

STAFF REPORT¹ CONTACT INFORMATION

Deborah J. Hill MPA AICP CFM CZO, Planning Director

DOCKET/CASE/APPLICATION NUMBER

Agenda Item V. A. Case #VAR24-000001

APPLICANT/PROPERTY OWNER

Mr. Lincoln "Tad" Scott

PUBLIC HEARING DATE

Zoning Board of Adjustment

Tuesday, February 18, 2025, 6:00 p.m.

PROPERTY ADDRESS/LOCATION

1108, 1112 and 1116 New River Inlet Road

Ocean View Shores Lots 7, 6, 5

BRIEF SUMMARY OF REQUEST

Mr. Lincoln "Tad" Scott is requesting a variance^{2, 3, 4} from UDO Article 5, Section 5-1, R-5 front setback to allow for single-family construction of not more than 2,000 square feet of floor space on each lot.

EXISTING ZONING	EXISTING LAND USE CAMA LUP Map 10B	ADJACENT ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-5	Vacant	North R-10 Single-Family East R-5 Single-Family South Atlantic Ocean West R-20 Single-Family	None	1108 (Lot 7) 18,169 ft ² MB44 P197 ⁵ 1112 (Lot 6) 18,444 ft ² MB44 P197 ⁵ 1116 (Lot 5) 18,847 ft ² MB44 P196 ⁶

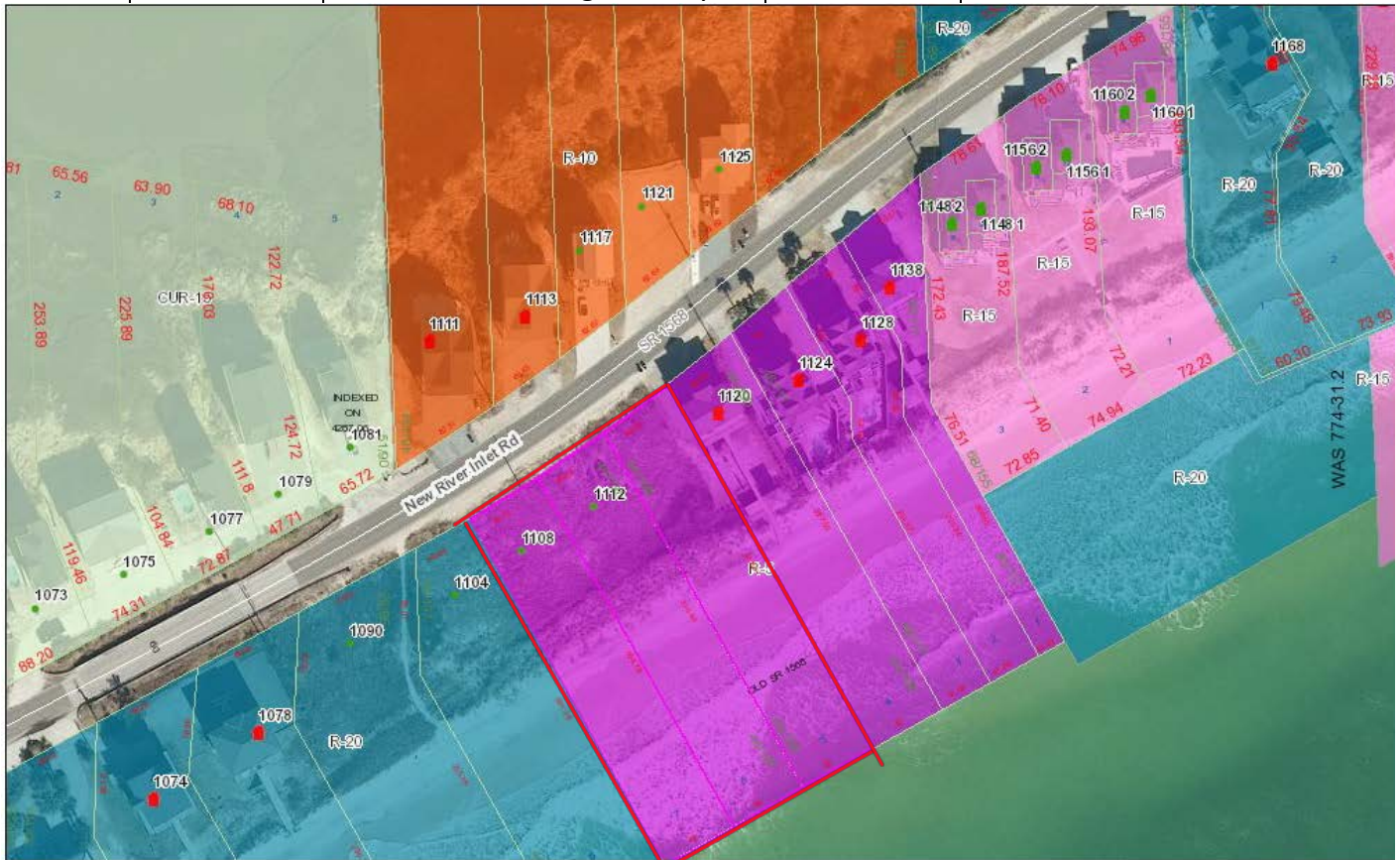


FIGURE 1: Ocean View Shores Lots 7, 6 AND 5 outlined in red. (MAP SOURCE: ONSLOW COUNTY GIS with 2024 AERIAL and ZONING LAYER)

PROPERTY HISTORY

In 1957, Topsail Island Highway bisected the parent tracts 1 through 4.⁷ With the relocation of the roadway renamed New River Inlet Road, the oceanfront portions of tracts 1 through 4 were established as Ocean View Shores by a series of plat exemptions recorded as MB 44 P 195 (Lots 1, 2, 3) filed 06/17/2003, MB 46 P 117 (Lots 1, 2, 3), MB 44 P 196 (Lots 3, 4, 5) filed on 06/17/2003⁶, and MB 44 P 197 (Lots 6, 7, 8)⁵. The property has not been rezoned from the initial R-5 Zoning District and appears to have remained undeveloped.

COMPATIBILITY with the COMPREHENSIVE PLAN (CAMA Land Use Plan)

The Future Land Use Map 11B classifies the property as High Density Residential.

The erosion rate is 3.0 (see Figure 3) and the ocean hazard setback for development shall be measured in a landward direction from the vegetation line, the pre-project vegetation line, or the measurement line, whichever is applicable a distance of **90 feet**, as determined by the DCM, the LPO, or other assigned agent of the DCM. [15A NCAC 07H .0306(a)(1)]

COMPATIBILITY with the Unified Development Ordinance (UDO)

UDO Article 5, Section 5-1 requires a 20-foot front setback for R-5 zoning districts.

STAFF ANALYSIS

On August 9, 2024, Mr. Scott applied for a CAMA permit to build a three-story, 1998 square foot (not including deck) single family residence on each of the three lots:

- Application Number 52-24 for 1108 New River Inlet Road
- Application Number 53-24 for 1112 New River Inlet Road
- Application Number 54-24 for 1116 New River Inlet Road

On August 12, 2024, Jonathan Lucas, Field Representative for NC Division of Coastal Management denied the applications, citing that the applications were not compliant with the following CAMA regulations: **8, 9, 10**

- 15A NCAC 07H .0306 (a)(3)(A) which states: "A building or other structure less than 5,000 square feet requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater".
- The exception available in 15A NCAC 07H .0309(b) because the lot was not platted before June 1, 1979 (Onslow County Registry Map Book 44, Page 197).

The NC Coastal Resources Commission (CRC) is revising 15A NCAC 07H .0309(b) in response to concerns raised about the inability to apply the exception within the oceanfront setback to lots created **after** June 1, 1979. These concerns emerged after the repeal of 15A NCAC 07H .0104 effective August 1, 2022, which had similar provisions for lots created after June 1, 1979, that could not meet the required setback.

The letters provided Mr. Scott two options: either appeal the permit decision or seek a variance. The Division of Coastal Management requires that the applicant exhaust all other remedies prior to submitting a variance application to the CRC, which necessitates his variance applications to the Town of North Topsail Beach Zoning Board of Adjustment.

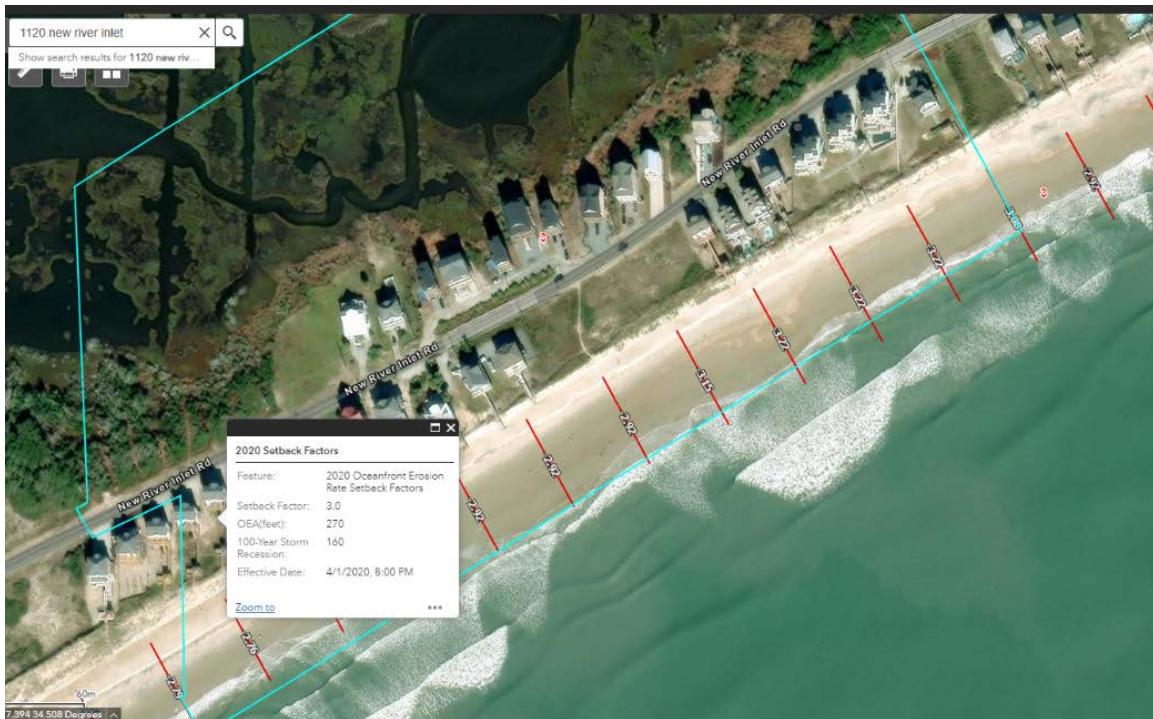


Figure 2: source: ncdcnr.maps.arcgis.com with 2020 Setback Factors and Setback Factor:3.0

The challenge is the effect of the annual erosion rate in that area of 3.0 ft/year, which are not conditions peculiar to the applicant's property, but to others as indicated in Figure 1 with the blue outline indicating Setback Factor 3.0 and the subject lots near center.

