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Mike Benson, Mayor Pro Tem



Alice Derian, ICMA-CM
Town Manager

Aldermen:
Fred Fontana
Richard Grant
Tom Leonard
Connie Pletl

Nancy Avery
Interim Town Clerk

**Zoning Board of Adjustment
Special Meeting Draft Minutes**

Wednesday, June 28, 2023, at 5:30 PM

2008 Loggerhead Court, North Topsail Beach NC 28460

Present: Hanna McCloud – Chair, Paul Dorazio - Vice Chair, Scott Morse, Cameron Kuegel, Susan Meyer.

Absent: Lisa Lee Kozlowski, Stu Harness.

Present Other: Planning Director Hill, Clerk to the Board of Adjustment Winzler, IT Director Schwisow, Town Manager Derian, Town Attorney Edes (via Teams).

CALL TO ORDER Chair McCloud called the meeting to order at 5:34 p.m.

ADOPTION OF THE AGENDA Mr. Dorazio made a motion to adopt the agenda. Mr. Morse seconded the motion. The motion passed unanimously, 5-0.

APPROVAL OF MINUTES Mr. Kuegel made a motion to strike the approval of the March 22, 2023 minutes from the agenda. Mr. Morse seconded the motion. The motion passed unanimously, 5-0.

OLD BUSINESS

CASE #AA23-000003: Appeal by Mark Wilson

Attorney Edes introduced the case history, reviewed the quasi-judicial hearing process, and polled the Zoning Board of Adjustment regarding their roles as impartial decision makers. He asked the Board if anyone had any basis that would prevent them from being fair and impartial and to base their votes solely on the competent evidence produced during the hearing. All Board of Adjustment members responded to the questions in the negative.

Attorney Edes asked Planning Director Hill if the appellant in the second case, Mr. Plaford, was in attendance.

Planning Director Hill confirmed.

Attorney Edes asked Mr. Plaford if he heard the procedural guidelines that Attorney Edes reviewed with the Board of Adjustment.

Mr. Plaford confirmed.

Attorney Edes asked Mr. Plaford if he would be ok to proceed on the stipulation that those same guidelines apply for his appeal.

Mr. Plaford agreed.

Clerk Winzler swore in appellant Mark Wilson, Surveyor Charles Riggs, and Planning Director Deb Hill.

Planning Director Hill entered into evidence exhibits NTB-1 through NTB-30 and added the building permit B22-000019 MODIFIED as exhibit NTB-31.

Mr. Wilson had no objections to the exhibits NTB-1 through NTB-31.

The Board accepted into evidence exhibits NTB-1 through NTB-31 without objection.

Planning Director Hill presented a concise review of the staff report.

Mr. Kuegel asked what the modification was EXHIBIT NTB-31.

Mr. Hill explained that it was a contractor change request.

Mr. Wilson cross examined Planning Director Hill. He asked what are the requirements to pull a zoning permit in the State of North Carolina?

Ms. Hill replied going outside the building footprint.

Mr. Wilson stated that new construction, addition of square footage to a house, or changing the use of a structure required a zoning permit.

Ms. Hill disagreed, explaining that there are many more characteristics which trigger the need for a zoning permit. To focus on Mr. Wilson's project, a zoning permit was not required based upon the initial review because the application did not indicate going outside of the footprint of the existing building.

Mr. Wilson asked for clarification between a deck and a beach access.

Ms. Hill replied that the project description did indicate no change in footprint. If the application had indicated expanding the footprint, the zoning review would have included an examination for meeting the setbacks.

Mr. Wilson stated that there were no changes or additions to the home. They were putting it back the way it was. Tina Martin required the change to a switchback.

Ms. Hill stated that she understood the point Mr. Wilson was trying to make. She pointed out the condition on the CAMA permit (Coastal Area Management Act) that requires the applicant to apply for all local and state permits as well. The applicant must also meet the Town's requirements. The onus fell on the applicant to modify the existing permit to include a change in footprint. Constructing a crossover is not replacing some deck boards, handrails, and stair treads. Indicating no change in footprint was incorrect. The degree of work performed was a change in footprint, indicated by driving pilings into the dune.

Mr. Wilson countered by offering that there had been pylons in the dunes before the damage from Hurricane Florence. Those had been removed, and this project was to repair the deck. Mr. Wilson mentioned the need for a means of egress.

Attorney Edes asked Mr. Wilson to ask questions of Ms. Hill in cross examination, to formulate any comments in question form.

Mr. Wilson acquiesced, noting that the Town required a deck permit application which was submitted, and explained that he had no further questions for Ms. Hill.

Attorney Edes asked Mr. Wilson for confirmation that Mr. Wilson had been asking Ms. Hill about the Notice of Violation regarding the failure to obtain zoning and any applicable flood permits.

Mr. Wilson confirmed, explaining that there was no need for a zoning permit as this project was not new construction, not building an addition of square footage to the home, nor was it changing the use of the structure.

Attorney Edes asked if the scope of work that was being performed was contained within the scope of work on the issued building permit.

Mr. Wilson replied yes, repairing the deck.

Planning Director Hill disagreed, as the authority with jurisdiction for the enforcement and interpretation of the UDO (United Development Ordinance) for zoning and development, and as the Planning Director of the Town of North Topsail Beach.

Attorney Edes asked what triggered the notice of violation for development without a permit. He asked Ms. Hill what development occurred that triggered the need for either a zoning and/or a flood permit.

Planning Director Hill explained it was shown in the evidence as contained in exhibits four and five, the photos showing two-by-four materials going across between the deck and the sandbags, laying across the sand dunes, as well as two-by-fours in the ground, with boards nailed together at the top.

Attorney Edes asked if that work was beyond the scope of work submitted for the building permit.

Planning Director Hill confirmed, adding that the Building Inspector also issued a Stop Work Order for what he considered inconsistency with the code, included in the evidence.

Mr. Wilson explained the Stop Work Order placement from his perspective.

Attorney Edes asked Mr. Wilson if the type of work described by Ms. Hill included in the scope of work on the building permit application.

Mr. Wilson answered that as he wrote it, repairing of the deck, yes. That was how he understood it. Mr. Wilson concluded his cross examination of Planning Director Hill.

Mr. Kuegel asked who submitted exhibits NTB-9 and NTB-10, the pictures showing a white railing and deck, and asked to ascertain the age of the photos, as they appear to be dated prior to Florence.

Planning Director Hill explained the photos were embedded in the body of the email from Mark Wilson.

Chair McCloud stated the photos were old.

Mr. Wilson stated that he did not take the photos, nor did he know when they were taken.

Mr. Kuegel asked Mr. Wilson if any of the crossover with the white railings existed the first time Mr. Wilson stepped onto the property.

Mr. Wilson stated that it was severely damaged. It was not safe to walk on. Mr. Wilson provided no evidence to support it.

Vice Chair Dorazio referred to the crossover shown on the survey dated April 12, 2022.

Chair McCloud read from Mr. Wilson's email, "We aren't doing a beach access, we're doing exactly what was listed on the CAMA permit and the building permit, simply repairing what is there to a similar manner. The back steps are landing on the dune and traversing the back of the house."

Chair McCloud noted that on NTB-9 and NTB-10 in the pictures there were no sandbags. The survey was on NTB-14. Exhibits NTB-4 and NTB-5.

Mr. Kuegel asked when the sandbags were installed, and do they stretch the whole length of the back of the house.

Mr. Wilson answered that the sandbags cannot be seen from the perspective of the photos taken from the beach. The sandbags were visible from the back door of the house looking down towards the ocean. Mr. Wilson stated that the sandbags extend the full width of the house, and he did not know when the sandbags were installed.

Planning Director Hill stated that the beach crossover was present in the 2018 Onslow County Aerial. It was not there in the 2020 aerial, nor in the 2022 aerial.

Attorney Edes stated that the reason for the case is Ms. Hill's determination that the scope of work exceeded the original scope of work submitted on the building permit application. The evidence shows that a crossover was there in 2018, but not in 2020 or 2022.

Ms. Hill confirmed and explained that the Town issues separate beach access permits for beach crossovers. She noted the verbiage on the Stop Work Order "Apply. Need CAMA, zoning, building permit" signed by Ralph Allen on March 7th, 2023.

Vice Chair Dorazio pointed out that the new structure was nothing like the original structure. Attorney Edes invited Mr. Wilson to present evidence as to why Mr. Wilson felt as though Ms. Hill erred in the interpretation of the Town Codes sections listed in the notes of the violation. Mr. Wilson reiterated that the deck was significantly damaged, and he stated they were not doing a crossover because of the dune damage. Tina Martin of CAMA advised them to install a switchback such as in exhibit 9 with a landing then going back to the house. They applied for a beach access permit after Tina Martin issued two new CAMA permits. Mr. Wilson argued that he did not need a zoning permit as to his knowledge; he did not change the footprint. Mr. Wilson stated the beach access permit is pending the adjournment of the Board of Adjustment meeting. He expressed a willingness to do whatever.

Attorney Edes asked Mr. Wilson if he understood that there were three distinct violations from which he appealed.

Mr. Wilson confirmed.

Attorney Edes asked Mr. Wilson if any of the development encroached within five feet of the dune.

Mr. Wilson stated the doing the piers and the house itself as it sat was within five feet of the toe of the engineered berm.

Attorney Edes asked Mr. Wilson if any of the work performed on his behalf encroached within five feet of the toe of the dune.

Mr. Wilson stated that he had difficulty understanding the question. He stated that they did work on the berm.

Attorney Edes asked Mr. Wilson if he sought a zoning permit or a flood permit in connection with the work.

Mr. Wilson answered no.

Attorney Edes asked if any of the work performed went beyond the scope of work that was permitted by the building permit permitted.

Mr. Wilson stated to his knowledge, no.

Attorney Edes invited Mr. Wilson to have Mr. Riggs provide testimony relevant to the issues of the appeal.

Charles Riggs, 502 New Bridge Street, Jacksonville, spoke. He passed out new exhibits to the Board of Adjustment, and explained since the March 2023 meeting, he surveyed the property.

- Exhibit 32: Survey of the property dated April 6, 2023 showing the proposed beach access suggested by the Division of Coastal Management
 - Attorney Edes recommended the Board receive the exhibit into evidence without objection.

- Exhibit 33: Enlargement of the beach access area from exhibit 32 - the April 6, 2023 survey showing the existing dwelling, the sandbags, the sandbag elevation, the proposed four-by-four landing, steps coming down, a four-by-five foot landing at the base, and post-and-rope going out to the beach. Mr. Riggs stated the remodeling that occurred stayed within the envelope of the house itself. Mr. Riggs stated that the sandbags are considered a berm and not a dune, although the Division of Coastal Management has begun referring to berms as starter dunes, they do not permit hardened structures across a berm. They do allow a mat (for municipalities) or post-and-rope fence on a crossover.
- Exhibit 34: Photograph taken on March 30, 2023 from the south toward the north or the west to the east at the existing covered deck and the sandbags along the dunes. The yellow flags indicated the first line of stable vegetation was on the landward toe of the sandbags, two or three feet off the ocean-side of the dwelling.
- Exhibit 35: Photograph taken from the east or north toward the west or south taken of the of the dune, or berm, and the sandbags.
- Exhibit 36: Exemption Number 18-23 signed by Tina Martin for Exempted Project – Maintenance and Repair of Existing Structures, which gave the applicant permission to proceed with maintenance and repair to the structure.

Attorney Edes asked Mr. Riggs if, as a land surveyor familiar with the CAMA permitting process, particularly with minor permits, if he agreed that those incorporate or make reference to that you may need to check with your local municipality to see if there are additional regulations that may apply.

Mr. Riggs agreed.

Attorney Edes asked Mr. Edes if, in his professional experience, he would agree that that because CAMA provided an exemption letter it did not, in and of itself alleviate the responsibility of the landowner to check with the local town for their local ordinances.

Mr. Riggs agreed and pointed out that verbiage on the last line of the exemption letter.

- Exhibit 37: Exemption Number 20-23 from Tina Martin addressing the redistribution of sand consistent with current rules, also stating that it does not alleviate the necessity of obtaining any state, federal, or local authorization, and North Carolina building permits.
- Exhibit 38: Agent Authorization for Mr. Riggs to speak on their behalf.

Mr. Riggs' presented the following points:

- He has surveyed this property since 2017.
- The preliminary survey in the original staff report included the existing structures, where the existing access was located, and a proposed structure showing the house moving landward toward the street.
- Mr. Wilson's proposed beach access was located within the center of the house as opposed to the exact location of the decking where it had been previously, however the proposed access was a smaller footprint.
- Mr. Riggs stated that he believed the Town's five-foot rule exempts beach accesses from damage.
- Mr. Riggs acknowledged that Mr. Wilson did damage the berm minimally, however the beach access is exempt from the five-foot rule.
- Mr. Riggs stated that it is a berm and not a dune.

- Since their first meeting, Mr. Wilson has received all permits necessary to come into compliance.
- The survey was completed as requested.
- Along with the Division of Coastal Management, they agreed on a game plan for a proper beach access.
- At this point, they have performed in good faith to be compliant with the Town and would appreciate the Board's consideration in this matter. He didn't believe there was any malicious intent.

Attorney Edes asked about the dates of exhibits 36 and 37.

