



*Town of North Topsail Beach*  
Board of Aldermen

Agenda

Item: **PUBLIC HEARING**

Date: **12 07 2022**

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**Issue:** Case #SUP-22-02

**Department:** Planning

**Prepared by:** Deborah J. Hill MPA AICP CFM CZO

**Presentation:** Yes

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Continued from the previous meeting, on Thursday, October 13, 2022, the Planning Board reviewed the Special Use Permit application (**EXHIBIT 6**) submitted by Laura Murphy to renovate 4 Bermuda Landing. Plans include removing the existing rear 16'x7.6' deck; construct a 16'x7.6' den addition on 1st habitable level; adding a new deck on the 2<sup>nd</sup> habitable level; and adding a ground floor enclosure (**EXHIBIT 7**). Ms. Murphy agreed to resubmit her application with the following corrections:

- CAMA email/letter acceptance of proposed development.
- Documentation from HOA acceptance of proposed development.
- Plat corrections:
  - o Indicate existing and proposed percentage impervious surface on site plan. -DH 08/25/2022
  - o Indicate stairs
  - o Indicate entire lot is within the SPECIAL FLOOD HAZARD AREA DH 08/25/2022
  - o Plat note 1 is incorrect. No structure fill is authorized period; remove note 1.
  - o Plat note 2 is incorrect; lot is not within Ocean Hazard AEC; lot is within Outstanding Resource Waters AEC remove note 2.
  - o Plat note 4 and 5 are the same; remove redundancy.

Amendments to the application were received on November 7, 2022 and are included as:

- Preliminary Plot Plan by John L. Pierce & Associates dated Nov. 2, 2022 (**EXHIBIT 11**)
- Bermuda Landing Homeowners Association Letter of Acceptance dated Oct. 25, 2022 (**EXHIBIT 12**)

Planning Director Hill provides email response dated November 10, 2022 4:09:37 PM from North Carolina Department of Environmental Quality Division of Coastal Management LPO Minor Permits Coordinator Robb Mairs (**EXHIBIT 13**)

**STAFF REPORT** CONTACT INFORMATION  
**Deborah J. Hill MPA AICP CFM CZO**

DOCKET/CASE/APPLICATION NUMBER  
 Case #SUP-22-02

APPLICANT/PROPERTY OWNER  
**MIGNONE LAURA**

PUBLIC HEARING DATE  
 11/03/2022 11:00 AM

PROPERTY ADDRESS/LOCATION  
**4 BERMUDA LANDING PL**

**BRIEF SUMMARY OF REQUEST**

Per engineered plans "Murphy Renovation #4 Bermuda Landing North Topsail, North Carolina" by Chris Holmes, P.E. #16336 dated 04.14.22.

- Remove existing rear 16'x7.6' deck
- construct a 16'x7.6' den addition on 1st habitable level
- new deck on 2nd habitable level
- new ground-floor enclosure



FIGURE 1 MAP SOURCE ONSLOW COUNTY GIS 2022 Aerial WITH ZONING LAYER

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	ONSLow COUNTY TAX RECORDS 2022 SITE IMPROVEMENTS	SIZE OF PROPERTY
R-5	postFIRM 1989 3BR/2BA Townhouse 1,056 heated ft <sup>2</sup>	Townhouse SWMH SFH	<p>16 A3 (128) 8              8              16              28              Main Building (448)              28              16              10 A1 (160) 10              16              8 WOOD DECK (128) 8              16</p>	1,612 ft <sup>2</sup>

FIGURE 2

PLANNING BOARD RECOMMENDATION

**APPROVE WITH CONDITIONS**

APPROVE

- 1) Not to exceed existing impervious %; 2) not to encroach into 10-foot easement;

DENY

**COMPATIBILITY** with the COMPREHENSIVE PLAN  
 Considered legal, non-conforming and redevelopment consistent with 15A NCAC 07H .0209 COASTAL SHORELINES (d)(2) per DCM (EXHIBIT 13)

**PROPERTY HISTORY**

Onslow County Planning Board approved final plat 3/17/88.

**COMPATIBILITY** with the Unified Development Ordinance

Although similar permits have previously received administrative approval prior to July 1, 2021, North Carolina General Statutes § 160D-403d Administrative Development Approvals and Determinations (see also UDO §2.15 (D)) now require the same development review and approval process as the original development for approval of modifications or minor development or the Town may define minor modifications or development and authorize staff to review and permit.

(d) **Changes.** – After a development approval has been issued, no deviations from the terms of the application or the development approval shall be made until written approval of proposed changes or deviations has been obtained. A local government may define by ordinance minor modifications to development approvals that can be exempted or administratively approved. The local government shall follow the same development review and approval process required for issuance of the development approval in the review and approval of any major modification of that approval.

As Onslow County Planning Board approved Bermuda Landing final plat on 3/17/88 (**EXHIBIT 9**), effective July 1, 2021, any changes to Bermuda Landing – unless defined as minor and otherwise authorized by the ordinance - must be reviewed and approved by the Board of Aldermen using the procedures outlined in §4.03.03 TOWNHOUSE DEVELOPMENT. Submission requirements to obtain a special use permit for a townhouse development are the same as for condominium developments although the form of ownership and structural requirements are different.

- New stair landing indicated on revised site plan encroaches into 10-foot easement **EXHIBIT 11**
- Public works/utilities (PLURIS Permit #6196 5/18/2022) **EXHIBIT 2**

The 1,612-square feet lot with 77.8% impervious surface is considered *legal, non-conforming*, as Bermuda Landing was approved by Onslow County Planning Board approved final plat 3/17/88 (**EXHIBIT 9**).

