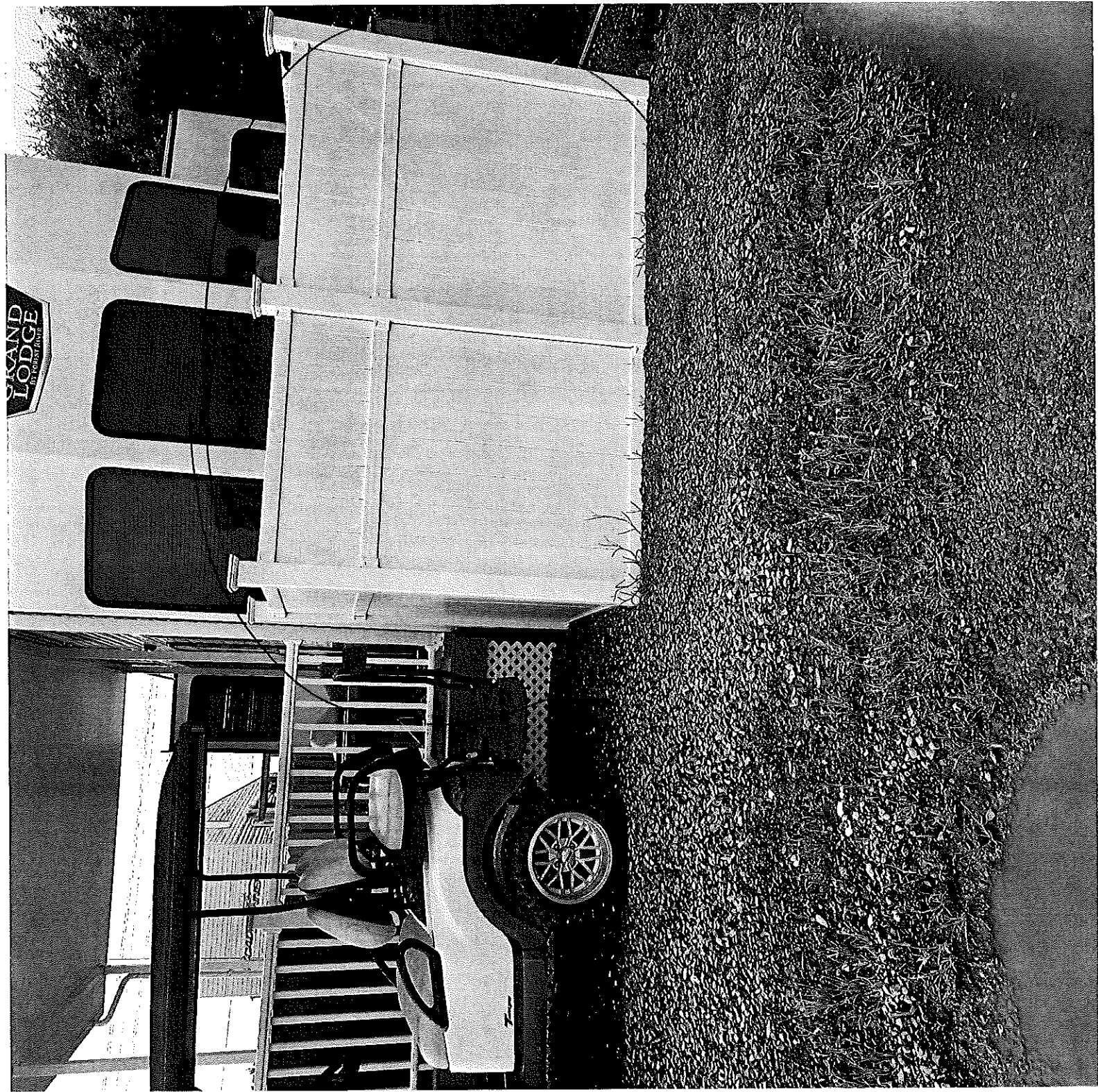
