Mr. Riggs explained that both exhibit 36 and exhibit 37 are dated April 21st, 2023.

Attorney Edes asked Mr. Riggs if it was his understanding that the work that occurred within the five-foot buffer occurred prior to the issuance of those exemption letters.

Mr. Riggs noted that exhibit 36, exemption 18-23 is a renewal of a former exemption 18-21, and he did not know when that was issued. He continued stating he did not believe there was any disturbance within five-feet of the dune because it was a berm, and any disturbance that may have occurred within five-feet of the dune was beach access related. It was his opinion that a beach access is exempt from the rule.

Attorney Edes stated that he believed Mr. Riggs was referring to the provision of the ordinance, "No disturbance, no development, no structure shall be permitted within five feet of the landward toe of the dune 'dune buffer' except beach access crossovers as permitted" explaining that he understood the difference between permitted and exempted. He believed that it was relevant when those exemptions were issued in relation to the notice of violation.

Mr. Wilson provided testimony that he did not have the exact date of the original CAMA permit, but he believed it was September of 2022.

Attorney Edes asked if that was prior to work being performed related to the beach crossover.

Mr. Wilson stated that it was issued prior to doing any work.

Attorney Edes asked Planning Director Hill if there was anything in the exhibits the Town introduced that would reflect the original issue of the state of a crossover exemption and if so, was that exemption for the same area where this crossover was going on the property.

Planning Director Hill offered NTB-1 "Application by Mark Wilson [Boike is a typo]" exemption number EX47-22 dated October 26, 2022, and stated that the site drawing and materials submitted with the CAMA application were August 26, 2022, listed on exhibit NTB-20.

Attorney Edes asked for confirmation that the staff report states the exemption letter was issued by CAMA in October 2022.

Planning Director Hill confirmed.

Attorney Edes asked if Ms. Hill prepared the staff report.

Ms. Hill confirmed.

The Board questioned Mr. Riggs.

Ms. Meyer asked where it was stated that sandbags are considered berms and not dunes, and when did the rule change allowing crossovers on sandbags.

Mr. Riggs responded that the position of the Division of Coastal Management was that they are berms, confirmed by the fact that no hardened structures are allowed to be built across them. He only knew this specifically through experience with the Division of Coastal Management.

This case was a privately owned lot, and they had the right to access the ocean with post-and-rope in a specific area.

Attorney Edes asked if Mr. Riggs had stated earlier that the Division of Coastal Management also called these starter dunes.

Mr. Riggs confirmed that he has seen that language used, in addition to berms.

Attorney Edes asked if Mr. Riggs had seen that the area contains vegetation.

Mr. Riggs confirmed, sparsely vegetated, yes.

Attorney Edes asked if Mr. Riggs agreed that the geotextile tubes or sandbags were covered by sand that had vegetation on top of them.

Mr. Riggs agreed, offering that his photos in exhibits 34 and 35 plainly show six inches to a foot of sand and some vegetation on the sandbags.

Attorney Edes asked if Mr. Riggs agreed or at least heard reference to that type of topographical feature as being a starter dune.

Mr. Riggs agreed, but mostly a berm, but they had started using the term starter dune.

Mr. Kuegel read from exhibit 20 "the CAMA representative did inform me on site, that it would be in my best interest not to keep the crossover, but to just keep the current switchback and a rope way down" and asked Mr. Wilson to explain the current switchback, with Mr. Wilson's definition of a switchback; was there a switchback there when he wrote the email.

Mr. Wilson stated essentially, yes. Mr. Wilson continued to explain that when he wrote the email, nothing was there. The email was a rebuttal to the appeal.

Mr. Kuegel asked if they had torn the switchback out.

Mr. Wilson stated it was gone, his contractors removed it.

Ms. Meyer asked if it was part of the original footprint.

Mr. Wilson stated they are not doing a switchback; just the steps down to a landing and then post-and-rope going over.

Mr. Kuegel asked where in exhibit 5 were the stairs going down and were the posts shown supposed to be for a landing?

Mr. Wilson stated that was where the landing would have been with stairs going back toward the house.

Mr. Kuegel asked where the landing was in the original footprint in the evidence that Mr. Riggs provided.

Mr. Wilson explained that was going back in a similar manner to what was originally there before.

Chair McCloud asked for clarification between the original request for a walkway toward the beach, and the new request for a set of stairs and a landing, not a walkway.

Mr. Wilson stated that they wanted something different now than what they originally wanted in August.

Mr. Kuegel stated that this hearing was an appeal, not an application for a variance. He suggested the applicant apply for a permit for the new plans. The Board convened for an appeal to a violation of three Town Codes.

Mr. Riggs explained that as part of the appeal process, they were showing that it was their position they did not feel as though they violated some of the rules the Town was imposing. For example the proposed beach access, though it was changed, was still allowed under the Town's

rules and the minimal disturbance was based solely on beach access, not improvement of the envelope of the house. They were requesting an appeal on the citation.

Planning Director Hill offered they were requesting an appeal on the citation and asked if they sought approval on the proposed post and rope.

Attorney Edes stated that the Board could not approve what was presented; that was not before the Board of Adjustment.

Attorney Edes asked Mr. Wilson if the original switchback was actually constructed and then removed.

Mr. Wilson stated no, the cross braces for the pylons in NTB-5 was the extent of what was done.

Attorney Edes asked Mr. Wilson if he saw the vegetation in the picture on the neighboring lot close to the fascia board of the neighboring deck.

Mr. Wilson agreed.

Attorney Edes asked Mr. Wilson if he saw the configuration of the berm/starter dune north of this property and then down by the staple gun on the southern portion of the picture on top of a sandbag.

Mr. Wilson agreed.

Attorney Edes asked if Mr. Wilson had to clear down to the sandbags.

Mr. Wilson stated no.

Attorney Edes asked Mr. Wilson if it was his testimony that despite the appearance north of this property, there was no removal of sand or anything like that. That is just the way it was.

Mr. Wilson stated yes, sir. The maintenance of the dunes, the berms, the house, was not maintained by the previous owner.

Mr. Kuegel asked if Mr. Wilson added sand to the lot, or covered vegetation with sand.

Mr. Wilson stated no, the sand in the picture was from digging for the pylons.

Attorney Edes asked Mr. Wilson if the disturbed sand in the picture was disturbed from in and around that area.

Mr. Wilson agreed.

Planning Director Hill left the room at 7:14 p.m.

Attorney Edes asked Mr. Wilson if he saw the staple gun on exhibit 4.

Mr. Wilson confirmed he did.

Attorney Edes asked about the excavated hole next to the sandbag structure in the picture.

Mr. Wilson stated it was about five feet off that structure.

Attorney Edes asked to look straight up the picture to the two little holes of excavation in between the sandbags.

Planning Director Hill returned to the room at 7:16 p.m.

Mr. Riggs stated he believes the holes were dug for the proposed beach access.

Attorney Edes asked if the holes were dug by Mr. Wilson's people.

Mr. Wilson confirmed.

Attorney Edes asked if Mr. Wilson had to submit a configuration of a crossover to receive the exemption letter.

Mr. Wilson stated no.

Attorney Edes asked if Mr. Wilson had identified it as a switchback crossover or as a traditional type crossover to get the exemption letter.

Mr. Wilson replied a switchback crossover.

Attorney Edes asked if the configuration presently was different from the switchback crossover.

Mr. Wilson confirmed.

Attorney Edes asked if Mr. Wilson had received an exemption letter for the new configuration.

Mr. Wilson confirmed.

Mr. Kuegel asked when Mr. Wilson received the new configuration exemption letter.

Mr. Wilson stated he believed April 21st.

Attorney Edes asked if Mr. Wilson's testimony was that the disturbance of the sandbags in exhibit 4 – was in connection with a crossover to be built pursuant to an exemption letter issued by the Division of Coastal Management.

Mr. Wilson replied a switchback, yes.

Attorney Edes asked if it was Mr. Wilson's position that a switchback is different than a crossover.

Mr. Wilson confirmed.

Mr. Edes asked if Mr. Wilson understood that the actual ordinance at issue refers to crossovers, not switchbacks.

Mr. Wilson stated that he did understand that.

Chair McCloud asked Attorney Edes for confirmation that the Board convened to discover whether Mr. Wilson violated the Town dune protection ordinance. Staff had stopped the work because of their belief that there was a violation of the ordinance.

Attorney Edes stated that was his understanding from the appellant himself, that his original exemption letter was for a switchback, which he acknowledged was different than a crossover. Subsequent to the March hearing, the appellant obtained an exemption for a crossover in April. Mr. Wilson said that was misstated. The April CAMA exemption letter was for the repair of rear deck, stairs, and landing with post and rope dune crossing.

Attorney Edes asked if that was a crossover to the beach.

Mr. Wilson replied he didn't like to use the word crossover, because crossover implies a hardened structure going across over to the beachside. Post and rope would be walking over.

Attorney Edes mentioned that Mr. Riggs had pointed out the ordinance pertaining to crossovers, which did not say anything about switchbacks or post-and-rope, so it is a significant point.

Mr. Riggs replied that it is his opinion that a switchback can be part of a beach crossover.

Attorney Edes asked then why was there a need for a second exemption letter? There was an exemption letter issued in October of 2022, and according to Mr. Riggs exhibits 36 and 37 are two additional exemption letters, one of which was an extension of a previously issued exemption. What was the need for the third exemption letter?

Mr. Wilson agreed and stated that third exemption letter covers moving sand from the northeastern side of the property to strengthen the berm.

Attorney Edes answered Chair McCloud that according to testimony and staff's exhibits, there was in October 2022 an exemption letter for some sort of crossover structure and that was what they were there for. He asked what was the status on the date the notice of violation was issued. He encourages staff to work with citizens to explore a mutually agreeable solution to some issues. He confirmed that Chair McCloud was absolutely right, the question for the

meeting's discussion was whether staff through Ms. Hill interpreted those three code sections correctly, based on what was going on at the time that the notices of violation were issued.

Chair McCloud stated that an hour and a half was wasted talking about something not pertinent to the code violation, rebuilding of damaged dunes. Dunes, berm, it doesn't make any difference- one is a baby berm and then it becomes a dune. The terminology changed recently. When this ordinance was written, it was to prevent damage to the dunes. The Town is protecting our dunes, our people, our properties. The violation was ten thousand dollars because this was important to the whole ecosystem of our barrier island. We need to enforce our rules. Not knowing that another permit or exemption was needed has nothing to do with the damage of the dunes.

Mr. Riggs replied that their position was that any damage that was caused by the dune was caused in the attempt to build a beach access, and a beach access is exempt from the five-foot rule.

Mr. Kuegel asked if it was Mr. Riggs' opinion that the beach access which was trying to be built was permitted.

Mr. Riggs replied that he was not sure of that. He was not involved at the time, but a portion of it appears to be permitted. He stated he was not sure, as the holes which were dug could have been for post-and-rope. Any disturbance was for the beach access, based upon the exemption letter received earlier.

Vice Chair Dorazio stated that on the exemption letter it still states you have to get a local permit.

Chair McCloud added which was never done.

Mr. Kuegel added that the other exemption letter says "in order to minimize impacts to sea turtles anywhere occurring between April 1 and November 15th shall require review from US Fish and Wildlife" so there was another stipulation on another exemption letter.

Mr. Wilson presented his closing arguments that it was an existing home remodel, no zoning permit was required. He was going off of Coastal Management's definition of the engineered berm, until it has established vegetation it is still considered an engineered berm. He understood the point of calling it a dune. At the end of the day, words have meaning. What crime are you being charged with. Dunes as defined by Coastal Management have established vegetation. In his case, he didn't have established vegetation. His intent was to do the beach access and with the third exemption letter reinforce that berm to strengthen the ecosystem in the dunes. With his scope of work repairing the deck, if something would have been caught, he would have fixed it. He just carried on, and called in inspections as needed.

Attorney Edes advised the Board to proceed to deliberations and explained the procedure.

Ms. Meyer asked if Building Inspector Allen ever lifted the stop order.

Mr. Wilson answered that it was still posted.

The Board of Adjustment discussed the stop work order and violations.

Attorney Edes recommended discussing the three violations one by one.

There was discussion.

It was clarified there were four violations to address:

- §10.07.02 REBUILDING OF DAMAGED DUNES
- §10.02.01 DEVELOPMENT WITHOUT A PERMIT
- §10.02.02 DEVELOPMENT INCONSISTENT WITH A PERMIT

- §10.02.03 VIOLATION OF CONDITIONS IMPOSED

§10.07.02. Ms. Kuegel made a motion to affirm staff’s decision I don’t see any errors. Mr. Morse seconded the motion. Motion unanimously approved, 5-0, as follows:

<u>Roll call</u>	<u>Vote</u>
Vice Chair Dorazio	Aye
Chair McCloud	Aye
Mr. Morse	Aye
Mr. Kuegel	Aye
Ms. Meyer	Aye

§10.02.01 Mr. Kuegel made a motion that we affirm the staff’s decision. Mr. Dorazio seconded the motion. Motion unanimously approved, 5-0, as follows:

<u>Roll call</u>	<u>Vote</u>
Ms. Meyer	Aye
Mr. Kuegel	Aye
Mr. Morse	Aye
Chair McCloud	Aye
Vice Chair Dorazio	Aye

§10.02.02 Mr. Morse made a motion we affirm staff’s decision. Mr. Kuegel seconded the motion. Motion unanimously approved, 5-0, as follows:

<u>Roll call</u>	<u>Vote</u>
Vice Chair Dorazio	Aye
Chair McCloud	Aye
Mr. Morse	Aye
Mr. Kuegel	Aye
Ms. Meyer	Aye

§10.02.03 Ms. Meyer moved that we affirm the Town’s decision. Mr. Morse seconded the motion. Motion unanimously approved, 5-0, as follows:

<u>Roll call</u>	<u>Vote</u>
Vice Chair Dorazio	Aye
Chair McCloud	Aye
Mr. Morse	Aye
Mr. Kuegel	Aye
Ms. Meyer	Aye

Attorney Edes explained that with staff he would draft an order consistent with the votes.