FINDINGS		
In accordance with § 2.03.04 of the Unified Development Ordinance and N.C.G.S. § 160D-705 (d), a variance shall be granted by the Board if evidence presented demonstrates the required findings are made:		
FINDING	APPLICANT	STAFF ANALYSIS
<p>(1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.</p>	<p>An unnecessary hardship would result from the strict application of the twenty-foot front yard setback requirement in that applicant will be prevented from making reasonable use of the lot, which is zoned for single-family homes. The Town's front yard setback requirements, together with CAMA rules (specifically 15A NCAC 07H.0306(a)(3)(A)), serve to prevent applicant from building a home on this lot. Applicant plans to seek a variance from the NC Coastal Resources Commission to the CAMA setback rule to get approval to build a home of less than 2,000 square feet, but he is required to first seek relief from local requirements restricting use of the property before applying for a variance from the CRC. Due to a proposed rule change that has been approved by the CRC (but not yet enacted), Applicant believes that he has a good basis for the granting of a variance to the CAMA rule (as it currently stands), but he will be able to reduce the scope of the variance requested from the CRC if the Town will permit him to build within the Town's front yard setback area.</p>	<p>The variance request is not in accord with the CAMA Land Use Plan or sound planning principles. Promoting the development of properties that have been deemed unbuildable due to either state or local development regulations is inconsistent with:</p> <ul style="list-style-type: none"> • CAMA Land Use Policy P. 25 The Town, in an effort to protect the eco-friendly environment that the Town has established over the years, may aim to secure lots through either acquisition, grant-funded purchase, or donation. These lots may be secured as open space easements in perpetuity. Special attention will be given to acquire properties that have been deemed unbuildable due to either state or local development regulations; and • CAMA Land Use Policy P. 52 The Town supports relocation of structures endangered by erosion, if the relocated structure will be in compliance with all applicable local, state, and federal policies and regulations including the Town's zoning and subdivision ordinances. Relocation of structures should comply with density standards outlined within the future land use map section of this plan.
<p>(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.</p>	<p>The hardship results from conditions peculiar to this lot (and the other two lots owned by applicant adjoining this lot) based on the topography and location of this lot and the date of enactment of certain CAMA rules as applied to this lot. There are lots of the same or similar size within the same area with homes on them.</p>	<p>The hardship is not peculiar to Mr. Scott's properties, but applies to all properties where the application of the oceanfront setback requirements of Rule .0306(a) would preclude placement of a structure on a lot created after June 1, 1979. The hardship is created for Mr. Scott's properties and others by:</p> <ol style="list-style-type: none"> 1. The effect of the annual erosion rate in that area of 3.0 ft/year, as required by 15A NCAC 07H .0306(a) and the oceanfront setback requirements which are not conditions peculiar to the applicant's property, but to others as indicated in Figure 2 with the blue outline indicating Setback Factor 3.0 and the subject lots near center; 2. The appeal of 15A NCAC 07H .0104 effective August 1, 2022, which had provisions for lots created after June 1, 1979, that could not meet the required setback. 3. The inability to apply the exception 15A NCAC 07H .0309(b) within the oceanfront setback to lots created after June 1, 1979; 4. That the revisions proposed to 15A NCAC 07H .0309(b) by the NC Coastal Resources Commission (CRC) to apply the exception to lots created after June 1, 1979, have not yet been codified.
<p>(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.</p>	<p>The conditions and special circumstances do not result from actions of the applicant. The applicant has not yet built on the lot nor done anything else on the lot that would violate or change the application of the rules.</p>	<p>The hardship is not a result from actions taken by the applicant, but as the results of oceanfront setback requirements of Rule .0306(a) that preclude placement of a structure on a lot created after June 1, 1979.</p>
<p>(4) The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.</p>	<p>The variance is consistent with the spirit and purpose of the UDO such that public safety is secured and substantial justice is achieved in that allowing applicant to encroach into the front yard setback area a reasonable amount will strike a balance between allowing applicant to make reasonable use of the lot by building a modest home upon it and protecting the natural beauty and erosion control of the lot. There will still be sufficient distance between the road and the proposed building area and between the ocean and the proposed building area to protect public safety and minimize the loss of life or property resulting from storms and long-term erosion.</p>	<p>The requested variance is a requirement by the Division of Coastal Management that the applicant exhaust all other remedies prior to submitting a variance application to the CRC, which necessitates his variance applications to the Town of North Topsail Beach Zoning Board of Adjustment.</p>

EXHIBITS

- ¹ Staff Report
- ² Lincoln "Tad" Scott Application #VAR24-000001
- ³ Application #VAR24-000001 Attachment 1 MAP 2023 06 06
- ⁴ Application #VAR24-000001 Attachment 2 MAP 2024 02 07
- ⁵ Lot Recombination for Ocean View Shores (Lots 6, 7, 8) by Charles F. Riggs PLS dated 06-13-2003, filed with the Onslow County Register of Deeds on 06/17/2003 and recorded as Map Book 44 Page 197.
- ⁶ Lot Recombination for Ocean View Shores (Lots 3, 4, 5) by Charles F. Riggs PLS dated 06-13-2003, filed with the Onslow County Register of Deeds on 06/17/2003 and recorded as Map Book 44 Page 196.
- ⁷ Division Map of A.M. Grant's Hobbs Island Tract by M. R. Walton PLS dated July 2&3, 1957, filed with the Onslow County Register of Deeds on 10/21/1957 as recorded as Map Book 5 Page 48.
- ⁸ Denial of Cama Minor Development Permit: Application Number 52-24: PROJECT ADDRESS – 1108 New River Inlet Road by Jonathan Lucas, NC Division of Coastal Management dated August 12, 2024.
- ⁹ Denial of Cama Minor Development Permit: Application Number 53-24: PROJECT ADDRESS – 1112 New River Inlet Road by Jonathan Lucas, NC Division of Coastal Management dated August 12, 2024.
- ¹⁰ Denial of Cama Minor Development Permit: Application Number 54-24: PROJECT ADDRESS – 1112 New River Inlet Road by Jonathan Lucas, NC Division of Coastal Management dated August 12, 2024.
- ¹¹ [Fiscal Analysis Rule Amendments: USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS 15A NCAC 07H .0309](#) prepared by Ken Richardson, Shoreline Management Specialist, Policy & Planning Section, NC Division of Coastal Management, dated May 26, 2023.
- ¹² Public Notice (applicant (Scott), adjoiners (Jenkins Holdings LLC, Godshall), Town Message Board, website, "Sunshine List")



Navigate to... ▼

VIEW PERMIT

[Home](#) / [Services](#) / [Planning and Zoning](#) / [View Permit](#)

Permit #: VAR24-000001

Project #: 24-000770

Status: Online Application Received

Address: 1112 NEW RIVER INLET RD 

Description: residential building



Permit	Reviews	Documents	Inspections
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Permit #:
VAR24-000001

Permit Type:
Application for Variance

Sub Type:
Application for Variance

Issue Date:

Expiration Date:

A Pre-submittal conference **is required** prior to submission

Attendance at the hearing is required. All meetings are the 3rd Thursday of the month and begin at 6:30 p.m. and are usually held in the 1st Floor Conference Room, Town Hall, 2008 Loggerhead Court, North Topsail Beach, NC 28460. Applicants may represent themselves may be represented by someone appropriate for quasi-judicial public hearings. The public hearing will allow the applicant, proponents, opponents and anyone else the opportunity to speak and ask questions in regards to the request. Unless otherwise specified, any order or decision of the Board granting a variance shall expire if the applicant does not obtain a building permit or certificate of occupancy for such use within six (6) months from the date of the decision.

Notice Under the Americans with Disabilities Act: A person with a disability may receive auxiliary aid or service to effectively participate in town government activities by contacting the Town Clerk, voice (910) 328-1349 or carinf@ntbnc.org , as soon as possible but no later than 48 hours before the event or deadline date.

*Cancellation Policy: All cancellations must be received at least 48 hours before the start of the Public Hearing and refunds are subject to a \$150 cancellation fee. Cancellations must be received in writing by e-mail (terriew@ntbnc.org), fax (910-328-4508 ATTN: Terrie Woodle), or by U.S. mail (2008 Loggerhead Court, North Topsail Beach, NC 28460-9286 - ATTN: Terrie Woodle). No refunds will be made for requests received after that time. Please allow two weeks for processing.

Zoning District:

R-5

CAMA Approval:

Pending

PROJECT INFORMATION

Property Owner:

- Lincoln Scott

The Board of Adjustment has limited discretion in deciding whether to grant a variance. Under the State Enabling Act, the Board is required to reach three conclusions before it may issue a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance; (b) that the variance is in harmony with the general purposes and intent of the Ordinance and preserves its spirit; and (c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done. A variance can be approved if the following conditions are found to exist:

Condition #1

That Applicant **must** show unnecessary hardship would result if variance is not granted; Applicant is not required to show that "no reasonable use" could be made of the property without the variance:

An unnecessary hardship would result from the strict application of the twenty-foot front yard setback requirement in that applicant will be prevented from making reasonable use of the lot, which is zoned for single-family homes. The Town's front yard setback requirements, together with CAMA rules (specifically 15A NCAC 07H.0306(a)(3)(A)), serve to prevent applicant from building a home on this lot. Applicant plans to seek a variance from the NC Coastal Resources Commission to the CAMA setback rule to get approval to build a home of less than 2,000 square feet, but he is required to first seek relief from

local requirements restricting use of the property before applying for a variance from the CRC. Due to a proposed rule change that has been approved by the CRC (but not yet enacted), Applicant believes that he has a good basis for the granting of a variance to the CAMA rule (as it currently stands), but he will be able to reduce the scope of the variance requested from the CRC if the Town will permit him to build within the Town's front yard setback area.

Condition #2

That the hardship must result from conditions peculiar to property:

The hardship results from conditions peculiar to this lot (and the other two lots owned by applicant adjoining this lot) based on the topography and location of this lot and the date of enactment of certain CAMA rules as applied to this lot. There are lots of the same or similar size within the same area with homes on them.

Condition #3

That the special conditions and circumstances do **not** result from the actions of the applicant:

The conditions and special circumstances do not result from actions of the applicant. The applicant has not yet built on the lot nor done anything else on the lot that would violate or change the application of the rules.

Condition #4

That the variance **must** be consistent with spirit and purpose of UDO, public safety secured, substantial justice achieved: The variance is consistent with the spirit and purpose of the UDO such that public safety is secured and substantial justice is achieved in that allowing applicant to encroach into the front yard setback area a reasonable amount will strike a balance between allowing applicant to make reasonable use of the lot by building a modest home upon it and protecting the natural beauty and erosion control of the lot. There will still be sufficient distance between the road and the proposed building area and between the ocean and the proposed building area to protect public safety and minimize the loss of life or property resulting from storms and long-term erosion.

DOCUMENTS

Site plan or plot plan:

23-04-19 PPP-PRE 2.pdf

Other documents:

23-04-19 LOTS 5-7 PPP 2-PRE 1 (2).pdf

ACKNOWLEDGEMENT

I hereby certify that all information above is true and correct. That all work under this permit shall comply and conform to all Town ordinances, State and Federal laws pertaining thereto, whether specified or not, and in accordance with any plans submitted or required to be submitted regulating building codes and building construction in the Town of North Topsail Beach, NC. I further agree to remove all construction debris from the site when completed, and that I am the owner or authorized by the owner to do the work described in this permit.

Permit shall be void if construction authorized by permit shall not have been commenced within six (6) months after the date of issuance thereof, or if after commencement of construction, the work shall be discontinued for a period of twelve (12) months, work shall not be resumed until the permit has been renewed.



All final inspections are mandatory before occupancy. All work shall be performed by a licensed contractor in the state. It is unlawful and illegal to occupy any building before final inspection and a certification of occupancy has been issued. All fees are non-refundable after 60 days.

Signature:

signature.png

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[Privacy Policy \(PrivacyPolicy.pdf\)](#)

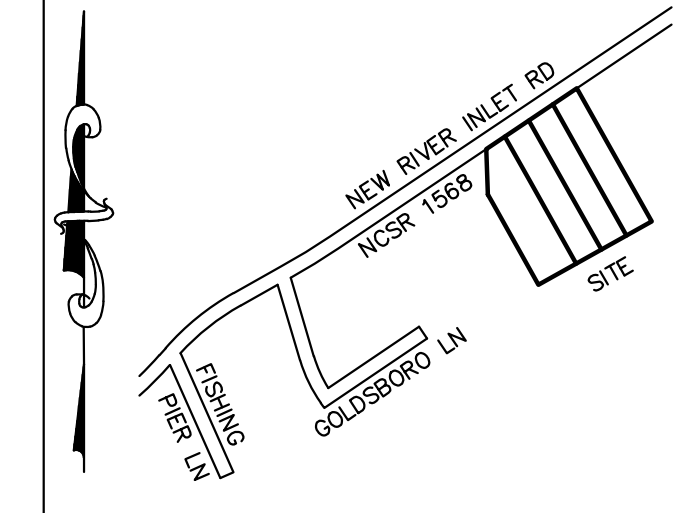
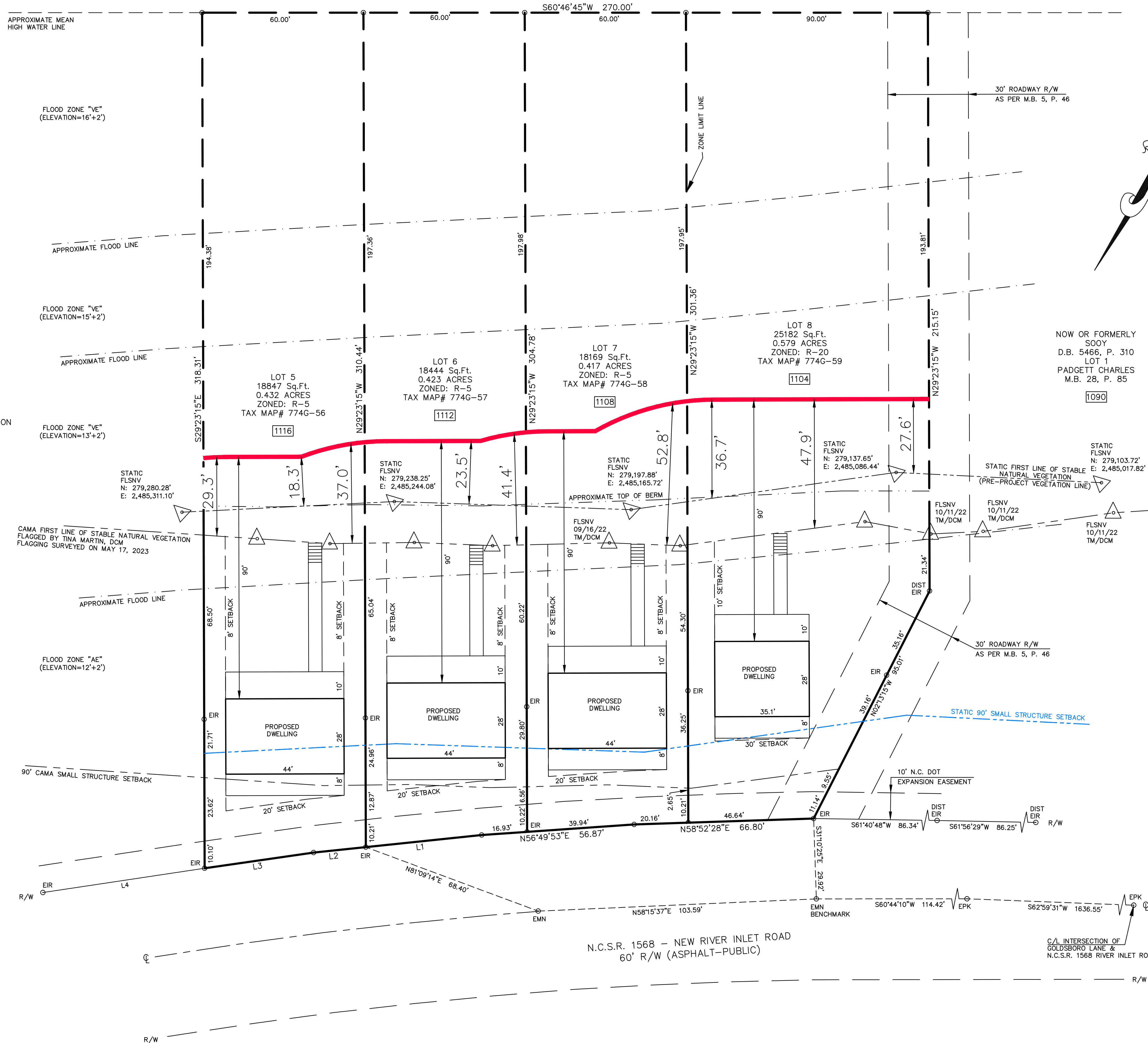


