

Richard Grant, Mayor
Connie Pletl, Mayor Pro Tem



E. L. Faison, ICMA-CM
Town Manager

Aldermen:
Kip Malcolm
Mark Barefoot
Laura Olszewski

Alexis Stanfield, NCCCC
Town Clerk

MEETING DATE: June 3, 2026

TO: Board of Aldermen

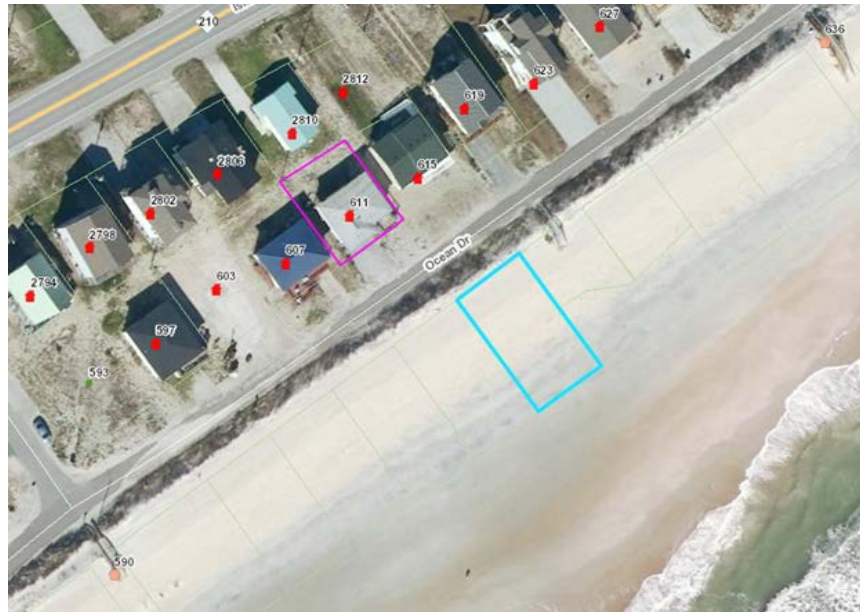
FROM: Deborah J. Hill MPA AICP CFM

DEPARTMENT: Planning Department

SUBJECT: Request for Right-of-Way Encroachment to Construct Private Beach Access

SUMMARY:

Mr. Benjamin Rao, owner of 611 Ocean Drive, requests to encroach into the Town's Ocean Drive right-of-way to construct a private beach access at 614 Ocean Drive (L6 B7 OCEAN CITY). The lot exists entirely oceanward of the dune system and is between Chestnut St public access #10 and Thompson St access #11.



SPECIFIC ACTION REQUESTED:

The Planning Board held their regular meeting on Thursday, May 14, 2026. **Mrs. Jan Bellamy-Genee made a motion to recommend to the Board of Aldermen that they not approve the request. Mr. Charles "Rusty" Walker seconded the motion. The motion to deny passed 4-0.**

STAFF REPORT CONTACT INFORMATION
 Deborah J. Hill MPA AICP CFM

DOCKET/CASE/APPLICATION NUMBER

APPLICANT/PROPERTY OWNER
 Benjamin Rao

PUBLIC HEARING DATE N/A
 PLANNING BOARD DATE MAY 14, 2026, 6 PM
 BOARD OF ALDERMEN DATE JUNE 3, 2026, 11 AM

PROPERTY ADDRESS/LOCATION
 614 Ocean Drive (L6 B7 OCEAN CITY)

BRIEF SUMMARY OF REQUEST

Mr. Benjamin Rao, owner of 611 Ocean Drive, requests¹ right-of-way encroachment agreement to encroach into the Town's Ocean Drive right-of-way to construct a private beach access at 614 Ocean Drive (L6 B7 OCEAN CITY).

Indicated in Figure 1 to the right, Mr. Rao's properties are outlined in pink; the right of way width is **60** feet; and the landward toe of the dune is approximately **22** feet from 614 Ocean Drive (L6 B7 OCEAN CITY).