The Board of Adjustment recessed at 7:43 p.m.

The Board of Adjustment returned at 7:51 p.m.

NEW BUSINESS

CASE #AA23-000004: Appeal by Capital Asset Topsail Development LLC

Attorney Edes Attorney Edes reminded the Board of Adjustment that the case was an appeal from a final staff decision on §10.07.02 Rebuilding of Damaged Dunes, for a property located at

402 New River Inlet Road, North Topsail Beach, North Carolina, for a citation issued March 28, 2023. He stated that Mr. Plaford had agreed that the same stipulations apply to this hearing. Attorney polled the Board of Adjustment regarding their roles as impartial decision makers. He asked the Board if anyone had any basis that would prevent them from being fair and impartial to base their votes solely on the competent evidence produced during the hearing. All Board members replied no.

Attorney Edes reviewed the quasi-judicial hearing process.

Clerk Winzler swore in appellant Chris Plaford, surveyor Charles Riggs, and Planning Director Deb Hill.

Planning Director Hill reviewed subject matter and entered into evidence exhibits NTB-1 through NTB-17, PLAINTIFF'S EXHIBIT 1 through PLAINTIFF'S EXHIBIT 21. Ms Hill added Exhibit NTB-17 the zoning permit for the swimming pool at 402 New River Inlet Road.

Attorney Edes asked Mr. Plaford if he had any objections to the Town's exhibits 1-17 coming into evidence for this hearing, or any objections to his own exhibits 1-21.

Mr. Plaford responded no.

Attorney Edes recommended the Board receive North Topsail Beach exhibits 1-17 into evidence without objection and the appellant's exhibits 1-21 into evidence without objection.

Ms. Meyer brought up a point of clarification, noting that the zoning permit exhibit was labeled NTB-5, when there was already an NTB-5 in the packet.

Planning Director Hill stated the zoning permit exhibit should be labeled NTB-17.

Attorney Edes recommended that the Board receive 1-17 from North Topsail Beach and 1-21 from the appellant into evidence without objection.

Chair McCloud stated yes.

Planning Director Hill stated that the appellant completed the dune remediation within twenty-four hours of the March 28th, 2023 email. She met with Mr. Riggs, Philip Norris, and Building Inspector Ralph Allen. It was an immediate response.

Mr. Kuegel left the room at 8:11 p.m.

Mr. Kuegel returned to the room at 8:11 p.m.

Mr. Kuegel asked Planning Director Hill if the pool itself was not in violation.

Ms. Hill confirmed that the pool was properly permitted with a safety net in place. The grading of the lot went a little too close to the dune. The pool meets the five-foot buffer.

Mr. Kuegel asked if the mediation meant it was put back like it was.

Ms. Hill confirmed.

Mr. Kuegel asked if there was an evidence photo of the meditation.

Attorney Edes explained that the proper term was remediation.

Mr. Kuegel agreed.

Ms. Hill answered that PLAINTIFF'S EXHIBIT 19, PLAINTIFF'S EXHIBIT 20, and PLAINTIFF'S EXHIBIT 21 were taken on March 29, 2023 the day after the notice was issued.

Mr. Kuegel asked what spurred the complaint.

Ms. Hill responded the Building Inspector was driving by, saw it, called her, and she responded.

Vice Chair Dorazio asked on PLAINTIFF'S EXHIBIT 17 what the two pink flag survey stakes were marking in the dune.

Ms. Hill stated she would have to let Mr. Riggs answer that question. She believed that they indicated the agreed upon location of the toe of the dune. Mr. Hill stated that it showed up best in PLAINTIFF'S EXHIBIT 21.

Attorney Edes recommended that the Board hear that directly from Mr. Riggs.

Charles Riggs, 502 New Bridge Street, Jacksonville received a packet from the Board and passed out an additional packet of documents on behalf of the appellant.

Attorney Edes asked if they could agree that Mr. Riggs' submittal in its aggregate be called PLAINTIFF'S EXHIBIT 22.

Mr. Riggs agreed.

Attorney Edes recommended that the Board accept into evidence PLAINTIFF'S EXHIBIT 22 without objection.

Chair McCloud agreed.

Mr. Riggs continued stating that he was speaking on behalf of Mr. Plaford who was in attendance.

Attorney Edes corrected Mr. Riggs, stating that in North Carolina, it was a quasi-judicial hearing, so Mr. Riggs may not practice law. Mr. Riggs was allowed to provide testimony relevant to his client's appeal.

Mr. Riggs agreed. He continued that they were there to explain that any disturbance that occurred on the property, they felt was permitted. Mr. Riggs had surveyed the property from 2017 up until Mr. Plaford purchased the property under Capital Assets Development. PLAINTIFF'S EXHIBIT 2 is a June 1, 2022 survey showing the boundary survey and preliminary plot plan that reflects the vehicles, proposed dwelling, proposed pool, proposed beach access, and the first line of vegetation as flagged by the Division of Coastal Management. PLAINTIFF'S EXHIBIT 3 is the same survey that was revised to reflect the landward toe of the dune, dated June 27, 2022. That survey was used to receive the existing CAMA permit 43-22 as illustrated on PLAINTIFF'S EXHIBIT 5-7. It permits the residence and all improvements including the pool. PLAINTIFF'S EXHIBIT 8 should be the building permit issued on August 19, 2022 [correction: this document is PLAINTIFF'S EXHIBIT 22 page 6]. PLAINTIFF'S EXHIBIT 9 is a survey Mr. Riggs prepared dated June 27, 2023 [correction: this document is PLAINTIFF'S EXHIBIT 22 page 7] this is the same survey they had prepared the previous year, with the exception that it is showing the existing dwelling because it is under construction, and the existing pool. It illustrates the proposed beach access which had not been built yet. The green line shown is the landward toe of the dune from June of 2022. The blue line is the landward toe of the dune on March 28, 2023. This area of sand dune shifted ten feet closer to the street than the dune that was permitted by CAMA and the building permit for the house and the pool using the June 2022 survey. PLAINTIFF'S EXHIBIT 10 [correction: this document is PLAINTIFF'S EXHIBIT 9] is an enlargement of that: the existing pool, the green line of June 27, 2022 and the blue line landward toe in March 29, 2023.

Attorney Edes correctly identified that document as PLAINTIFF'S EXHIBIT 9.

Mr. Riggs agreed. The blue line was based on when the Town of North Topsail Beach came to the site for the dune disturbance. Mr. Riggs did not think the dune had been disturbed because he had surveyed it a year before. Mr. Riggs located that line and illustrated it, it was staked and the photographs show that it was restored. Mr. Riggs stated that it was his opinion, based on the evidence, that they did not disturb the landward toe of the dune because all their permits

were based on a previous landward toe of the dune. Mr. Riggs explained that CAMA permit 43-22 was issued on 07/05/2022, the building permit was issued 08/19/2022, the 5' rule was adopted 09/07/2022, and the pool permit was issued 11/17/2022.

Mr. Riggs reviewed the following PLAINTIFF'S EXHIBITS:

- PLAINTIFF'S EXHIBIT 10 Photograph from previous survey work on the property, April 3, 2019 at 12:08. The two stakes are the first stable line of stable vegetation on that day. The shorter one labeled 1006 was Mr. Riggs' stake, the taller weathered wood was staked by Division of Coastal Management. It shows how flat the lot is, and the toe of the dune is right near the dune itself.
- PLAINTIFF'S EXHIBIT 11 Photograph from April 19, 2022 showing Division of Coastal Management's first line of vegetation flag. You can see how the dune has progressed, however the toe of the dune is only a few feet away from the first line. You get a perspective of where the toe of the dune is based on the adjoining property.
- PLAINTIFF'S EXHIBIT 12 Photograph from July 20, 2022 at 12:05 shows how flat the lot is and the approximate location of a dwelling with the wood stakes. You can see the toe of the dune using the adjoining property to gain a perspective of where it is.
- PLAINTIFF'S EXHIBIT 13 Photograph of the same lot showing the access to the left, people walking across the lot, the sharpness of how quickly the dune comes down on the landward side. The stakes are the proposed dwelling.
- PLAINTIFF'S EXHIBIT 14 a photograph taken on March 28, 2023 16:14, 4 o'clock in the afternoon. It shows the safety fence around the pool, the dune itself, and the disturbance that has happened. To get a perspective, you can see the latticework and the toe of the dune on the adjoining lot versus where it is on this lot and comparing it with the previous photos, you can see that the disturbance, in his opinion, was a valid activity because they based it off the permitted toe of the dune from the previous year.
- PLAINTIFF'S EXHIBIT 15 Photograph from March 28, 2023 showing where the previous toe of the dune was staked a year earlier. The dunes were man-made without a lot of vegetation at the time, so a lot of sand sloughed off quicker than if there had been existing vegetation. It was a good illustration of what was disturbed versus the previous toe of the dune.
- PLAINTIFF'S EXHIBIT 16 Photograph from the same perspective.
- PLAINTIFF'S EXHIBIT 17 Photograph from a different angle showing the disturbance and then the toe of the dune.
- PLAINTIFF'S EXHIBIT 18 Photograph from March 28, 2023 same stakes with the original toe of the dune and the disturbance.
- PLAINTIFF'S EXHIBIT 19 Photograph taken on March 29th, 2023 at 9:47 in the morning. It shows the land disturbing activity, the wood stakes for the planned decking around the existing pool, and the land disturbance.

Chair Dorazio remarked at how the dune built up that high in one year.

Mr. Riggs admitted he was surprised.

- PLAINTIFF'S EXHIBIT 20 darker but the same, the photograph reflects the wood stakes where the concrete will end around the pool. The red flags are the disturbance from March 28th, 2023.

- PLAINTIFF'S EXHIBIT 21 photograph different angle, different side. It shows the disturbance, the pool, and the dune.

Mr. Riggs explained that it was their position that the disturbance was based off permits they had in hand. The CAMA permit, building permit, and pool permit all used his survey from June of 2022, which showed the toe of the dune in a certain location. Their position was that they were right. They immediately repaired it knowing the Town was upset about it. He stated his appreciation for the Board's consideration in their appeal of this decision about the citation. He stated that he thinks the Town of North Topsail Beach needs to consider the issue that when permits are granted based off previous surveys and nine months later conditions change, what is the proper procedure. He expressed that he felt like they were vested in the permits they had and did the proper thing.

Mr. Kuegel asked what the red shaded area was on PLAINTIFF'S EXHIBIT 9.

Mr. Riggs explained it reflected the amount of disturbance that occurred within the toe of the dune.

Mr. Kuegel asked for an approximation of that width.

Mr. Riggs answered 2.1 feet by 37 feet and totaled 51.6 square feet. It was not their intent to violate the rules, they felt as if they were within the rules at the time.

Mr. Morse asked Planning Director Hill if there was an expiration date on permits.

Ms. Hill replied a building permit expires after six months if there is no activity. A zoning permit expires after either six months or a year.

Mr. Morse asked if the pool would be able to be installed in the same location if it was applied for last month.

Ms. Hill replied there was more than a five-foot buffer, so the pool itself would not have been an issue.

Mr. Morse asked based on the previous survey and the permitting process if there was an adjustment or a precedence for how citations are issued, considering dune movement.

Mr. Kuegel asked if this was the first time this was an issue.

Ms. Hill stated that this was the first time that this circumstance had occurred, where they pulled the permits and did what they were supposed to do.

Mr. Morse explained he wanted to be firm and consistent.

Ms. Hill explained that is why there is a Board of Adjustment for the appeal process.

Mr. Riggs stated it was important that the Board know they were fully permitted before the ordinance came into effect.

Mr. Kuegel asked if the same issue would come before the Board when they install the fence and the concrete.

Mr. Riggs stated that they had the fence and the pool permits from the Town and CAMA, before the ordinance came into effect.

Attorney Edes asked Mr. Riggs to clarify, as he believed Mr. Riggs stated that the pool permit was issued after the ordinance.

Mr. Riggs replied that the Town may have permitted the pool after, but the CAMA permit did permit the pool prior.

Attorney Edes stated that CAMA's permit contemplates and requires the permittee to get any applicable local, in this case, North Topsail Beach permits.

Mr. Riggs agreed.

Attorney Edes stated he understood that they had the building permit before the ordinance was adopted, in September of 2022. The pool permit was applied for and obtained after the ordinance was adopted.

Mr. Riggs stated based on the submittal he had received earlier in the evening, the issuance date was November 17, 2022. The application date looks like October 5, 2022.

