

**STAFF REPORT**

**STAFF REPORT CONTACT INFORMATION**

Deborah J. Hill, MPA AICP CFM CZO

DOCKET/CASE/APPLICATION NUMBER

Case # RZ24-000001

APPLICANT - Kersting Architecture

PROPERTY OWNER - DANIEL SOOY <sup>1-3</sup>

Next Board of Aldermen Meeting (PUBLIC HEARING DATE TBD)

August 7, 2024, 11:30 PM

PROPERTY ADDRESS

1090 New River Inlet Rd

**BRIEF SUMMARY OF REQUEST**

Michael Ross Kersting Architecture, PA (Kersting Architecture), applicant, on behalf of Daniel and Rebekah Sooy, property owners, is requesting the subject property, 1090 New River Inlet Rd, North Topsail Beach, NC, be rezoned from R-20 Residential District to R-15 Residential District. <sup>4-6</sup>

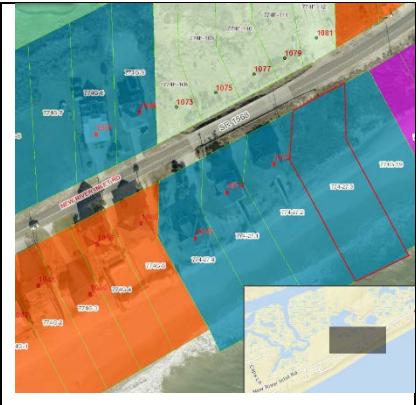


Figure 1: 1090 New River Inlet Rd Location  
Source: Onslow County GIS with layers 2022 Aerials and Zoning

SURROUNDING ZONING & LAND USE

**N:** CUR-15 SINGLE FAMILY

**E:** R-20 SINGLE FAMILY

**S:** Atlantic Ocean

**W:** R-20 SINGLE FAMILY

EXISTING ZONING	EXISTING LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-20 RESIDENTIAL DISTRICT	CAMA LUP MAP 10B EXISTING LAND USE p. 3-34  VACANT	NONE	0.36 acres/15606.8 sq ft G. Canady PLS 8/9/2023 <sup>6</sup> 0.611 acres/26,630 sq ft MB 28 P 85 02/20/1992 <sup>7</sup>

**PROPERTY HISTORY**

The previous owner, Mr. Egland submitted a CAMA Minor Permit application in 2007; however, the permit was denied as the proposed development did not meet the required setback. <sup>8</sup>

The current owner, Daniel Sooy purchased the property 19-MAY-21 as recorded in DB 5466 P 310. <sup>1-3</sup>

Access is available from New River Inlet Rd (SR 1568). <sup>6</sup>

The former 40' access easement shown on MB 28 PG 85<sup>7</sup> has been abandoned by the filing of DB 5873 PG 486<sup>9</sup> (filed 11/17/2022); DB 5873 P489<sup>10</sup>; and DB 5873 PG 533<sup>11</sup> (filed 11/17/2022) by and between Mr. Daniel Sooy and his neighbors, Mr. Clifford W. Cunniff and Mr. Michael Francis Fleming.

15' of 30' roadway right of way (MB 5 P 48)<sup>12</sup> was vacated by the Withdrawal and Revocation of Roadway Dedication by DB 6002 P 430<sup>13</sup> recorded 7/20/2023.

This area is served by ONWASA water and sewer service. The property is within the Special Flood Hazard Area: AE12; VE13/15 (Map Number: 3720428700K; eff 6/19/2020) and CBRS L06 as of 10/1/1983. The property is within CAMA's Ocean Hazard AEC with an erosion rate of 3.0 and small structure setback of 90 feet.

On the survey by Gairy Canady PLS dated 8/9/2023<sup>6</sup>, the First Line of Stable Natural Vegetation was marked over a year ago, 6/27/2023 and should be updated.

**Promoting the development of properties that have been deemed unbuildable due to either state or local development regulations is inconsistent with:**

**P. 25** The Town, in an effort to protect the eco-friendly environment that the Town has established over the years, may aim to secure lots through either acquisition, grant-funded purchase, or donation. These lots may be secured as open space easements in perpetuity. Special attention will be given to acquire properties that have been deemed unbuildable due to either state or local development regulations; and

**P. 52** The Town supports relocation of structures endangered by erosion, if the relocated structure will be in compliance with all applicable local, state, and federal policies and regulations including the Town's zoning and subdivision ordinances. Relocation of structures should comply with density standards outlined within the future land use map section of this plan.

**The application is inconsistent with Future Land Use Map Low Density requirement.** Allowable density is 2 dwelling units per acre or 1du/.5 acres. The proposed density is 1 du or 2 du/.36 acres.

**P. 55** The Town supports the land use densities that are specified on page 4-13 of this plan. Through enforcement of the zoning ordinance, these densities will minimize damage from natural hazards and support the hazard mitigation plan. The Future Land Use Map 11-B on p. 4-18 indicates the property is classified as Low Density.

Future Land Use Compatibility Matrix p. 4-15 R-20 is generally consistent with Low Density Residential; the proposed amendment to R-15 is generally consistent with both Low and Medium Density.

The lot meets the minimum dimensional requirements for R-15 zoning, pursuant to UDO Table 5-1 Dimensional Requirements.

**RESPONSE TO STANDARDS**

Staff's analysis of this application is in response to the policy guidelines outlined in § 3.08.06 ACTION BY THE PLANNING BOARD (Ord. passed 11-2-2011; Ord. passed 7-1-2021).

(A) Every proposed amendment, supplement, change, modification or repeal of this ordinance shall be referred to the Planning Board for its recommendation and written report to the Board of Aldermen.

(B) The following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

- (1) The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories;

**Statement by Applicant:** The lot exists in a small block of R-20 zoned properties which is surrounded by R-5, R-10, and R-15 blocks. Thus, the proposed R-15 zoning would be compatible in this area. (see attached letter from the applicant for further information).

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

**Staff Analyses:** The immediate area consists of R-20 zoned property: the oceanfront properties along New River Inlet Road – 1070, 1074, 1078, 1090 and 1105 New River Inlet Road. The properties on the soundside and separated by a bridge and elevated portion of New River Inlet Road (SR 1568) are zoned CUR-15 with single family only. (Reference: Onslow County GIS 2022 aerial with zoning layer).

- (2) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group;

**Statement by Applicant:** The oceanside properties along the New River Inlet corridor are predominantly R-15, R-10, and R-5 zones. These zones require a 20' front yard setback. Thus, rezoning from R-20 to R-15 in this area will provide a more consistent streetscape, as well as provide better view corridors for adjacent oceanfront properties. Relaxing the street side setbacks also allows structures to be built further away from the fragile dune environment and further upland away from storm surges. It also decreases the amount of impervious surfaces needed as driveways and other hardened access surfaces from the street may be shortened.

**Staff Analyses:** Future Land Use Map 11-B p. 4-18 classifies the property as Low Density Residential. Future Land Use Compatibility Matrix p. 4-15 R-20 is generally consistent with Low Density Residential; R-15 is generally consistent with both Low and Medium Density. Appendix A Page 7 of 7, North Topsail Beach Zoning District Densities indicate R-20 is SFR; R-15 is SFR or Duplex.

- (3) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change (when a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved);

**Statement by Applicant:** The proposed single-family use is compatible with surrounding residential uses.

**Staff Analyses:** The purpose of R-15 is to provide for single-family and duplex residential developments where central water or central sewer, but not both are available. (reference: UDO § 3.04.04). The purpose of R-20 district is to allow single-family only (low-density) residential and recreational uses to be protected from undesirable future development and residential developments not having central water and sewer will occur in sufficiently low density to ensure a healthful environment. (reference: UDO § 3.04.03).

- (4) There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change; or

**Statement by Applicant:** The increased buildable area afforded by the 20' front yard setback associated with an R-15 zone will allow for a structure to be in keeping with the architectural proportions of surrounding homes.

**Staff Analyses:** The adjacent structures at 1074 (built in 1993) and 1078 New River Inlet Road (built in 2000) met the 40-foot easement right-of-way. Planted trees and parked cars within the easement limit emergency vehicle access behind the bridge. Rezoning from R-20

to R-15, shortening the front setback from 30 feet to 20 feet would further restrict emergency vehicle access to 1078 New River Inlet at the elevated bridge.

The former 40' access easement shown on MB 28 PG 85 has been abandoned by the filing of DB 5873 PG 486 (filed 11/17/2022); DB 5873 P489; and DB 5873 PG 533 (filed 11/17/2022) by and between Mr. Daniel Sooy and his neighbors, Mr. Clifford W. Cunniff and Mr. Michael Francis Fleming.

- (5) The proposed change is in accord with any land use plan and sound planning principles.

**Statement by Applicant:** The proposed R-15 zoning designation is deemed generally compliant with the low-density residential use recommended by the CAMA Land Use Plan. The currently non-conforming lot would better reflect the required dimensional standards of the proposed R-15 zone (the lot is surveyed at 15,606.8 SF) of the Town of North Topsail Beach zoning ordinance.

**Staff Analyses:**

The previous owner, Mr. Eglund submitted an application in 2007; however, the CAMA Minor Permit was denied as the proposed development did not meet the required setback. The challenge is the effect of the erosion rate in that area of 3.0 ft/year, which is used to calculate the CAMA setback from the FLSNV or the Static line,  $3.0 \times 30 = 90$  feet. From 1993 to 2023, thirty years, the platted size of the lot, as measured from the approximate high water line – which has also receded - has been reduced from 26,630 sq ft to 15606.8 sq ft. or 41.4%.

Comparing the approximate mean high water line from a plat of survey by Charles Riggs PLS dated 7/19/2000 and the shared boundary “leg” of Gairy I. Canady PLS original plat 6/16/21, In 2000, the distance to the mean high water line was 171.15 feet and in 2021, 109.2 feet, which indicate a loss of 61.95 feet in 21 years. This methodology would be consistent with Mr. Eglund’s inability to obtain a CAMA Minor Permit in 2007, as reported.