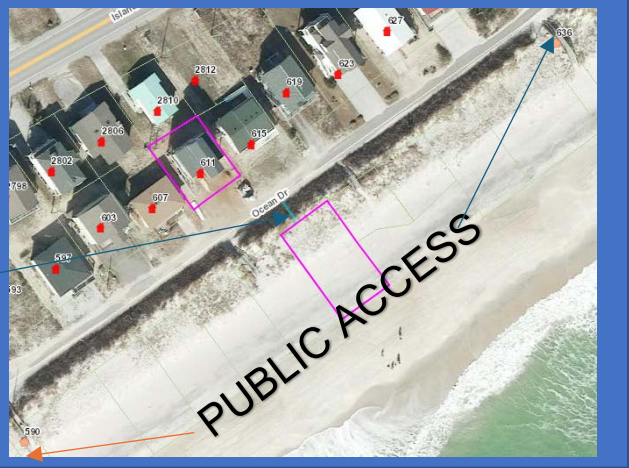


FIGURE 1

MAP SOURCE: Onslow County GIS 2024 Aerial

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
CDR-5	Public Trust Area	<ul style="list-style-type: none"> Right of Way Public Trust Area Atlantic Ocean 	None	0.1 acres +/-4,517 ft ²

<p>PROPERTY HISTORY</p> <p>Mr. Rao purchased the lot on March 27, 2026, with a tax value of \$100.00. Parcel identification (PIN) 425619513140. Recorded deed reference Book 6556 Page 349.</p>	<p>COMPATIBILITY with the COMPREHENSIVE PLAN</p> <p>North Topsail Beach accepts state and federal law regarding land uses and development in AEC's (Areas of Environmental Concern), including all NCAC 7H standards. By reference, all applicable state and Federal regulations are incorporated into this document. The design^{2, 3} submitted does not meet CAMA Letter of Exemption #42-26 Condition #4 and #5,⁴ nor 15A NCAC 7K .0207 (a) (2)⁵, 15A NCAC 7H .0308 (c) and (d)⁶.</p>
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COMPATIBILITY with the ZONING ORDINANCE

The lot exists predominantly within the public trust and is located oceanward of the dune crest, 273 feet to Chestnut St public access #10 and 240 feet the Thompson St public access #11.

ATTACHMENTS

1. Ben Rao email April 13, 2026, 1:10 PM
2. Proposed Dune Crossover Structure drawn by Ben Rao dated March 31, 2024.
3. Aerial Property Access provided by Ben Rao.
4. CAMA Letter of Exemption Number 42 – 26 dated April 2, 2026.
5. 15A NCAC 7K .0207 (a) (2)
6. 15A NCAC 7H .0308 (c) and (d).
7. Google Street View Ocean Drive February 2024.

From: Ben Rao <brao@familyshepherd.com>
Sent: Monday, April 13, 2026 1:10 PM
To: Alexis Stanfield <astanfield@northtopsailbeachnc.gov>
Subject: May 13th 2026 - Request for Right-of-Way Encroachment – 614 Ocean Drive (Beach Access Crossover)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Alexis,

I am writing to formally request consideration for a right-of-way encroachment agreement for a proposed residential dune crossover at 614 Ocean Drive in North Topsail Beach, North Carolina, and to request placement on the May 13 Board of Aldermen agenda. This request is being made at the recommendation of Town staff following initial review of our permit application. By way of background, we have received approval from the North Carolina Coastal Area Management Act (CAMA) for the proposed beach access crossover. The location has been field reviewed and flagged, including the approved termination point on the ocean side of the dunes. As part of that process, it was also acknowledged that minor grading on the landward side may be required to properly set the initial stair run.

The remaining issue concerns the structure's location relative to the public right-of-way along Ocean Drive. Over time, the primary dune system has migrated landward, such that a portion of the existing dune now lies within what appears to be the public right-of-way. As a result, placing the crossover strictly landward of the platted property line would not align with the natural dune formation and would create additional disturbance to the dune system. Additionally, there are multiple neighboring properties along this section of Ocean Drive with existing beach access structures that appear to extend into or across the same right-of-way area due to similar long-term dune migration. In light of these conditions, we respectfully request approval of a limited right-of-way encroachment to allow the dune crossover to be constructed in a manner consistent with the existing dune alignment and surrounding properties.

We would like to emphasize the following: (see attachment)

- The proposed structure is a 4-foot-wide, elevated wooden crossover designed to minimize impact to the dune system and concentrate pedestrian traffic to reduce erosion.
- Installation will utilize hand-driven 6x6 posts and will not involve heavy equipment on the dunes.