Attorney Edes pointed out that both were after September 7, 2022.

Mr. Riggs agreed.

Attorney Edes asked if there was an application requirement to show the toe of the dune.

Ms. Hill confirmed.

Mr. Riggs confirmed, stating that it was shown on the survey of June 27th, 2022.

Attorney Edes asked if Mr. Riggs had submitted that survey for the pool permit.

Mr. Riggs confirmed it was the same survey submitted for the CAMA permit and the building permit.

Mr. Kuegel asked if the concrete and the fence would be installed within the same area of disturbance.

Ms. Hill stated that she did not think it would be.

Attorney Edes stated that he believed it was beyond the scope of the hearing. A future potential violation would not bear on whether a violation has occurred. He acknowledged Mr. Kuegel's point.

Planning Director Hill asked Mr. Riggs if he had a copy of the plat submitted with the pool application.

Mr. Riggs answered that he did not submit the pool application, but it was more than likely the survey submitted with the CAMA application.

Mr. Kuegel stated that the pool as it sat was not an issue, and the permitted pool features were permitted.

Attorney Edes stated that would be dealt with if it occurred, but for the purpose of this meeting it was not material.

Mr. Riggs stated their position was that any disturbance was in good faith and only occurred because they used the plans as it was permitted.

Attorney Edes stated that the permit is relevant, but the future potential violation is not. If Mr. Riggs' survey was submitted in connection with the pool permit then the Town approved that permit based on that survey, but based upon Mr. Riggs' testimony the landward toe of the dune moved ten feet to where it is today.

Mr. Riggs explained that the pool permit was issued in November, and the disturbance occurred in March.

Chair McCloud explained that a storm in March changed the dune again.

There was discussion among the Board.

Vice Chair Dorazio explained that he sees survey stakes being placed five feet away from the toe of the dune for current projects, leaving no question.

Mr. Riggs explained that he suggests that his clients place the silt fence there, so there won't be any disturbance beyond there.

There was discussion.

Mr. Kuegel asked Attorney Edes if the Board could modify a staff decision on an appeal.

Attorney Edes confirmed that it must be a rationally based modification.

Appellant Chris Plaford explained that the pool sits where it sits today, but where they were clearing toward was to include the decking that was permitted to go around the pool.

Mr. Morse added that it was based on the original survey and the original stakes in the ground.

Mr. Plaford confirmed.

Mr. Kuegel asked if it was permitted, why were they there.

Ms. Meyer stated because Planning Director Hill had to go by what the rules are now.

Mr. Kuegel asked about the installation beyond the pool, if the remediation was outside the envelope of the features that would go around the pool.

Mr. Riggs stated that he felt it would.

There was discussion.

Ms. Dorazio made a motion to reverse it. Mr. Morse seconded the motion. Motion unanimously approved, 5-0, as follows:

<u>Roll call</u>	<u>Vote</u>
Vice Chair Dorazio	Aye
Chair McCloud	Aye
Mr. Morse	Aye
Mr. Kuegel	Aye
Ms. Meyer	Aye

Attorney Edes stated that he, along with staff would draft an order reflecting this vote.

DISCUSSION

Planning Director Hill explained that the Planning Board and Board of Adjustment were short and need volunteers.

There was discussion.

ADJOURNMENT Mr. Dorazio made a motion to adjourn. Mr. Morse seconded. Motion passed 5-0.

The Zoning Board of Adjustment meeting adjourned at 9:02 p.m.

APPROVED

This 24th day of January 2024

CERTIFIED

This 24th day of January 2024

Hanna McCloud
Chair

Kate Winzler
Clerk



Town of North Topsail Beach

208 Loggerhead Ct
North Topsail Beach, NC 28460



Inspections 910-328-1349

BUILDING PERMIT

Res/Com/Ind: Single Family

Permit#: **B22-000019 MODIFIED**
Property Address: 4122 ISLAND DR
Subdivision:

Application Date: 10/27/2022
Issued By: 03/31/2023
Flood Zone:
Map / Parcel: 769-2
Lot#: Unit#:

Owner: CEDAR HOMES INVESTMENTS LLC
4122 ISLAND DR
N TOPSAIL BEACH, NC 28460-8214
Phone: 5402878780

Contractor: Triton Homes, LLC
306 Plantation Rd.
Goldsboro, NC 27530
Phone: (919) 394-7282

License#: 100290

Type of Structure: Secondary Residence
Class of Construction: Renovation Permit
Bedrooms: 4
Bathrooms: 3

Estimated Cost: \$0.00
Heated Sq/Ft: 2323.00
Unheated Sq/Ft: 0.00
Total Sq/Ft: 2323.00

---Attached Trade Permits---
Electrical Plumbing Mechanical

Renovation of 2156 square foot single-family residence: replacing Windows, Roof, Repairing deck, new cabinets and countertops, flooring, paint, lighting, and plumbing fixtures. Bringing electrical to code. Adding insulation to walls and attic. replacing existing mechanical systems. Setting tubs/showers for 3 bathrooms with toilets, fixtures, and a water heater. Replace some deck boards, handrails and stair treads- no change in footprint. Owner exemption affidavit pursuant to G.S. 87-14 (a) (1) signed and notarized 11/15/2022. Approval condition: "Please be advised that we may need to make another determination if you elect to perform work other than that described and defined in your current permit application, including additional renovations or upgrades or the building of an addition. Construction activities that are undertaken without a proper permit are violations and may result in citations, fines, the removal of the non-compliant construction, or other legal action." 3/30/23 Property owner Chad Bell general contractor change request from property owner to a licensed North Carolina General Contractor: Triton Homes, LLC NC license #100290.

Additional Comments

Residential Insulation Technology Fee\$5.00Residential Insulation Trade Fee\$70.00Residential Plumbing Technology Fee\$5.00Residential Plumbing Trade Fee\$70.00Residential Mechanical Technology Fee\$5.00Residential Mechanical Trade Fee\$70.00Residential Electrical Technology Fee\$5.00Residential Electrical Trade Fee\$70.00Residential Technology Fee\$5.00Residential Building Fee\$70.00

Fee	Description	\$Total
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Payment Date	Type	Receipt#	Reference	Paid By	\$Paid Amount
11/22/2022	Credit	635	252178987	Cedar Homes Investments, LLC	(\$375.00)

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.

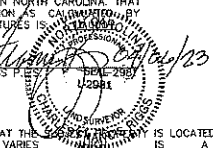
Applicant Signature: _____ Date: 10/27/2022

Issued By:  Date: 03/31/2023

Exhibit 32

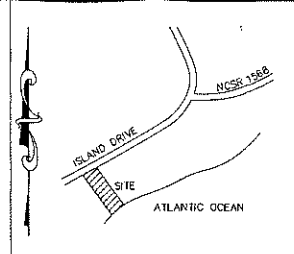
I, CHARLES FRANCES RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1/200000.

THIS IS TO CERTIFY THAT THE PROPERTY IS LOCATED IN FLOOD ZONE VARIES. THE PROPERTY IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370466, 372042680K, JUNE 19, 2020.



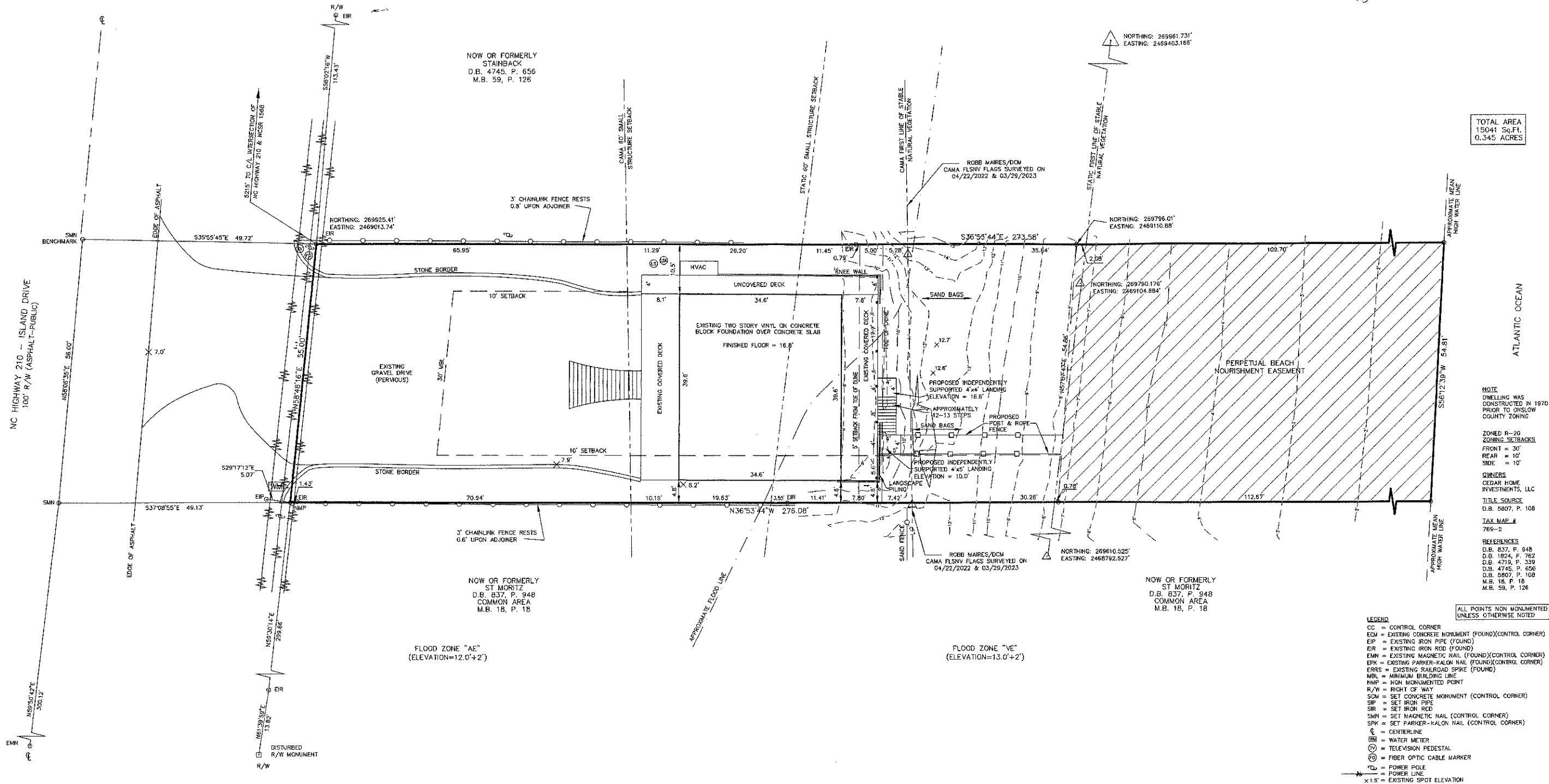
EXISTING DWELLING WITHOUT EAVES	=	1989 Sq.Ft.
EXISTING PERVIOUS GRAVEL DRIVE	=	0 Sq.Ft.
PROPOSED LANDINGS	=	0 Sq.Ft.
PROPOSED TOTAL IMPERVIOUS SURFACE	=	1989 Sq.Ft.
TOTAL LOT AREA	=	15041 Sq.Ft.
PROPOSED IMPERVIOUS AREA	=	13.2%

NOTE
 BENCHMARK: SMN
 NORTHING: 269965.66'
 EASTING: 246884.57'
 ELEVATION: 6.87'
 HORIZONTAL DATUM: NAD 83 (2011)
 VERTICAL DATUM: NAVD 88
 COMBINED FACTOR: 0.99997784
 HORIZONTAL & VERTICAL DATUM OBTAINED WITH TOPCON GRS USING N.C. GEODETIC CONTINUOUS OPERATING REFERENCE STATIONS



THIS AREA NOT ELIGIBLE FOR FEDERAL FLOOD INSURANCE AS OF OCTOBER 1, 1993

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



TOTAL AREA
 15041 Sq.Ft.
 0.345 ACRES

NOTE
 DWELLING WAS CONSTRUCTED IN 1970 PRIOR TO ONSLOW COUNTY ZONING

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

OWNERS
 CEDAR HOME INVESTMENTS, LLC

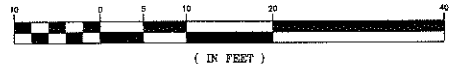
TITLE SOURCE
 D.B. 5807, P. 108

TAX MAP #
 766-2

REFERENCES
 D.B. 837, P. 948
 D.B. 1924, P. 762
 D.B. 4718, P. 339
 D.B. 4745, P. 656
 D.B. 5807, P. 108
 M.B. 18, P. 18
 M.B. 59, P. 126

ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED

LEGEND (continued)
 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
 SOM = 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)
 CL = CENTERLINE
 WM = WATER METER
 TP = TELEVISION PEDESTAL
 FCM = FIBER OPTIC CABLE MARKER
 PL = POWER POLE
 PLN = POWER LINE
 X1.5' = EXISTING SPOT ELEVATION



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 & TOPOGRAPHIC SURVEY & PRELIMINARY PLOT PLAN
 FOR
CEDAR HOMES INVESTMENTS, LLC
 TRACT AS DESCRIBED IN D.B. 5807, P. 108
 STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA
 CEDAR HOMES INVESTMENTS, LLC, OWNER, D.B. 5807, P. 108
 4122 ISLAND DRIVE