## STAFF RECOMMENDATION

1. That the Planning Board conduct a review of this proposed zoning map amendment;
2. That the Planning Board advise and comment on whether the proposed action is consistent with the Town's Comprehensive Plan and any other officially adopted plan that is applicable (See *CAMA LAND USE PLAN: CONTINUING PLANNING PROCESS* p. 6-1, 6-2); and
3. That the Planning Board provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters as deemed appropriate by the Planning Board and
4. Consider the following Consistency and Reasonableness Statement, based upon the property history, compatibility with the Comprehensive Plan, Unified Development Ordinance, Response to Standards contained in the Staff Report and the applicant's submittal:

### Consistency and Reasonableness Statement

The proposed zoning amendment [is / is not] consistent with the Comprehensive Plan because:

1. The Town supports relocation of structures endangered by erosion, if the relocated structure will be in compliance with all applicable local, state, and federal policies and regulations including the Town's zoning and subdivision ordinances. Relocation of structures should comply with density standards outlined within the future land use map section of this plan (P. 52) ;
2. The Town, in an effort to protect the eco-friendly environment that the Town has established over the years, may aim to secure lots through either acquisition, grant-funded purchase, or donation. These lots may be secured as open space easements in perpetuity. Special attention will be given to acquire properties that have been deemed unbuildable due to either state or local development regulations (P. 25); and
3. The proposed amendment does not match the current future land use map. Future Land Use Map 11-B p. 4-18 classifies the property as Low Density Residential. Future Land Use Compatibility Matrix p. 4-15 R-20 is generally consistent with Low Density Residential; the proposed amendment to R-15 is generally consistent with both Low and Medium Density. However, the lot size does not meet the Low Density criteria of 2 units per acre.
4. The Town supports the land use densities that are specified on page 4-13 of this plan. Through enforcement of the zoning ordinance, these densities will minimize damage from natural hazards and support the hazard mitigation plan. (P. 55). The lot size does not meet the Low Density criteria of 2 units per acre.

The proposed zoning amendment is not reasonable and not in the public interest because it does not support the Comprehensive Plan policies above and because:

1. The previous owner, Mr. Eglund submitted an application in 2007; however, the CAMA Minor Permit was denied as the proposed development did not meet the required setback. The challenge is the effect of the erosion rate in that area of 3.0 ft/year, which is used to calculate the CAMA setback from the FLSNV or the Static line,  $3.0 \times 30 = 90$  feet. From 1993 to 2023, thirty years, the platted size of the lot, as measured from the approximate high water line – which has also receded - has been reduced from 26,630 sq ft to 15606.8 sq ft. or 41.4%.

Comparing the approximate mean high water line from a plat of survey by Charles Riggs PLS dated 7/19/2000 and the shared boundary “leg” of Gairy I. Canady PLS original plat 6/16/21, In 2000, the distance to the mean high water line was 171.15 feet and in 2021, 109.2 feet, which indicates a loss of 61.95 feet in 21 years. This methodology would be consistent with Mr. Eglund’s inability to obtain a CAMA Minor Permit in 2007, as reported.

2. Amending zoning setbacks and granting variances in high erosion rate areas to allow for development is counterintuitive to the higher standards that the Town has adopted in its hazard mitigation planning to protect the community.
3. This amendment does not improve consistency with the long range plan, nor improve the tax base, nor preserve environmental and/or cultural resources, nor facilitates a desired kind of development, and is therefore not in the public interest; and
4. Changed conditions warranting the amendment would be a reduced erosion rate and a successful beach nourishment project, with owners investing in sand fencing and planting sea oats, resulting in a stable building envelope.

## ATTACHMENTS

1. BK 5466 PG 310-310
2. Onslow County Tax Parcel Report
3. Onslow County Appraisal Card
4. Application
5. Toby R. Keeton, AIA letter dated May 3, 2024
6. Revised Boundary Survey by Gairy Canady dated 8/9/2023
7. MB 28 PG 85
8. D J Hill email April 28, 2014 9:43 AM
9. DB 5873 PG 486
10. DB 5873 P489
11. DB 5873 PG 533
12. MB 5 P 48
13. DB 6002 P 430

COMMISSIONER'S DEED

STATE OF NORTH CAROLINA  
COUNTY OF ONSLOW

Prepared By: Mewborn & DeSelms, Attorneys at Law  
Return to Grantee: Daniel Sooy, 3870 Island Drive, N Topsail Beach, NC 28460

Excise Tax: \$252.00  
Parcel ID: 011719

This deed, made this 18 day of May, 2021, by Christopher L. Mewborn, Commissioner, to Daniel Sooy.

WITNESSETH

That whereas Christopher L. Mewborn was appointed commissioner under an order of the District Court of Onslow County, North Carolina, in the tax foreclosure proceeding entitled "ONslow COUNTY vs. LELAND D. EGLAND, et al" [Court File # 19CVD3874]; and Christopher L. Mewborn was directed by the order as commissioner to sell the property hereinafter described at public sale after due advertisement according to law; and

Whereas Christopher L. Mewborn, commissioner, did on the 25 March 2021, offer the land hereinafter described at a public sale at the Onslow County Courthouse door, in Jacksonville, North Carolina, and Daniel Sooy became the last and highest bidder by Upset Bid filed on 1 April 2021 for the sum of \$126,000.00 and no further upset or increased bid having been made within the time allowed by law, and the sale having been confirmed, and Christopher L. Mewborn, commissioner, having been ordered to execute a deed to the purchaser upon payment of the purchase money;

Now, therefore for and in consideration of the premises and the sum of \$126,000.00, receipt of which is hereby acknowledged, Christopher L. Mewborn,

submitted electronically by "Mewborn & DeSelms, Attorneys at Law"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Onslow County Register of Deeds.




commissioner, does, by these presents, hereby bargain, sell, grant, and convey to Daniel Sooy, his successors heirs and assigns, that property situated in Onslow County, North Carolina, and described as follows:

**Being all of lot 1 as shown on that map entitled, "Survey Map Property of Charles Padgett, Stump Sound Twp., Onslow County, N.C.", dated June 6, 1991 and recorded in Map Book 28, Page 85, Slide F-193, Onslow County Registry.**

The undersigned Commissioner makes no warranties in connection with either aforementioned parcel and specifically disclaims any warranties as to title and habitability.

This conveyance is made subject to all outstanding county and city property taxes, and all local improvement assessments against the property not included in the judgment in this cause, the payment of which shall be assumed by the purchaser. To have and to hold the aforesaid tract of land, to Daniel Sooy, in as full and ample manner as Christopher L. Mewborn, Commissioner, is authorized and empowered to convey the same.

In witness whereof, Christopher L. Mewborn, commissioner, has hereunto set his hand and seal.

 (SEAL)  
Christopher L. Mewborn  
Commissioner

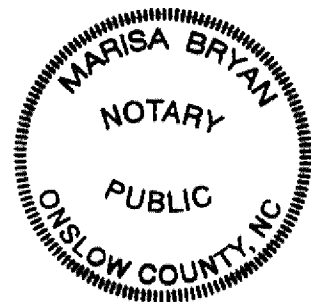
NORTH CAROLINA  
ONslow COUNTY

I, marisa Bryan, a Notary Public of the county and state aforesaid, do hereby certify that Christopher L. Mewborn, commissioner, grantor, personally appeared before me this day and acknowledged the execution of the foregoing deed.

Witness my hand and official seal this 18 day of may, 2021.

  
Notary Public

My commission expires: 10/19/2022





### Tax Certification Form (Check One Box)

- This certifies that there are no delinquent ad valorem taxes, or other taxes which the Onslow County Tax Collector is charged with collecting, that are a lien on:

Parcel Identification Number:

011719 - GRANTEE: DANIEL SOOY

This is not a certification that this Onslow County Parcel Identification Number matches the deed description.

- No certification required, as attorney statement that any delinquent taxes will be paid from closing proceeds is included on first page of deed, and the assessor has obtained the desired information from the conveyance (G.S. 105-303).

- Balance due on account. It must be paid to Onslow County Tax Collector. Please make payment within 5 days of closing.

**Marina Williams** Digitally signed by Marina Williams  
Date: 2021.05.18 16:52:58 -04'00'

Tax Collections Staff Signature

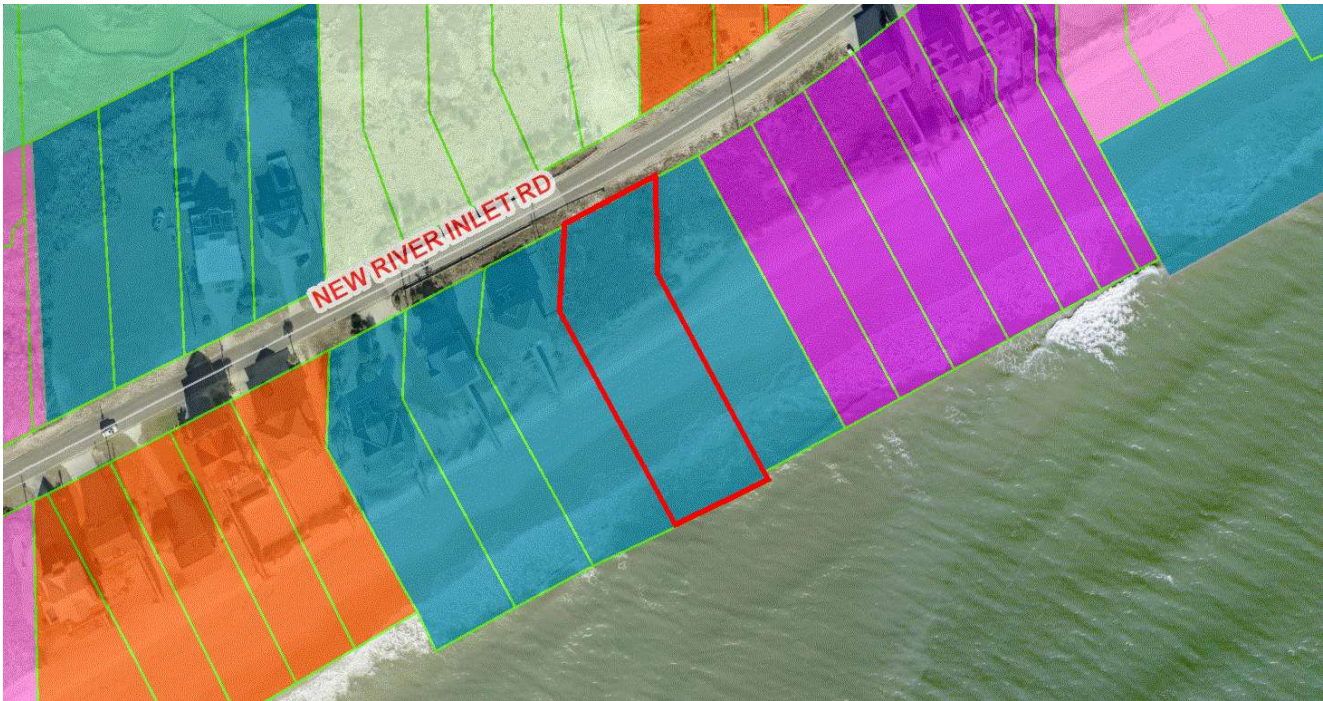
**05/18/2021**

Date

- This parcel may have deferred taxes which become due upon transfer of the property. Call the Tax Office, Land Records Division at 910-989-2204 for more information.