I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS: 1:10,000±.

PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE VARIES WHICH SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370466-3720428700K, JUNE 19, 2020

ATLANTIC OCEAN



NOTE
BENCHMARK: EMN
NORTHING: 279,290.63'
EASTING: 2,485,034.90'
ELEVATION: 6.16'
HORIZONTAL DATUM: NAD 83 (2011)
VERTICAL DATUM: NAVD 88
COMBINED FACTOR: 0.99997784
HORIZONTAL & VERTICAL DATUM OBTAINED WITH TOPCON GPS USING C. GEODETIC CONTINUOUS OPERATING REFERENCE STATIONS

LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	43.33'	N54°48'54"E
L2	19.53'	N54°48'54"E
L3	40.97'	N52°35'16"E
L4	60.82'	N52°15'08"E

ZONED R-5
ZONING SETBACKS
FRONT = 20'
REAR = 10'
SIDE = 8'

ZONED R-20
ZONING SETBACKS
FRONT = 30'
REAR = 10'
SIDE = 10'

OWNERS
SUTTON PROPERTIES, LLC

TITLE SOURCE
D.B. 2093, P. 362

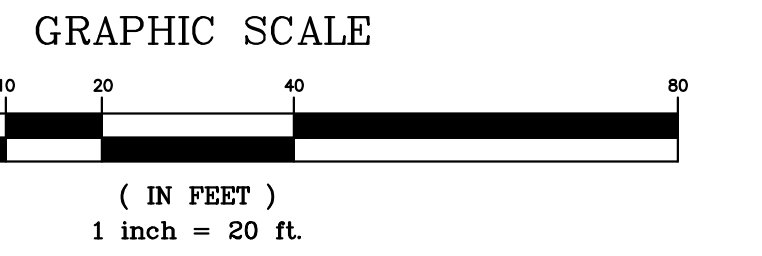
TAX MAP #
774G-56
774G-57
774G-58
774G-59

REFERENCES
D.B. 2093, P. 362
D.B. 4143, P. 959
D.B. 5466, P. 310
M.B. 28, P. 85
M.B. 44, P. 196
M.B. 44, P. 197

DASHED PROPERTY LINES NOT SURVEYED

ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED

- LEGEND**
- CC = CONTROL CORNER
 - ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
 - EIP = EXISTING IRON PIPE (FOUND)
 - EIR = EXISTING IRON ROD (FOUND)
 - EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
 - EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
 - ERRS = EXISTING RAILROAD SPIKE (FOUND)
 - MBL = MINIMUM BUILDING LINE
 - NMP = NON MONUMENTED POINT
 - R/W = RIGHT OF WAY
 - SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
 - SIP = SET IRON PIPE
 - SIR = SET IRON ROD
 - SMN = SET MAGNETIC NAIL (CONTROL CORNER)
 - SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
 - C = CENTERLINE
 - WM = WATER METER
 - FH = FIRE HYDRANT
 - WV = WATER VALVE
 - SSM = SANITARY SEWER MANHOLE
 - CO = CLEAN OUT
 - TP = TELEPHONE PEDESTAL
 - TEP = TELEVISION PEDESTAL
 - FOCM = FIBER OPTIC CABLE MARKER
 - LP = LIGHT POLE
 - PP = POWER POLE
 - PL = POWER LINE
 - ET = ELECTRIC TRANSFORMER
 - ES = EXISTING SPOT ELEVATION
 - ADD = ADDRESS



ACTUAL FIELD SURVEY DATE: MAY 17, 2023
MAPPING DATE: JUNE 06, 2023
FIELD BOOK: 1267, PAGE: 28
PROJECT NUMBER: 23-04-19 JTG



CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET
P.O. BOX 1570
JACKSONVILLE, NC 28540-1570
TELEPHONE: (910) 455-0877
E-MAIL: riggsland@riggslandnc.com

LANDFALL EXECUTIVE SUITES
1213 CULBRETH DRIVE
WILMINGTON, NC 28405
TELEPHONE: (910) 681-7444

BOUNDARY SURVEY & PRELIMINARY PLOT PLAN
FOR
LINCOLN B. SCOTT
LOT 5, OCEAN VIEW SHORES, M.B. 44, P. 196
LOTS 6-8, OCEAN VIEW SHORES, M.B. 44, P. 197
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA
SUTTON PROPERTIES, LLC, OWNER; D.B. 2093, P. 362
1104, 1108, 1112 & 1116 NEW RIVER INLET ROAD

PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES

R:\2023\23-04-19 Sutton Properties, LLC\DWG\Drawings\23-04-19 PPP.dwg - Tuesday, June 06, 2023, 11:30:07 AM

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA, THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS: 1:10,000±.

**PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES**

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE VARIES WHICH SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370466 3720428700K, JUNE 19, 2020

LOT 5 IMPERVIOUS SURFACE

PROPOSED DWELLING WITHOUT EAVES	= 1141 Sq.Ft.
PROPOSED PERVIOUS GRAVEL DRIVE	= 0 Sq.Ft.
PROPOSED TOTAL IMPERVIOUS SURFACE	= 1141 Sq.Ft.
TOTAL LOT AREA	= 18847 Sq.Ft.
PROPOSED IMPERVIOUS AREA	= 6.0%

LOT 6 IMPERVIOUS SURFACE

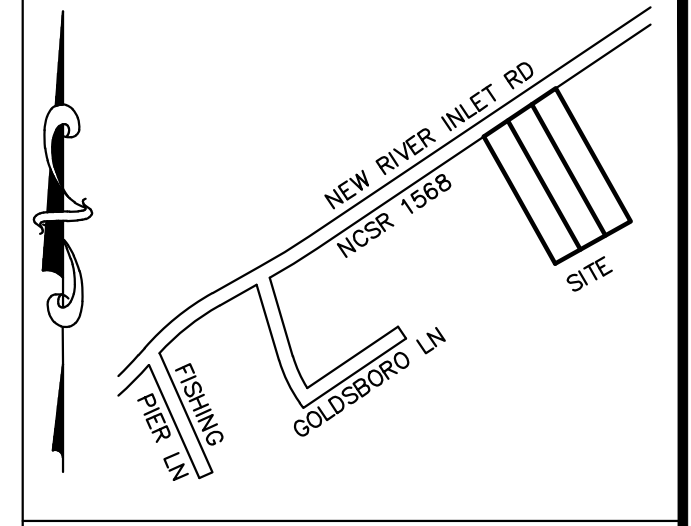
PROPOSED DWELLING WITHOUT EAVES	= 1141 Sq.Ft.
PROPOSED PERVIOUS GRAVEL DRIVE	= 0 Sq.Ft.
PROPOSED TOTAL IMPERVIOUS SURFACE	= 1141 Sq.Ft.
TOTAL LOT AREA	= 18444 Sq.Ft.
PROPOSED IMPERVIOUS AREA	= 6.1%

LOT 7 IMPERVIOUS SURFACE

PROPOSED DWELLING WITHOUT EAVES	= 1141 Sq.Ft.
PROPOSED PERVIOUS GRAVEL DRIVE	= 0 Sq.Ft.
PROPOSED TOTAL IMPERVIOUS SURFACE	= 1141 Sq.Ft.
TOTAL LOT AREA	= 18169 Sq.Ft.
PROPOSED IMPERVIOUS AREA	= 6.2%

NOTE:
PROPOSED DWELLING IS TWO STORY ON PILINGS PARTIALLY ENCLOSED BELOW FOR ENTRY & STORAGE.
PEAK OF PROPOSED DWELLING IS 38.0' ABOVE SLAB ELEVATION.

NOTE:
GROUND: 282 Sq.Ft.
FIRST FLOOR: 989 Sq.Ft.
SECOND FLOOR: 989 Sq.Ft.
TOTAL FLOOR AREA: 2260 Sq.Ft.
AS PER HOUSE PLANS



VICINITY SKETCH
NOT TO SCALE
THIS PRELIMINARY PLOT PLAN IS SUBJECT TO BOTH REVIEW & APPROVAL BY THE LOCAL JURISDICTION.

NOTE:
BENCHMARK: EMN
NORTHING: 279,290.63'
EASTING: 2,485,034.90'
ELEVATION: 6.16'
HORIZONTAL DATUM: NAD 83 (2011)
VERTICAL DATUM: NAVD 88
COMBINED FACTOR: 0.99997784
HORIZONTAL & VERTICAL DATUM OBTAINED WITH TOPCON GPS USING N.C. GEODETIC CONTINUOUS OPERATING REFERENCE STATIONS

LINE TABLE

LINE #	LENGTH	DIRECTION
L1	20.16'	N58°52'28"E
L2	19.53'	N54°48'54"E

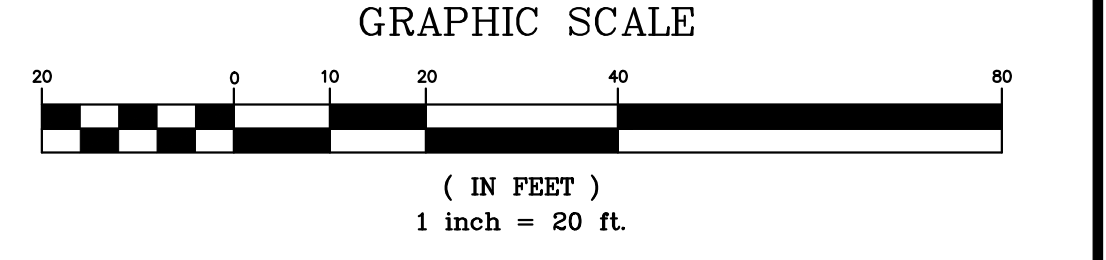
ZONED R-5
ZONING SETBACKS
FRONT = 20'
REAR = 10'
SIDE = 8'

REFERENCES
D.B. 2093, P. 362
D.B. 4143, P. 959
D.B. 5466, P. 310
D.B. 6031, P. 928
D.B. 6041, P. 773
M.B. 28, P. 85
M.B. 44, P. 196
M.B. 44, P. 197