ACTUAL FIELD SURVEY DATE: MARCH 29, 2023
 MAPPING DATE: APRIL 06, 2023
 FIELD BOOK: 1010 PAGE: 15
 PROJECT NUMBER: 23-03-27 JTG

Exhibit 33

NORTHING: 269796.01'
EASTING: 2469110.88'

S36°53'44"E 273.58'

26.20'

11.45'

5.00'

5.28'

35.84'

109.70'

KNEE WALL

UNCOVERED DECK

34.6'

7.8'

SAND BAGS

NORTHING: 269790.176'
EASTING: 2469104.884'

G TWO STORY VINYL ON CONCRETE
FOUNDATION OVER CONCRETE SLAB

FINISHED FLOOR = 16.8'

EXISTING COVERED DECK
TOE OF DUNE

12.7'

12.6'

PROPOSED INDEPENDENTLY
SUPPORTED 4'x4' LANDING
ELEVATION = 16.6'

APPROXIMATELY
12-13 STEPS

PROPOSED
POST & ROPE
FENCE

5' SETBACK FROM TOE OF DUNE

SAND BAGS

PROPOSED INDEPENDENTLY
SUPPORTED 4'x5' LANDING
ELEVATION = 10.0'

LANDSCAPE
PILING

34.6'

9.63'

3.55' EIR

11.41'

4.6'

7.80'

4.6'

7.42'

30.26'

112.67'

N36°53'44"W 276.08'

N57°07'47"E 54.86'

PERPETUAL BEACH
NOURISHMENT EASEMENT

SAND FENCE

NORTHING: 269610.525'
EASTING: 2468792.527'

ROBB MAIRES/DCM
CAMA FLSNV FLAGS SURVEYED ON
04/22/2022 & 03/29/2023



03/30/2023 09:54

Exterior 1/24



03/30/2023 09:57

adhibit 35

exhibit 36

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
BRAXTON DAVIS
Director



April 21, 2023

Exemption Number – EX 18-23

Cedar Home Investments, LLC
4122 Island Drive
North Topsail Beach NC 28460

RE: EXEMPTED PROJECT (Statutory Exclusion) - MAINTENANCE AND REPAIR OF EXISTING STRUCTURES - [G.S. 113-103(5)(B)(5) and [15A NCAC 7K.0103(a)] Renewed Former Exemption 18-21

**PROJECT ADDRESS – 4122 Island drive
AREA OF ENVIRONMENTAL CONCERN – Ocean Hazard AEC**

Dear Cedar Home Investments:

I have reviewed the information submitted to this office in your inquiry concerning the necessary filing of an application for a minor development permit under the Coastal Area Management Act. After making a site inspection on 3/29/2023, I have determined that the activity you propose is exempt from needing a minor development permit as long as it remains consistent with your site drawing and materials list submitted on 4/6/2023, and meets the conditions specified below. If your plans should change and your project will no longer meet these conditions, please contact me before proceeding.

MAINTENANCE AND REPAIR – [G.S. 113-103(5)(B)(5) and 15A NCAC 7K.0103(a)] - Maintenance and repairs (excluding replacement) necessary to repair damage to structures caused by the elements are specifically excluded from the definition of development under the conditions and in the circumstances set out in G.S. 113A-103(5)(b)(5). Individuals required to take such measures within an AEC shall contact the local CAMA representative for consultation and advice before beginning work.

Structures may be repaired in a similar manner, size and location as the original structure. No expansions or additions are permissible. The repairs are limited to 50% of the market value of the existing structure and the following specific conditions.

1. The project consists of the repair of Rear Deck Stairs with landing and post and rope dune crossing.
2. The proposed repairs shall be consistent with all other applicable local ordinances and North Carolina Building Code standards.
3. No expansions or enlargements of any kind are authorized by this permit. All work must occur in the original footprint.
4. No other work is authorized by this exemption letter.

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

Sincerely,

Tina Martin
NC Division of Coastal Management
400 Commerce Ave.,
Morehead City, NC 28557



exhibit 37

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
BRAXTON DAVIS
Director



April 21, 2023

Exemption Number – EX 20-23

Cedar Home Investments, LLC
4122 Island Drive
North Topsail Beach NC 28460

RE: REDISTRIBUTION OF SAND CONSISTENT WITH CURRENT RULES[15A NCAC 07K .0103(c)]

**PROJECT ADDRESS – 4122 Island drive
AREA OF ENVIRONMENTAL CONCERN – Ocean Hazard AEC**

Dear Cedar Home Investments:

I have reviewed the information submitted to this office in your inquiry concerning the necessary filing of an application for a minor development permit under the Coastal Area Management Act. After making a site inspection on 3/29/2023, I have determined that the activity you propose is exempt from needing a minor development permit as long as it remains consistent with your site drawing and materials list submitted on 4/6/2023, and meets the conditions specified below. If your plans should change and your project will no longer meet these conditions, please contact me before proceeding.

MAINTENANCE AND REPAIR – [15A NCAC 7K .0103(c)]: Redistribution of sand that results from storm overwash or aeolian transport around buildings, pools, roads, parking areas and associated structures is considered maintenance so long as the sand remains within the Ocean Hazard AEC.

1. The project consists of removing excess sand from 4122 Island Drive.
2. This exemption allows for relocated sand to be used in the repair of storm damaged dunes;
3. Existing primary and frontal dunes shall not be broadened or extended in an oceanward direction beyond pre-storm dimensions;
4. Redistribution of sand shall be accomplished in such a manner that damage to existing vegetation is minimized;
5. Accumulated sand containing storm debris shall be sifted or have all debris removed prior to redistribution within an Area of Environmental Concern;
6. In order to minimize adverse impacts to nesting sea turtles, any work occurring within the period of April 1 through November 15 shall require review from the US Fish & Wildlife Service and North Carolina Wildlife Resource Commission.

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

Sincerely,

Tina Martin
NC Division of Coastal Management
400 Commerce Ave.,
Morehead City, NC 28557



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

exhibit 38

CHARLES F. RIGGS & ASSOCIATES, INC.

Land Surveyors

Charles F. Riggs, P.L.S. L-2981
502 New Bridge Street
Jacksonville, North Carolina 28540
(910) 455-0877
charlesriggs@riggslandnc.com

Corporate License (C-730)
502 New Bridge Street
P.O. Box 1570
Jacksonville, North Carolina 28541
(910) 455-0877

James A. Lewis, P.L.S. L-4562
Landfall Executive Suites
1213 Culbreth Drive
Wilmington, North Carolina 28405
(910) 681-7444
jameslewis@riggslandnc.com

April 5, 2023

To Whom It May Concern:

I authorize Charles F. Riggs, P.L.S. and/or employees of Charles F. Riggs & Associates, Inc. to survey the property located at 4122 Island Drive, North Topsail Beach, North Carolina and further authorize Charles F. Riggs, P.L.S. to testify and present evidence during any Board of Adjustment Meeting or any meeting with North Topsail Beach Staff regarding the above referenced address as it relates to the actions of the Town of North Topsail Beach against Cedar Homes Investments, LLC.

Cedar Homes Investments, LLC

Signature

Title Managing Member

Printed Name Chad Bell

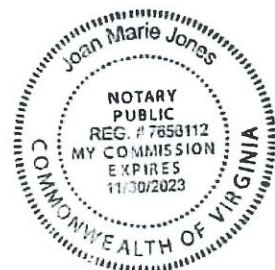
I, Joan Marie Jones, a Notary Public for the State of Virginia, County of Stafford

do hereby certify that Chad Bell personally appeared before me this the 6 day of April, 2023 and acknowledged

the due execution of the foregoing instrument. Witness my hand and official seal.

Joan Marie Jones
Notary Signature

(Notary Seal)





Town of North Topsail Beach
 2008 Loggerhead Ct
 North Topsail Beach, NC 28460
 Phone: 910-328-1349

Zoning Permit - Residential ZFP22-000190	GOVERNMENT EXHIBIT NTB-57
	Application Date: 10/05/2022 Issuance Date: 11/17/2022 Expiration Date: 05/17/2023

Property Address: 402 NEW RIVER INLET RD NORTH TOPSAIL BEACH, NC 28460 Parcel#: 775B-45 Owner Name: CAPITAL ASSET TOPSAIL DEVELOPMENT LLC Owner Phone: 917-588-0302 Applicant: Carolina Creations Landscape, Inc.	Scope of Work: Installation of engineered 20'x11' in-ground residential swimming pool per "CAPITAL ASSET 402 NEW RIVER INLET RD NORTH TOPSAIL BEACH NC POOL INSTALLATION DETAIL" by Gilbert W. Reece signed/sealed 9/18/22 and 555 square foot concrete pool deck. Inground pool to be installed at/or around current grade. Equipment will be elevated to appropriate plain/height based on zone requirements. Purposed method of elevating equipment to be wooden platform. constructed by licensed and experienced contractor. Inside Code Compliant fencing: 4' black picket aluminum fence. Contractor Name: Carolina Creations Landscape, Inc. Contractor License#: 73105 Contractor Phone#: 910-755-6411
---	---


Permit Details

Fee	Description	\$Total
Floodplain Permit Fee		\$50.00
Zoning Permit Fee		\$75.00
Credit -10-357-08	Included on SP22-000036	\$125.00

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.

Applicant Signature:  **Date:** 10/05/2022

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 RATE OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:133,600.

CHARLES FRANCIS RIGGS
 28817

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" & "VE" WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370466 37204272006. DATE 19, 2022

THIS AREA NOT ELIGIBLE FOR FEDERAL FLOOD INSURANCE AS OF OCTOBER 1, 1983

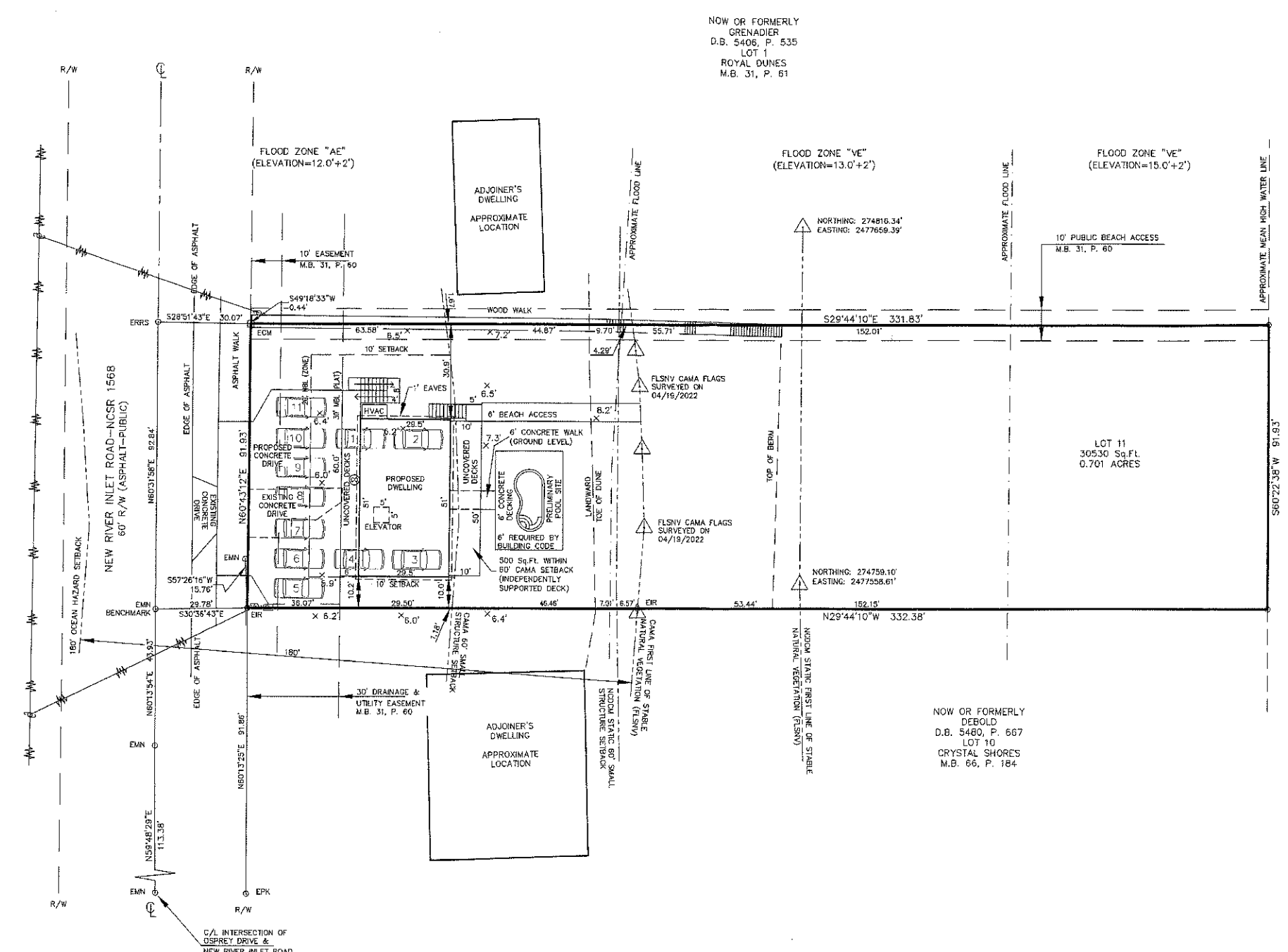
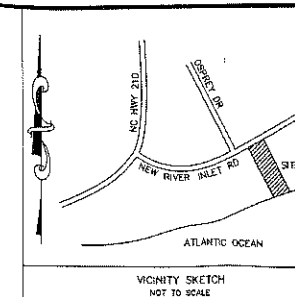
NOTE
 ENTIRE PROPERTY IS LOCATED WITHIN 575' OF THE NORMAL/MEAN HIGH WATER LINE CONTIGUOUS WITH STUMP SOUND WHICH IS CLASSIFIED BY THE STATE OF NC AS OUTSTANDING RESOURCE WATERS (ORW)

NOTE
 PROPOSED DWELLING WITH EAVES = 1669 Sq.Ft.
 PROPOSED CONCRETE WALK & CONCRETE POOL COPING & DECKING = 601 Sq.Ft.
 PROPOSED CONCRETE DRIVE = 1998 Sq.Ft.
 PROPOSED TOTAL IMPERVIOUS SURFACE = 4268 Sq.Ft.
 TOTAL LOT AREA = 30530 Sq.Ft.
 PROPOSED IMPERVIOUS AREA = 13.9%

NOTE
 PROPOSED DWELLING WITH EAVES WITHIN 575' AEC = 1669 Sq.Ft.
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NOTE
 PROPOSED DWELLING IS TWO STORY ON PILINGS, OPEN BELOW FOR ENTRY AND PARKING.
 PEAK OF PROPOSED DWELLING IS 41.9' ABOVE CONCRETE SLAB ELEVATION.