<b>Parcel ID</b> 011719	<b>Map Number</b> 774-27.3
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<b>Owner Name</b> SOOY DANIEL	<b>Owner Mailing Address</b> 1217 HENDRICKS AVE JACKSONVILLE, NC 28540-3858
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**General Information**

<b>Acres</b>	0.00	<b>Property Description</b>	L1 CHARLES PADGETT
<b>Physical Address</b>	1090 NEW RIVER INLET RD	<b>Subdivision</b>	PADGETT CHARLES
<b>Neighborhood Code</b>	3045	<b>City Limit</b>	NORTH TOPSAIL BEACH
<b>Plat Book &amp; Page</b>	28-85	<b>NC PIN</b>	428707590057
<b>Township</b>	STUMP SOUND	<b>Improvement Code</b>	R
<b>Building Value</b>	\$0.00	<b>Land Value</b>	\$550,000.00
<b>Assessed Value</b>	\$550,000.00	<b>Total Taxed Value</b>	\$550,000.00
<b>Heated Square Feet</b>	0.00	<b>Year Built</b>	0
<b>Number of Bedrooms</b>	0		

**Last Sale**

<b>Date</b> 19-MAY-21	<b>Price</b> \$126,000.00	<b>Book</b> 5466	<b>Page</b> 310
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Onslow County  
Geographical Information  
Services-GIS  
234 NW Corridor Blvd.  
Jacksonville, NC 28540

**WARNING: THIS IS NOT A SURVEY.**  
This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.

**PARCEL: 011719**  
 SOOY DANIEL  
 1217 HENDRICKS AVE  
 JACKSONVILLE, NC 28540-3858  
 ACCOUNT NUMBER: 472812000

# Onslow County, North Carolina

**Tax Districts**  
 ONSLOW COUNTY, NORTH TOPSAIL BEACH

Routing Number: 30450017  
 Appraiser Area: TM  
 Tax Year: 2025 Reval Year: 2022  
 Visited By: on 11/09/2021  
 Information Source: 11 - REVAL LAND

PARCEL INFORMATION	PROPERTY DESCRIPTION	VALUE SUMMARY (COST APPROACH)
<b>ADDRESS:</b> 1090 NEW RIVER INLET RD NORTH TOPSAIL BEACH NC 28460 <b>NBHD:</b> 3045-OCEAN VIEW SHORES/CRYSTAL <b>TOWNSHIP:</b> 114 - STUMP SOUND <b>MAP #:</b> 774-27.3 <b>PIN #:</b> 428707590057	L1 CHARLES PADGETT 0.6061 Acres  <b>Subd:</b> 28/85 PADGETT CHARLES	<b>LAND VALUE:</b> 550,000 <b>BUILDING VALUE:</b> 0 <b>OBXF VALUE:</b> 0 <b>APPRAISED VALUE:</b> 550,000 <b>DEFERRED VALUE:</b> 0 <b>ASSESSED VALUE:</b> 550,000

NOTES	PERMIT INFORMATION				SALES INFORMATION					
	Date	Status	Amount	CO Date	Date	Price	V/I	S	Book/Page	Valid Code
					5/19/2021	126,000	I		5466/310	N
					11/20/2003	192,500	V		2152/383	Y
	<b>Ratio: 437%</b>									

LAND DATA - MARKET VALUE										
L#	CODE	DESCRIPTION	SIZE	TYPE	BASE RATE	ADJ	ADJUSTMENT CODE	ADJUSTED UNIT PRICE	VALUE	
1	14	WATERFRONT OCEAN	0.60610	G	550,000			550,000	550,000	
		<b>Total Market Land</b>	0.60610						<b>550,000</b>	

OUTBUILDING DATA												
CODE	DESC	AYB	EYB	GRADE	UNITS	LENGTH	WIDTH	AREA	RATE	% GOOD	% CMPLT	VALUE

Parcel: **011719**  
SOOY DANIEL

# Onslow County, North Carolina

Tax Year: 2025  
Reval Year: 2022

### BUILDING DESCRIPTION

MODEL:  
STORY HEIGHT:  
STYLE:  
CLASS:  
EXTERIOR WALL:  
ACTUAL YR BLT:  
EFFECTIVE YR BLT:  
YR REMODELED:  
HEATING FUEL TYPE:  
HEATING SYSTEM:  
TOTAL ROOMS:  
BEDROOMS:  
BATHROOMS:  
HALF BATHROOMS:  
ADDTL FIXTURES:  
FIREPLACE:  
UNFINISHED AREA:  
FINSHD BSMNT AREA:  
FLOOR:  
FOUNDATION:  
INTERIOR WALL:  
ROOFING TYPE:  
ROOFING MATERIAL:  
GRADE C&D:  
CONDITION:

### BUILDING SKETCH

### BUILDING COMPUTATION

NEIGHBORHOOD FACTOR:  
REPLACEMENT COST NEW:  
PHYSICAL DEPRECIATION:  
REPLACEMENT COST NEW LESS DEPR:  
PERCENT COMPLETE:  
FUNCTIONAL OBSOLESCENCE:  
ECONOMIC OBSOLESCENCE:  
HEATED AREA:  
TOTAL AREA:  
VALUE PER SQUARE FOOT HEATED:  
VALUE PER SQUARE FOOT TOTAL:

### BUILDING SECTIONS

L#	LL	1ST	2ND	3RD	DESCRIPTION	AREA	VALUE(RCN)	ACTUAL YEAR BUILT	EFFECTIVE YEAR BUILT	GRADE	CDU	% GOOD	% COMPLETE	VALUE





**PERMIT PROJECT**  
 FILE #: 24-000475  
 1090 NEW RIVER INLET RD NORTH TOPSAIL BEACH NC 28460  
 SINGLE FAMILY RESIDENTIAL



**PERMIT #: RZ24-000001**

Permit Type  
 Rezoning Application

Subtype  
 Rezoning Application

Work Description:  
 Single Family Residential

Applicant  
 Kersting Architecture - Toby Keeton

Status  
 Ready for Payment

Valuation  
 0.00



**FEES & PAYMENTS**

Plan Check Fees	0.00
Permit Fees	400.00
Total Amount	400.00
Amount Paid	0.00
Balance Due	400.00

Non-Billable



**PERMIT DATES**

Application Date  
 05/19/2024

Approval Date  
 05/31/2024

Issue Date:  
 06/03/2024

Expiration Date:  
 12/03/2024

Close Date

Last Inspection

**FOR OFFICE USE ONLY**

Apply Storm Damage Credit

Zoning District  
 R-15

CAMA Approval  
Pending



## PROJECT INFORMATION

Property Owner  
- SOOY DANIEL & REBEKAH



Are you the property owner?  
No



Signed statement provided by property owner giving consent to the request  
AGENT AUTHORIZATION FOR REZONING APPLICATION.pdf



### STATEMENT OF JUSTIFICATION (Responses to UDO § 3.07 general findings)

**Finding #1:** The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories. **Statement by Applicant**

The lot exists in a small block of R-20 zoned properties which is surrounded by R-5, R-10, and R-15 blocks. Thus, the proposed R-15 zoning would be compatible in this area. (see attached letter from the applicant for further information).

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

**Finding #2:** There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group. **Statement by Applicant**

The oceanside properties along the New River Inlet corridor are predominantly R-15, R-10, and R-5 zones. These zones require a 20' front yard setback. Thus, rezoning from R-20 to R-15 in this area will provide a more consistent streetscape, as well as provide better view corridors for adjacent oceanfront properties. Relaxing the street side setbacks also allows structures to be built further away from the fragile dune environment and further upland away from storm surges. It also decreases the amount of impervious surfaces needed as driveways and other hardened access surfaces from the street may be shortened.

**Finding #3:** There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.) **Statement by Applicant**

The proposed single-family use is compatible with surrounding residential uses.

**Finding #4:** There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change. **Statement by Applicant**

The increased buildable area afforded by the 20' front yard setback associated with an R-15 zone will allow for a structure to be in keeping with the architectural proportions of surrounding homes.

**Finding #5:** The proposed change is in accord with any land use plan and sound planning principles. **Statement by Applicant**



The proposed R-15 zoning designation is deemed generally compliant with the low-density residential use recommended by the CAMA Land Use Plan. The currently non-conforming lot would better reflect the required dimensional standards of the proposed R-15 zone (the lot is surveyed at 15,606.8 SF) of the Town of North Topsail Beach zoning ordinance.