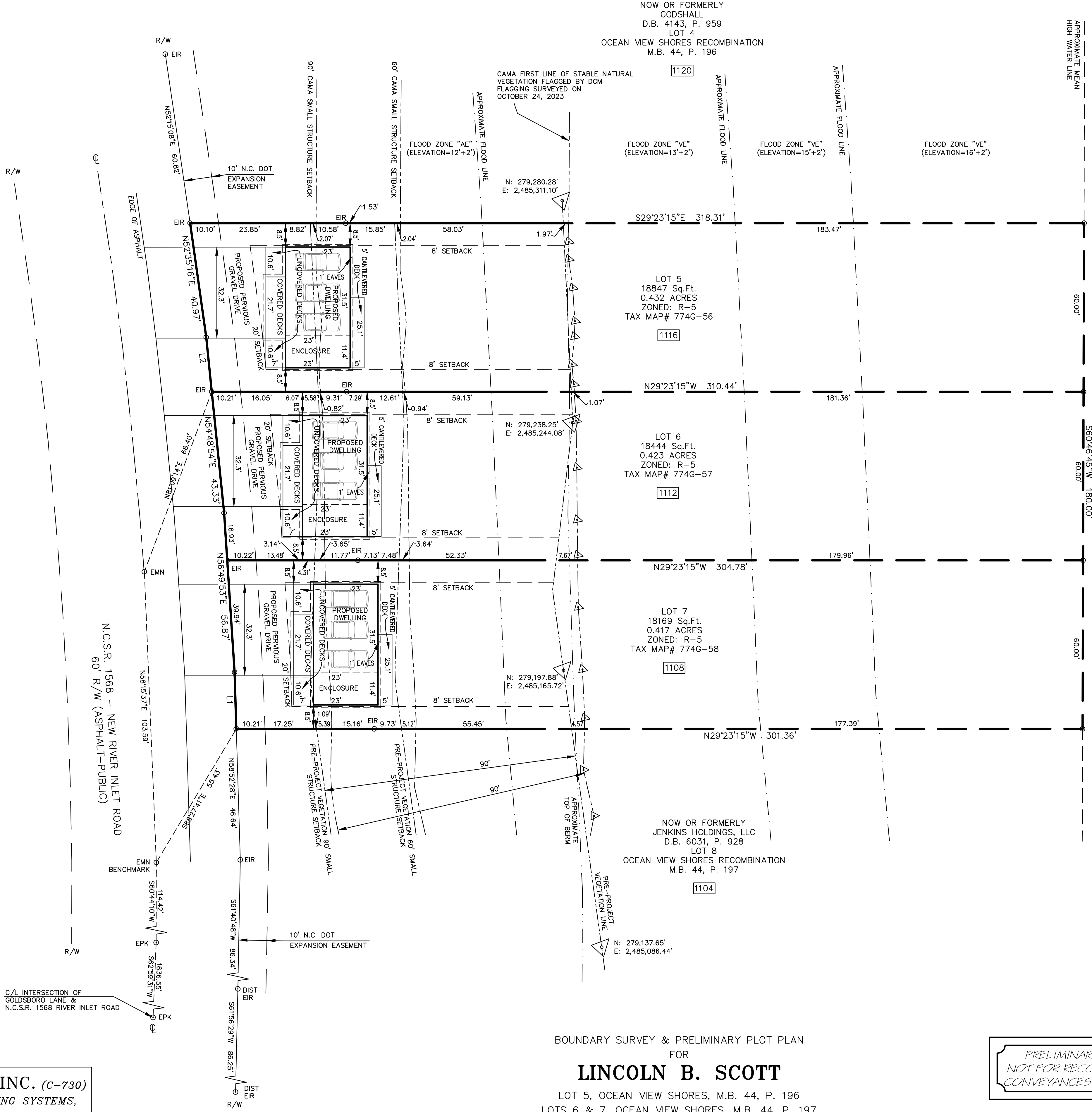
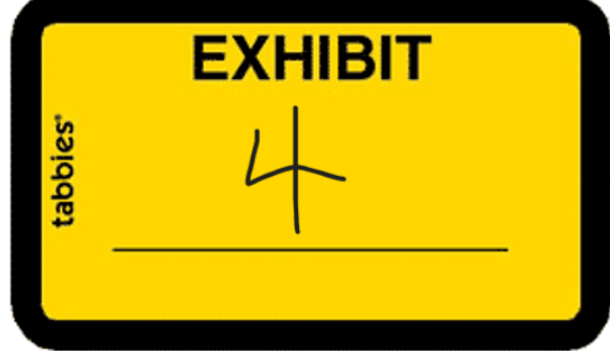
DASHED PROPERTY LINES NOT SURVEYED **ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED**

OWNERS	TITLE SOURCE	TAX MAP #	PARCEL ID #
LINCOLN B. SCOTT	D.B. 6041, P. 773	774G-56	050934
		774G-57	051019
		774G-58	051116

- LEGEND**
- CC = CONTROL CORNER
 - ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
 - EIP = EXISTING IRON PIPE (FOUND)
 - EIR = EXISTING IRON ROD (FOUND)
 - EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
 - EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
 - ERRS = EXISTING RAILROAD SPIKE (FOUND)
 - MBL = MINIMUM BUILDING LINE
 - NMP = NON MONUMENTED POINT
 - R/W = RIGHT OF WAY
 - SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
 - SIP = SET IRON PIPE
 - SIR = SET IRON ROD
 - SMN = SET MAGNETIC NAIL (CONTROL CORNER)
 - SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
 - C = CENTERLINE
 - W = WATER METER
 - FH = FIRE HYDRANT
 - WV = WATER VALVE
 - SS = SANITARY SEWER MANHOLE
 - CO = CLEAN OUT
 - TP = TELEPHONE PEDESTAL
 - TV = TELEVISION PEDESTAL
 - FCM = FIBER OPTIC CABLE MARKER
 - LP = LIGHT POLE
 - PP = POWER POLE
 - PL = POWER LINE
 - ET = ELECTRIC TRANSFORMER
 - EX = EXISTING SPOT ELEVATION
 - 1108 = ADDRESS



ACTUAL FIELD SURVEY DATE: OCTOBER 24, 2023
MAPPING DATE: FEBRUARY 07, 2024
FIELD BOOK: 1267, PAGE: 28
PROJECT NUMBER: 23-04-19 JTG



CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET LANDFALL EXECUTIVE SUITES
P.O. BOX 1570 1213 CULBRETH DRIVE
JACKSONVILLE, NC 28540-1570 WILMINGTON, NC 28405
TELEPHONE: (910) 455-0877 TELEPHONE: (910) 681-7444
E-MAIL: riggsland@riggslandnc.com

BOUNDARY SURVEY & PRELIMINARY PLOT PLAN
FOR
LINCOLN B. SCOTT
LOT 5, OCEAN VIEW SHORES, M.B. 44, P. 196
LOTS 6 & 7, OCEAN VIEW SHORES, M.B. 44, P. 197
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA
LINCOLN B. SCOTT, OWNER; D.B. 6041, P. 773
1108, 1112 & 1116 NEW RIVER INLET ROAD

**PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES**

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 1822, PAGE 382); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND DRAWN FROM INFORMATION FOUND IN DEED BOOK _____, PAGE _____; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 13th DAY OF JUNE, A.D. 2003



Charles Francis Riggs
CHARLES FRANCIS RIGGS, P.L.S. 2981

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "VE" WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, COMMUNITY PANEL NUMBER 370466 0003 C, MARCH 5, 1998

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR NO. 2981, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THUS:

- A. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- B. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- C. ANY ONE OF THE FOLLOWING:
 - 1) THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;
 - 2) THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE;
 - 3) THAT THE SURVEY IS A CONTROL SURVEY.
- D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION
- E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO THE PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

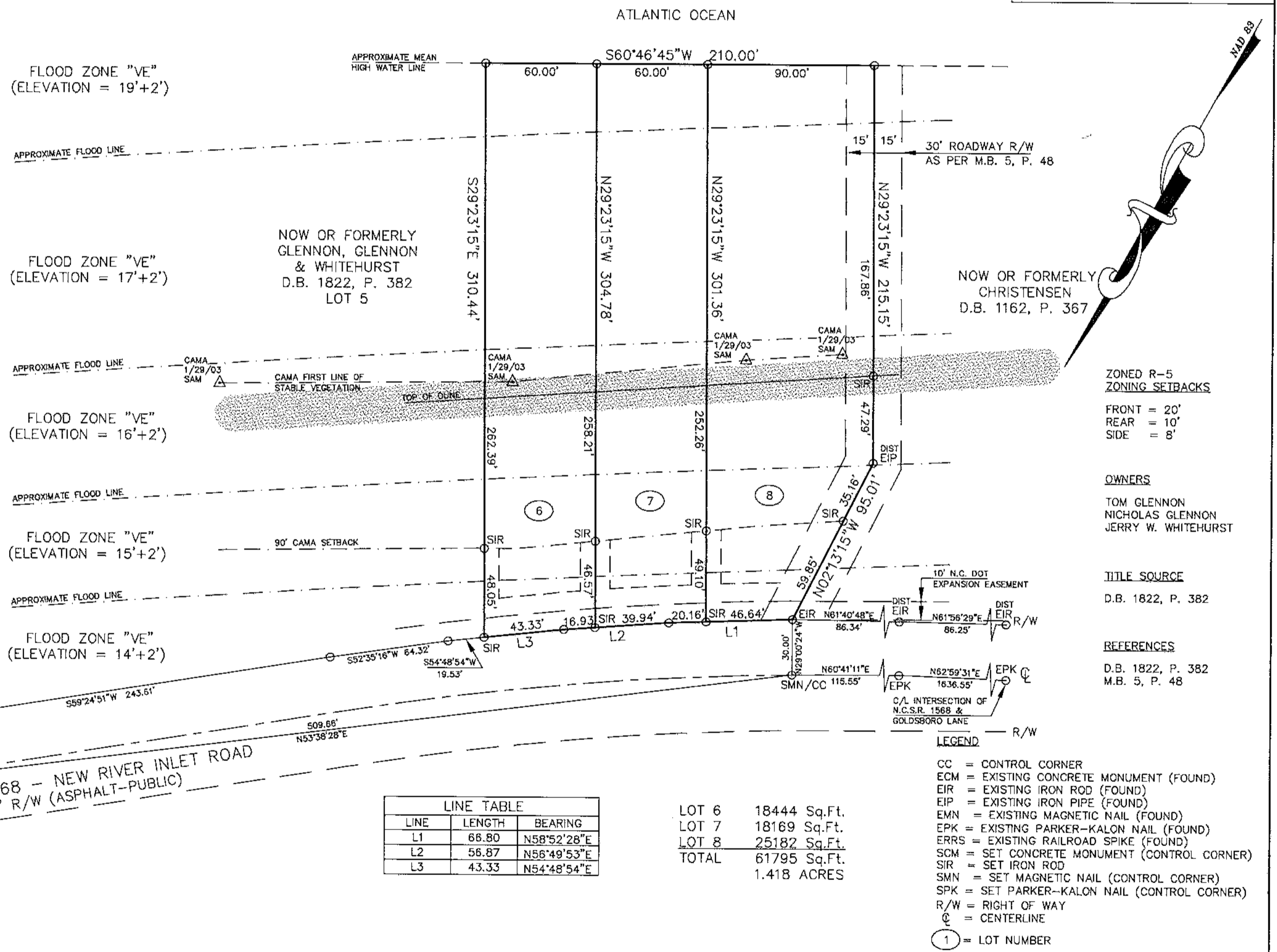
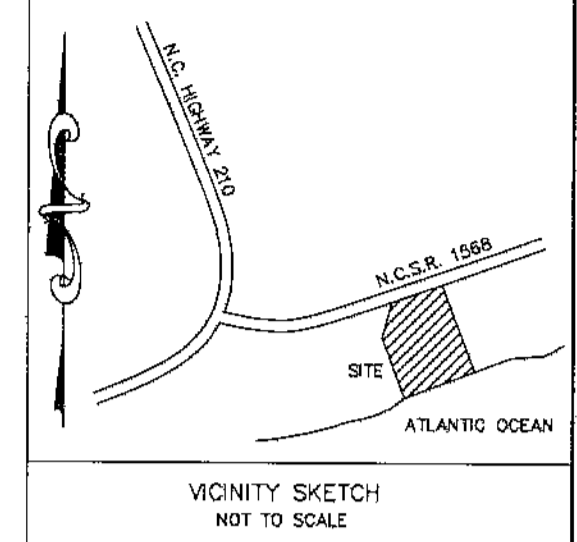
Charles Francis Riggs
CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR NO. 2981
06/13/03

THIS PROPERTY IS NOT SUBJECT TO THE NORTH TOPSAIL BEACH SUBDIVISION REGULATIONS, AND IS AN EXEMPTION PER SECTION 7-271 (d), NORTH TOPSAIL BEACH SUBDIVISION ORDINANCE, 6-27-90.