NOTE
 GROUND FLOOR (UNHEATED): 25.0 Sq.Ft.
 CARPORT (UNHEATED): 1479.6 Sq.Ft.
 FIRST FLOOR (HEATED): 1504.5 Sq.Ft.
 SECOND FLOOR (HEATED): 1504.5 Sq.Ft.
 TOTAL FLOOR AREA (HEATED): 3099.0 Sq.Ft.
 AS PER HOUSE PLANS



NOW OR FORMERLY
 GRENADIER
 D.B. 5406, P. 535
 LOT 1
 ROYAL DUNES
 M.B. 31, P. 61

NOW OR FORMERLY
 DEBOLD
 D.B. 5480, P. 667
 LOT 10
 CRYSTAL SHORES
 M.B. 66, P. 184

THIS PRELIMINARY PLOT PLAN IS SUBJECT TO BOTH REVIEW & APPROVAL BY THE LOCAL JURISDICTION.

NOTE
 BENCHMARK: EMN
 ELEVATION: 6.36'
 VERTICAL DATUM: NAVD 83
 VERTICAL DATUM OBTAINED WITH TOPCON GRS USING N.C. GEODETIC CONTINUOUS OPERATING REFERENCE STATIONS

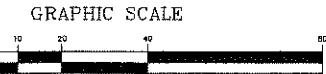
NOTE
 RESTRICTIVE COVENANTS, D.B. 1285, P. 105
 RESTRICTS IMPERVIOUS SURFACE TO 7,241 Sq.Ft.

ZONED R-15 ZONING SETBACKS	PLAT SETBACKS	OWNERS
FRONT = 20'	FRONT = 30'	DANIEL THOMAS
REAR = 10'	REAR = 10'	
SIDE = 8'	SIDE = 10'	

REFERENCES	TAX ID
D.B. 1285, P. 105	
D.B. 2889, P. 775	775B-46
D.B. 5406, P. 535	
D.B. 5480, P. 667	
M.B. 31, P. 60 & 61	
M.B. 66, P. 184	

ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED

- LEGEND**
- CC = CONTROL CORNER
 - DCM = DIVISION OF COASTAL MANAGEMENT
 - 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)
 - NMP = MINIMUM BUILDING LINE
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 - R/W = RIGHT OF WAY
 - SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
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 - WV = WATER VALVE
 - SSM = SANITARY SEWER MANHOLE
 - CO = CLEAN OUT
 - TP = TELEPHONE PEDESTAL
 - TEP = TELEVISION PEDESTAL
 - LP = LIGHT POLE
 - PP = POWER POLE
 - PL = POWER LINE
 - ET = ELECTRIC TRANSFORMER
 - SE = EXISTING SPOT ELEVATION



ACTUAL FIELD SURVEY DATE: APRIL 19, 2022
 MAPPING DATE: JUNE 27, 2022
 FIELD BOOK: 971 & INDV, PAGE: 67 & 1-2
 PROJECT NUMBER: 22-03-27 JTG

REVISION:
 06/27/2022: ADDED LANDWARD TOE OF DUNE

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	LANDFALL EXECUTIVE SUITES 1213 CULBRETH DRIVE WILMINGTON, NC 28405 TELEPHONE: (910) 681-7444
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E-MAIL: riggsland@riggslandnc.com

BOUNDARY SURVEY & PRELIMINARY PLOT PLAN FOR
CAPITAL ASSET TOPSAIL DEVELOPMENT, LLC
 LOT 11, SECTION 1, CRYSTAL SHORES, M.B. 31, P. 60
 STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA
 DANIEL THOMAS, OWNER; D.B. 2889, P. 775
 402 NEW RIVER INLET ROAD

P:\2022\22-03-27 Capital Asset Topsail\22-03-27 CAP-ASSET-22-03-27 PRR 2.dwg - 10/27/2022 7:48:38 AM

CAMA MINOR DEVELOPMENT PERMIT



as authorized by the State of North Carolina, Department of Environmental Quality and the Coastal Resources Commission for development in an area of environment concern pursuant to Section 113A-118 of the General Statutes, "Coastal Area Management"

Issued to **Capital Asset Topsail Development**, authorizing development in the Ocean Hazard (AEC) at 402 New River Inlet Road, in North Topsail Beach, Onslow County, as requested in the permittee's application, dated June 1, 2022, and received on June 6, 2022. This permit, issued on **July 5, 2022**, is subject to compliance with the application and site drawing (where consistent with the permit), all applicable regulations and special conditions and notes set forth below. Any violation of these terms may subject permittee to a fine, imprisonment or civil action, or may cause the permit to be null and void.

This permit authorizes: **Construction of a single-family residential dwelling, structural accessway, and pool.**

- (1) All proposed development and associated construction must be done in accordance with the permitted site plan drawings(s) dated June, 1 2022.
- (2) The structure must set back a minimum of 60 feet from the first line of stable natural vegetation, as determined by the DCM, the LPO, or other assigned agent of the DCM.
- (3) The proposed dwelling shall each be less than 5,000 square feet of conditioned space and located a minimum distance of 60' landward of the First Line of Stable Natural Vegetation (FLSNV). No fill or excavation of wetlands is allowed.
- (4) All buildings constructed within the Ocean Hazard Area shall comply with the NC Building Code and the Local Flood Damage Prevention Ordinance as required by the National Flood Insurance Program. If any provisions of the building code or a flood damage prevention ordinance are inconsistent with any of the following AEC standards, the more restrictive provision shall control.
- (5) The oceanfront uncovered deck within the setback area shall not exceed a footprint of 500 square feet.

(Additional Permit Conditions on Page 2)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. From the date of an appeal, any work conducted under this permit must cease until the appeal is resolved. This permit must be on the project site and accessible to the permit officer when the project is inspected for compliance. Any maintenance work or project modification not covered under this permit, require further written permit approval. All work must cease when **this permit expires on:**

DECEMBER 31, 2024

In issuing this permit it is agreed that this project is consistent with the local Land Use Plan and all applicable ordinances. This permit may not be transferred to another party without the written approval of the Division of Coastal Management.

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

PERMITTEE or Authorized Agent
(Signature required if conditions above apply to permit)

- (6) The permittee is required to contact the Division of Coastal Management shortly before beginning construction to arrange a setback measurement that will be effective for sixty (60) days barring a major shoreline change. Substantial progress on construction must begin within sixty (60) days of the determination or the measurement is void and must be redone.
- (7) All unconsolidated material resulting from associated grading and landscaping shall be retained on site by effective sedimentation and erosion control measures. Disturbed areas shall be vegetated and stabilized (planted and mulched) within 14 days of construction completion.
- (8) The first-floor level of the sills and joists must meet the 100-year flood level elevation.
- (9) Any structure authorized by this permit shall be relocated or dismantled when it becomes imminently threatened by changes in shoreline configuration. The structure(s) shall be relocated or dismantled within two years of the time when it becomes imminently threatened, and in any case upon its collapse or subsidence. However, if natural shoreline recovery or beach renourishment takes place within two years of the time the structure becomes imminently threatened, so that the structure is no longer imminently threatened, then it need not be relocated or dismantled at that time. This condition shall not affect the permit holder's right to seek authorization of temporary protective measures allowed under CRC rules.
- (10) **In no case shall a beach access structure or stairs be constructed in or over the starter dune or berm. Posts and rope may be used on and over the berm not to exceed six feet beyond the seaward toe of the berm or starter dune.**
- (11) The beach accessway must not exceed six feet in width and shall provide only pedestrian access to the ocean beach.
- (12) The beach accessway must be constructed so as to make negligible alterations to the frontal dunes. This means that the accessway must be constructed on raised posts or pilings of five feet or less in depth, so that wherever possible only the posts or pilings touch the frontal dunes without any alteration to the dunes.
- (13) Construction of the accessway shall be consistent with all other applicable local ordinances and N. C. Building Code standards.
- (14) Any change or changes in the plans for development, construction, and/or land use activities will require re-evaluation and modification of this permit. All construction shall conform to the N.C. Building Code requirements and all other local, State and Federal regulations, applicable local ordinances, and FEMA Flood Regulations.
- (15) A copy of this permit shall be posted or available on site. Contact this office at 252.808-2808 for a final inspection at completion of work.
- (16) This permit does not authorize any square footage of non-heated or non-air-conditioned areas elevated above ground level, excluding attic space that is not designed to be load-bearing
- (17) Pursuant to 15A NCAC, Subchapter 7J.0406(b), this permit may not be assigned, transferred, sold, or otherwise disposed of to a third-party.
- (18) **The Permittee and/or the Permittee's Authorized Agent shall be responsible for obtaining any and all necessary authorizations, approvals, or zoning and building permits from the local government having jurisdiction (Town of North Topsail Beach and/or Onslow County) prior to commencing work.**

Name: Capital Assets
Minor Permit # 43-22
Date: July 5, 2022
Page 3

SIGNATURE: _____

PERMITTEE or AUTHORIZED AGENT

DATE: _____



Town of North Topsail Beach

2008 Loggerhead Ct
North Topsail Beach, NC 28460

Inspections 910-328-1349

BUILDING PERMIT

Res/Com/Ind: Single Family

Permit#: **C22-000036**
 Property Address: 402 NEW RIVER INLET RD
 Subdivision:
 Owner: THOMAS DANIEL
 30 BRAMS POINT RD
 HILTON HEAD ISLAND, SC 29926-2048
 Phone: 7036696528
 Type of Structure: Primary Residence
 Class of Construction: New Construction Permit
 # Bedrooms: 5
 # Bathrooms: 5
 —Attached Trade Permits—

Application Date: 07/19/2022
 Issued By: 08/19/2022
 Flood Zone:
 Map / Parcel: 775B-45
 Lot#: Unit#:
 Contractor: License#: 84429
 Capital Asset Topsail Development, LLC
 1121 Military Cutoff Rd
 Wilmington, NC 28405
 Phone: (910) 821-0060
 Estimated Cost: \$650000.00
 Heated Sq/Ft: 3009.00
 Unheated Sq/Ft: 1711.00
 Total Sq/Ft: 4720.00

New 2-story SFR construction on pilings with 5 bedrooms, 5 full and 1 half baths, open kitchen/living/dining room, uncovered front and rear decks, an elevator, 25 square foot ground-floor enclosure for entry only, with a concrete driveway. Lien agent entry #1738879.

Additional Comments

Fee	Description	\$Total
Residential Technology Fee		\$71.50
T-Pole Technology Fee		\$5.00
T-Pole Fee		\$70.00
Elevator Fee		\$100.00
Homeowner Recovery Fee		\$10.00
Floodplain Permit Fee		\$50.00
Single Family Residential New Construction Fee		\$1,430.00
Zoning Permit Fee		\$75.00

Payment Date	Type	Receipt#	Reference	Paid By	\$Paid Amount
08/19/2022	Credit	489	251837913	Capital Asset Topsail Development, LLC	(\$1,811.50)

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.

Applicant Signature:

Date: 07/19/2022

Issued By:

Date: 08/19/2022

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

CHARLES FRANCIS RIGGS, P.L.S. No. 2981

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" & "VE" WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370466-3720427700K, JUNE 19, 2020.