<i>Table 5-1 Dimensional Requirements</i>								
<i>Zoning District</i>	<i>Minimum Lot Size</i>	<i>Front Yard Setback</i>	<i>Lot Width</i>	<i>Side Yard Setback</i>	<i>Side Yard on Corner</i>	<i>Rear Yard Setback</i>	<i>Building Height</i>	<i>Maximum Lot Coverage</i>
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%

Figure 3 Excerpt Unified Development Ordinance Table 5-1 R-5 Multi-Family

**§ 5.01 OUTSTANDING RESOURCE WATERS (ORW).**

Lots adjacent to outstanding resource waters (ORW), as defined by the State Division of Environmental Management, shall not exceed 25% lot coverage as per state requirements. (Ord. passed 11-2-2011)

- Pursuant to §4.03.01 (E) Articles of incorporation of homeowners association and Declaration of Covenants, Conditions, and Restrictions of Bermuda Landing, does owner have authority to expand unit? **EXHIBIT 12.**

Engineering/flood plain (NOTE: 7.05(B)(5)(c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure -DH 08/25/2022;

- Install 5kW/1 ton/12000 btu ductless system in 16'x7.6' den addition **MUST BE BFE+2)**

## RESPONSE TO STANDARDS

### §2.20 SPECIAL USE PERMITS

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

#### **1. The use or development is located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare;**

7.05(B)(5)(c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure -DH 08/25/2022

Install 5kW/1 ton/12000 btu ductless system in 16'x7.6' den addition MUST BE BFE+2)

*(if SUP approved, application will require Elevation Certificate based on Construction Drawings for Addition)*

Legal, non-conforming: Property zoned R-5, lot does not meet minimum dimensional requirements for zoning district; Exceeds impervious surface limit. **EXHIBIT 9**

Pursuant to §4.03.01 (E) Articles of incorporation of homeowners association and Declaration of Covenants, Conditions, and Restrictions of Bermuda Landing. HOA authorizes owner to expand unit **EXHIBIT 12**

#### **2. The use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations; and**

- Traffic/parking not indicated requires 3 parking spaces, (possibly 2 in driveway and 1 in garage).
- New stair landing indicated on revised site plan encroaches into 10-foot easement
- Indicate entire lot is within the SPECIAL FLOOD HAZARD AREA on site plan, not indicated  
*(if SUP approved, application will require revised plat to indicate SFHA)*

#### **3. The use or development conforms to the plans for the land use and development of town as embodied in this zoning ordinance and in the town CAMA land use plan.**

Considered legal, non-conforming and redevelopment consistent with 15A NCAC 07H .0209 COASTAL SHORELINES (d)(2). **EXHIBIT 13**

## List of Exhibits

	Page
EXHIBIT (1) Staff Report	1-5
EXHIBIT (2) Pluris Permit #6196	6-7
EXHIBIT (3) CAMA EX 29-22 with plat submitted	8-10
EXHIBIT (4) Revised Site Plan 2022 0806	11
EXHIBIT (5) Latest Development Review Comments (K Winzler email 2022 09 01 0951)	12
EXHIBIT (6) Application	13-14
EXHIBIT (7) Engineered Plans	15-18
EXHIBIT (8) Deed (Legal Description) DB 4991 P 621	19-22
EXHIBIT (9) Bermuda Landing Final Plat MB 25 P 97	23
EXHIBIT (10) Survey of Bermuda Landing Revision of Lot 12 MB 26 P 222	24
EXHIBIT (11) Preliminary Plot Plan by John L. Pierce & Associates dated Nov. 2, 2022	25
EXHIBIT (12) Bermuda Landing Homeowners Association Letter dated Oct. 25, 2022	26
EXHIBIT (13) Robb Mairs/NC DCM email dated 11/10/2022 4:09 PM	27 -28
EXHIBIT (14) Certification of Public Notice	29
EXHIBIT (15) Public Notice	30



1095 Hwy 210  
P.O. Box 856  
Sneads Ferry, NC 28460  
Phone: 910-327-0349  
Fax: 910-327-0374

**Certification of Completion**

**Owner:** Devco Build & Design

**Billing Address:** 1213 Culbreth Way, Ste 434, Wilmington, NC 28405

**Phone:** 910.515.0737

**Service Address:** 4 Bermuda Landing Pl, N Topsail Beach, NC 28460

**Lot Number:** 12

**Subdivision:** Bermuda Landing

**Residential/Commercial Type:** Residential Townhome

**Number of Bedrooms:** 3

**Number of Habitable Rooms:** 5

**Tap Fee Amount Paid:** \$1,200.00 (CK#0140)

**Comments:** Gravity. CK#0140 pays capacity fees for 1 habitable room upgrade. Existing deck is being converted into an enclosed living space/den.

**This certifies that a representative has inspected the sewer connection to Pluris, LLC. And the applicant has satisfied the requirements for sewer service. Pluris, LLC must be notified prior to any change in bedroom count, habitable room count or commercial business type for recalculation and/or availability of usage to be determined by Pluris, LLC.**

Permit # 6196

Issued by: Kaarin M Williams

A blue ink signature of Kaarin M Williams, consisting of a stylized 'K' followed by a horizontal line.

Date: 5/18/2022



### Intention to Provide Utility Service(s)

To Town of North Topsail Permitting Division:

Please be advised that we have been granted a Certificate of Public Convenience and Necessity by the North Carolina Utilities Commission to provide water and/or sewer utility service to the property described below. It is our intention to provide the following utility service(s) pursuant to GS 130A-337:

Water Service

Sewer Service

Property owner: Devco Build & Design

Property address: 4 Bermuda Landing Pl, N Topsail Beach, NC 28460

Subdivision: Bermuda Landing Lot #: 12

Number of habitable rooms: 4

Any applicable service limitations: Gravity.