6/16/03 *Teresa Fisher*
DATE NORTH TOPSAIL BEACH SUBDIVISION ADMINISTRATOR

STATE OF NORTH CAROLINA, COUNTY OF ONSLOW
I, *Teresa Fisher* REVIEW OFFICER OF ONSLOW COUNTY
CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
Teresa Fisher 6-16-03
REVIEW OFFICER DATE

ONSLow COUNTY
FILED FOR REGISTRATION AT 4:05 P.M. O'CLOCK ON THE 17th DAY OF June 2003 RECORDED IN MAP BOOK 44 PAGE 797 SLIDE K-1864
M. Helms
REGISTER OF DEEDS



WORKSTATION 6/PROJ/01-05-61R9.dwg 6-13-03 2:17:15 pm EST

CHARLES F. RIGGS & ASSOCIATES, INC.
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
LAND PLANNING & COMPUTER MAPPING
202 WARLUCK STREET
P.O. BOX 1570
JACKSONVILLE, N.C. 28541-1570
TELEPHONE: (910) 455-0877
FACSIMILE: (910) 455-9033
E-MAIL: riggsland@bizec-rr.com

LOT RECOMBINATION FOR
OCEAN VIEW SHORES
1.418 ACRE TRACT ON N.C.S.R. 1568
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA
TOWN OF NORTH TOPSAIL BEACH

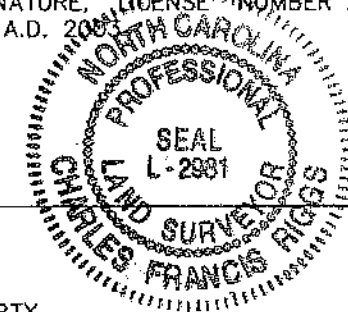
LEGEND
CC = CONTROL CORNER
ECM = EXISTING CONCRETE MONUMENT (FOUND)
EIR = EXISTING IRON ROD (FOUND)
EIP = EXISTING IRON PIPE (FOUND)
EMN = EXISTING MAGNETIC NAIL (FOUND)
EPK = EXISTING PARKER-KALON NAIL (FOUND)
ERRS = EXISTING RAILROAD SPIKE (FOUND)
SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
SIR = SET IRON ROD
SMN = SET MAGNETIC NAIL (CONTROL CORNER)
SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
R/W = RIGHT OF WAY
C = CENTERLINE
① = LOT NUMBER

GRAPHIC SCALE
(IN FEET)
1 inch = 50 ft.

DATE: 06-06-01
DRAWN BY: J. HELMS
FIELD BOOK: IND PAGE: 4
CHECKED BY:
COMPUTER: WS 6/PROJ/01-05-61R9.dwg
PROJECT NUMBER: 01-05-61

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 1822, PAGE 382); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND DRAWN FROM INFORMATION FOUND IN DEED BOOK 1822, PAGE 382; THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 12TH DAY OF JUNE, A.D. 2003.

Charles Francis Riggs
 CHARLES FRANCIS RIGGS, P.L.S. L-2981

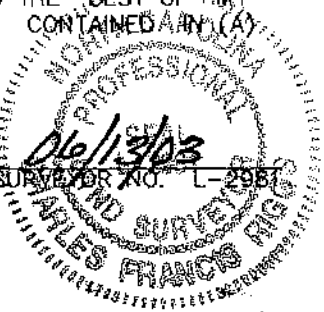


THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "VE" WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, COMMUNITY PANEL NUMBER 370466 0003 C, MARCH 6, 1998

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR NO. L-2981, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THUS.

- ___ A. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- ___ B. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
- ___ C. ANY ONE OF THE FOLLOWING:
 - 1) THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
 - 2) THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE.
 - 3) THAT THE SURVEY IS A CONTROL SURVEY.
- ✓ D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION
- ___ E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO THE PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

Charles Francis Riggs
 CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR NO. L-2981



THIS PROPERTY IS NOT SUBJECT TO THE NORTH TOPSAIL BEACH SUBDIVISION REGULATIONS, AND IS AN EXEMPTION PER SECTION 7-271 (d), NORTH TOPSAIL BEACH SUBDIVISION ORDINANCE. 6-27-90.

6/16/03 *Sue McLaughlin*
 NORTH TOPSAIL BEACH SUBDIVISION ADMINISTRATOR

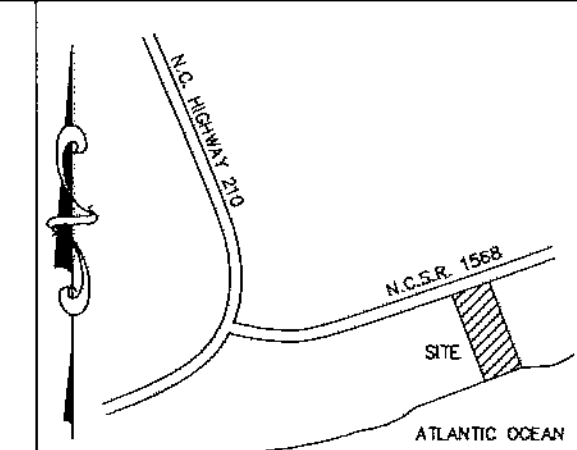
STATE OF NORTH CAROLINA, COUNTY OF ONSLOW
 I, *Teresa Fisher*, REVIEW OFFICER OF ONSLOW COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Teresa Fisher 6-16-03
 REVIEW OFFICER DATE

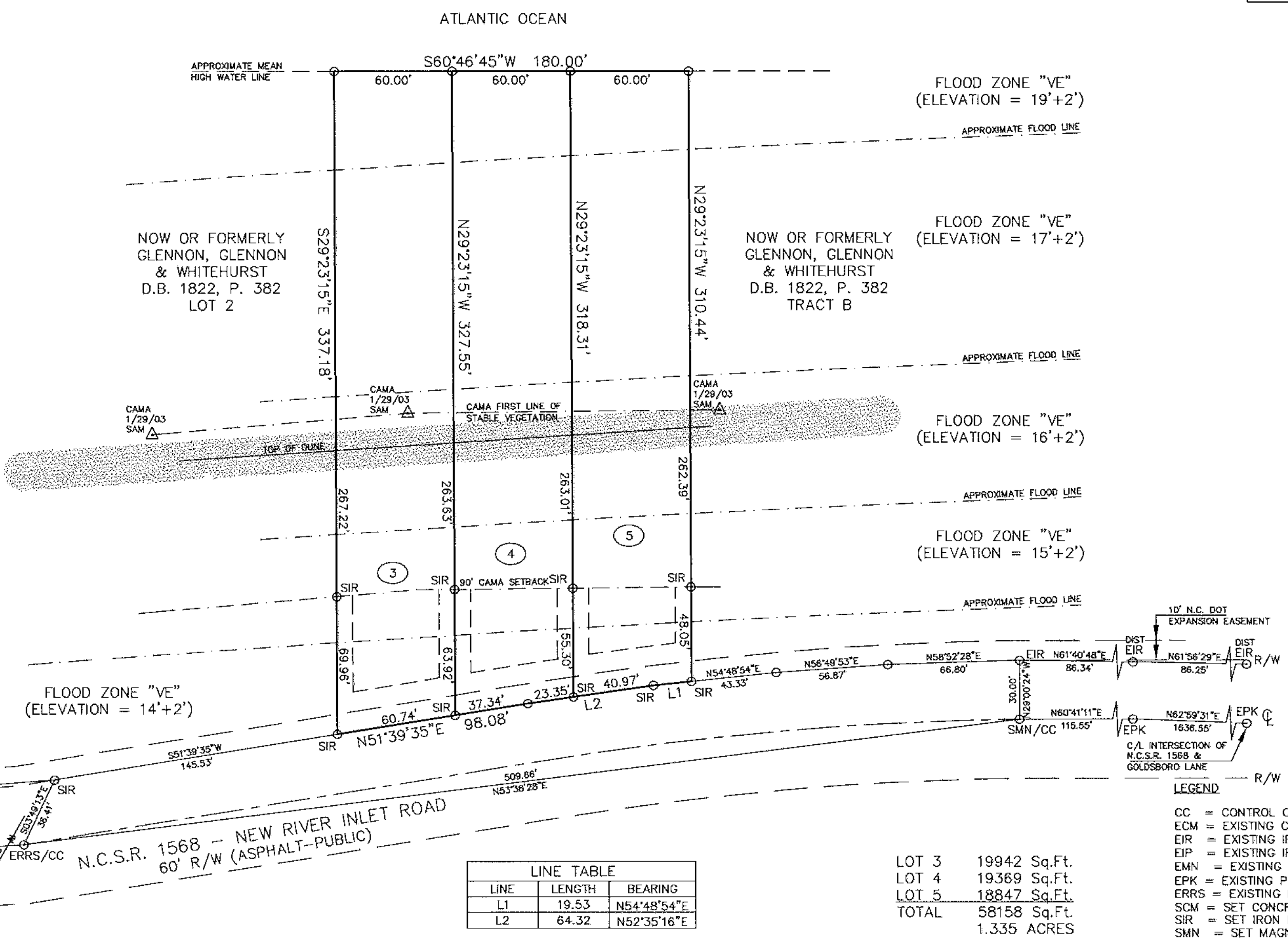
ONSLow COUNTY

FILED FOR REGISTRATION AT 4:05 P.M.
 DAY OF June 20, 2003 RECORDED IN MAP
 BOOK 44 PAGE 196 SLIDE K-1863

Michael L. Kowal
 REGISTER OF DEEDS



VICINITY SKETCH NOT TO SCALE



ZONED R-5
 ZONING SETBACKS
 FRONT = 20'
 REAR = 10'
 SIDE = 8'

OWNERS
 TOM GLENNON
 NICHOLAS GLENNON
 JERRY W. WHITEHURST

TITLE SOURCE
 D.B. 1822, P. 382

REFERENCES
 D.B. 1822, P. 382
 M.B. 5, P. 48

- LEGEND
- CC = CONTROL CORNER
 - ECM = EXISTING CONCRETE MONUMENT (FOUND)
 - EIR = EXISTING IRON ROD (FOUND)
 - EIP = EXISTING IRON PIPE (FOUND)
 - EMN = EXISTING MAGNETIC NAIL (FOUND)
 - EPK = EXISTING PARKER-KALON NAIL (FOUND)
 - ERRS = EXISTING RAILROAD SPIKE (FOUND)
 - SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
 - SIR = SET IRON ROD
 - SMN = SET MAGNETIC NAIL (CONTROL CORNER)
 - SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
 - R/W = RIGHT OF WAY
 - ⊙ = CENTERLINE
 - ① = LOT NUMBER



(IN FEET)
 1 inch = 50 ft.

DATE: 06-06-01
 DRAWN BY: J. HELMS
 FIELD BOOK: IND PAGE: 4
 CHECKED BY:
 COMPUTER: WS 6/PROJ/01-05-61R8.dwg
 PROJECT NUMBER: 01-05-61



CHARLES F. RIGGS & ASSOCIATES, INC.
 LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
 LAND PLANNING & COMPUTER MAPPING
 202 WARLICK STREET
 P.O. BOX 1570
 JACKSONVILLE, N.C. 28541-1570
 TELEPHONE: (910) 455-0877
 FACSIMILE: (910) 455-9033
 E-MAIL: riggsland@bizec.rr.com

