
STAFF REPORT CONTACT INFORMATION

Deborah J. Hill MPA AICP CFM CZO, Planning Director

DOCKET/CASE/APPLICATION NUMBER

AA24-000003

APPLICANT/PROPERTY OWNER

Ms. Aneta Paval/Roger's Bay POA

PUBLIC HEARING DATE

Zoning Board of Adjustment

Tuesday, December 17, 2024, 6:00 p.m.

PROPERTY ADDRESS/LOCATION

Rogers Bay Campground

4021 Island Dr (Tax Parcel # 769-4.1)
(Camp Site: 15 G Oar St)

BACKGROUND

Rogers Bay Campground existed prior to the Town's incorporation in 1990 as a public campground with 254 sites. The plat was recorded as Map Book 30 Page 34 on October 21, 1993 (**EXHIBIT 2**). The Town's Travel Trailer Ordinance was adopted February 6, 1997. The previous owners Marian and Corky Fields, Island Camp, Inc. sold the parcel with 442 deeded interests and control was turned over to the Rogers Bay POA on 7 October 2000. The Applicant's deeded 1/442 undivided interest is recorded in Book 6027 Page 537 on 09/01/2023 (**EXHIBIT 3**). In September 2010, Rogers Bay POA requested that ONWASA provide an increase to 442 water services. The 33.16-acre parcel is zoned B-1 and is a Special Flood Hazard Area (SFHA); AE Flood Zone and within Coastal Barrier Resouce System L06.

BRIEF SUMMARY OF REQUEST

On 07/18/2024, the Applicant submitted an application, FILE #: 24-000630, PERMIT #: **SB24-000044**. The same day, Permit Specialist Kate Winzler denied with comments: Re-Submittal Required: Incorrect application. Requires a fence application: Log into: <https://www.citizenserve.com/northtopsailbeach> Mouse over "Services" tab in the top bar Click on "Planning and Zoning" In the left-hand column, click on "Apply online" Select "Fence Permit" in the drop-down menu Complete the application and click "submit". (**EXHIBITS 4-10**)

On 07/18/2024, the Applicant submitted a second application, FILE #: 24-000633, PERMIT #: **FNC24-000008**. On 07/19/2024, the Planning Director denied with comments, "Re-Submittal Required: my recommendation is for you to request your Rogers Bay Board Members if they would consider submitting an application for a text amendment to 4.03.11 to be reviewed by the Planning Board and a decision be determined by the Board of Aldermen. Otherwise, I am unable to approve your fence application in a B-1 zone for Travel Trailer Park site." (**EXHIBITS 11-16**)

On 07/22/2024, the Applicant submitted a third application, FILE #: 24-000636, PERMIT #: FNC24-000009. (**EXHIBITS 17-26**)

1. FNC24-**000009** - Planning Director notified applicant Mon 7/29/2024 8:45 AM links for applications for appeals and variances. Planning Director notified RB Manager to pass to RB POA Board Wed 7/24/2024 8:37 AM that fences could not be approved and that applicant can appeal my determination to the board adjustment, or request a variance to the board of adjustment, or the Rogers Bay board can submit a request for a text amendment. As of 8/9/2024, this determination has not altered and there have been no applications submitted for appeals, variances nor text amendments to 4.03.07 FENCES nor 4.03.11 OPERATING STANDARDS FOR EXISTING TRAVEL TRAILER PARKS.
2. FNC24-000009 - Rogers Bay Management has issued a \$50.00 fine for installing the fence without proper approval. Additionally, Rogers Bay Management has notified her that if within 30 days of the notice the fence is not removed or a final approval letter is not presented, then a \$100.00 dollar fine will be charged, and each 30 days after.
3. FNC24-000009 - Recommend that the applicant comply with the instructions by Rogers Bay Management.

On 07/29/2024, the Applicant submitted an application to appeal the administrative decision to deny the fence permit # **SB24-000044**. (**EXHIBIT 27**)

On 12/06/2024, the Planning Director received Applicant's letter with attachments dated 12/03/2024, addressed to the Board of Adjustment (**EXHIBIT 29**).

EXHIBITS

- Exhibit 1.** Staff Report
- Exhibit 2.** Map Book 30 Page 34
- Exhibit 3.** Deed Book 6027 Page 537

FILE #: 24-000630, PERMIT #: SB24-000044

FILE HISTORY

- Exhibit 4.** SB24-000044 Permit Application Details
- Exhibit 5.** Rogers Bay Property Owners Association letter dated 7/12/2024 *Re: Vinyl Fence* received 07/18/2024 09:06 AM.
- Exhibit 6.** System Email "Your permit application has been received.htm" dated 07/18/2024 09:06 AM
- Exhibit 7.** K WINZLER EMAIL "Application Incomplete.htm" dated 07/18/2024 09:55 AM
- Exhibit 8.** System Email "Your citizenserve application status has changed.htm" dated 07/18/2024 09:56 AM
- Exhibit 9.** SB24-000044 Review Details
- Exhibit 10.** Applicant message 2024 07 22

FILE #: 24-000633, PERMIT #: FNC24-000008

FILE HISTORY

- Exhibit 11.** APPLICATION FNC24-000008 Permit Details _ Citizenserve dated 07/18/2024 07:22 PM
- Exhibit 12.** FNC24-000008 Review List _ Citizenserve
- Exhibit 13.** K WINZLER EMAIL "Application Incomplete.htm" DTD 2024 07 19 0822
- Exhibit 14.** K WINZLER EMAIL "Application Submitted for Review (Zoning).htm" DTD 2024 07 19 1409 PM

- Exhibit 15.** Email thread 2024 07 19 1422
- Exhibit 16.** K WINZLER EMAIL "4021 Island Dr Lot 14G Oar FNC24-000008 Application Reviews Completed" dated 07/19/2024 04:19 PM

FILE #: 24-000636, PERMIT #: FNC24-000009

FILE HISTORY

- Exhibit 17.** APPLICATION FNC24-000009 Permit Details _ Citizenserve dated 07/22/2024
- Exhibit 18.** FNC24-000009 Review List _ Citizenserve
- Exhibit 19.** Email thread 2024 07 22 2014
- Exhibit 20.** K WINZLER EMAIL FNC24-000009 Application Incomplete DTD 2024 07 23 0840
- Exhibit 21.** Email thread 2024 07 24 0827
- Exhibit 22.** Email thread 2024 07 24 0828
- Exhibit 23.** Email thread 2024 07 24 0837
- Exhibit 24.** Email thread 2024 07 29 0845
- Exhibit 25.** Email thread 2024 08 05 0833
- Exhibit 26.** K WINZLER EMAIL FNC24-000009 Application Denied DTD 2024 08 09 0942

APPEAL

- Exhibit 27.** Application # AA24-000003 by Aneta Paval to appeal the denial of fence permit # SB24-000044 received 07/29/2024, with attachments:
- A. Denial of fence permit # SB24-000044.
 - B. Rogers Bay Approval of Fence for 14G Oar Street North Topsail Beach.
- Exhibit 28.** Email thread 2024 08 09 1036
- Exhibit 29.** Applicant's letter dated 12/03/2024 to Board of Adjustment with attachments.
- Exhibit 30.** Public Notice