 5/18/2022  
Authorized signature Date


Pluris LLC 1095 Hwy 210 Sneads Ferry, NC 28460  
Company name and contact information  
PLEASE REMIT A COPY OF BUILDING PERMIT TO PLURIS UPON ISSUANCE

### Authorization to Connect to Utility Service(s)

Please be advised that the above-described property is authorized to connect to the following utility service(s) pursuant to GS 130A-339:

Water Service

Sewer Service

 5/18/2022  
Authorized signature Date

Pluris LLC 1095 Hwy 210 Sneads Ferry, NC 28460  
Company name and contact information

**Town of North Topsail Beach**  
2008 Loggerhead Ct. North Topsail Beach, NC 28460  
910.328-1349 (office) 910.328-0299(fax)

ROY COOPER  
Governor  
DIONNE DELLI-GATTI  
Secretary  
BRAXTON DAVIS  
Director



EXHIBIT (3)

EX 29-22

July 13, 2022

Laura Murphy  
4 Bermuda Landing Way  
North Topsail Beach, NC 28460

**RE: EXEMPTED PROJECT SINGLE FAMILY RESIDENCES WITHIN THE ESTUARINE SHORELINE (ORW) AREA OF ENVIRONMENTAL CONCERN (15A NCAC 07K .0208). PROJECT LOCATION/ADDRESS – 4 Bermuda Landing Way, North Topsail Beach**

Dear Ms. Murphy,

I have reviewed the information you submitted to our office concerning the necessary filing of an application for a CAMA Minor Development Permit under the Coastal Area Management Act and have determined that the activity you propose of a single family residence is exempt from needing a CAMA Minor Development Permit as long as it remains consistent with your project drawing, dated June 10, 2022, and it also meets the conditions specified below. If your plans should change and your project will no longer meet these conditions, please contact me before proceeding.

**SINGLE FAMILY RESIDENCES WITHIN THE ESTUARINE SHORELINE AREA OF ENVIRONMENTAL CONCERN EXEMPTED**

1. All development shall be located at least 40 feet landward of the normal high water level from waters classified as Outstanding Resource Waters (ORW).
2. No ground disturbance or land disturbing activity shall occur within 40 feet of the normal high water level of waters classified as ORW.
3. The development may not exceed a 25% built upon area within 575 feet of the normal high water level of waters classified as ORW.
4. The development shall be consistent with all other applicable CAMA permit standards, North Carolina Building Code standards, local ordinances and local land use plans in effect at the time the exemption is granted.
5. This exemption does not allow for any development within any wetlands or open water areas. Any proposal to modify or alter the development plan as proposed will require additional authorization from the Division of Coastal Management.

Page 8 of 30



North Carolina Department of Environmental Quality | Division of Coastal Management  
Washington Office | 943 Washington Square Mall | Washington, North Carolina 27889 | 252.946.6481  
Wilmington Office | 127 Cardinal Drive Extension | Wilmington, North Carolina 28405 | 910.796.7215  
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557 | 252.808.2808  
Elizabeth City Office | 401 South Griffin Street, Suite 300 | Elizabeth City, North Carolina 27909 | 252.264.3901



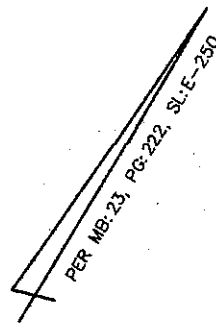
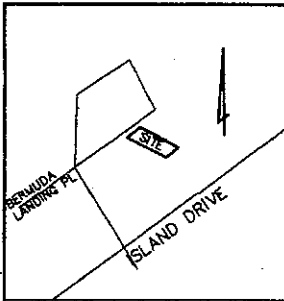
This exemption does not eliminate your requirements to obtain any other State, Federal or Local authorization. Construction of the structure authorized by this exemption shall be completed by December 31 of the third year of the issuance date of this exemption.

Sincerely,



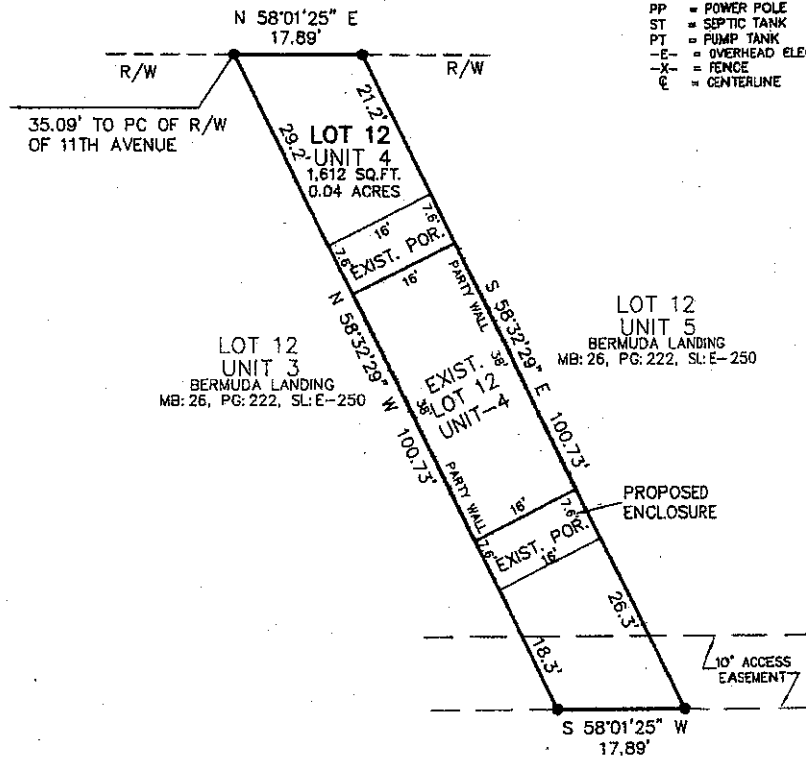
Tina Martin  
Environmental Specialist II, DCM