- The design and placement have already been reviewed and approved by CAMA.
- The encroachment would be minimal in scale and consistent with nearby existing access structures.

We fully understand and agree that the Town must retain full rights to the use and maintenance of the right-of-way. As such, we are willing to acknowledge and accept that:

- The structure will be installed at our own risk within the right-of-way.
- The Town may remove or require modification of the structure if future public use, infrastructure work, or storm-related recovery efforts necessitate it.
- We will not object to or seek compensation for removal or disruption of the structure under such circumstances.

Our goal is to work collaboratively with the Town to arrive at a practical solution that respects both regulatory requirements and the realities of the current dune conditions. Due to a recent ankle reconstruction surgery, I may have difficulty attending the meeting in person, but I could possibly make the May 13 agenda. If possible, I would greatly appreciate the opportunity to attend and participate via Zoom or another video conferencing option, or to have my wife attend in my place.

Thank you for your time and consideration. Please let me know if any additional information, documentation, or revisions are needed prior to Board review.

Sincerely,

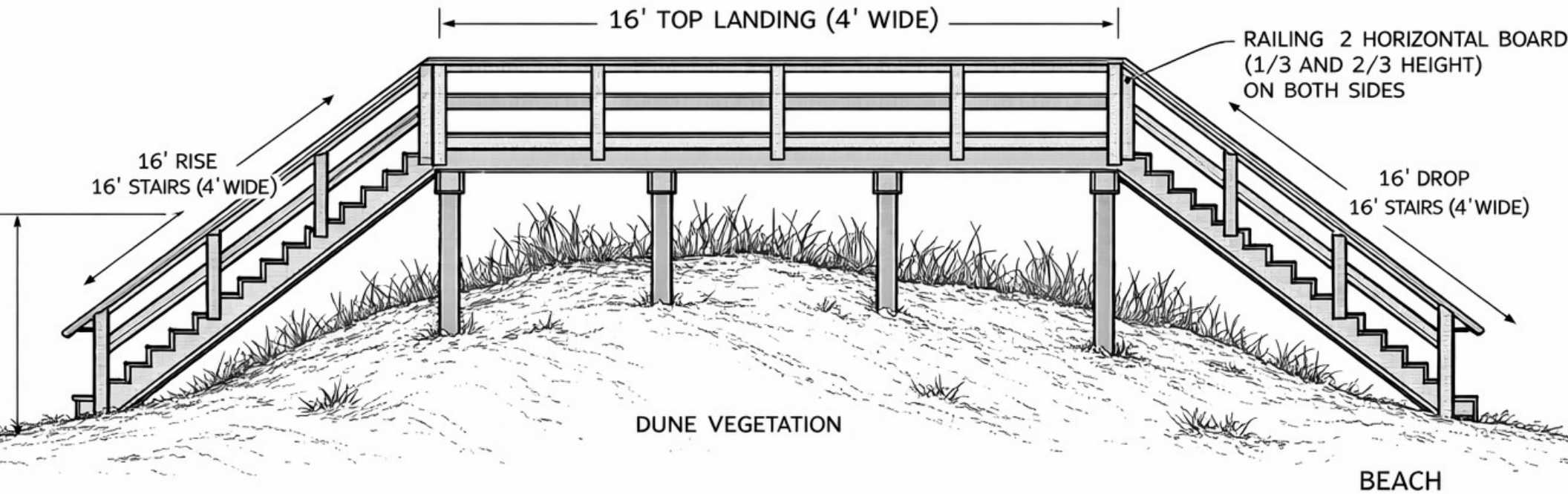
Ben Rao

611 & 614 Ocean Drive, North Topsail Beach, NC

PROPOSED DUNE CROSSOVER STRUCTURE

ATTACHMENT 2

614 Ocean Drive, North Topsail Beach, North Carolina



CONSTRUCTION NOTES:

- 6x6 POST DRIVEN INTO SAND
- WOOD DECKING & STAIRS (4' WIDE)
- STAINLESS STEEL FASTENERS
- HANDRAILS ON BOTH SIDES
- RAILING: TWO HORIZONTAL BOARDS (1/3 AND 2/3 HEIGHT)
ON BOTH SIDES FOR FULL LENGTH

