



Town of North Topsail Beach
SPECIAL USE PERMIT (SUP) APPLICATION
 (A Pre-submittal conference **must be held** prior to submission)

Tracking Information (Staff Only)

Case Number:	Date/Time received:	Application verified by:
\$350 non-refundable filing fee & \$150 deposit subject to Cancellation Policy*	Check #:	Receipt #:
Deadline for Legal Ad:	Scheduled for Planning Board on:	at 6:30 p.m.
Deadline for Legal Ad:	Scheduled for Board of Aldermen on:	at 6:30 p.m.

About this Application

ONLY COMPLETE APPLICATIONS CAN BE ACCEPTED

Only the Special Uses, as specified in the various districts (reference: UDO **Table 4-1 Use Table**), may be permitted after review by the Planning Board and approval by the Board of Aldermen.

Submittal: Applications are due by noon on the submittal deadline date. Deadlines are discussed at the pre-submittal meeting. Applications should be submitted in-person, and fees are due at time of submittal.

The application is a form of written testimony, and used both to show how Ordinance considerations are addressed and to provide evidence that the required findings for approval can be made. In addition to the application materials, the applicant may provide any other written, drawn or photographed material to support his/her request and as permitted by the Planning Board and/or Board of Aldermen, as applicable. Any such additional material submitted will become part of the application, and as such cannot be returned.

Attendance at the hearing is required. Applicants may represent themselves or may be represented by someone appropriate for quasi-judicial public hearings. The applicant has the **burden of proof** and must provide sufficient evidence in order for the required findings to be made. The public hearing will allow the applicant, proponents, opponents and anyone else the opportunity to testify in regards to the request. An application may be approved, approved with conditions, continued for more information, or denied.

Contact Information: If you have any questions, please contact the Planning Director at (910) 328-1349 ext. 27 between 8:00 a.m. and 5:00 p.m. on weekdays or email at dhill@ntbnc.org.

***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 (kate@ntbnc.org), fax (910-328-4508 ATTN: Kate Winzler), or by U.S. mail (2008 LOGGERHEAD CT, N TOPSAIL BEACH NC 28460-9286 - ATTN: Kate Winzler.) No refunds will be made for requests received after that time. Please allow two weeks for processing.

Application Requirements	Applicant Initials	Staff Initials
Pre-submittal meeting	GR	
Filing fee	GR	
SITE PLAN or PLOT PLAN, as determined at the pre-submittal meeting.	GR	
Completed application and responses: ORIGINAL signatures required.	GR	
Any additional supporting documents	GR	

Case # _____

Property Information	
Site Address: New River Inlet Road	Parcel #: 779A-49
Zoning District(s) : R-5	Plat Book/Page #: 83/56 and 86/222
Overlay District(s): Cobra	Date Plat Filed: 12/1/22 and 7/19/24
Current Use: Vacant	Deed Book/Page #: 5706-91
Flood Zone: AE and VE	Date Deed Recorded: 3/15/22

Property Owner: The application must either be signed by the property owner or a written, signed statement must be provided by the property owner giving consent to the request.

Name(s): Capital Asset Topsail Development, LLC	
Contact Person: Chris A. Plaford	Telephone: 917-588-0302
Address: 1121 Military Cutoff Road, Suite C	Fax: N/A
City/State/ZIP: Wilmington, NC 28405	Email: cplaford@capitalasset-us.com
Owner Signature _____	Date _____

Applicant	
Name(s): Capital Asset Topsail Development, LLC	
Contact Person: Chris A. Plaford	Telephone: 917-588-0302
Address: 1121 Military Cutoff Road, Suite C	Fax: N/A
City/State/ZIP: Wilmington, NC 28541	Email: cplaford@capitalasset-us.com
<i>I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.</i>	
Applicant Signature _____	Date _____

Agent (if different than applicant)	
Name: Charles F. Riggs & Associates, Inc.	
Contact Person: Charles F. Riggs	Telephone: 910-455-0877
Address: p O Box 1570	Fax: N/A
City/State/ZIP: Jacksonville, NC 28541	Email: riggsland@riggslandnc.com

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Complete and respond to the following with an attachment (suggested) or in the space provided:

Applicant's Name: I, Chris A. Plaford, Member/Manager of Capital Asset Topsail Development, LLC, do hereby petition the Town of North Topsail Beach for a SPECIAL USE permit to allow the following:

I. **Findings:** In granting the permit, the Board of Aldermen *shall* make a written decision that identifies the key facts of the case and applies these facts to the following standards. The Board must find that all of these conditions exist, or the application will be denied.

A. *The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare; **Statement by Applicant:***

Development of the pool will be properly permitted through local, county and state agencies. Creation of one pool rather than eight individual pools will maintain and promote the public health, safety and general welfare.

B. *The use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations; **Statement by Applicant:***

All rules and standards of the ordinance and the previous approvals of the Board of Alderman on previous projects have been followed and do comply.

C. *The use or development conforms to the plans for the land use and development of Town of North Topsail Beach as embodied in this Zoning Ordinance and in the Town of North Topsail Beach CAMA Land Use Plan. **Statement by Applicant:***

The development of the pool is allowed and conforms with the North Topsail Beach Zoning Ordinance and is viewed as an allowable amenity in the North Topsail Beach Land Use Plan.

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Read and sign below:

General provisions (reference UDO Sec. 2.06.04 Special Use Permits).

- A. **Additional Conditions:** In granting the Special Use Permit, the Board may designate additional conditions that will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, is within the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered into the minutes of the meeting, at which the Special Use Permit is granted, on the Special Use Permit itself and on the approved plans. The Special Use Permit and any other specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns.
- B. **Denial:** If the specified board denies a request for a Special Use permit, it shall enter the reasons for its action in the minutes of the meeting at which the action was taken. A letter signed by the Zoning Administrator is mailed to the applicant identifying the reasons for denial.
- C. **Approvals and copies:** Upon approval of the request for a Special Use Permit, a copy of the plan shall be dated and signed by the Zoning Administrator, denoting Town approval. One (1) copy shall be returned to the applicant.
- D. **Appeal of Decision:** Appeal may be taken from the action of the Board of Aldermen in granting or denying a Special Use Permit through Superior Court of Onslow County. Any petition for review shall be filed with the Clerk of Superior Court within 30 days after a decision of the board is filed in the office of the Town Clerk, or after a written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later. The decision of the authorized board shall be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.
- E. **Failure to Comply with Plans or Conditions:** In the event of failure to comply with the plans approved by the Board of Aldermen or with any other conditions imposed upon the Special Use Permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Special Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance; provided, however, that the Board of Aldermen shall not be prevented from thereafter rezoning said property for its most appropriate use.

Applicant Signature

Date