LOT RECOMBINATION FOR
OCEAN VIEW SHORES

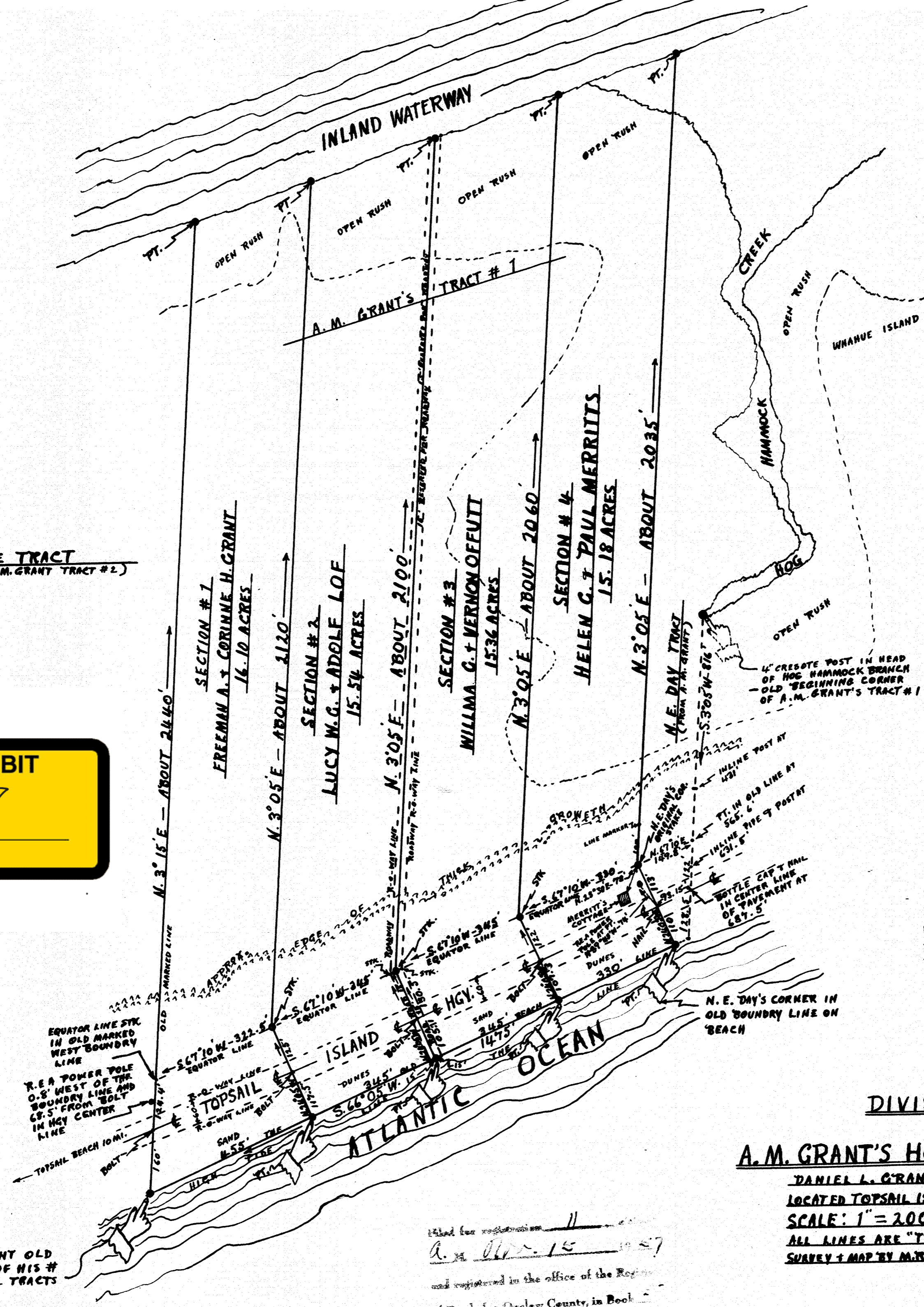
1.335 ACRE TRACT ON N.C.S.R. 1568
 STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA
 TOWN OF NORTH TOPSAIL BEACH

WORKSTATION 6/PROJ/01-05-61R8.dwg 6-13-03 2:15:48 pm EST



PATE TRACT
(FORMERLY A.M. GRANT TRACT #2)

A.M. GRANT OLD CORNER OF HIS # 1 AND # 2 TRACTS



STATE OF NORTH CAROLINA
Pender County

M.R. WALTON a surveyor, being duly sworn, says that the foregoing and attached map was prepared from an actual survey made by him JULY 1 & 2 1957 and that said map is correct to the best of his knowledge and belief.

M.R. Walton
Registered Surveyor

Sworn to and subscribed before me this 23 day of Oct 1957

C.D. Murphy
Clerk Superior Court

NORTH CAROLINA, ONSLOW COUNTY.

The foregoing certificate of C.D. Murphy Notary Public of Ocean County is adjudged to be correct and sufficient. Let the instrument together with certificates be registered.

Witness my hand and seal this 15 day of Nov 1957
W. Justice
Clerk Superior Court

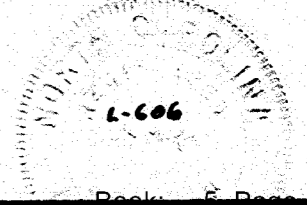
DIVISION MAP
OR

A.M. GRANT'S HOBBS ISLAND TRACT

DANIEL L. GRANT'S TOPSAIL ISLAND TR.
LOCATED TOPSAIL ISL. ONSLOW CO. N. C.
SCALE: 1" = 200' JULY 1 & 3, 1957
ALL LINES ARE "TRUE MAGNETIC" TO DATE
SURVEY + MAP BY M.R. WALTON, ROCKY POINT, N. C.

M.R. Walton

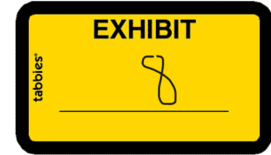
Filed for registration in the office of the Register of Deeds for Onslow County, in Book 48 Page 15 1957
Richard A. ...
Register of Deeds



ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
TANCRED MILLER
Director



August 12, 2024



Lincoln B. Scott
c/o Charles F. Riggs & Associates, Inc.
4089 4th Street
Surf City, NC 28445

Electronic delivery to: CharlesRiggs@Riggslandnc.com

RE: DENIAL OF CAMA MINOR DEVELOPMENT PERMIT
Application Number 52-24
PROJECT ADDRESS – 1108 New River Inlet Road, North Topsail Beach NC

Dear Mr. Scott,

After reviewing your application, which was determined to be complete on August 9, 2024, the Division of Coastal Management has determined that no permit may be granted for the proposed development.

You have applied to build a three-story, 1998 square foot (not including deck) single family residence, which is inconsistent with the following rules of the N.C. Coastal Resources Commission, and/or the following provisions of the N.C. Coastal Area Management or N.C. Dredge and Fill Act:

15A NCAC 07H .0306 (a)(3)(A) which states: "A building or other structure less than 5,000 square feet requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater".

Concurrently, your application does not meet the exception available in **15A NCAC 07H .0309(b)** because the lot was not platted before June 1, 1979 (Onslow County Registry Map Book 44, Page 197).

Given the preceding findings, it is necessary that your request for issuance of a CAMA Minor Permit under the Coastal Area Management Act be denied. This denial is made pursuant to N.C.G.S. 113A-120(a)(8), which requires denial for projects inconsistent with the state guidelines for Areas of Environmental Concern or a local land use plan.

If you wish to appeal this denial, you are entitled to a contested case hearing. The hearing will involve appearing before an Administrative Law Judge who listens to evidence and arguments of both parties before making a final decision on the appeal. Your request for a hearing must be in the form of a written petition, complying with the requirements of §150B of the General Statutes of North Carolina, and must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714, within twenty (20) days from the date of this denial letter. The requirements for filing a contested case can be found at <http://www.oah.state.nc.us/hearings>. Although OAH cannot give legal advice, any questions regarding this process should be directed to OAH at 6714 Mail Service Center, Raleigh, NC 27699-6714 or via telephone at 919-431-3000, including questions regarding the filing fee (if a filing fee is required) and/or the details of the filing process.



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Moorehead City, North Carolina 28557
252.808.2808

A copy of your petition filed at OAH must be served on with DEQ's agent for service of process at the following address:

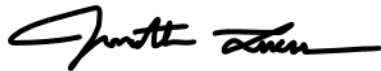
William F. Lane, General Counsel
Dept. of Environmental Quality
1601 Mail Service Center Raleigh, NC 27699-1601

Please also send a copy of the petition to the attention of Tancred Miller, Director, N.C. Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557, so that your petition may be forwarded to the attorney who will be representing the Respondent in the contested case proceeding.

In the alternative, you may petition the N.C. Coastal Resources Commission for a variance to undertake development that is prohibited by the Commission's rules (Note - a Commission variance cannot be granted if your project was denied due to an inconsistency with a CAMA Land Use Plan or other statutory provisions of the CAMA or NC Dredge & Fill Law). Applying for a variance requires that you first stipulate that the Division of Coastal Management applied the Rules properly in issuing this denial. Applying for a variance means that you agree that the legal restrictions are valid but request an exception to the restrictions because of hardships resulting from unusual conditions of the property. In seeking a variance, you are requesting that the Commission vary the rules at issue and you must state how you believe your request meets the four criteria found at N.C.G.S. § 113A-120.1. To apply for a variance, you must file a petition for a variance with the Director of the Division of Coastal Management and the State Attorney General's Office on a standard form, which must be accompanied by additional information on the nature of the project and the reasons for requesting a variance. The variance request may be filed at any time but must be filed a minimum of six weeks before a scheduled Commission meeting to be eligible to be heard at that meeting.

You may either appeal the permit decision or seek a variance. These are two separate paths and cannot be pursued simultaneously. If the appeal of the permit decision is denied, you may still seek a variance. However, you may not first seek a variance and if that is denied attempt to challenge the decision to deny the permit. Information about both a permit appeal in the Office of Administrative Hearings and the Variance process may be obtained at <https://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/variances-appeals>.

Sincerely,



Jonathan Lucas
NC Division of Coastal Management
400 Commerce Ave.,
Morehead City, NC 28557

Cc (by email): Robb Mairs, CAMA LPO Minor Permit Coordinator
Heather Styron, DCM District Manager



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

TANCRED MILLER
Director



NORTH CAROLINA
Environmental Quality

August 12, 2024

Lincoln B. Scott
c/o Charles F. Riggs & Associates, Inc.
4089 4th Street
Surf City, NC 28445

Electronic delivery to: CharlesRiggs@Riggslandnc.com

RE: DENIAL OF CAMA MINOR DEVELOPMENT PERMIT
Application Number 53-24
PROJECT ADDRESS – 1112 New River Inlet Road, North Topsail Beach NC

Dear Mr. Scott,

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North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Moorehead City, North Carolina 28557
252.808.2808

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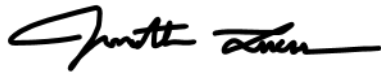
William F. Lane, General Counsel
Dept. of Environmental Quality
1601 Mail Service Center Raleigh, NC 27699-1601

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Sincerely,



Jonathan Lucas
NC Division of Coastal Management
400 Commerce Ave.,
Morehead City, NC 28557

Cc (by email): Robb Mairs, CAMA LPO Minor Permit Coordinator
Heather Styron, DCM District Manager



ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
TANCRED MILLER
Director



August 12, 2024

Lincoln B. Scott
c/o Charles F. Riggs & Associates, Inc.
4089 4th Street
Surf City, NC 28445

Electronic delivery to: CharlesRiggs@Riggslandnc.com

RE: DENIAL OF CAMA MINOR DEVELOPMENT PERMIT
Application Number 54-24
PROJECT ADDRESS – 1116 New River Inlet Road, North Topsail Beach NC

Dear Mr. Scott,

After reviewing your application, which was determined to be complete on August 9, 2024, the Division of Coastal Management has determined that no permit may be granted for the proposed development.

You have applied to build a three-story, 1998 square foot (not including deck) single family residence, which is inconsistent with the following rules of the N.C. Coastal Resources Commission, and/or the following provisions of the N.C. Coastal Area Management or N.C. Dredge and Fill Act:

15A NCAC 07H .0306 (a)(3)(A) which states: “A building or other structure less than 5,000 square feet requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater”.

Concurrently, your application does not meet the exception available in **15A NCAC 07H .0309(b)** because the lot was not platted before June 1, 1979 (Onslow County Registry Map Book 44, Page 196).

Given the preceding findings, it is necessary that your request for issuance of a CAMA Minor Permit under the Coastal Area Management Act be denied. This denial is made pursuant to N.C.G.S. 113A-120(a)(8), which requires denial for projects inconsistent with the state guidelines for Areas of Environmental Concern or a local land use plan.

If you wish to appeal this denial, you are entitled to a contested case hearing. The hearing will involve appearing before an Administrative Law Judge who listens to evidence and arguments of both parties before making a final decision on the appeal. Your request for a hearing must be in the form of a written petition, complying with the requirements of §150B of the General Statutes of North Carolina, and must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714, within twenty (20) days from the date of this denial letter. The requirements for filing a contested case can be found at <http://www.oah.state.nc.us/hearings>. Although OAH cannot give legal advice, any questions regarding this process should be directed to OAH at 6714 Mail Service Center, Raleigh, NC 27699-6714 or via telephone at 919-431-3000, including questions regarding the filing fee (if a filing fee is required) and/or the details of the filing process.



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Moorehead City, North Carolina 28557
252.808.2808

A copy of your petition filed at OAH must be served on with DEQ's agent for service of process at the following address:

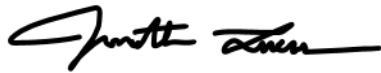
William F. Lane, General Counsel
Dept. of Environmental Quality
1601 Mail Service Center Raleigh, NC 27699-1601

Please also send a copy of the petition to the attention of Tancred Miller, Director, N.C. Division of Coastal Management, 400 Commerce Avenue, Morehead City, NC 28557, so that your petition may be forwarded to the attorney who will be representing the Respondent in the contested case proceeding.