## DOCUMENTS

### Site plan or plot plan

1090 New River Inlet Road Revised 8 9 23.pdf



### Other documents

1090NRIR\_Right of Way Withdrawal and Revocation.pdf

2024\_0503 Rezoning Request Letter.pdf



## ACKNOWLEDGEMENT

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

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

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

Signature

signature.png



## FEES



FEE	DESCRIPTION	QUANTITY	AMOUNT	TOTAL
Rezoning Fee				400.00
<b>Plan Check Fees</b>				<b>0.00</b>
<b>Permit Fees</b>				<b>400.00</b>
<b>Total Fees</b>				<b>400.00</b>

## PAYMENTS



DATE	TYPE	REFERENCE	NOTE	RECEIPT #	RECEIVED FROM	AMOUNT
					Amount Paid	0.00
					Balance Due	400.00

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



To Whom It May Concern:

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

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

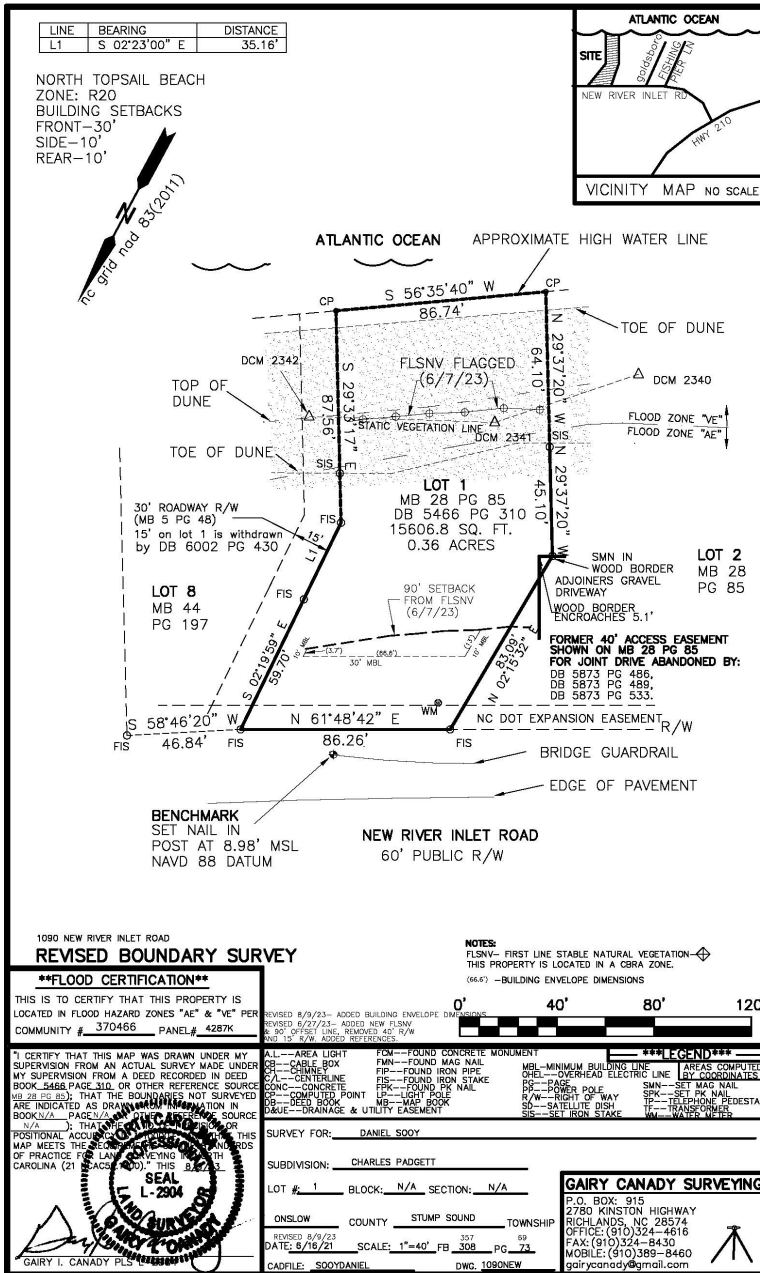
ZONING	MINIMUM LOT SIZE	FRONT YARD	LOT WIDTH	SIDE YARD SETBACK	SIDE YARD CORNER	REAR YARD SETBACK	BUILDING HEIGHT	MAXIMUM LOT COVERAGE
Con-D								30%
R-A	3 acres	30'	75'	10'	20'	10'	48'	30%
R-20	<u>20,000 sq. ft.</u>	30'	75'	10'	20'	10'	48'	30%
R-15 Single- family or duplex	<u>15,000 sq. ft.</u>	20'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

*Excerpt from 2021 Town of North Topsail Beach Unified Development Ordinance*

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

**Located at THE SWITCHYARD**  
 4022 Market Street, Suite 201, Wilmington, NC 28403  
 www.kerstingarchitecture.com  
 910.763.1348

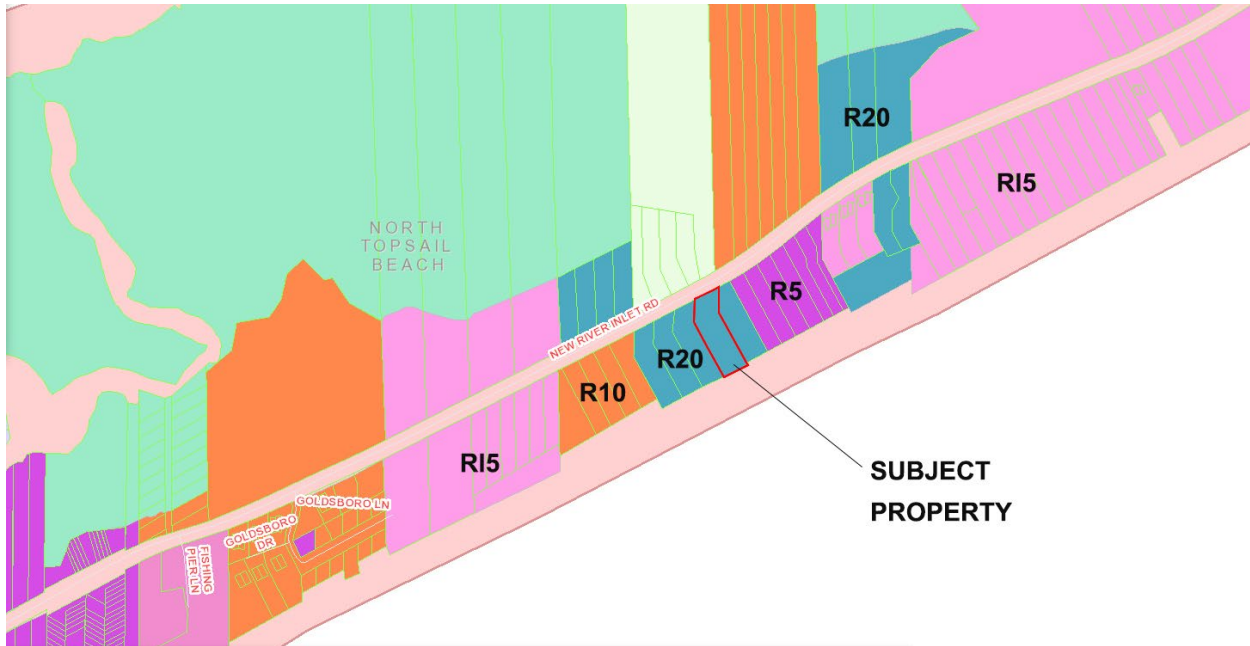
**Rezoning Request**  
**Kersting Architecture on behalf of**  
**Daniel and Rebekah Sooy, Property Owners**  
**1090 New River Inlet Rd, North Topsail Beach, NC**



Survey of subject property (not to scale).

Located at **THE SWITCHYARD**  
 4022 Market Street, Suite 201, Wilmington, NC 28403  
 www.kerstingarchitecture.com  
 910. 763.1348

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



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

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

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

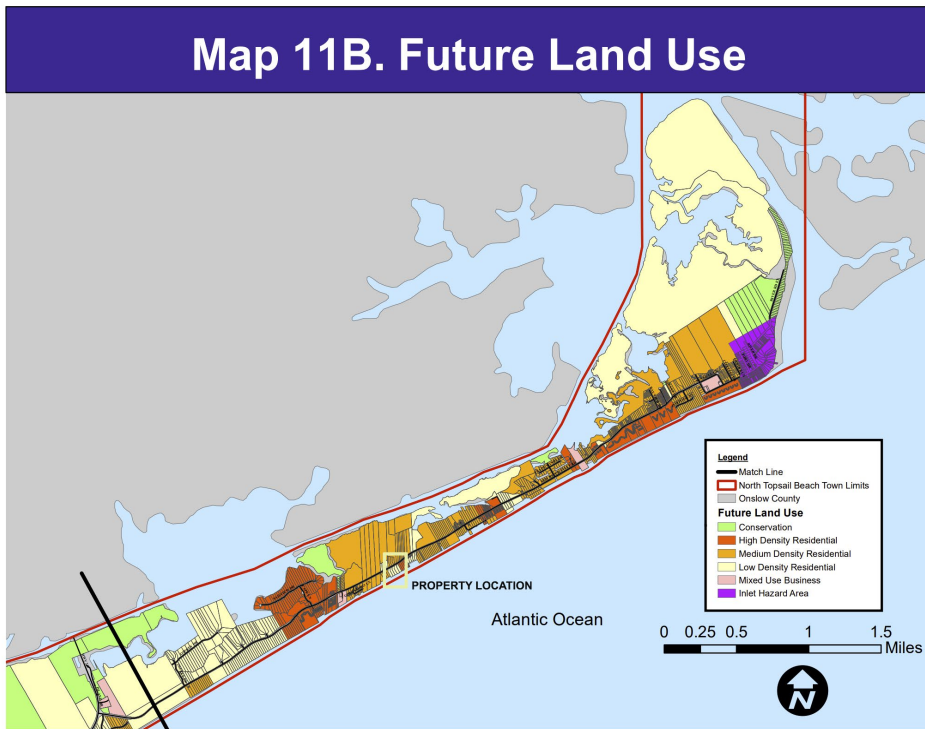
The proposed R-15 zoning is considered “generally consistent” with the low-density development use type for the site, recommended by the CAMA Land Use Plan:



**SECTION 4. FUTURE DEMAND/PROJECTIONS**

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

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



Page 4-18

Excerpt from CAMA Land Use Plan

**Located at THE SWITCHYARD**  
 4022 Market Street, Suite 201, Wilmington, NC 28403  
 www.kerstingarchitecture.com  
 910.763.1348

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



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

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

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

Sincerely,

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

**Located at THE SWITCHYARD**  
4022 Market Street, Suite 201, Wilmington, NC 28403  
[www.kerstingarchitecture.com](http://www.kerstingarchitecture.com)  
910.763.1348

AGENT AUTHORIZATION FOR REZONING APPLICATION

Name of Property Owner Requesting Permit: DANIEL AND REBEKAH SOOY

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

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

Property Owner Information:

  
\_\_\_\_\_

Signature

Daniel Sooy

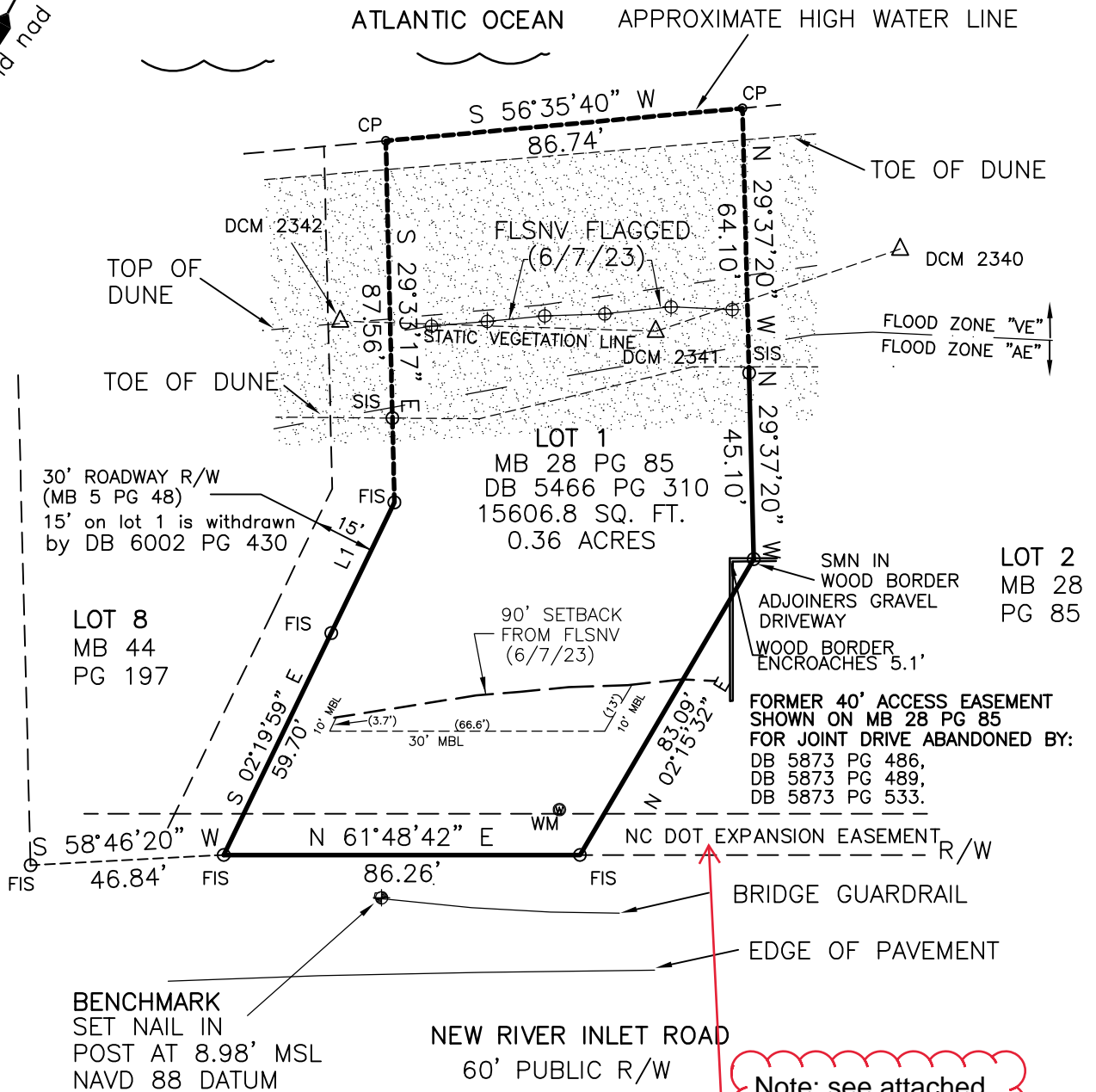
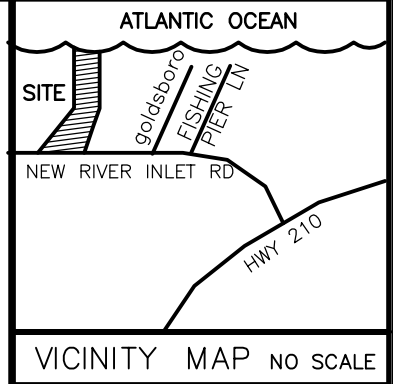
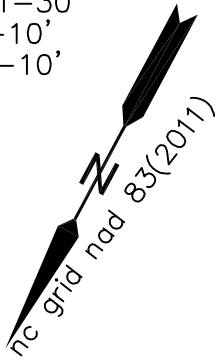
Print or Type Name

05, 16, 2024

Date

LINE	BEARING	DISTANCE
L1	S 02°23'00" E	35.16'

NORTH TOPSAIL BEACH  
 ZONE: R20  
 BUILDING SETBACKS  
 FRONT-30'  
 SIDE-10'  
 REAR-10'



Note: see attached revocation of easement.

1090 NEW RIVER INLET ROAD  
**REVISED BOUNDARY SURVEY**

**NOTES:**  
 FLSNV- FIRST LINE STABLE NATURAL VEGETATION  
 THIS PROPERTY IS LOCATED IN A CBRA ZONE.  
 (66.6') -BUILDING ENVELOPE DIMENSIONS

**\*\*FLOOD CERTIFICATION\*\***

THIS IS TO CERTIFY THAT THIS PROPERTY IS LOCATED IN FLOOD HAZARD ZONES "AE" & "VE" PER COMMUNITY # 370466 PANEL# 4287K

REVISED 8/9/23- ADDED BUILDING ENVELOPE DIMENSIONS  
 REVISED 6/27/23- ADDED NEW FLSNV & 90' OFFSET LINE, REMOVED 40' R/W AND 15' R/W, ADDED REFERENCES.



"I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM A DEED RECORDED IN DEED BOOK 5466 PAGE 310 OR OTHER REFERENCE SOURCE (MB 28 PG 85); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK N/A PAGE N/A OF THE REFERENCE SOURCE (N/A); THAT THE POSITION OF THIS OR POSITIONAL ACCURACY OF THIS MAP MEETS THE REQUIREMENTS AND STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NC AC 5-100)." THIS 8/2/23

- A.L.--AREA LIGHT
- CB--CABLE BOX
- CH--CHIMNEY
- C/L--CENTERLINE
- CONC--CONCRETE
- CP--COMPUTED POINT
- DB--DEED BOOK
- D&UE--DRAINAGE & UTILITY EASEMENT
- FCM--FOUND CONCRETE MONUMENT
- FMN--FOUND MAG NAIL
- FIP--FOUND IRON PIPE
- FIS--FOUND IRON STAKE
- FPK--FOUND PK NAIL
- LP--LIGHT POLE
- MB--MAP BOOK
- MBL--MINIMUM BUILDING LINE
- OHEL--OVERHEAD ELECTRIC LINE
- PG--PAGE
- R/W--RIGHT OF WAY
- SD--SATELLITE DISH
- SIS--SET IRON STAKE
- AREAS COMPUTED BY COORDINATES
- SMN--SET MAG NAIL
- SPK--SET PK NAIL
- TP--TELEPHONE PEDESTAL
- TF--TRANSFORMER
- WM--WATER METER

- \*\*\*LEGEND\*\*\***
- MBL--MINIMUM BUILDING LINE
  - OHEL--OVERHEAD ELECTRIC LINE
  - PG--PAGE
  - R/W--RIGHT OF WAY
  - SD--SATELLITE DISH
  - SIS--SET IRON STAKE
  - AREAS COMPUTED BY COORDINATES
  - SMN--SET MAG NAIL
  - SPK--SET PK NAIL
  - TP--TELEPHONE PEDESTAL
  - TF--TRANSFORMER
  - WM--WATER METER

SURVEY FOR: DANIEL SOOY

SUBDIVISION: CHARLES PADGETT

LOT #: 1 BLOCK: N/A SECTION: N/A

ONslow COUNTY STUMP SOUND TOWNSHIP

REVISED 8/9/23 DATE: 6/16/21 SCALE: 1"=40' FB 357 308 PG 69 73

CADFILE: SOOYDANIEL DWG. 1090NEW

**GAIRY CANADY SURVEYING**  
 P.O. BOX: 915  
 2780 KINSTON HIGHWAY  
 RICHLANDS, NC 28574  
 OFFICE: (910)324-4616  
 FAX: (910)324-8430  
 MOBILE: (910)389-8460  
 gairycanady@gmail.com

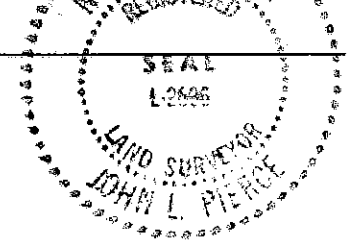




I, JOHN L. PIERCE, CERTIFY THAT THIS MAP WAS DRAWN FROM AN ACTUAL SURVEY: THAT THE ERROR OF CLOSURE AS CALCULATED BY LATS. AND DEPS. IS 1: 10,000 +. THAT THE MAP WAS MADE IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY HAND AND SEAL THIS 17 DAY OF June, 1991.

*John L. Pierce*  
 JOHN L. PIERCE, R.L.S., L-2596



NORTH CAROLINA ONSLOW COUNTY

I, BETTY BULLOCK, NOTARY PUBLIC, CERTIFY THAT JOHN L. PIERCE PERSONALLY APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE.

SUBSCRIBED AND SWORN BEFORE ME THIS 17 DAY OF June, 1991

MY COMMISSION EXPIRES DECEMBER 28, 1993.