cc: Kate Winzler, NTB Permitting Specialist  
DEVCO Build & Design



- LEGEND**
- ⊕ = EXISTING IRON PIPE
  - ⊙ = EXISTING IRON STAKE
  - ⊙ = SET IRON STAKE
  - ⊕ = EXISTING CONCRETE MONUMENT
  - ⊕ = EXISTING PK NAIL
  - = MINIMUM BUILDING LINE
  - R/W = RIGHT OF WAY
  - ⊕ = EDGE OF PAVEMENT
  - CONC. = CONCRETE
  - WM = WATER METER
  - PP = POWER POLE
  - ST = SEPTIC TANK
  - PT = PUMP TANK
  - E- = OVERHEAD ELECTRICAL LINES
  - X- = FENCE
  - ⊕ = CENTERLINE

**- BERMUDA LANDING PLACE -**



THIS TRACT IS LOCATED IN FLOOD ZONE AE WITH AN ELEVATION OF 12' PER FEMA MAP 3720426600K WITH AN EFFECTIVE DATE OF 6/19/20.

THE PURPOSE OF THIS PRELIMINARY PLOT PLAN IS TO ENCLOSE THE EXISTING DECK

**REFERENCES:**  
MB: 26, PG: 222, SL: E-250  
DB: 4991, PG: 621

**PRELIMINARY PLOT PLAN**

**ADDRESS:**  
4 BERMUDA LANDING PLACE

THIS IS TO CERTIFY THAT THIS MAP IS A TRUE REPRESENTATION OF THE PROPERTY HEREON AS COMPILED FROM A SURVEY OF THE PREMISES AND THAT THERE ARE NO ENCROACHMENTS ACCORDING TO THE BEST OF MY KNOWLEDGE, EXCEPT AS SHOWN. THE RATIO OF PRECISION IS 1:10,000+.



JOHN L. PIERCE, L-2596

7/18/2022

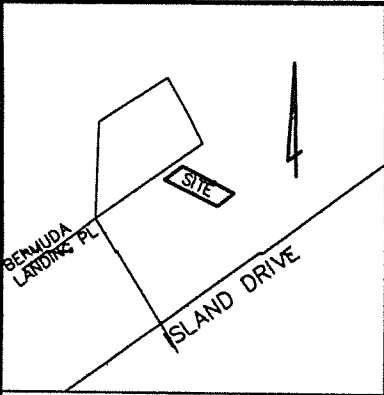
LOT NO. LOT 12 UNIT 4 BLOCK \_\_\_\_\_  
SUBDIVISION BERMUDA LANDING REVISION OF LOT 12  
STUMP SOUND TOWNSHIP ONSLow COUNTY, N.C.  
PREPARED FOR: LAURA MURPHY (FORMERLY)  
LAURA MIGNONE

**JOHN L. PIERCE & ASSOCIATES, P.A. (C-1888)**  
405 JOHNSON BLVD., JACKSONVILLE, NC 28540  
PHONE: (910)346-9800 FAX: (910)346-1210  
DATE: FEB. 17, 2022 SCALE: 1"= 20'  
F.B. N/A P. N/A JOB # 2022-100