In the alternative, you may petition the N.C. Coastal Resources Commission for a variance to undertake development that is prohibited by the Commission's rules (Note - a Commission variance cannot be granted if your project was denied due to an inconsistency with a CAMA Land Use Plan or other statutory provisions of the CAMA or NC Dredge & Fill Law). Applying for a variance requires that you first stipulate that the Division of Coastal Management applied the Rules properly in issuing this denial. Applying for a variance means that you agree that the legal restrictions are valid but request an exception to the restrictions because of hardships resulting from unusual conditions of the property. In seeking a variance, you are requesting that the Commission vary the rules at issue and you must state how you believe your request meets the four criteria found at N.C.G.S. § 113A-120.1. To apply for a variance, you must file a petition for a variance with the Director of the Division of Coastal Management and the State Attorney General's Office on a standard form, which must be accompanied by additional information on the nature of the project and the reasons for requesting a variance. The variance request may be filed at any time but must be filed a minimum of six weeks before a scheduled Commission meeting to be eligible to be heard at that meeting.

You may either appeal the permit decision or seek a variance. These are two separate paths and cannot be pursued simultaneously. If the appeal of the permit decision is denied, you may still seek a variance. However, you may not first seek a variance and if that is denied attempt to challenge the decision to deny the permit. Information about both a permit appeal in the Office of Administrative Hearings and the Variance process may be obtained at <https://deq.nc.gov/about/divisions/coastal-management/coastal-management-permits/variances-appeals>.

Sincerely,



Jonathan Lucas
NC Division of Coastal Management
400 Commerce Ave.,
Morehead City, NC 28557

Cc (by email): Robb Mairs, CAMA LPO Minor Permit Coordinator
Heather Styron, DCM District Manager





Fiscal Analysis

Rule Amendments: USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS

15A NCAC 07H .0309

Prepared by

Ken Richardson
Shoreline Management Specialist
Policy & Planning Section
NC Division of Coastal Management
ken.richardson@deq.nc.gov
(252) 515-5433

May 26, 2023

Basic Information

Agency	DEQ, Division of Coastal Management (DCM) Coastal Resources Commission (CRC)
Title	Proposed Amendments to Use Standards for Ocean Hazard Area Exceptions.
Citation	15A NCAC 07H .0309
Description of Rule Amendments	In the event that proposed development cannot meet the required oceanfront setback defined in 15A NCAC 07H .0306(a), current Rule 15A NCAC 07H .0309(b) serves as an exception that can allow a structure no greater than 2,000 square feet to be constructed when it can meet a 60-foot setback and be sited no further oceanward than its landward-most adjacent neighbor. In addition, the proposed amendments remove a reference to when a lot was platted, making this development option available to all oceanfront property owners regardless of when their lot was platted.
Agency Contact	Ken Richardson Shoreline Management Specialist Ken.Richardson@deq.nc.gov (252) 515-5433
Authority	G.S. 113A-107; 113A-113; 113A-124
Necessity	The Coastal Resources Commission proposes these amendments to current rules to allow an Ocean Hazard Area Exception to apply to all property owners, and not just property platted prior to June 1, 1979.
Impact Summary	State government: Likely Local government: Likely Private Property Owners: Likely Substantial impact: No Federal government: No

Summary

Informally known as the "small structure exception rule," 15A NCAC 07H .0309(b) is an existing rule that outlines specific conditions where exceptions can be made to the Ocean Hazard AEC (OHA) setback requirements defined in 15A NCAC 07H .0306. Where proposed development cannot meet the required erosion rate-based construction setback, 07H .0309(b) serves as an alternative that can allow new construction if a minimum setback distance of 60 feet can be met, the total floor area does not exceed 2,000 square feet, with a maximum footprint of 1,000 square feet, the structure be positioned as far back as practically possible on the lot, and no closer to the ocean than the landward-most adjacent structure. In addition, the lot must have been platted before June 1, 1979 (before oceanfront setback rules went into effect).

The NC Coastal Resources Commission (CRC) is amending this rule to address concerns expressed over the inability to apply this exception within the oceanfront setback to lots created after June 1, 1979. This issue was raised following the repeal of 15A NCAC 07H .0104, which contained similar provisions for lots created after June 1, 1979, that could not meet the required setback. Aside from the date stipulations, the primary differences between the two rules were that 07H .0104 allowed the option to measure setbacks using the erosion setback factor in place at the time the lot was platted, while 07H .0309(b) requires a setback of at least 60 feet regardless of the erosion rate setback factor. Both rules limited new construction to no greater than 2,000 square feet, but 07H .0309 limits a structure's footprint to 1,000 square feet. Although separate rules, they had been commonly referred to as the "small structure exceptions."

Amendments to 07H .0309(b) remove the 1,000 square foot footprint condition, retain the total floor area of 2,000 square feet, and remove the prior to June 1, 1979 stipulation. This would make the .0309 exception applicable to all oceanfront and inlet areas, except for Unvegetated Beach Areas. For property owners that cannot meet the minimum setback for a larger structure, they could potentially utilize this exception for a structure up to 2,000 square feet if the other conditions outlined above are met. This amendment addresses the primary concern related to the repeal of 07H .0104, while removing the complexity of tracking past erosion rates and recognizing the dates that lots were platted during Minor Permit reviews.

Currently, there are 74 vacant lots¹ where proposed development would likely not meet the current setback requirement but could potentially meet the minimum setback (60-ft.). Attaining plat dates by means of online county tax office data was not possible; therefore, the Division was unable to determine the number of lots currently eligible for an exception or would be once these amendments go into effect. For purposes of this analysis, it is assumed that they were platted after June 1, 1979 given that they are currently undeveloped. This rule will continue to limit new development to its landward-most adjacent neighbor, and total floor area no greater than 2,000 square feet. Although property owner intentions cannot be predicted or quantified, it can be anticipated that there would be a cost-benefit associated with the ability to construct a smaller homes ($\leq 2,000$ sqft) on these lots. As stated, this exception is currently available to property owners whose lots were platted prior to June 1, 1979.

¹ An estimate of the current 60-ft setback was determined by using GIS to measure landward setbacks from a 2021-2022 vegetation line, and then identifying vacant lots where the required setback would likely preclude the placement of a new structure but could potentially accommodate a small structure ($\leq 2,000$ sqft) while adhering to a 60-ft setback.

Introduction and Purpose

The NC Coastal Resources Commission (CRC) is revising this rule in response to concerns raised about the inability to apply the exception within the oceanfront setback to lots created after June 1, 1979. These concerns emerged after the repeal of 15A NCAC 07H .0104, which had similar provisions for lots created after June 1, 1979, that couldn't meet the required setback. While both rules limited new construction to a maximum of 2,000 square feet, there were differences between them. Rule 15A NCAC 07H .0104 (*repealed 8/1/2022*) allowed setbacks to be measured based on the erosion setback factor at the time the lot was platted, whereas 07H .0309(b) requires a minimum setback of 60 feet regardless of the erosion rate setback factor. Additionally, 07H .0309(b) limits the structure's footprint to 1,000 square feet. Although these were separate rules, they were commonly referred to as the "small structure exceptions." This amendment addresses the main concern regarding the repeal of 15A NCAC 07H .0104, while removing the complexity of tracking past erosion rates and recognizing the dates that lots were platted during Minor Permit reviews.

Description of Proposed Actions

Before 07H .0104 was repealed (08/01/2022), all oceanfront property owners who could not meet the current setback requirement defined in 15A NCAC 07H .0306 had an option that could potentially permit a new structure no greater than 2,000 sqft to be constructed. These amendments effectively serve to merge two rules (07H .0104 and 07H .0309(b)) while eliminating any confusion associated with interpretation of rules and how they are applied.

1. Proposed Amendments to 15A NCAC 07H .0309(b):
 - a. "Ocean Hazard Area" is the formal name of the Area of Environmental Concern (AEC) where these rules apply but replaces the word "oceanfront" for clarification purposes only.
 - b. Amendment removes the "*June 1, 1979*" date condition. As the rule is currently written, only lots created before June 1, 1979 can utilize this exception if needed. Before the repeal of 07H .0104 lots created after June 1, 1979 were addressed. By removing the date condition, any property owner could utilize this exception regardless of when their lot was platted.
 - c. 07H .0309 defines exceptions to use standards within the Ocean Hazard Area. These amendments include the phrase "*the structure shall be permitted seaward of the applicable setback line*" for clarity purposes.
2. Proposed Amendments to 15A NCAC 07H .0309(b)(4)(B):
 - a. Amendments remove the 1,000 square feet footprint condition. The CRC determined it is not needed since they are retaining the overall structure size limit to no greater than 2,000 square feet.
3. Proposed Amendments to 15A NCAC 07H .0309(e):
 - a. Changes "small scale" to "small-scale" for rule grammatical consistency. Change does not affect its meaning or application.

Anticipated Impacts

Based on review of current data, there are 74 vacant lots where proposed development would likely not meet the current setback requirement but could potentially meet the minimum setback (60-ft.). These lots are dispersed within four of the eight oceanfront counties: Brunswick (30), Currituck (11), Dare (10), and Onslow (23). It is anticipated that these amendments could potentially result in a net positive opportunity cost associated with property owner's ability to build, and tax revenues generated by the addition of structures built on vacant lots.

Local Governments:

Of the 74 vacant lots, none appear to be owned by local governments. However, if there are any, these amendments do not include any new restrictions that would influence public projects such as public beach access, roads, parking, or other infrastructure.

With regards to additional revenue generated from property taxes associated with construction of new homes on these vacant lots, the Division cannot speculate how many lots would be developed, if any, or what types of materials would be used for construction, or specific amenities – which makes it impossible to accurately calculate a total net gain. However, if we assume that all 74 lots will be developed with single-family housing, it is possible to estimate a gain based on current property tax rates (2022) and an example of market listings (5/16/2023)² that showed average oceanfront homes for sale in NC that have square footage equal to or less than 2,000 square feet, while also considering asking prices for oceanfront vacant lots for the same time. The search was restricted to properties listed for sale, specifically filtered by "oceanfront," "NC," and " \leq 2,000 square feet."

Considering the distribution of the 74 vacant lot locations, the average property tax rate is 0.6024, equivalent to 60.24 cents per \$100 of property value (refer to Table 1). Using this market search, the listing prices for oceanfront homes with 2,000 square feet or less exhibited significant variation, ranging from \$620K to \$2M, with an average of \$1,148,244 and a median of \$997,500. Similarly, the average listing price for vacant oceanfront lots during the same single-day search showed notable diversity, spanning from \$30K to \$1.9M, with an average of \$577,067 and a median of \$439,000.

² Based on review of market listings on May 16, 2023, Zillow.com. The search was restricted to properties listed for sale, specifically filtered by "oceanfront," "NC," and " \leq 2,000 square feet."

Table 1. 2022 Property Tax Rates per \$100 property value

Location	per \$100
Ocean Isle	0.1639
Holden Beach	0.2
Bald Head Island	0.81
North Topsail	0.43
Hatteras Village	0.6335
Buxton	0.7899
Nags Head	0.831
Kitty Hawk	0.8005
Currituck County	0.763
AVERAGE:	0.6024

Based purely on this scenario, a structure $\leq 2,000$ square feet adds approximately \$571K to the value of the property. It can then be estimated that using the average property tax rate (0.6024) that the addition of a structure on all 74 lots would result in an estimated total of \$255K additional tax revenues annually.

Table 2. Estimated Property Tax Revenue from Development of 74 Vacant Oceanfront Lots

Price of 2,000 SF (or less) oceanfront home in NC on 5/16/2023 ³	Avg. = \$1,148,244 Med. = \$997,500 Range = \$620K to \$2M
Price of vacant oceanfront lot in NC as of 5/16/2023 ⁴	Avg. = \$577,067 Med. = \$439,000 Range = \$30K to \$1.9M
Added value of development <i>Price of home minus Price of vacant lot</i>	Avg. = \$571,177 Med. = \$558,500
Average property tax rate in NC counties with vacant lots that can't meet current state oceanfront setback requirement.	\$0.6024 per \$100 property value
Additional property tax revenue from development of one vacant lot <i>Average value of development x Average property tax rate/\$100</i>	\$3,441
Number of vacant oceanfront lots	74

³ Based on review of market listings on May 16, 2023, Zillow.com

⁴ Based on review of market listings on May 16, 2023, Zillow.com

<p>Total additional annual property tax revenue from development of 74 lots</p> <p><i>Additional property tax revenue per lot x Number of vacant lots</i></p>	<p>\$254,626</p>
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There are many uncertainties associated with the information in Table 2, including the assumption that the only barrier to building on the 74 lots is the current setback requirement. As such, the total additional property tax revenue should be considered a rough estimate and is almost certainly higher than what would be realized in a typical year, especially in the near term. Actual property tax revenues will largely depend on how many of the vacant lots are developed, as well as economic and housing market conditions in a given tax cycle. This scenario does not consider differences in property appraisal value versus owner asking price but should reflect higher estimates. For all the reasons that can and do influence property value, such as buildable space on lot, perceived erosion hazard, location, structure age, amenities, and quality, this estimate will vary. In addition, this analysis does not account for building setbacks required by municipalities. It is possible that some of the 74 vacant lots would still not be buildable due to additional setbacks or other requirements of specific municipalities. Although this estimated cost benefit is worth noting, it does not rise to the level of a substantial impact, especially considering that not all lots would be developed, nor would they be developed in the same year.