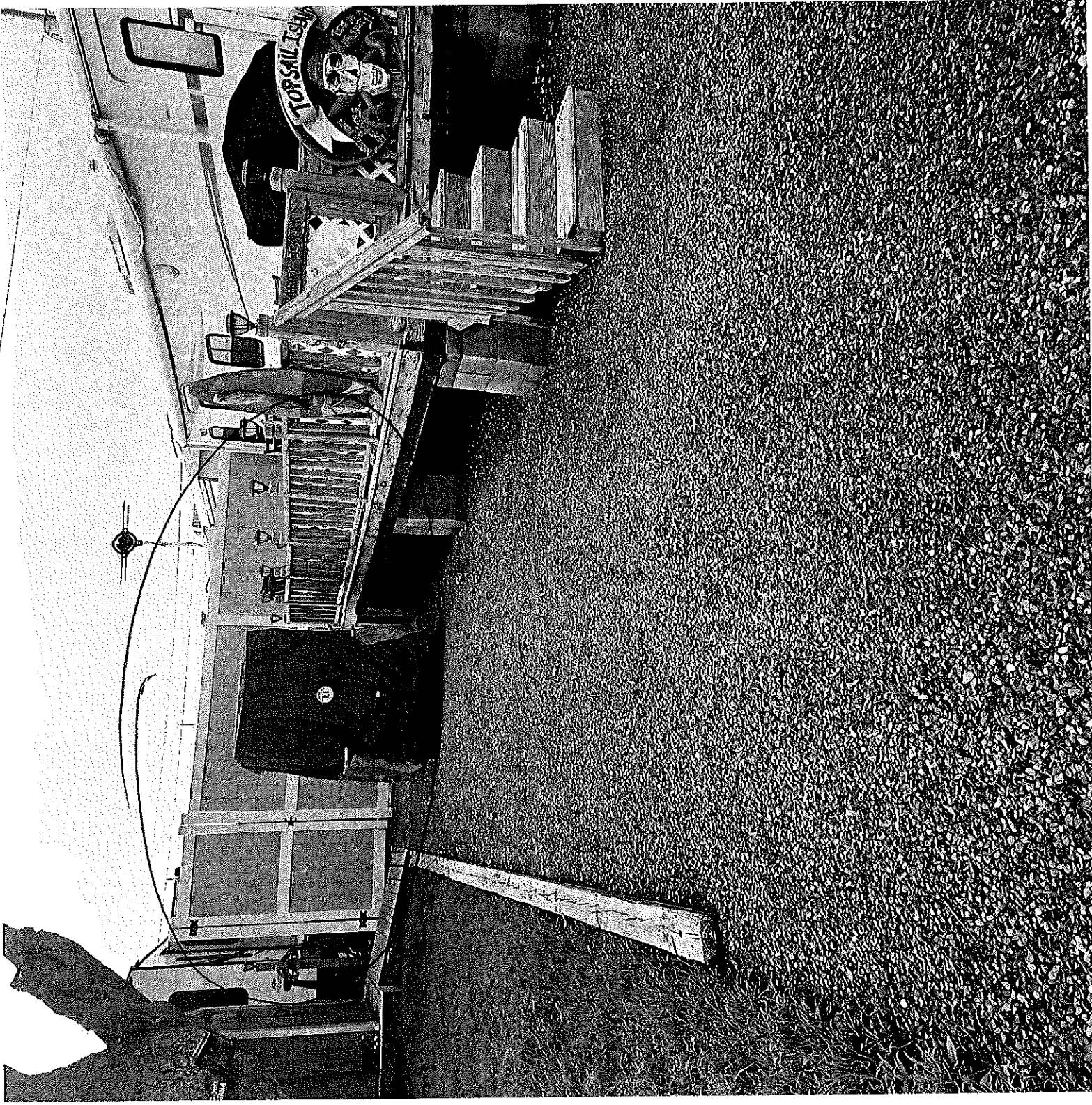












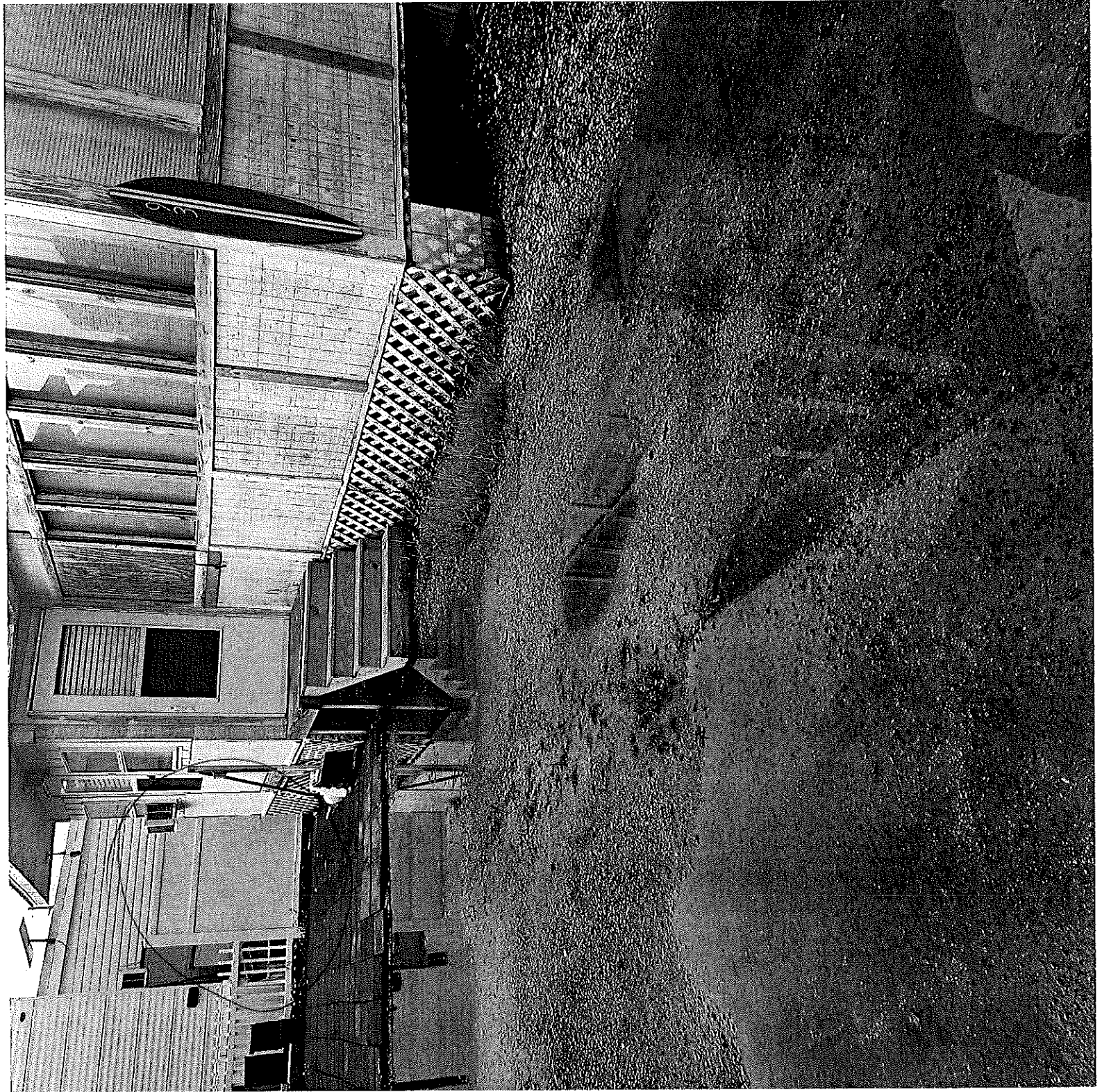


















FLAMINGO

ONE WAY

5 MPH  
SPEED LIMIT  
WATCH FOR  
CHILDREN