TITLE:	DUNE CROSSOVER STRUCTURE
LOCATION:	614 OCEAN DRIVE, N. TOPSAIL BEACH
DATE:	MARCH 31, 2024
DRAWN BY:	BEN RAO
SCALE:	NOT TO SCALE





NORTH CAROLINA
Environmental Quality

JOSH STEIN
Governor

D. REID WILSON
Secretary

TANCRED MILLER
Director

ATTACHMENT 4 P 1

April 2, 2026

Exemption Number -42-26

Benjamin Rao
612 SE Green St.
Lees Summit, MO 64063-4233

RE: EXEMPTED PROJECT - STRUCTURAL BEACH ACCESSWAY (15A NCAC 7K .0207)

PROJECT ADDRESS – 614 Ocean Drive- OCEAN HAZARD AREA OF ENVIRONMENTAL CONCERN

Dear Mr. Rao:

I have reviewed the information submitted to this office in your inquiry concerning the necessary filing of an application for a minor development permit under the Coastal Area Management Act. I have determined that the activity you propose is exempt from needing a minor development permit as long as it remains consistent with your submittal to DCM via email on 4/2/2026, and meet the conditions specified below. If your plans should change and your project will no longer meet these conditions, please contact me before proceeding.

STRUCTURAL ACCESSWAY EXEMPTED

1. The beach accessway must not exceed six feet in width and shall provide only pedestrian access to the ocean beach.
2. The accessway must be constructed so as to make negligible alterations to the frontal dunes. This means that the accessway must be constructed on raised posts or pilings of five feet or less in depth, so that wherever possible only the posts or pilings touch the frontal dunes without any alteration to the dunes. In no case shall the frontal dune be altered so as to significantly diminish its capacity as a protective barrier against flooding and erosion.
3. Construction of the accessway shall be consistent with all other applicable local ordinances and N. C. Building Code standards.
4. **The accessway shall remain within the property boundaries and must terminate at the FLSNV (flagged on 3/4/2026) due to the existing berm that is not fully stabilized. At this point you can continue with post and rope.**



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.515.5400

Benjamin Rao
Ex-42-26
614 Ocean Drive
Page 2 of 2

5. In no case shall a beach access structure or stairs be constructed in or over the starter dune or berm. Posts and rope may be used on and over the berm not to exceed six feet beyond the seaward toe of the berm or starter dune.

This exemption to CAMA permit requirements does not alleviate the necessity of your obtaining any other State, Federal or Local authorization. This exemption expires 90 days from the date of the letter.

Sincerely,

Heather Styron

Heather Styron, District Manager, DCM
400 Commerce Ave.
Morehead City NC, 28557



15A NCAC 07K .0207 STRUCTURAL ACCESSWAYS OVER FRONTAL DUNES EXEMPTED

(a) The North Carolina Coastal Resources Commission exempts from the CAMA permit requirement all structural pedestrian accessways, including beach matting to provide public or private access over primary and frontal dunes when such accessways can be shown to meet the following criteria:

- (1) The accessway shall not exceed six feet in width and shall be for private residential or for public access to an ocean beach. This exemption does not apply to accessways for commercial use or for motor-powered vehicular use.
- (2) The accessway shall be constructed so as to make no alterations to the frontal dunes that are not necessary to construct the accessway. This means that the accessway shall be constructed over the frontal dune without any alteration of the dunes. In no case shall the dune be altered so as to diminish its capacity as a protective barrier against flooding by reducing the volume of the dune. Driving of pilings into the dune or a local, State, or federal government's use of beach matting for public access that is installed at grade and involves no excavation or fill shall not be considered alteration of a frontal dune for the purposes of this Rule.
- (3) The accessway shall conform with any applicable local or State building code standards.
- (4) Structural accessways may be constructed no more than six feet seaward of the waterward toe of the frontal or primary dune, provided they do not interfere with public trust rights and emergency access along the beach. Structural accessways are not restricted by the requirement to be landward of the First Line of Stable and Natural Vegetation as described in 15A NCAC 07H .0309(a).
- (5) Damaged, non-functioning, or portions of accessways that become non-compliant with Subparagraph (4) of this Paragraph shall be removed by the property owner.