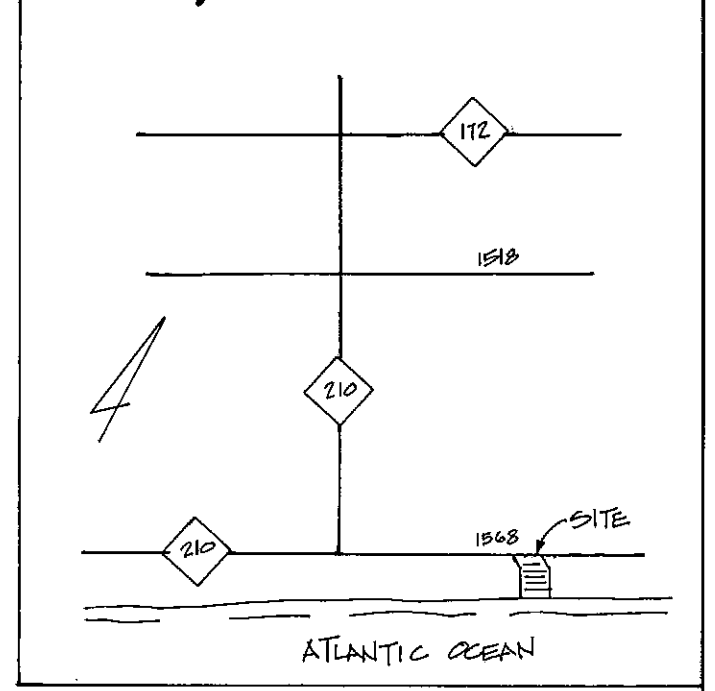
*Betty Bullock*  
 BETTY BULLOCK



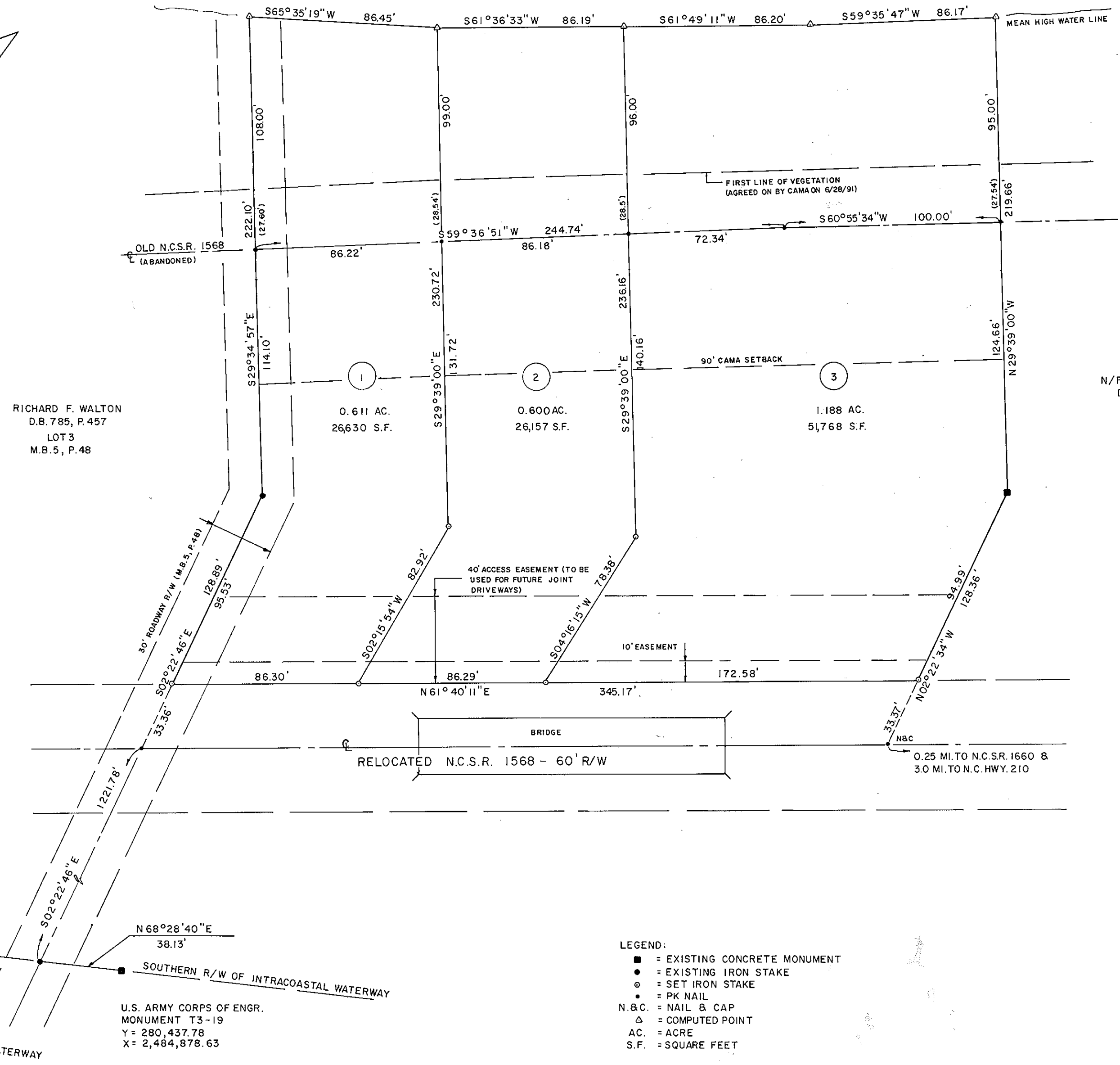
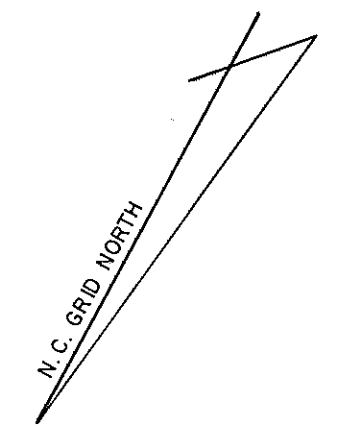
NORTH CAROLINA ONSLOW COUNTY

THE FOREGOING CERTIFICATE OF BETTY BULLOCK, NOTARY PUBLIC, IS CERTIFIED TO BE CORRECT. THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDED IN BOOK 28 PAGE 85, SLIDE F-193, THIS 20 DAY OF February, 1992.

*Mildred M. Thomas*  
 REGISTER OF DEEDS



NOTES:  
 1. ALL ENVIRONMENTAL CONCERNS ARE TO BE MET AS EACH LOT IS DEVELOPED.  
 2. THIS MAP REPRESENTS AN ACCURATE SURVEY OF EACH LOT.



RICHARD F. WALTON  
 D.B. 785, P. 457  
 LOT 3  
 M.B. 5, P. 48

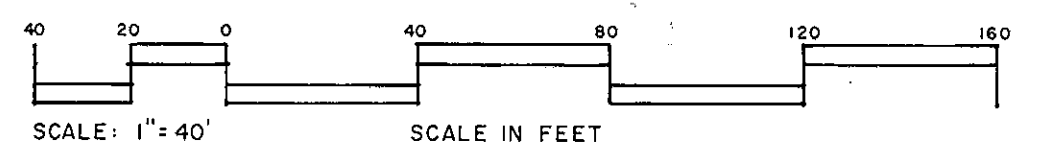
N/F FREEMAN GRANT  
 D.B. 271, P. 220  
 LOT 1  
 M.B. 5, P. 48

NOT SUBJECT TO NORTH TOPSAIL SUBDIVISION REGULATIONS. NO APPROVAL REQUIRED. CERTIFIED TO BE SUITABLE FOR RECORDING.  
*James Jones* 6/27/91  
 NORTH TOPSAIL BUILDING INSPECTOR  
 (Sec. 501-D)  
 SUB-Div. REGS.

- LEGEND:
- = EXISTING CONCRETE MONUMENT
  - = EXISTING IRON STAKE
  - = SET IRON STAKE
  - = PK NAIL
  - N.B.C. = NAIL B. CAP
  - △ = COMPUTED POINT
  - AC. = ACRE
  - S.F. = SQUARE FEET

SURVEY MAP  
 PROPERTY OF  
**CHARLES PADGETT**

STUMP SOUND TWP., ONSLOW COUNTY, N.C.  
 JOHN L. PIERCE - SURVEYING  
 409 JOHNSON BLVD., JACKSONVILLE, N.C. 28540  
 PHONE: 919-346-9800 DATE: JUNE 6, 1991  
 JOB NO. 910177 F.B. 153, P. 39+



REV: JULY 1, 1991 (VEG. LINE); 7/30/91 (MHWL)

REF: LOT 2 - M.B. 5, P. 48  
 D.B. 525, P. 335

**From:** [Kevin Turner](mailto:Kevin.Turner@onslowcountync.gov)  
**To:** [dhill@north-topsail-beach.org](mailto:dhill@north-topsail-beach.org)  
**Subject:** RE: Help  
**Date:** Monday, April 28, 2014 9:45:28 AM

---

Thank you Deb, I'll be sure to pass this information along to Mr. England.

Have a great day!

Kevin

---

**From:** D J Hill AICP CFM CZO [mailto:[dhill@north-topsail-beach.org](mailto:dhill@north-topsail-beach.org)]  
**Sent:** Monday, April 28, 2014 9:43 AM  
**To:** Kevin Turner  
**Cc:** Kenneth Masters; [jason.dail@ncdenr.gov](mailto:jason.dail@ncdenr.gov)  
**Subject:** RE: Help

Mr. England submitted an application in 2007; however, the CAMA Minor Permit was denied as the proposed development did not meet the required setback at that time. Since, the Coastal Resource Commission adopted updated erosion rate maps and I believe that the setback requirement has changed for that property as a result. A current survey with 1<sup>st</sup> line and setback would be required.

The owner may request that Jason Dail of the NC Division of Coastal Management stake the 1<sup>st</sup> line and then the owner may have a surveyor indicate this current 1<sup>st</sup> line and current setback requirement indicated on a plat for the property to determine the building envelope.

Thanks,  
Deb

Deborah J. Hill MPA AICP CFM CZO  
Planning Director  
Town of North Topsail Beach  
2008 Loggerhead Court  
North Topsail Beach, NC 28460  
(910) 328-1349 ext. 27

---

**From:** Kevin Turner [mailto:[Kevin.Turner@onslowcountync.gov](mailto:Kevin.Turner@onslowcountync.gov)]  
**Sent:** Friday, April 25, 2014 1:07 PM  
**To:** [dhill@north-topsail-beach.org](mailto:dhill@north-topsail-beach.org)  
**Cc:** Kenneth Masters  
**Subject:** Help

Deb,

I just spoke to Leland D England who is disputing the assessed value of 774-27.3. Mr. Leland told me his parcel was declared un-buildable by NTB in 2006 or 2007; he indicated that he was issued a permit to build but, someone from NTB stopped the construction before it began. Do you happen to have any documentation from that time frame?

Thanks,

**Kevin Turner**

Appraisal Supervisor  
Onslow County Tax Office  
39 Tallman St  
Jacksonville, NC 28540  
910.455.7431  
[kevin\\_turner@onslowcountync.gov](mailto:kevin_turner@onslowcountync.gov)

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Pursuant to North Carolina General Statutes, Chapter 132, email correspondence to and from this address may be considered public record under the North Carolina Public Records Law and may possibly be disclosed to third parties.

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Pursuant to North Carolina General Statutes, Chapter 132, email correspondence to and from this address may be considered public record under the North Carolina Public Records Law and may possibly be disclosed to third parties.

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Pursuant to North Carolina General Statutes, Chapter 132, email correspondence to and from this address may be considered public record under the North Carolina Public Records Law and may possibly be disclosed to third parties.