THIS AREA NOT ELIGIBLE FOR FEDERAL FLOOD INSURANCE AS OF OCTOBER 1, 1983

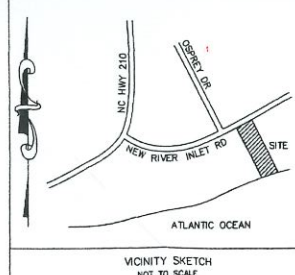
NOTE
ENTIRE PROPERTY IS LOCATED WITHIN 575' OF THE NORMAL/MEAN HIGH WATER LINE CONTIGUOUS WITH STUMP SOUND WHICH IS CLASSIFIED BY THE STATE OF NC AS OUTSTANDING RESOURCE WATERS (ORW)

NOTE
PROPOSED DWELLING WITH EAVES = 1669 Sq.Ft.
PROPOSED CONCRETE WALK = 88 Sq.Ft.
PROPOSED CONCRETE POOL COPING & DECKING = 555 Sq.Ft.
PROPOSED CONCRETE DRIVE = 1998 Sq.Ft.
PROPOSED TOTAL IMPERVIOUS SURFACE = 4310 Sq.Ft.
TOTAL LOT AREA = 30530 Sq.Ft.
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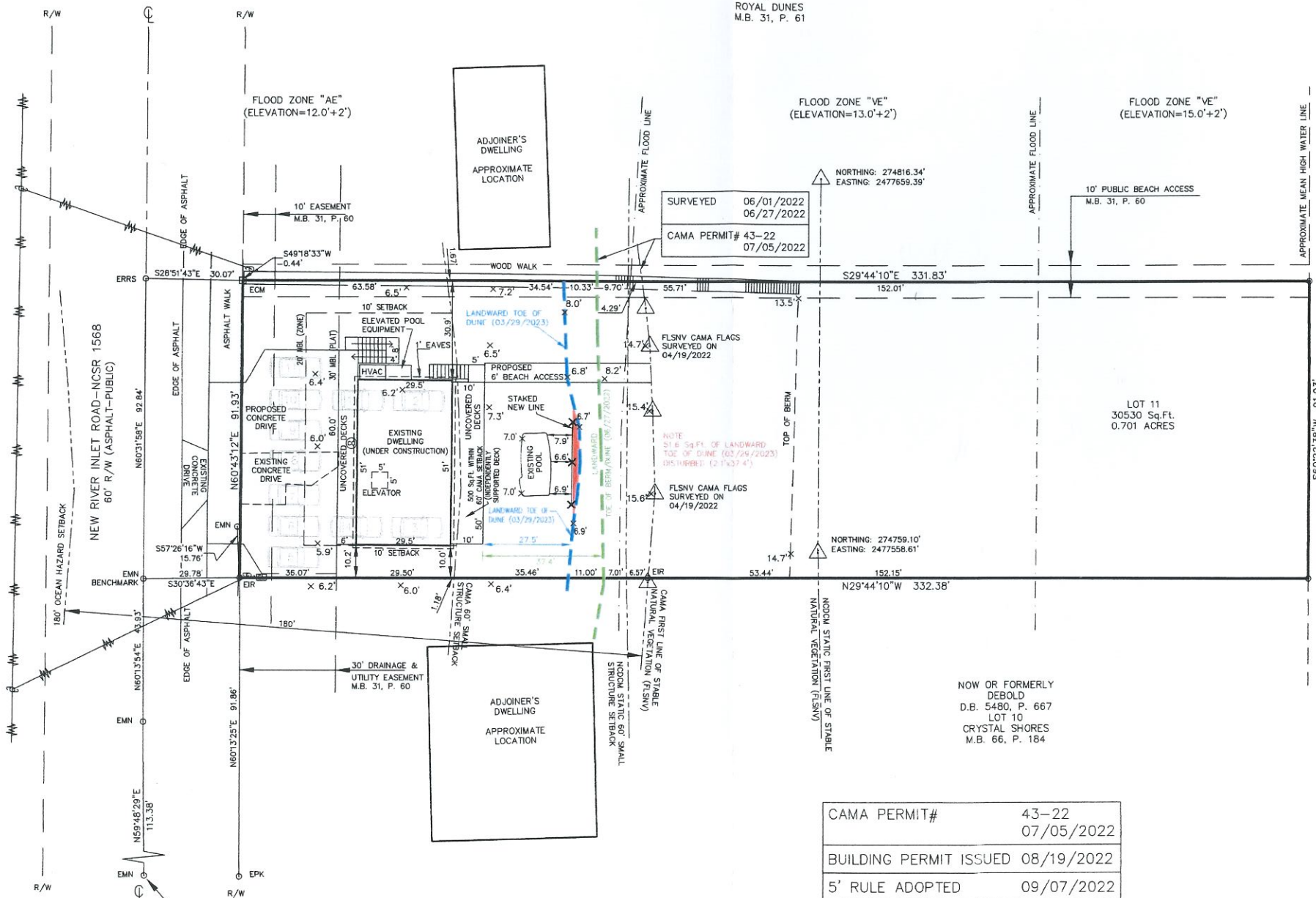
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NOTE
PROPOSED DWELLING IS TWO STORY ON PILINGS, OPEN BELOW FOR ENTRY AND PARKING.
PEAK OF PROPOSED DWELLING IS 41.5' ABOVE CONCRETE SLAB ELEVATION.

NOTE
GROUND FLOOR (UNHEATED): 25.0 Sq.Ft.
CARPORT (UNHEATED): 1479.5 Sq.Ft.
FIRST FLOOR (HEATED): 1504.5 Sq.Ft.
SECOND FLOOR (HEATED): 1504.5 Sq.Ft.
TOTAL FLOOR AREA (HEATED): 3009.0 Sq.Ft. AS PER HOUSE PLANS



NOW OR FORMERLY GRENADIER D.B. 5406, P. 535
LOT 1 ROYAL DUNES M.B. 31, P. 61



SURVEYED 06/01/2022
06/27/2022
CAMA PERMIT# 43-22
07/05/2022

CAMA PERMIT# 43-22
07/05/2022
BUILDING PERMIT ISSUED 08/19/2022
5' RULE ADOPTED 09/07/2022

THIS PRELIMINARY PLOT PLAN IS SUBJECT TO BOTH REVIEW & APPROVAL BY THE LOCAL JURISDICTION.

NOTE
BENCHMARK: EMN
ELEVATION: 6.36'
VERTICAL DATUM: NAVD 88
VERTICAL DATUM OBTAINED WITH TOPCON GRS USING N.C. GEODETIC CONTINUOUS OPERATING REFERENCE STATIONS

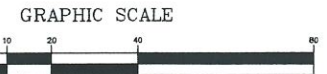
NOTE
RESTRICTIVE COVENANTS, D.B. 1285, P. 105
RESTRICTS IMPERVIOUS SURFACE TO 7,241 Sq.Ft.

ZONED R-15 ZONING SETBACKS	PLAT SETBACKS	OWNERS CAPITAL ASSET DEVELOPMENT, LLC.
FRONT = 20'	FRONT = 30'	
REAR = 10'	REAR = 10'	
SIDE = 8'	SIDE = 10'	

REFERENCES	TITLE SOURCE	TAX ID
D.B. 1285, P. 105	D.B. 5829, P. 101	7758-45
D.B. 2889, P. 775		
D.B. 5406, P. 535		
D.B. 5480, P. 667		
D.B. 5829, P. 101		
M.B. 31, P. 60 & 61		
M.B. 66, P. 184		

ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED

- LEGEND
- CC = CONTROL CORNER
 - DCM = DIVISION OF COASTAL MANAGEMENT
 - ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
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 - SIP = SET IRON PIPE
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 - SMN = SET MAGNETIC NAIL (CONTROL CORNER)
 - SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
 - C = CENTERLINE
 - W = WATER METER
 - F = FIRE HYDRANT
 - V = WATER VALVE
 - S = SANITARY SEWER MANHOLE
 - C = CLEAN OUT
 - T = TELEPHONE PEDESTAL
 - TV = TELEVISION PEDESTAL
 - F = FIBER OPTIC CABLE MARKER
 - L = LIGHT POLE
 - P = POWER POLE
 - PL = POWER LINE
 - ET = ELECTRIC TRANSFORMER
 - X 1.5' = EXISTING SPOT ELEVATION



ACTUAL FIELD SURVEY DATE: MARCH 29, 2023
MAPPING DATE: JUNE 27, 2023
FIELD BOOK: 971 & INDV., PAGE: 67 & 1-2
PROJECT NUMBER: 22-03-27 JTG

REVISION:
06/27/2022: ADDED LANDWARD TOE OF DUNE
09/30/2022: REVISED PROPOSED POOL DESIGN AND IMPERVIOUS SURFACE CALCULATIONS
ADDED PROPOSED 4' 2 RAIL CLOSED PICKET BLACK ALUMINUM POOL CODE FENCE
REVISED TITLE SOURCE & OWNER
06/27/2023: ADDED LANDWARD TOE OF DUNE (TODAY), EXISTING DWELLING & POOL
ADDED DISTANCES TO LANDWARD TOE OF DUNE (TODAY & 06/27/2022)

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
CAPITAL ASSET TOPSAIL DEVELOPMENT, LLC
LOT 11, SECTION I, CRYSTAL SHORES, M.B. 31, P. 60
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA
CAPITAL ASSET TOPSAIL DEVELOPMENT, LLC., OWNER; D.B. 5829, P. 101
402 NEW RIVER INLET ROAD

P:\2023\22-03-27 Capital Asset (Thomas) 17-08-07\CAD\Drawings\22-03-27 Final-PP-App-1.mxd, June 27, 2023, 11:48:47 AM

APPROXIMATE LOCATION

NORTHING: 274816.34'
EASTING: 2477659.39'

10' PUBLIC BEACH
M.B. 31, P. 60

SURVEYED 06/01/2022
06/27/2022
CAMA PERMIT# 43-22
07/05/2022

WOOD WALK

S29°44'10"E 331.83'

34.54' 10.33' 9.70' 55.71' 13.5'

LANDWARD TOE OF DUNE (03/29/2023)

FLSNV CAMA FLAGS SURVEYED ON 04/19/2022

PROPOSED 6' BEACH ACCESS

LOT 11
30530 Sq.Ft.
0.701 ACRES

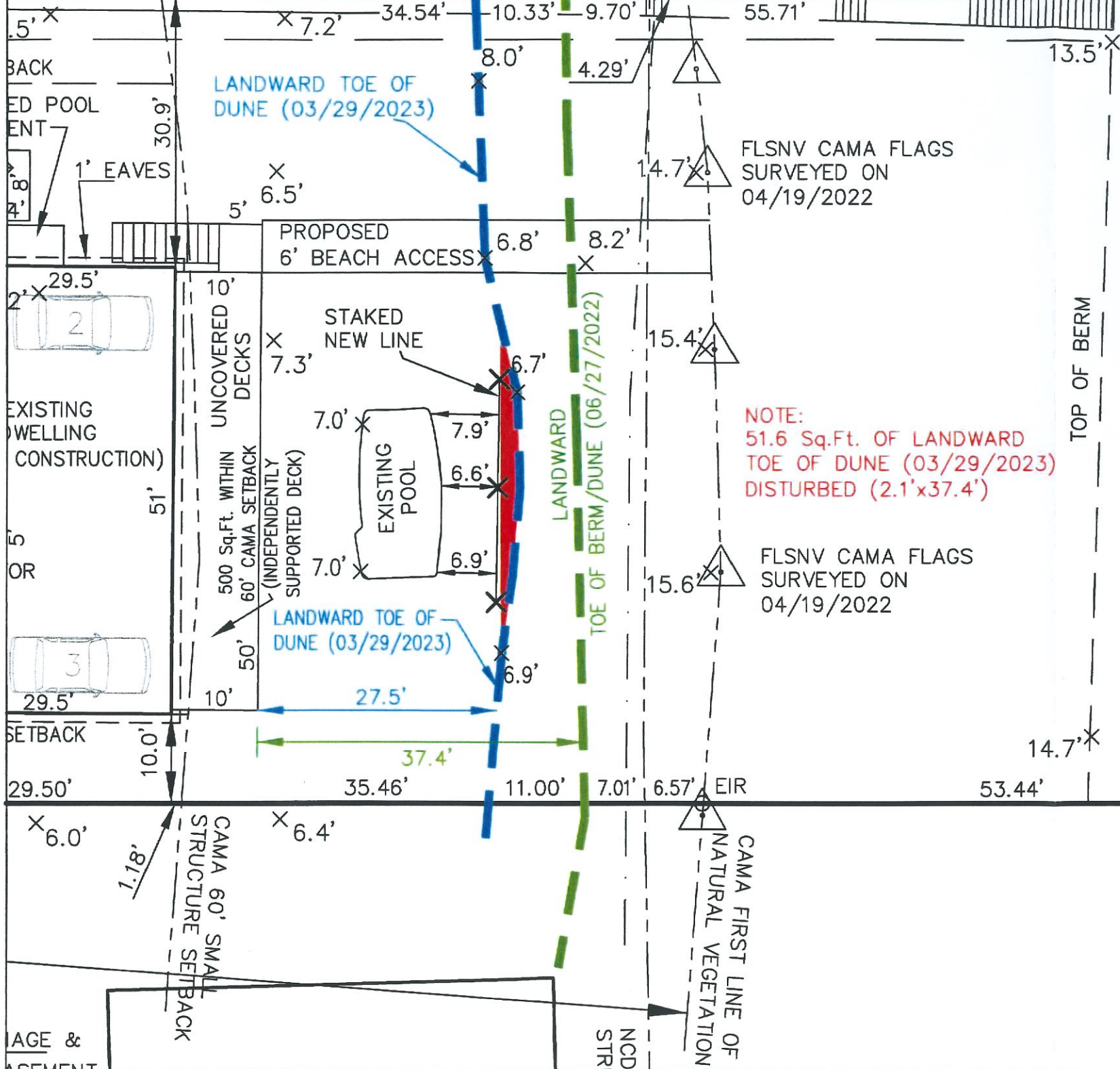
NOTE:
51.6 Sq.Ft. OF LANDWARD TOE OF DUNE (03/29/2023) DISTURBED (2.1'x37.4')