(b) Before beginning any work under this exemption, the permit applicant shall notify the CAMA local permit officer or Division of Coastal Management representative of the proposed activity to allow on-site review of the proposed to ensure the accessway meets the exemption criteria. Notification can be by telephone, in person, or in writing and must include:

- (1) name, address, and telephone number of landowner and location of work including county and nearest community; and
- (2) the dimensions of the proposed structural accessway.

*History Note: Authority G.S. 113A-103(5)c;
Eff. November 1, 1984;
Amended Eff. December 1, 1991; May 1, 1990;
Readopted Eff. August 1, 2021;
Amended Eff. September 1, 2023; December 1, 2021.*

(c) Dune Protection, Establishment, Restoration and Stabilization.

- (1) No development shall be permitted that involves the removal or relocation of primary or frontal dune sand or vegetation that would adversely affect the integrity of the dune's function as a protective barrier against flooding and erosion. Other dunes within the ocean hazard area shall not be disturbed unless the development of the property is otherwise impracticable. Any disturbance of these other dunes shall be allowed only to the extent permitted by this Rule.
- (2) Any new dunes established shall be aligned to the greatest extent possible with existing adjacent dune ridges and shall be of the same configuration as adjacent natural dunes.
- (3) Existing primary and frontal dunes shall not, except for beach nourishment and emergency situations, be broadened or extended in an oceanward direction.
- (4) Adding to dunes shall be accomplished in such a manner that the damage to existing vegetation is minimized. The filled areas shall be replanted or temporarily stabilized until planting can be completed.
- (5) Sand used to establish or strengthen dunes shall be of the same general characteristics as the sand in the area in which it is to be placed.
- (6) No new dunes shall be created in inlet hazard areas. Reconstruction or repair of existing dune systems as defined in Rule .0305 of this Section and within the Inlet Hazard Area may be permitted.
- (7) Sand held in storage in any dune, other than the frontal or primary dune, shall remain on the lot or tract of land to the maximum extent practicable and may be redistributed within the Ocean Hazard AEC provided that it is not placed any farther oceanward than the crest of a primary dune, if present, or the crest of a frontal dune.
- (8) No disturbance of a dune area shall be allowed when other techniques of construction can be utilized and alternative site locations exist to avoid dune impacts.

(d) Structural Accessways:

- (1) Structural accessways shall be permitted across primary or frontal dunes so long as they are designed and constructed in a manner that does not alter the primary or frontal dune. Structural accessways shall not be considered threatened structures for the purpose of Paragraph (a) of this Rule.
- (2) An accessway shall be considered to entail negligible alteration of primary or frontal dunes provided that:
 - (A) The accessway is exclusively for pedestrian use;
 - (B) The accessway is a maximum of six feet in width;
 - (C) Except in the case of beach matting, the accessway is raised on posts or pilings of five feet or less depth, so that wherever possible only the posts or pilings touch the dune, in accordance with any more restrictive local, State, or federal building requirements. Beach matting shall be installed at grade and not involve any excavation or fill of the dune; and
 - (D) Any areas of vegetation that are disturbed are revegetated as soon as feasible.
- (3) An accessway that does not meet Part (2)(A) and (B) of this Paragraph shall be permitted only if it meets a public purpose or need which cannot otherwise be met and it meets Part (2)(C) of this Paragraph. Public fishing piers are allowed provided all other applicable standards of this Rule are met.
- (4) In order to preserve the protective nature of primary and frontal dunes, a structural accessway such as a "Hatteras ramp" may be provided for off-road vehicle (ORV) or emergency vehicle access. Such accessways shall be no greater than 15 feet in width and may be constructed of wooden sections fastened together, or other materials approved by the Division, over the length of the affected dune area. Installation of a Hatteras ramp shall be done in a manner that will preserve the dune's function as a protective barrier against flooding and erosion by not reducing the volume of the dune.
- (5) Structural accessways and beach matting may be constructed no more than six feet seaward of the waterward toe of the frontal or primary dune, provided they do not interfere with public trust rights and emergency access along the beach. Structural accessways and beach matting are not restricted by the requirement to be landward of the First Line of Stable and Natural Vegetation as described in Rule .0309(a) of this Section. A local, State, or federal entity may install beach matting farther seaward to enhance handicap accessibility at a public beach access, subject to review by the Wildlife Resources Commission and the U.S. Fish and Wildlife Service to determine whether the proposed design or installation will have an adverse impact on sea turtles or other threatened or endangered species.