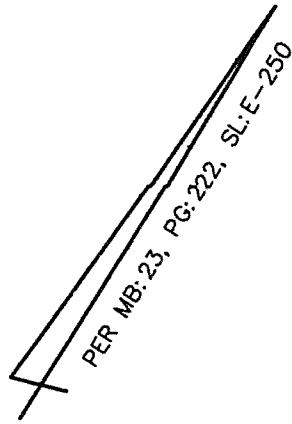
DCM-MHD-CITY

JUN 10 2022

RECEIVED



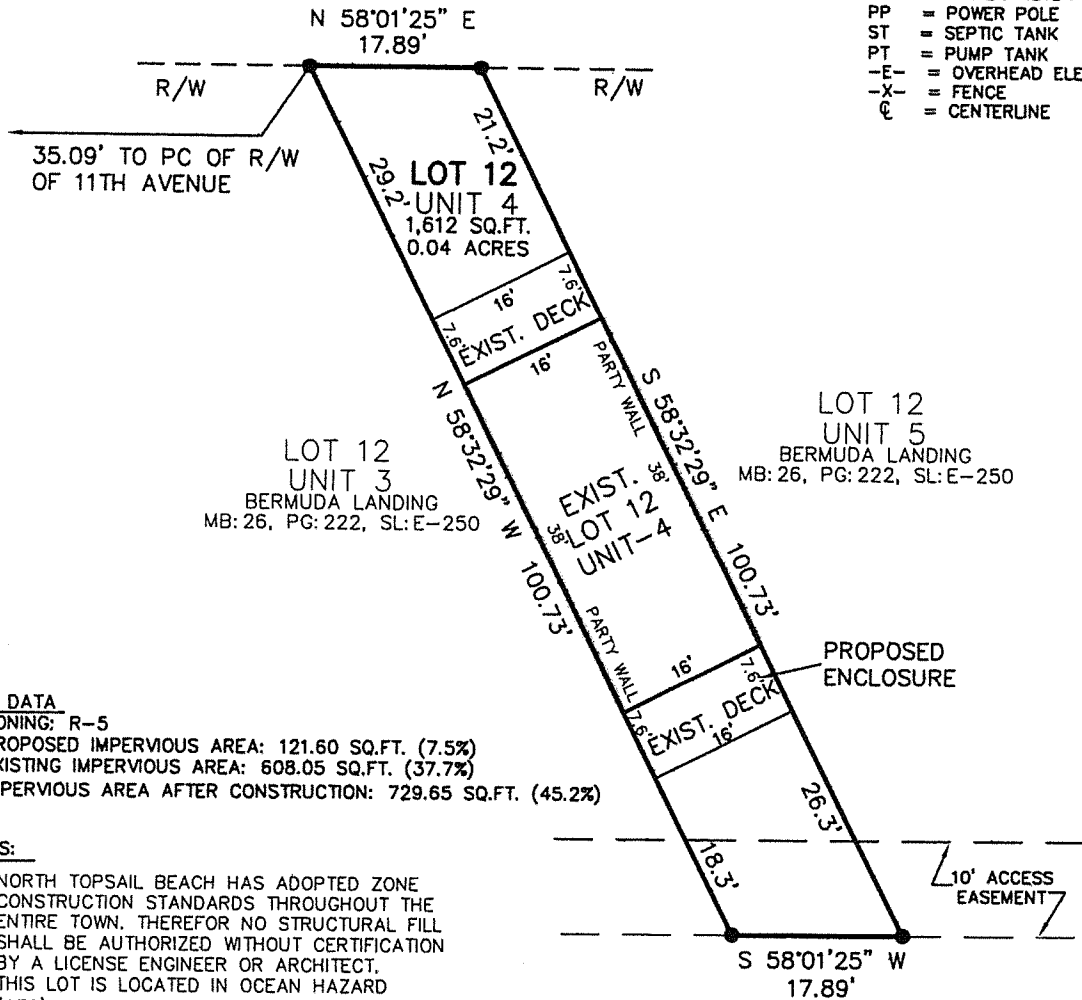
VICINITY MAP - NOT TO SCALE



- BERMUDA LANDING PLACE -

LEGEND

- EIP = EXISTING IRON PIPE
- EIS = EXISTING IRON STAKE
- SIS = SET IRON STAKE
- ECM = EXISTING CONCRETE MONUMENT
- EPK = EXISTING PK NAIL
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TRACT DATA

ZONING: R-5  
 PROPOSED IMPERVIOUS AREA: 121.60 SQ.FT. (7.5%)  
 EXISTING IMPERVIOUS AREA: 608.05 SQ.FT. (37.7%)  
 IMPERVIOUS AREA AFTER CONSTRUCTION: 729.65 SQ.FT. (45.2%)

NOTES:

1. NORTH TOPSAIL BEACH HAS ADOPTED ZONE CONSTRUCTION STANDARDS THROUGHOUT THE ENTIRE TOWN. THEREFOR NO STRUCTURAL FILL SHALL BE AUTHORIZED WITHOUT CERTIFICATION BY A LICENSE ENGINEER OR ARCHITECT.
2. THIS LOT IS LOCATED IN OCEAN HAZARD (AEC)
3. THIS TRACT IS LOCATED IN FLOOD ZONE AE WITH AN ELEVATION OF 12' PER FEMA MAP 3720426600K WITH AN EFFECTIVE DATE OF 6/19/20.
4. THIS PROJECT IS LOCATED WITHIN THE ORW.
5. THIS PROJECT IS LOCATED WITHIN OUTSTANDING RESOURCE WATERS AREA OF ENVIRONMENTAL CONCERN (AEC)

REFERENCES:

MB: 26, PG: 222, SL: E-250  
 DB: 4991, PG: 621

THE PURPOSE OF THIS PRELIMINARY PLOT PLAN IS TO ENCLOSE THE EXISTING DECK

ADDRESS:

4 BERMUDA LANDING PLACE

PRELIMINARY PLOT PLAN

THIS IS TO CERTIFY THAT THIS MAP IS A TRUE REPRESENTATION OF THE PROPERTY HEREON AS COMPILED BY ACTUAL SURVEY OF THE PREMISES AND THAT THERE ARE NO ENCROACHMENTS ACCORD-  
 TO THE BEST OF MY KNOWLEDGE, EXCEPT AS SHOWN. THE RATIO OF PRECISION IS 1:10,000+.



*[Signature]* 8/26/2022  
 JOHN L. PIERCE & ASSOCIATES, P.L.S., L-2596

LOT NO. LOT 12 UNIT 4 BLOCK \_\_\_\_\_  
 SUBDIVISION BERMUDA LANDING REVISION OF LOT 12  
STUMP SOUND TOWNSHIP ONSLow COUNTY, N.C.  
 PREPARED FOR: LAURA MURPHY (FORMERLY)  
LAURA MIGNONE

**JOHN L. PIERCE & ASSOCIATES, P.A. (C-1888)**  
 405 JOHNSON BLVD., JACKSONVILLE, NC 28540  
 PHONE: (910)346-9800 FAX: (910)346-1210  
 DATE: AUG. 26, 2022 SCALE: 1"= 20'  
 F.B. N/A P. N/A JOB # 2022-100

**From:** kwinzler@northtopsailbeachnc.gov  
**Sent:** 09/01/2022 - 09:51 AM  
**To:** Lemignone@gmail.com,dayrenovationsnc@gmail.com,Contractor@devcobuilddesign.com  
**CC:** dhill@northtopsailbeachnc.gov,kwinzler@northtopsailbeachnc.gov  
**Subject:** 4 Bermuda Landing PI 22-000799 Application Reviews Completed

EXHIBIT (5)

Greetings,

The department reviews of this application are complete. Please address the following at your convenience, as requested from these reviews:

1. ZFP22-000133 - 7/28/22 On application under DEVELOPMENT STANDARDS DATA - Total area of openings required: \_\_\_ (1 Sq. inch per sq. ft of enclosed footprint area below BFE): "525" does not match the data for Total net area of flood openings in A8.b. Please revise.
2. ZFP22-000133 - Indicate R-5 zoning district on site plan. -DH 08/25/2022
3. ZFP22-000133 - Indicate proposed percentage impervious surface on site plan. -DH 08/25/2022
4. ZFP22-000133 - Indicate OUTSTANDING RESOURCE WATERS Area of Environmental Concern (AEC) on site plan. -DH 08/25/2022
5. ZFP22-000133 - Indicate entire lot is within the SPECIAL FLOOD HAZARD AREA on site plan. -DH 08/25/2022
6. ZFP22-000133 - Proposal does not appear consistent with CAMA EX 29-22 Condition #3. Property is within ORW, Surveyor does not indicate impervious surface; however estimated at 52.6%. -DH 08/25/2022
7. ZFP22-000133 - NOTE: 7.05(B)(5)(c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure -DH 08/25/2022
8. ZFP22-000133 - 4.03.03 TOWNHOUSE DEVELOPMENT(B) Density. See Table 5-1, Dimensional Requirements for square footage requirements applicable to each zoning district where condominium developments are permitted. Note: Property is zoned R-5, minimum lot size 5,000 square feet, actual lot size is 1,612 square feet. Legal, non-conforming. Pursuant to 9.02 (B) REQUIRES VARIANCE FROM BOARD OF ADJUSTMENT. -DH 08/25/2022
9. ZFP22-000133 - Application to enclose deck at 4 Bermuda Landing Place REQUIRES A SPECIAL USE PERMIT application approved by the Board of Aldermen pursuant to UDO Â§2.15 (D) and North Carolina General Statutes Â§ 160D-403, Administrative Development Approvals and Determinations, after a development approval has been issued (Onslow County Planning Board approved final plat 3/17/88), no deviations from the terms of the application or the development approval shall be made until written approval of proposed changes or deviations has been obtained. -DH 08/25/2022 The Town of North Topsail Beach may define by ordinance minor modifications to development approvals that can be exempted or administratively approved. The Town of North Topsail Beach shall follow the same development review and approval process required for issuance of the development approval in the review and approval of any major modification of that approval. Â§4.03.03 TOWNHOUSE DEVELOPMENT. (C) Submission requirements. See Â§ 4.03.01, Condominium Development (above). Submission requirements to obtain a special use permit for a townhouse development are the same as for condominium developments although the form of ownership and structural requirements are different.

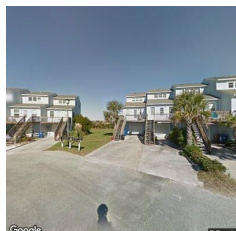
Once the requested information is submitted and complete, it will be processed and sent to the Planning Department and Building Inspections Departments for review. This application is on hold until complete.

Thank you kindly,

**Kate Winzler, CMC, NCCMC**  
Permit Specialist & Deputy Town Clerk  
**Town of North Topsail Beach**  
2008 Loggerhead Ct  
North Topsail Beach, NC 28460  
910-328-1349



## Permit Project



File #: 22-000799 ...  
 4 BERMUDA LANDING PL NORTH TOPSAIL BEACH NC 28460  
 Remove existing deck and construct addition of a den.

Permits Reviews Inspections Violations Activities Documents Contacts Fees History

EDIT:  
File

Edit Permit: SUP22-000002



- ADD:
  - Activity
  - Address
  - Alert
  - Contact
  - Document
  - Email
  - Fee
  - Inspection
  - Letter
  - Note
  - Payment
  - Permit
  - Route
  - Violation

**Permit #:** SUP22-000002  
**Permit Type:** Special Use Permit  
**Sub Type:** Special Use Permit  
**Work Description:** 4 Bermuda landing  
**Applicant:** DeVco Build & Design LLC - An ...  
**Status:** Ready for Payment  
**Total Amount:** \$ 350.00  
**Amount Paid:** \$ 350.00  
**Balance Due:** \$ 0.00  
**Valuation:** 0.00  
**Non-Billable:**

**Application Date:** 09/25/2022  
**Approval Date:** 09/27/2022  
**Issue Date:**   
**Expiration Date:**   
**Close Date:**   
**Last Inspection:**

- REPORTS:
  - Custom
  - Detail
  - Summary

For Office Use Only  
**Apply Storm Damage Credit:**   
**Zoning District:** R-5  
**CAMA Approval:** Issued  
**CAMA Approval #:** Ex-2922

### PROJECT INFORMATION

**Property Owner:** MIGNONE LAURA ...  
**Property Owner Phone#:** 910-554-4657  
**Property Owner Email Address:** Lemingone@aol.com  
**Are you the property owner?:** No

Signed statement provided by property owner giving Owners affidavit .pdf

I hereby petition the Town of North Topsail Beach for a SPECIAL USE permit to allow the following:

Removal of existing deck and putting living space in its place. This is in line with a few other properties in this development that have this done

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

EXHIBIT (6)

The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;

**Statement by Applicant:**

The use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations;

**Applicant:**

The use or development conforms to the plans for the land use and development of Town of North Topsail Beach as embodied in this Zoning Ordinance and in the Town of North Topsail Beach CAMA Land Use Plan;

**Statement by Applicant:**

**DOCUMENTS**

Site plan or plot plan: [doc20220830074609.pdf](#)

Other documents:

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

**A. Additional Conditions: In granting the Special Use Permit, the Board may designate additional conditions that will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, is within the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered into the minutes of the meeting, at which the Special Use Permit is granted, on the Special Use Permit itself and on the approved plans. The Special Use Permit and any other specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns.**