NORTH CAROLINA  
ONSLow COUNTY

DECLARATION OF ABANDONMENT OF EASEMENT

THIS DECLARATION OF ABANDONMENT OF EASEMENT is made and entered into this 9<sup>th</sup> day of May, 2022, by and between Daniel Sooy, Party of the First Part and Clifford W. Cuniff, Unmarried, Party of the Second Part.

WITNESSETH:

WHEREAS, Daniel Sooy is the owner of the Real Property located at 1090 New River Inlet Road, North Topsail Beach, North Carolina, 28460, which is more particularly described in that Commissioner's Deed recorded in Book 5466, Page 31, Onslow County Registry (hereinafter referred to as the "Sooy Lot"); and

WHEREAS, Clifford W. Cuniff is the owner of the real property located at 1070 New River Inlet Road, North Topsail Beach, North Carolina 28460, which is more particularly described in that General Warranty Deed recorded in Book 5545, Page 255, Onslow County Registry (hereinafter referred to as the "Cuniff Lot"); and

WHEREAS, the Sooy Lot is burdened by an easement 40 feet in width and shown on that Plat Map recorded in Book 28, Page 85, Onslow County Registry as "40' Access Easement" (hereinafter referred to as the "Easement") and the Cuniff Lot is benefited by the Easement; and

WHEREAS, Daniel Sooy has requested and Clifford W. Cuniff has agreed to abandon the Easement and relinquish all his rights therein with regard to its effect on the Sooy Lot;

NOW THEREFORE, the Parties hereto, for valuable consideration the sufficiency and receipt of which is hereby acknowledged, agree that any rights in the Easement, including but not limited to rights of access, are hereby abandoned, relinquished, and terminated, that the Easement shall be of no further force or effect, and that to the extent the undersigned may have any rights in the Easement, the same are hereby conveyed, assigned, and quitclaimed to Daniel

submitted electronically by "Mewborn & DeSelms, Attorneys at Law"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Onslow County Register of Deeds.

Sooy. This abandonment is only meant to relinquish and abandon rights in the Easement upon the Sooy Lot, and the Parties does not in any way relinquish or abandon rights in the Easement as it may affect any other property.

IN WITNESS WHEREOF, the parties have caused the foregoing instrument to be executed on the date and year first indicated above.

Clifford W. Cuniff (SEAL)  
Clifford W. Cuniff

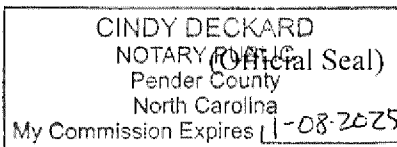
Daniel Sooy (SEAL)  
Daniel Sooy

State of North Carolina  
County of Pender

I, Cindy Deckard, a Notary Public of the State and County aforesaid, do hereby certify that Clifford W. Cuniff personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this 9<sup>th</sup> day of May, 2022

Cindy Deckard  
Notary Public



My Commission Expires: 11-08-2025

State of NC  
County of Onslow

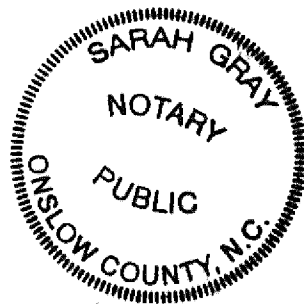
I, Sarah Gray, a Notary Public of the State and County aforesaid, do hereby certify that Daniel Sooy personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this 15 day of November, 2022 SG

Sarah Gray  
Notary Public

(Official Seal)

My Commission Expires: 11/03/2026



NORTH CAROLINA  
ONSLow COUNTY

DECLARATION OF ABANDONMENT OF EASEMENT

THIS DECLARATION OF ABANDONMENT OF EASEMENT is made and entered into this 10<sup>th</sup> day of NOVEMBER, 2022, by and between Daniel Sooy and Sarika Bansal and Spouse Naresh Lunani.

WITNESSETH:

WHEREAS, Daniel Sooy is the owner of the Real Property located at 1090 New River Inlet Road, North Topsail Beach, North Carolina, 28460, which is more particularly described in that Commissioner’s Deed recorded in Book 5466, Page 31, Onslow County Registry (hereinafter referred to as the “Sooy Lot”); and

WHEREAS, Sarika Bansal and Spouse Naresh Lunani are the owners of the real property located at 1078 New River Inlet Road, North Topsail Beach, North Carolina 28460, which is more particularly described in that General Warranty Deed recorded in Book 5536, Page 779, Onslow County Registry (hereinafter referred to as the “Bansal/Lunani Lot”); and

WHEREAS, the Sooy Lot is burdened by an easement 40 feet in width and shown on that Plat Map recorded in Book 28, Page 85, Onslow County Registry as “40’ Access Easement” (hereinafter referred to as the “Easement”) and the Bansal/Lunani Lot is benefited by the Easement; and

WHEREAS, Daniel Sooy has requested and Sarika Bansal and Spouse Naresh Lunani have agreed to abandon the Easement and relinquish all their rights therein with regard to its effect on the Sooy Lot;

NOW THEREFORE, the Parties hereto, for valuable consideration the sufficiency and receipt of which is hereby acknowledged, agree that any rights in the Easement, including but not limited to rights of access, are hereby abandoned, relinquished, and terminated, that the

submitted electronically by "Mewborn & DeSelms, Attorneys at Law"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Onslow County Register of Deeds.

Easement shall be of no further force or effect, and that to the extent the undersigned may have any rights in the Easement, the same are hereby conveyed, assigned, and quitclaimed to Daniel Sooy. This abandonment is only meant to relinquish and abandon rights in the Easement upon the Sooy Lot, and the Parties does not in any way relinquish or abandon rights in the Easement as it may affect any other property.

IN WITNESS WHEREOF, the parties have caused the foregoing instrument to be executed on the date and year first indicated above.

Sarika  
\_\_\_\_\_  
Sarika Bansal (SEAL)

Daniel Sooy  
\_\_\_\_\_  
Daniel Sooy (SEAL)

Naresh Lunani  
\_\_\_\_\_  
Naresh Lunani (SEAL)

State of NC  
County of WAKE

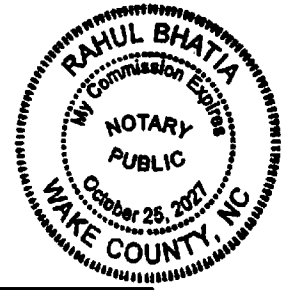
I, RAHUL BHATIA, a Notary Public of the State and County aforesaid, do hereby certify that Sarika Bansal and Naresh Lunani personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this 10 day of NOVEMBER, 2022.

Rahul Bhatia  
\_\_\_\_\_  
Notary Public

(Official Seal)

My Commission Expires: OCT 25, 2027



State of NC  
County of Onslow

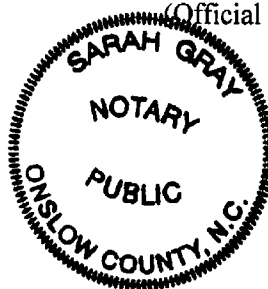
I, Sarah Gray, a Notary Public of the State and County aforesaid, do hereby certify that Daniel Sooy personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this 15 day of November, 2022.

Sarah Gray  
\_\_\_\_\_  
Notary Public

(Official Seal)

My Commission Expires: 11/03/2026



NORTH CAROLINA  
ONSLow COUNTY

DECLARATION OF ABANDONMENT OF EASEMENT

THIS DECLARATION OF ABANDONMENT OF EASEMENT is made and entered into this 6 day of MAY, 2022 by and between Daniel Sooy and Be Still at North Topsail Beach, LLC, a North Carolina Limited Liability Company.

WITNESSETH:

WHEREAS, Daniel Sooy is the owner of the Real Property located at 1090 New River Inlet Road, North Topsail Beach, North Carolina, 28460, which is more particularly described in that Commissioner’s Deed recorded in Book 5466, Page 31, Onslow County Registry (hereinafter referred to as the “Sooy Lot”); and

WHEREAS, Be Still at North Topsail Beach, LLC is the owner of the real property located at 1074 New River Inlet Road, North Topsail Beach, North Carolina 28460, which is more particularly described in that General Warranty Deed recorded in Book 4097, Page 706, Onslow County Registry (hereinafter referred to as the “Be Still Lot”); and

WHEREAS, the Sooy Lot is burdened by an easement 40 feet in width and shown on that Plat Map recorded in Book 28, Page 85, Onslow County Registry as “40’ Access Easement” (hereinafter referred to as the “Easement”) and the Be Still Lot is benefited by the Easement; and

WHEREAS, Daniel Sooy has requested and Be Still at North Topsail Beach, LLC has agreed to abandon the Easement and relinquish all its rights therein with regard to its effect on the Sooy Lot;

NOW THEREFORE, the Parties hereto, for valuable consideration the sufficiency and receipt of which is hereby acknowledged, agree that any rights in the Easement, including but not limited to rights of access, are hereby abandoned, relinquished, and terminated, that the Easement shall be of no further force or effect, and that to the extent the undersigned may have

submitted electronically by "Mewborn & DeSelms, Attorneys at Law"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Onslow County Register of Deeds.



any rights in the Easement, the same are hereby conveyed, assigned, and quitclaimed to Daniel Sooy. This abandonment is only meant to relinquish and abandon rights in the Easement upon the Sooy Lot, and the Parties does not in any way relinquish or abandon rights in the Easement as it may affect any other property.

IN WITNESS WHEREOF, the parties have caused the foregoing instrument to be executed on the date and year first indicated above.

Michael Fleming (SEAL)  
Michael Francis Fleming,  
General Manager for Be Still at North Topsail Beach, LLC

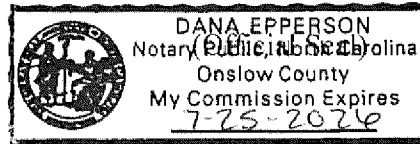
Dan Sooy (SEAL)  
Daniel Sooy

State of NC  
County of Onslow

I, Dana Epperson, a Notary Public of the State and County aforesaid, do hereby certify that Michael Francis Fleming personally came before me this day and acknowledged the execution of the foregoing instrument in the capacity stated therein.

