

**Rezoning Request**  
**Kersting Architecture on behalf of**  
**Daniel and Rebekah Sooy, Property Owners**  
**1090 New River Inlet Rd, North Topsail Beach, NC**



To Whom It May Concern:

Michael Ross Kersting Architecture, PA (Kersting Architecture), applicant, on behalf of Daniel and Rebekah Sooy, property owners, are requesting the subject property, 1090 New River Inlet Rd, North Topsail Beach, NC, be rezoned from R-20 Residential District to R-15 Residential District.

It is the applicant's view that this rezoning would be consistent with the dimensional requirements of the Unified Development Ordinance. The subject property is 15,606.8 square feet according to the attached survey and thus does not conform to the dimensional requirements of an R-20 zone. It does, however, meet the dimensional requirements of the R-15 zone:

ZONING	MINIMUM LOT SIZE	FRONT YARD	LOT WIDTH	SIDE YARD SETBACK	SIDE YARD CORNER	REAR YARD SETBACK	BUILDING HEIGHT	MAXIMUM LOT COVERAGE
Con-D								30%
R-A	3 acres	30'	75'	10'	20'	10'	48'	30%
R-20	<u>20,000 sq. ft.</u>	30'	75'	10'	20'	10'	48'	30%
R-15 Single- family or duplex	<u>15,000 sq. ft.</u>	20'	60'	8'	15'	10'	48'	30%
R-10 Single- family	10,000 sq. ft.	20'	60'	8'	15'	10'	48'	30%
Multi-family	plus 10,000 sq. ft. for each unit over 2	20'	60'	8'	15'	10'	48'	30%
R-8 Single- family	8,000 sq. ft.	20'	50'	8'	15'	10'	48'	30%
Multi-family	plus 8,000 sq. ft. for each unit over 2	20'	50'	8'	15'	10'	48'	30%
R-5 Single- family	5,000 sq. ft.	20'	50'	8'	15'	10'	48'	30%
Multi-family	plus 5,000 sq. ft. for each unit over 2	20'	50'	8'	15'	10'	48'	30%
MHR Single- family	5,000 sq. ft.	20'	50'	8'	15'	10'	48'	30%
Multi-family	plus 5,000 sq. ft. for each unit over 1						48'	
B-1	8,000 sq. ft. per building	20'	50'	8'	10'	10'	48'	30%
B-2								