FLSNV CAMA FLAGS SURVEYED ON 04/19/2022

CAMA PERMIT# 43-22
07/05/2022
BUILDING PERMIT ISSUED 08/19/2022
5' RULE ADOPTED 09/07/2022

NORTHING: 274759.10'
EASTING: 2477558.61'

N29°44'10"W 332.38'



TOP OF BERM

CAMA FIRST LINE OF NATURAL VEGETATION

NCDNM STATIC FIRS NATURAL VEGETATION

AGE & CEASEMENT



04/03/2019 12:08

1006



CAMA
FLSNV

04/19/2022 15:53



07/20/2022 12:05



07/20/2022 12:05



03/28/2023 16:14



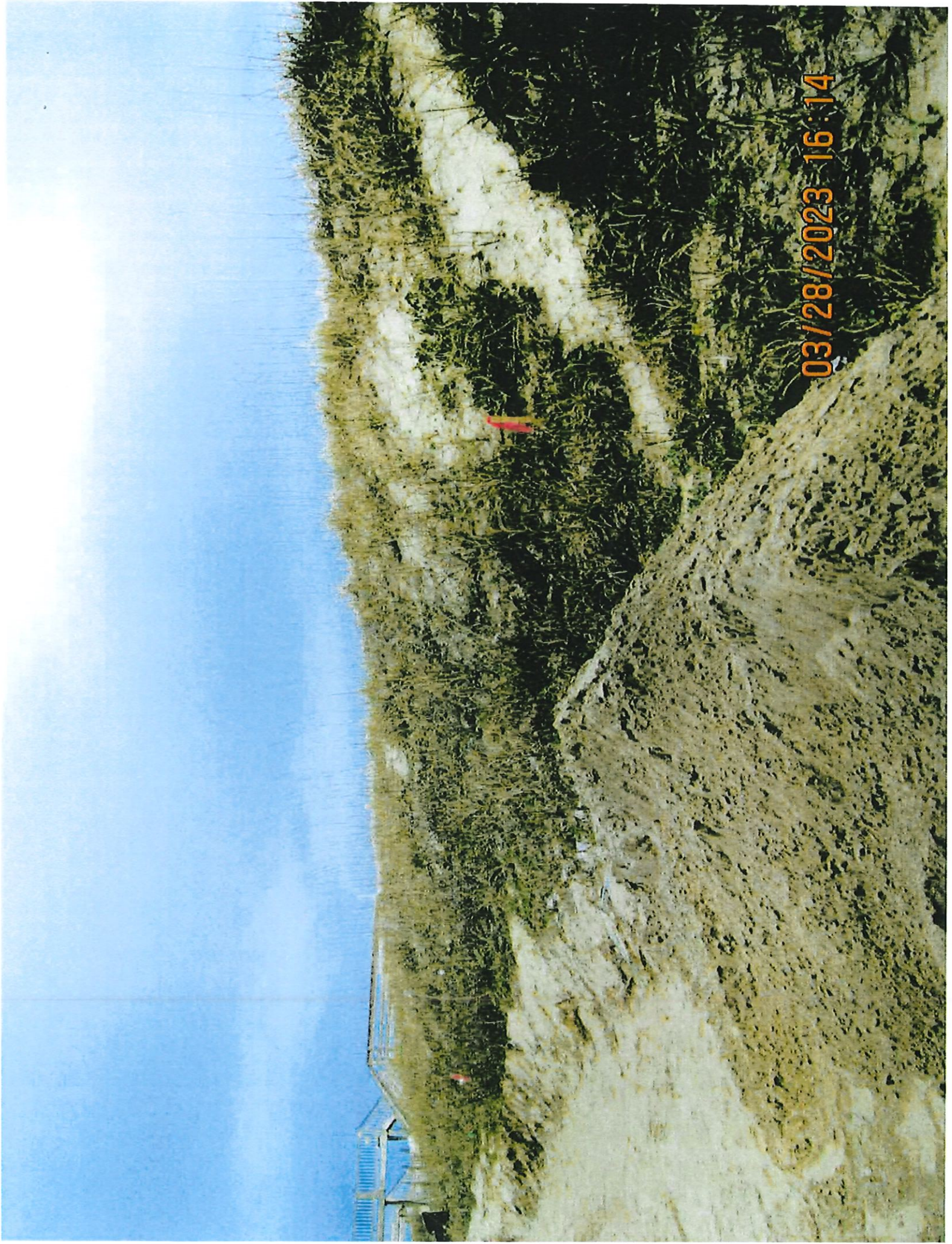
03/28/2023 16:13



03/28/2023 16:14



03/28/2023 16:13



03/28/2023 16:14



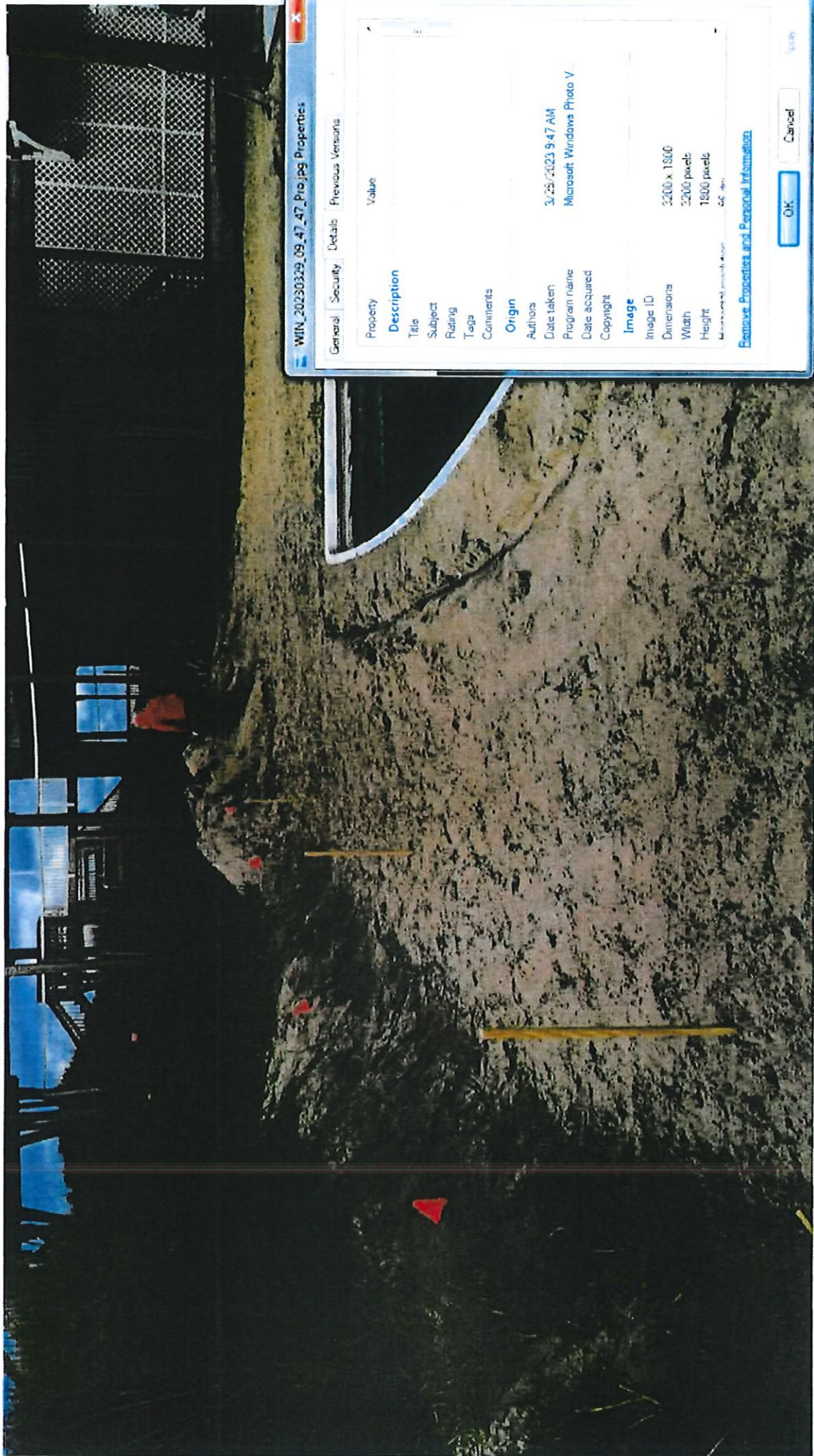
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Date acquired	
Copyright	
Image	
Image ID	
Dimensions	3200 x 1800
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Height	1800 pixels
Info	See help

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Title
Subject
Rating
Tags
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Authors
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Program name Microsoft Windows Photo V...
Date acquired
Copyright

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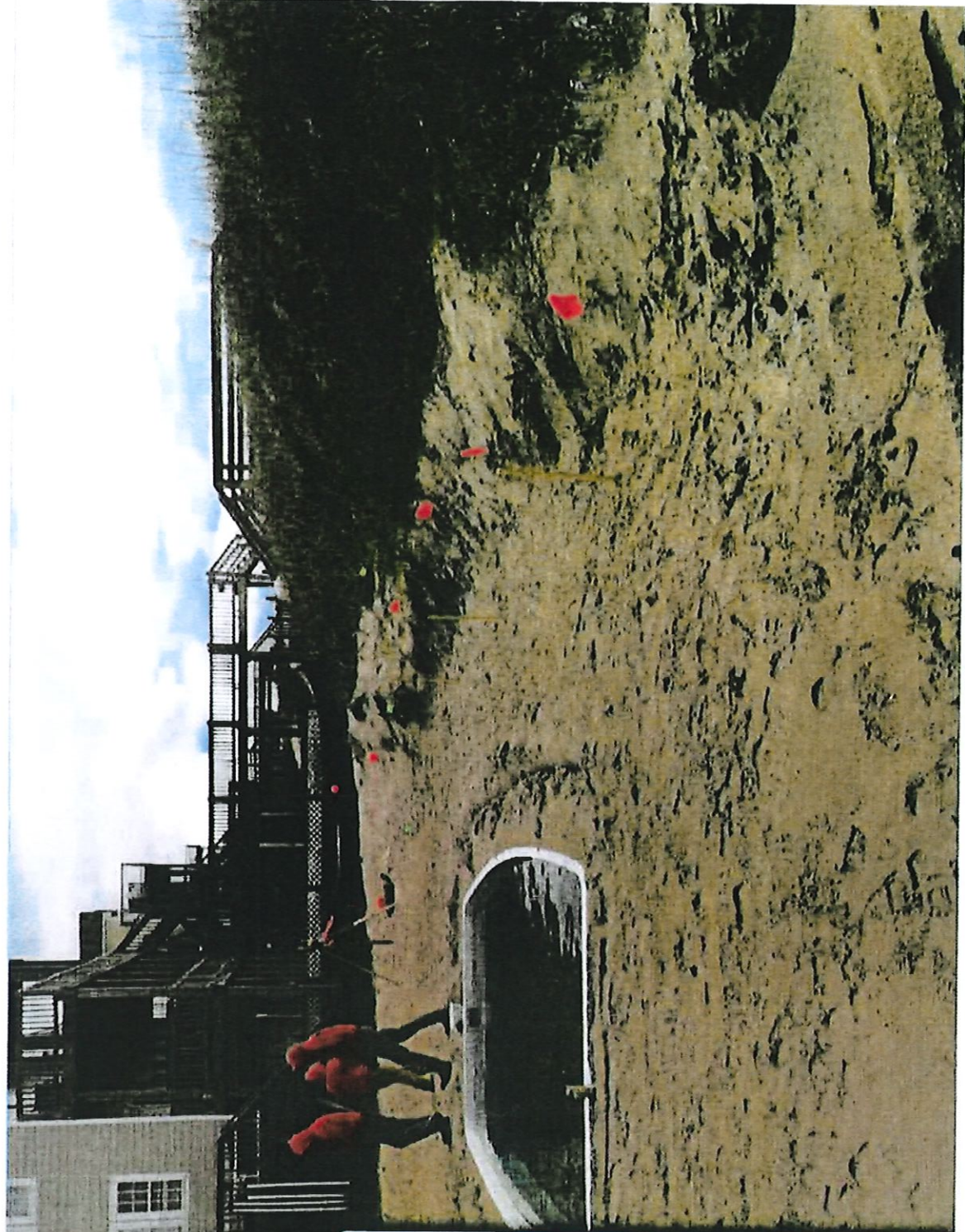
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Microsoft Documentation 04-400

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Metadata resolution	96 dpi

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