Witness my hand and official seal this 04th day of May, 2021. <sup>2022</sup>

Dana Epperson,  
Notary Public



My Commission Expires: 7-25-2024

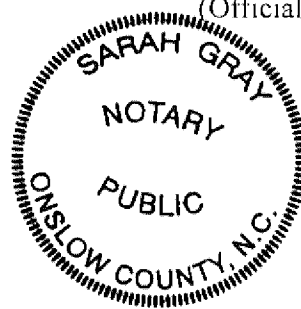
State of NC  
County of Onslow

I, Sarah Gray, a Notary Public of the State and County aforesaid, do hereby certify that Daniel Sooy personally came before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal this 15 day of November, 2021. <sup>2022</sup> *fg*

Sarah Gray,  
Notary Public

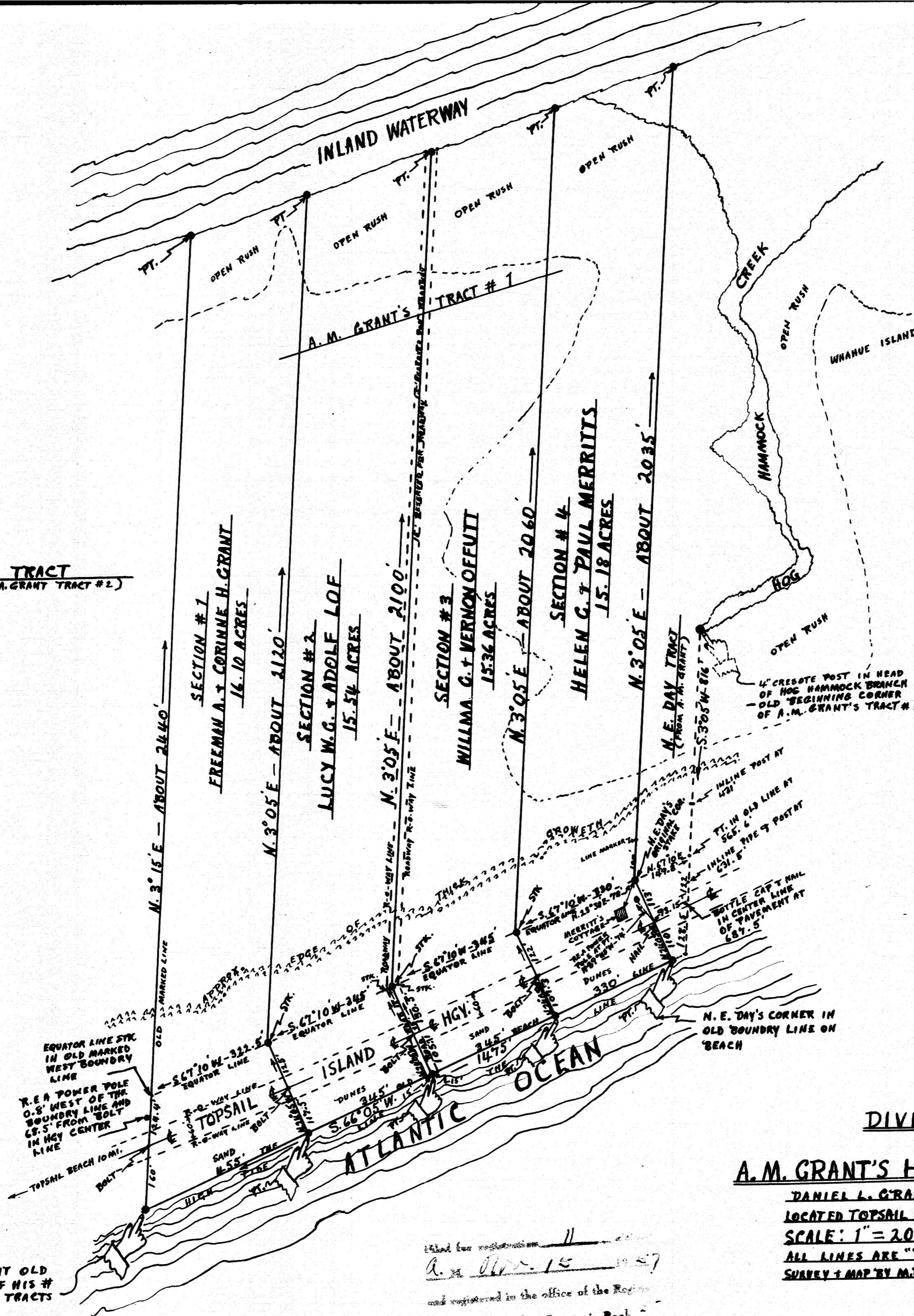
(Official Seal)



My Commission Expires: 11/03/2024

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

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



STATE OF NORTH CAROLINA  
Pender County

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

*M.R. Walton*  
Registered Surveyor

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

*C.D. Murphy*  
Clerk Superior Court

NORTH CAROLINA, ONSLOW COUNTY.

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

Witness my hand and seal this 15 day of Nov, 1957

*W. Justice*  
Clerk Superior Court

**DIVISION MAP**

OR

**A.M. GRANT'S HOBBS ISLAND TRACT**

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

*M.R. Walton*

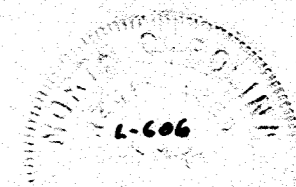
Filed for registration  
A.M. Nov. 15 1957

and registered in the office of the Register

of Deeds for Onslow County, in Book

Page 48 Nov 15 1957

*Richard A. ...*  
Register of Deeds



4  
Returned



Doc ID: 016784490004 Type: CRP  
Recorded: 07/20/2023 at 11:45:12 AM  
Fee Amt: \$26.00 Page 1 of 4  
Onslow County, NC  
Omega K. Jarman Reg. of Deeds

BK **6002** PG **430-433**

**Prepared by and After Recording Return to:**

Poyner Spruill LLP (Essick)  
Post Office Box 1801  
Raleigh, North Carolina 27602-1801

**STATE OF NORTH CAROLINA**

**WITHDRAWAL AND REVOCATION  
OF ROADWAY DEDICATION**

**ONslow COUNTY**

**THIS WITHDRAWAL AND REVOCATION OF ROADWAY DEDICATION** is made this 19 day of July, 2023 by **DANIEL SOOY AND REBEKAH SOOY**, property owners of that 0.611 acres of land shown as Lot 1 on that certain "Survey Map – Property of Charles Padgett" dated June 6, 1991 and recorded in Map Book 28, Page 85, Slide F-193, Onslow County Registry and more commonly known as 1090 New River Inlet Road, North Topsail Beach, North Carolina 28460 (the "**Property**");

**WHEREAS**, on November 15, 1957, a subdivision plat entitled "Division Map of A.M. Grant's Hobbs Island Tract" dated July 2 and 3, 1957 was recorded in Map Book 5, Page 48, Onslow County Registry (the "**Dedication Map**"). The Dedication Map delineates certain lots and streets from the Inland Waterway to the Atlantic Ocean along Topsail Island Highway and offers a dedication of a 30-foot roadway right of way between Section 2, owned by Lucy W.C. & Adolf Lof, and Section 3, owned by Willma G. & Vernon Offutt.

**WHEREAS**, on February 20, 1992, a plat entitled "Survey Map – Property of Charles Padgett" dated June 6, 1991 was recorded in Map Book 28, Page 85, Onslow County Registry (the "**Survey Map**"). The Survey Map delineates certain lots and streets along the same portion of Topsail Island Highway as the Dedication Map as well as the previously dedicated 30-foot roadway right of way, a portion of which traverses the Property.

**WHEREAS**, N.C.G.S. § 136-96 provides that "[e]very strip, piece, or parcel of land that has been at any time dedicated to public use as a road, highway, street, avenue, or for any other purpose whatsoever, by a deed, grant, map, plat, or other means, and that has not been actually

opened and used by the public within 15 years after its dedication is conclusively presumed abandoned by the public for the purpose for which it was dedicated; and no person shall have any right or cause of action thereafter to enforce any public or private easement in the land” once the dedicator or persons claiming under the dedicator record in the register’s office a “declaration withdrawing the strip, piece, or parcel of land from the public or private use to which it was dedicated.”

**WHEREAS**, the current owners of the Property, **DANIEL SOOY AND REBEKAH SOOY**, are successors -in-interest to the prior dedicator of the abandoned 30-foot roadway right of way and desire to withdraw their portion of the roadway right of way from the public use to which it was dedicated, in particular, the 15-foot portion that traverses the portion of the Property as shown on the Survey Map.

**WHEREAS**, the portion of the 30 foot roadway right of way shown on the Dedication Map and the 15 foot portion shown on the Survey Map traversing the Property has never been opened and used by the public as a road or street and is not necessary for ingress or egress to any parcel of land.

**WHEREAS**, the 30 foot roadway right of way has never been accepted by any governmental entity for the construction or maintenance of any roadway, the prior dedication is not part of any future street shown on any street plan adopted pursuant to N.C.G.S § 136-66.2 and more than 15 years has elapsed since the original dedication was made in 1957.

**NOW, THEREFORE**, to the extent that an offer to dedicate the 30-foot roadway right of way shown on the Dedication Map and the Survey Map was ever made, it is hereby revoked as to the 15 foot portion the traverses the Property and shall hereby become null and void and shall be of no further effect pursuant to N.C.G.S. § 136-96.

(Signatures Contained on Next Page)

IN WITNESS THEREOF, DANIEL SOOY AND REBEKAH SOOY have executed this instrument as of the day and year first above written.



Daniel Sooy



Rebekah Sooy

STATE OF NORTH CAROLINA

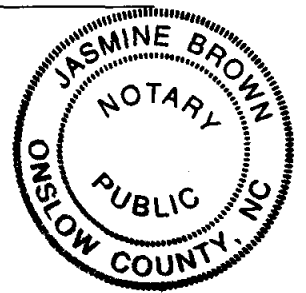
COUNTY OF Onslow

I, a Notary Public for the County and State aforesaid, do hereby certify that **DANIEL SOOY** personally came before me this day and acknowledged that he is a property owner of the address more commonly known as 1090 New River Inlet Road, North Topsail Beach, North Carolina 28460, and that he, being authorized to do so, executed the foregoing. Witness my hand and official seal, this the 19 day of July, 2023.

My Commission Expires: March 27, 2027

Jasmine Brown

  
Notary Public



STATE OF NORTH CAROLINA

COUNTY OF Onslow

I, a Notary Public for the County and State aforesaid, do hereby certify that **REBEKAH SOOY** personally came before me this day and acknowledged that he is a property owner of the address more commonly known as 1090 New River Inlet Road, North Topsail Beach, North Carolina 28460, and that he, being authorized to do so, executed the foregoing. Witness my hand and official seal, this the 19 day of July, 2023.

My Commission Expires: March 27, 2027

Jasmine Brown

  
Notary Public