Excerpt from 2021 Town of North Topsail Beach Unified Development Ordinance

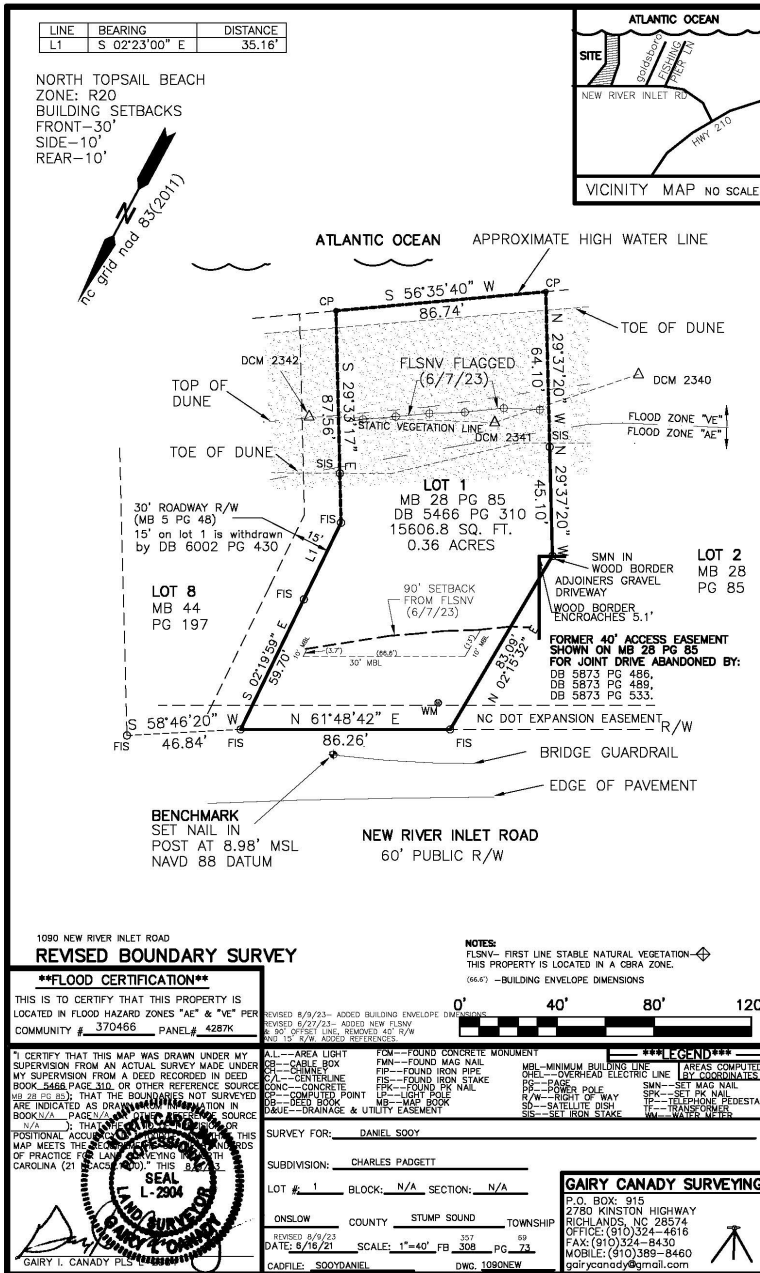
Given the location of the first line of stable natural vegetation (FLSNV) flagged by the NC Division of Coastal Management on 6/7/23, as well as the 30' front yard setback required under the current R-20 zoning, in the view of the applicant, the resultant buildable area is incompatible with the design of a structure that would be in keeping with its immediate surroundings. The resultant buildable area is a wedge shape with a maximum depth of approximately 10' at its deepest. Keeping in mind that the NC Residential Building Code necessitates a minimum horizontal dimension of interior rooms to be 7', the lot has very little area in which a habitable space may be maintained:

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 4022 Market Street, Suite 201, Wilmington, NC 28403  
 www.kerstingarchitecture.com

910 763 1348

ATTACHMENT 5

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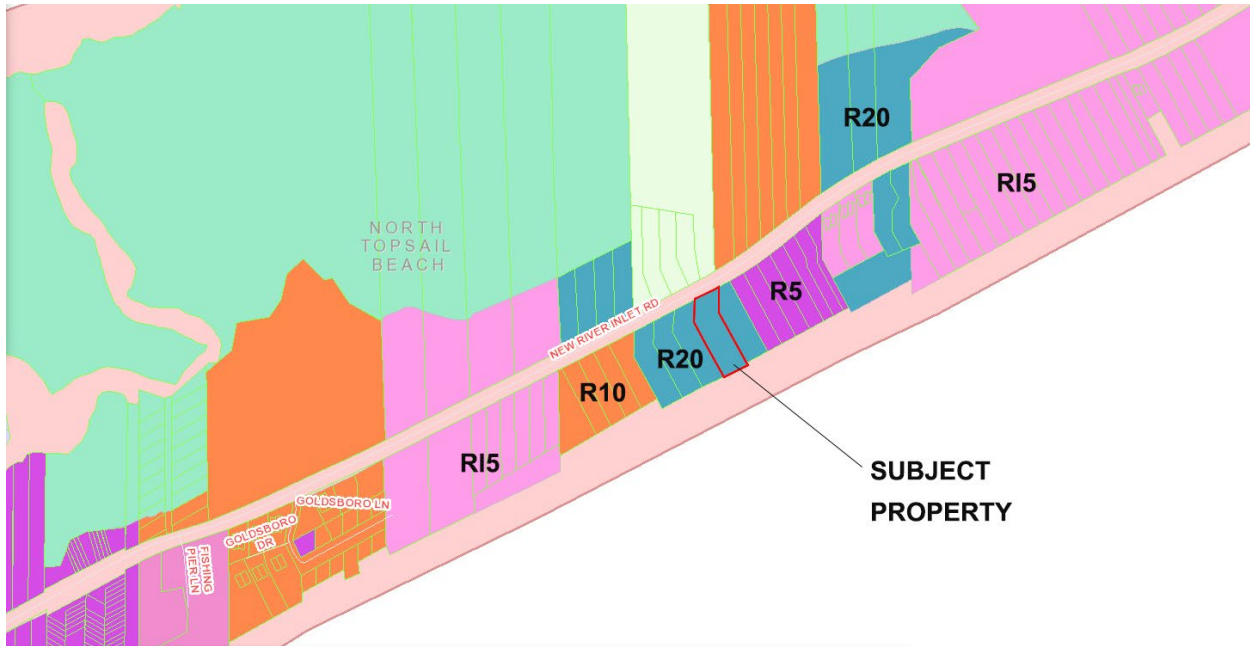