If one or more of the vacant lots are developed, local governments would also realize additional revenue in the form of permit fees. The amount of fees varies by municipality, but these additional revenues will not result in a substantial impact.

Private Property Owners:

It can be assumed that if property owners of the 74 vacant lots have had intentions of building a structure but could not be due to the setback requirements defined in 15A NCAC 07H .0306, then they could potentially build if proposed development adheres to the conditions in Rule 15A NCAC 07H .0309 as amended. These proposed amendments alone would not initiate an immediate benefit to the property owner; however, they would remove a barrier to potential development. Other factors that could also contribute to the likelihood that these lots will be developed such as beach nourishment, reduced storm intensity and frequency, and building costs. It is reasonable to assume that a property owner will choose to develop their property only if they believe they will realize some sort of net benefit from doing so (such as from selling, renting, owning an appreciating asset, or personal enjoyment). For this reason, we can assume that compared to the regulatory baseline, it is likely that some portion of private property owners would realize long-term net benefits associated with the proposed amendments. Quantifying this value with a reasonable degree of accuracy is not possible due to the many variable factors such as rental income, property taxes, insurance, property management fees, utilities, association fees, and maintenance.

The Division acknowledges that private property owners are likely to experience net gains in the longer-term (5 or more years), but it is highly unlikely that gains would meet the definition of substantial impact (\$1M or more in one year).

NC Department of Transportation (DOT):

Pursuant to G.S. 150B-21.4, no impacts to NCDOT permitting are anticipated from the proposed amendments to 15A NCAC 07H .0309. The Division does not anticipate an increase or decrease

in the number of permits issued to NCDOT. In the event NCDOT needs to build or maintain a road located within an Ocean Hazard AEC, the proposed amendments will not change the CRC's approach to permitting that activity.

Division of Coastal Management:

In the highly unlikely scenario that development occurs on all 74 currently vacant lots, a Coastal Area Management Act (CAMA) Minor Permit would be required for each project at a one-time cost of \$100 per permit; thus totaling \$7,400 for all. This additional revenue would be spread out over an unknown number of years. The Division of Coastal Management's permit review process itself will not be changed by these amendments, and DCM does not anticipate significant changes in permitting receipts due to the proposed action.

If development were to occur on one or more of these 74 lots, other divisions within DEQ may also receive additional revenue in the form of permit fees. For example, new residential construction in a coastal county may be required to get a construction stormwater permit (\$100 each) for development disturbing more than one acre. As with DCM, any additional revenues generated as a result of removing this single barrier to development will be relatively minimal in a given year.

Environmental

Due to the scattered distribution of the 74 vacant lots along the state's coastline and their proximity to existing development, the Division does not foresee any significant environmental consequences resulting from new construction in these areas.

References:

Brunswick County Tax Office, 2022 Tax Rates: <https://www.brunswickcountync.gov/tax-office/rates/>

Onslow County Tax Office, 2022 Tax Rates: <https://www.onslowcountync.gov/DocumentCenter/View/6905/2018-TAX-RATES>

Dare County Tax Office, 2022 Tax Rates: <https://www.darenc.gov/departments/tax-department/tax-rates>

Currituck County Tax Office, 2022 Evaluation: <https://currituckcountync.gov/tax/tax-matters/>

ATTACHMENT A: Rule Amendments

15A NCAC 07H .0309 USE STANDARDS FOR OCEAN HAZARD AREAS: EXCEPTIONS

(a) The following types of development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

- (1) campsites;
- (2) driveways and parking areas with clay, packed sand, or gravel;
- (3) elevated decks not exceeding a footprint of 500 square feet. Existing decks exceeding a footprint of 500 square feet may be replaced with no enlargement beyond their original dimensions;
- (4) beach accessways consistent with Rule .0308(c) of this Section;
- (5) unenclosed, uninhabitable gazebos with a footprint of 200 square feet or less;
- (6) uninhabitable, single-story storage sheds with a foundation or floor consisting of wood, clay, packed sand or gravel, and a footprint of 200 square feet or less;
- (7) temporary amusement stands consistent with Section .1900 of this Subchapter;
- (8) sand fences;
- (9) swimming pools; and
- (10) fill not associated with dune creation that is obtained from an upland source and is of the same general characteristics as the sand in the area in which it is to be placed.

In all cases, this development shall be permitted only if it is landward of the vegetation line or pre-project vegetation line, whichever is applicable; involves no alteration or removal of primary or frontal dunes which would compromise the integrity of the dune as a protective landform or the dune vegetation; is not essential to the continued existence or use of an associated principal development; and meets all other non-setback requirements of this Subchapter.

(b) Where application of the ~~oceanfront~~ Ocean Hazard Area setback requirements of Rule .0306(a) of this Section would preclude placement of a structure on a lot existing as of June 1, 1979, the structure shall be permitted seaward of the applicable setback line in Ocean Erodible Areas, State Ports Inlet Management Areas, and Inlet Hazard Areas, but not Unvegetated Beach ~~Areas~~ Areas, the structure shall be permitted seaward of the applicable setback line if each of the following conditions are met:

- (1) The development is set back from the ocean the maximum feasible distance ~~possible~~ on the existing lot and the development is designed to minimize encroachment into the setback area;
- (2) The development is at least 60 feet landward of the vegetation line, measurement line, or pre-project vegetation line, whichever is applicable;
- (3) The development is not located on or oceanward of a frontal dune, but is entirely behind the landward toe of the frontal dune;
- (4) The development incorporates each of the following design standards, which are in addition to those required by Rule .0308(d) of this Section;
 - (A) All pilings shall have a tip penetration that extends to at least four feet below mean sea level;
 - (B) The footprint of the structure shall be no more than 1,000 square feet, and the total floor area of the structure shall be no more than 2,000 square feet. For the purpose of this Section, roof-covered decks and porches that are structurally attached shall be included in the calculation of footprint;

(C) Driveways and parking areas shall be constructed of clay, packed sand or gravel except in those cases where the development does not abut the ocean and is located landward of a paved public street or highway currently in use. In those cases, other material may be used; and

(D) No portion of a building's total floor area, including elevated portions that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings, may extend oceanward of the total floor area of the landward-most habitable building or structure. The alignment shall be measured from the most oceanward point of the adjacent building or structure's roof line, including roofed decks. An "adjacent" property is one that shares a boundary line with the site of the proposed development. When no adjacent building or structure exists, or the geometry or orientation of a lot or shoreline precludes the placement of a building in line with the landward most adjacent structure of similar use, an average line of construction shall be determined by the Director of the Division of Coastal Management based on an approximation of the average seaward-most positions of the rooflines of adjacent structures along the same shoreline, extending 500 feet in either direction. If no structures exist within this distance, the proposed structure shall meet the applicable setback from the Vegetation Line but shall not be held to the landward-most adjacent structure or an average line of structures. The ocean hazard setback shall extend landward of the vegetation line, static vegetation line or measurement line, whichever is applicable, a distance no less than 60 feet.

(5) All other provisions of this Subchapter and other state and local regulations are met. If the development is to be serviced by an on-site waste disposal system, a copy of a valid permit for such a system shall be submitted as part of the CAMA permit application.

(c) The following types of water dependent development shall be permitted seaward of the oceanfront setback requirements of Rule .0306(a) of this Section if all other provisions of this Subchapter and other state and local regulations are met:

- (1) piers providing public access; and
- (2) maintenance and replacement of existing state-owned bridges, and causeways and accessways to such bridges.

(d) Replacement or construction of a pier house associated with an ocean pier shall be permitted if each of the following conditions is met:

- (1) The ocean pier provides public access for fishing and other recreational purposes whether on a commercial, public, or nonprofit basis;
- (2) Commercial, non-water dependent uses of the ocean pier and associated pier house shall be limited to restaurants and retail services. Residential uses, lodging, and parking areas shall be prohibited;
- (3) The pier house shall be limited to a maximum of two stories;
- (4) A new pier house shall not exceed a footprint of 5,000 square feet and shall be located landward of mean high water;
- (5) A replacement pier house may be rebuilt not to exceed its most recent footprint or a footprint of 5,000 square feet, whichever is larger;
- (6) The pier house shall be rebuilt to comply with all other provisions of this Subchapter; and

(7) If the pier has been destroyed or rendered unusable, replacement or expansion of the associated pier house shall be permitted only if the pier is being replaced and returned to its original function.

(e) In addition to the development authorized under Paragraph (d) of this Rule, small scale, non-essential development that does not induce further growth in the Ocean Hazard Area, such as the construction of single family piers and ~~small-scale~~ ~~small-scale~~ erosion control measures that do not interfere with natural oceanfront processes, shall be permitted in the Ocean Hazard Area along those portions of shoreline that exhibit features characteristic of an Estuarine Shoreline. Such features include the presence of wetland vegetation, and lower wave energy and erosion rates than in the adjoining Ocean Erodible Area. Such development shall be permitted under the standards set out in Rule .0208 of this Subchapter. For the purpose of this Rule, ~~small-scale~~ ~~small-scale~~ is defined as those projects which are eligible for authorization under 15A NCAC 07H .1100, .1200, and 15A NCAC 07K .0203.

(f) Transmission lines necessary to transmit electricity from an offshore energy-producing facility may be permitted provided that each of the following conditions is met:

- (1) The transmission lines are buried under the ocean beach, nearshore area, and primary and frontal dunes, all as defined in Rule .0305 of this Section, in such a manner so as to ensure that the placement of the transmission lines involves no alteration or removal of the primary or frontal dunes; and
- (2) The design and placement of the transmission lines shall be performed in a manner so as not to endanger the public or the public's use of the beach.

(g) Existing stormwater outfalls as of the last amended date of this rule within the Ocean Hazard AEC that are owned or maintained by a State agency or local government, may be extended oceanward subject to the provisions contained within 15A NCAC 07J .0200. Outfalls may be extended below mean low water and may be maintained in accordance with 15A NCAC 07K .0103. Shortening or lengthening of outfall structures within the authorized dimensions, in response to changes in beach width, is considered maintenance under 15A NCAC 07K .0103. Outfall extensions may be marked with signage and shall not prevent pedestrian or vehicular access along the beach. This Paragraph does not apply to existing stormwater outfalls that are not owned or maintained by a State agency or local government.

History Note: Authority G.S. 113A-107(a); 113A-107(b); 113A-113(b)(6)a; 113A-113(b)(6)b; 113A-113(b)(6)d; 113A-124;
Eff. February 2, 1981;
Amended Eff. April 1, 2020; June 1, 2010; February 1, 2006; September 17, 2002 pursuant to S.L. 2002-116; August 1, 2000; August 1, 1998; April 1, 1996; April 1, 1995; February 1, 1993; January 1, 1991; April 1, 1987;
Readopted Eff. December 1, 2020;
Amended Eff. December 1, 2022; August 1, 2022.



Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Richard Grant
Tom Leonard
Laura Olszewski
Connie Pletl

Alice Derian, ICMA-CM
Town Manager

Nancy Avery
Interim Town Clerk

SCOTT LINCOLN B
4089 4TH ST
SURF CITY, NC 28445-8632



PUBLIC NOTICE
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, January 21, 2025, 6 p.m.

The North Topsail Beach Zoning Board of Adjustment will hold a regular meeting on Tuesday, January 21, 2025, 6 p.m. in the first-floor conference room at North Topsail Beach Town Hall, 2008 Loggerhead Court, North Topsail Beach.

The purpose of the meeting is for the Zoning Board of Adjustment to consider:

Case #AA24-000003 (continued), an appeal by Ms. Aneta Paval of the denial of a fence permit #SB24-000044 at lot 14 Green Oar Street, Rogers Bay Campground, 4021 Island Drive (B-1 Zoning District); and

Case # VAR24-000001, a variance request by Mr. Lincoln Scott from the 20-foot front yard setback required by Unified Development Ordinance Table 5-1 for lots identified as 1108, 1112 and 1116 New River Inlet Road (R-5 Zoning District).

The Zoning Board of Adjustment may also consider the adoption of rules of procedure or other routine administrative matters in support of their duties pursuant to Unified Development Ordinance § 2.03.02; followed by closed session pursuant to North Carolina General Statutes 143.318.11 (a) (3) Consultation with the attorney.

Deborah J. Hill MPA AICP CFM CZO
Planning Director

Posted (website, sunshine list, message board): December 30, 2024
Mailed to adjacent property owners: 12/30/2024

2008 Loggerhead Court
North Topsail Beach, NC 28460

(910) 328-1349
www.northtopsailbeachnc.gov