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](#)

**Permit Fees**

Quantity	Fee	Description	Amount	Total
	Filing Fee			350.00
		<b>Plan Check Fees:</b>	<b>0.00</b>	
		<b>Other Fees:</b>	<b>350.00</b>	
		<b>Total Fees:</b>	<b>350.00</b>	

**Payments**

Date	Type	Reference	Note	Receipt #	Received From	Amount
09/29/2022	Credit	251969127	SUP22-000002	566	DeVco Build & Design LLC -	350.00
					<b>Amount Paid:</b>	<b>350.00</b>
					<b>Balance Due:</b>	<b>0.00</b>

**GENERAL NOTES:**

- DESIGN CRITERIA:  
 ROOF LIVE LOAD = 20 PSF  
 FLOOR LIVE LOAD = 40 PSF  
 GROUND SNOW LOAD = 12 PSF  
 WIND LOAD = 145 MPH (ASCE 7-10, RISK CAT. II)  
 (WIND DESIGN BASED ON N.G.R.C., CHAPTERS 3 & 4 - EXPOSURE CATEGORY C)  
 SEISMIC FORCES TO VERIFY ALL DIMENSIONS AND DETAILS ON DRAWINGS PRIOR TO CONSTRUCTION.  
 UNLESS NOTED OTHERWISE.
- CONTRACTOR TO VERIFY ALL DIMENSIONS AND DETAILS ON DRAWINGS PRIOR TO CONSTRUCTION.
- UNLESS NOTED OTHERWISE.
- ALL WORK MUST COMPLY WITH THE LATEST EDITION OF THE NORTH CAROLINA RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS (N.G.R.C.).
- STRUCTURAL FRAME TO BE SHORED AND BRACED UNTIL CONSTRUCTION IS COMPLETED.
- LATERAL RESISTANCE IS PROVIDED BY SHEAR WALLS AND BRACES.

**PILE FOUNDATION NOTES (AE ZONE):**

- DRIVE ALL P.T. 6X6 PILES TO THE CAPACITY LISTED ON THE DRAWINGS USING AN APPROVED DROP HAMMER OR POWER HAMMER AS PER SECTION 4603.0 OF THE N.G.R.C. THE MINIMUM EMBEDMENT SHALL BE AS REQUIRED TO MEET THE MINIMUM REQUIREMENTS OF CHAPTER 46 OF THE N.G.R.C. AND TO ACHIEVE THE CAPACITY LISTED ON THE PLANS.
- ALL TIMBER PILES TO BE SOUTHERN YELLOW PINE AND PRESURE TREATED PER ANPA STANDARDS (SEE NOTE 8) PILE CUTOFFS SHALL BE TREATED IN ACCORDANCE WITH ANPA M4. (CCA PRESERVATIVE TREATMENT SHALL NOT BE USED FOR RESIDENTIAL APPLICATIONS).
- ALL TIMBER PILES MUST BE PRESURE TREATED ACCORDING TO THE ANPA USE CATEGORY SYSTEM, BASED ON THE INTENDED END-USE OF THE WOOD PRODUCT. FOR MOST PILES USED IN THE COASTAL REGION, THE USE CATEGORY DESIGNATION IS UC4G OR UC3B. CONTRACTOR TO VERIFY APPROPRIATE PRESERVATIVE TREATMENT BASED ON THESE CATEGORIES WHEN ORDERING PILES. REFER TO THE NHP INSTITUTE WEBSITE FOR ADDITIONAL INFORMATION ON ANPA TREATED WOOD USE CATEGORIES.
- IT IS RECOMMENDED THAT A SOILS TEST BE OBTAINED (NOT REQUIRED) TO DETERMINE THE LOADING AND PILE EMBEDMENT REQUIREMENTS AND THAT OVERLENGTH PILES ARE INSTALLED (REQUIRED) TO VERIFY PILE EMBEDMENT REQUIREMENTS.
- PROVIDE "SIMPSON" P5410 PLATES ON EACH SIDE OF PILE WHEN MORE THAN 50% OF PILE IS NOTICED.
- CONCRETE COLLAR AND SLAB DESIGN BASED ON ALLOWABLE SOIL PRESSURE OF 1500 PSF (FIELD VERIFY SOIL CONDITIONS PRIOR TO CONSTRUCTION).
- WHEN BOTTOM OF CONCRETE COLLAR IS AT OR BELOW WATER TABLE, PROPERLY DENATER EXCAVATION PRIOR TO POURING CONCRETE.
- THE FIRST HABITABLE FLOOR MUST BE ABOVE THE BASE FLOOD ELEVATION. WHEN HEIGHT OF GIRDER IS GREATER THAN 10'-0" ABOVE GRADE OR CONCRETE SLAB, NOTIFY ENGINEER FOR ADDITIONAL X-BRACING REQUIREMENTS. FLOOD VENTS ARE REQUIRED IN WALLS BELOW THE BASE FLOOD ELEVATION.
- WHEN APPLICABLE, REMOVE ALL TOPSOIL, ORGANICS, AND SOFT CLAY IN AREAS WHERE FLOOR SLABS AND FOOTINGS ARE TO OCCUR AND ALSO 1'-0" BEYOND EACH SIDE OF BUILDING FOOTPRINT.
- PROOF ROLL EXPOSED SUBGRADE WITH A 3 TON VIBRATORY ROLLER MAKING 3 PASSES IN EA. DIRECTION.
- BACK FILL WITH CLEAN SELECTED FILL COMPACTED IN 8" LAYERS TO 98% OF MAXIMUM DENSITY AT OPTIMAL MOISTURE CONTENT (ASTM D-494).
- WHEN THE SPECIFICATIONS OF NOTE 10 ARE NOT REQUIRED, AND THE SLAB OR FOOTING IS BEING BUILT ON EXISTING CLEAN SAND, THE EXISTING SAND SHOULD BE GRADED AS REQUIRED AND COMPACTED TO ACHIEVE 98% MAXIMUM DENSITY AT OPTIMAL MOISTURE CONTENT (ASTM D-494).
- WHEN THE CODE PERMITS, THE 6 MIL. POLY VAPOR BARRIER UNDER THE SLAB MAY BE OMITTED.
- PILE INSTALLER SHALL KEEP DETAILED LOG DATA DURING INSTALLATION OF PILES SO THAT ENGINEER CAN VERIFY THAT PROPER BEARING CAPACITIES WERE REACHED. LOG DATA SHALL INCLUDE HEIGHT OF HAMMER, HEIGHT OF FALL, APPROXIMATE DEPTH OF PILE, AND PILE MOVEMENT PER BLOW IN INCHES (AVERAGED OVER 10 BLOWS).