Survey of subject property (not to scale).

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The subject property exists in an isolated block of five properties in the R-20 zone:



Town of North Topsail Beach Zoning Map, Onslow County GIS map service

Each property within this block of R-20 zoning is of similar area or smaller than the subject property. R-15 zoning is applied to similar ocean-front nearby. Directly adjacent to the R-20 block are R-10 and R-5 zones. The front setback requirement per the UDO for R-10 and R-5 zones is 20', which is the same as the requested R-15 zoning for the subject property. Thus, the application of the same front yard setback for adjacent properties will allow future development to have a consistent relationship to the street and will better maintain view corridors to the ocean, as structures will be able to be located more landward.

In addition to being compatible with the provisions of the Town of North Topsail Beach's Unified Development Ordinance, this zoning request is also consistent with the CAMA Land Use Plan adopted by the Town. According to the CAMA Land Use Plan it "is not a regulatory document, it does provide guidance relating to future land use and development changes in relation to the Town's Unified Development Ordinance (UDO). Specifically, the plan should be used whenever zoning decisions are made by the Planning Board and/or Board of Aldermen."

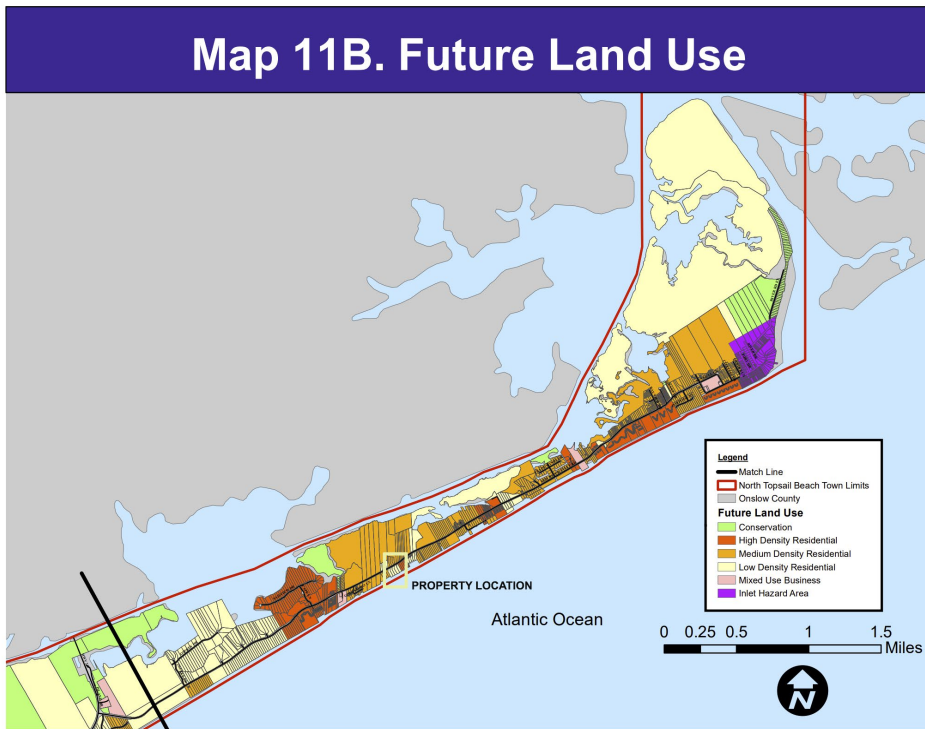
The proposed R-15 zoning is considered “generally consistent” with the low-density development use type for the site, recommended by the CAMA Land Use Plan:



**SECTION 4. FUTURE DEMAND/PROJECTIONS**

**Table 29. Future Land Use Plan Compatibility Matrix**

Zoning Districts	CON-D	RA	R-20	R-15	R-10	R-8	CU-R8	R-5	CU-R5	MHP	B-1	CU-B1	B-2	CU-B2
Min. Lot Size (SF)	N/A	130,680	20,000	15,000	10,000	8,000	8,000	5,000	5,000	5,000	8,000	8,000	8,000	8,000
Max. Bldg. Height (ft.)		48	48	48	48	48	48	48	48	48	48	48	48	48
<b>Designations/Average Density (du per acre)</b>														
Conservation	g	x	x	x	x	x	x	x	x	x	x	x	x	X
Mixed Use	x	x	x	x	x	x	x	x	x	x	g	c	g	C
Low-Density Residential	x	g	g	g	g	g	c	g	c	g	g	c	g	C
Medium-Density Residential	x	x	x	g	g	g	c	g	c	g	g	c	g	C
High-Density Residential	x	x	x	x	x	x	x	g	c	g	g	c	g	C
Inlet Hazard Residential	x	x	x	x	g	g	x	x	x	x	x	x	x	x



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Excerpt from CAMA Land Use Plan

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If a concern arises that addressing this single lot may result in “spot zoning”, the applicant requests that the authorities having jurisdiction consider amending the zone designation of the properties surrounding the subject property, especially considering the request is for a denser zoning designation, not a “downzoning” as is discouraged.

In this regard, the Owner of the subject property has approached the Owner’s of 1104 and 1078 New River Inlet, (adjoining properties on either side of subject property, currently zoned R-20), who have stated they would be amenable to the requested rezoning- thus avoiding so-called “spot zoning.”

Rather than seeking variances or other measures available to the property owners, it is the applicant’s sincere belief that the proposed zoning map amendment will best create the conditions for development in keeping with the surrounding area, as well as best protect the sensitive environmental condition of the seaward dunes.

Sincerely,

**Toby R Keeton** \_\_\_\_\_ Date: May 3, 2024  
ARCHITECT – Toby R Keeton, AIA  
Principal/ Partner, Michael Ross Kersting Architecture, P.A.

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AGENT AUTHORIZATION FOR REZONING APPLICATION

Name of Property Owner Requesting Permit: DANIEL AND REBEKAH SOOY

Mailing Address: 1217 Hendricks ave. Jacksonville, NC. 28540

I certify that I have authorized Toby R Keeton, AIA, Principal Michael Ross Kersting Architecture, PA as Agent to act on my behalf, for the purpose of applying for and obtaining approvals necessary for the rezoning of my property at 1090 NEW RIVER INLET RD in North Topsail Beach, NC.

Property Owner Information:

  
\_\_\_\_\_

Signature

Daniel Sooy

Print or Type Name

05, 16, 2024

Date

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