**STRUCTURAL TIMBER & HARDWARE NOTES:**

- LUMBER SHALL BE AS FOLLOWS: #2 KD SOUTHERN YELLOW PINE (OR BETTER) FOR PLATES, JOISTS, AND RAFTERS. STUDS MAY BE SPRUCE PINE FIR #2 KD (OR BETTER), IF OTHER SPECIES OF WOOD ARE USED, THEN HURRICANE CLIPS AND HANGERS MAY NEED TO BE INCREASED IN SIZE.
- ALL GIRDERS, BEAMS, AND HEADERS ARE TO BE #1 SOUTHERN YELLOW PINE OR BETTER.
- ALL NAIL SIZES AND NUMBERS REQUIRED MAY NOT BE SHOWN. SUFFICIENT NAILING SHALL BE REQUIRED TO DEVELOP JOINT STRENGTH.
- ALL HARDWARE SHALL BE HOT-DIPPED GALVANIZED IN ACCORDANCE WITH ASTM A153 AS APPLICABLE. (IN COASTAL REGIONS COMPLY WITH TABLE 4605.5) AND ALL JOIST HANGERS IN CONTACT WITH PRESURE TREATED WOOD SHALL BE "SIMPSON" Z-HANK GALVANIZED.
- LUMBER LESS THAN 1" ABOVE GROUND AND LUMBER EXPOSED TO WEATHER SHALL BE PRESURE TREATED WITH ACQ Q25 LB54CF NET RETENTION (LUMBER IN CONTACT WITH GRADE SHALL BE PRESURE TREATED WITH ACQ Q4 LB54CF NET RETENTION).
- LAMINATED VENEER LUMBER (LVL) SHALL BE ATIG STRUCTURAL GLUED TIMBER, ARCHITECTURAL GRADE SOUTHERN YELLOW PINE "LOUISIANA PACIFIC" GANGLAM 2500 Fb-2.0E, "BOISE CASCADE" VERSA-LAM 3000 Fb, OR EQUAL.
- USE ASTM A307 BOLTS WITH NUTS AND WASHERS FOR ALL TIMBER CONNECTIONS AND 16d COMMON NAILS FOR BEAM CONNECTIONS. IF 6d NAILS ARE USED FOR 12d OR 16d NAIL CONNECTIONS AS SPECIFIED ON PLAN, CONTRACTOR MUST PROVIDE US HOSE NAILS, OR REDUCE SPACING BY 2/3.
- NAIL ALL EXTERIOR 1/2" NOM. APA RATED STRUCTURAL WALL SHEATHING WITH 8d NAILS AT 3" O.C. ALONG SHEATHING EDGES AND 6" O.C. AT INTERMEDIATE WALL FRAMING (UNLESS NOTED OTHERWISE).
- USE (2) "SIMPSON" H25A HURRICANE CLIPS AT EACH RAFTER (TYPICAL UNJO.)
- ALL EXTERIOR WALLS SHALL BE FRAMED AS FOLLOWS (UNJO.):  
 USE 2X4S @ 16" O.C. FULL HEIGHT WHEN UNBRACED LENGTH IS LESS THAN 10'-0"  
 USE 2X6S @ 16" O.C. FULL HEIGHT WHEN UNBRACED LENGTH IS 10'-0" - 12'-0"  
 USE (2) 2X6S @ 16" O.C. FULL HEIGHT WHEN UNBRACED LENGTH IS 12'-0" - 14'-0"  
 USE 2X8S @ 16" O.C. FULL HEIGHT WHEN UNBRACED LENGTH IS 14'-0" - 16'-0"  
 CONTACT ENGINEER WHEN UNBRACED LENGTH IS GREATER THAN 16'-0"
- ALL HEADERS TO BE (2) 2X10S (UNJO.)
- PROVIDE A MINIMUM OF (2) STUDS BELOW EACH SIDE OF 12" X BEAMS AND A MINIMUM OF (3) STUDS BELOW EACH SIDE OF LVL BEAMS.

**CONCRETE NOTES:**

- CONCRETE COMPRESSIVE STRENGTH AT 28 DAYS:  
 WALLS, FOOTINGS, GRADE BEAMS, & SLABS ON GRADE = 3,000 PSI  
 BEAMS, COLUMNS, STRUCTURAL SLABS, AND GIRDERS = 4,000 PSI  
 LIGHTWEIGHT CONCRETE = 3,000 PSI
- CONCRETE REINFORCING STEEL TO BE ASTM A615, GRADE 60 AND WELDED WIRE FABRIC TO BE ASTM A185.
- MINIMUM COVER AROUND REINFORCING BARS FOR CAST-IN-PLACE CONCRETE (NON-PRESTRESSED):  
 CAST AGAINST EARTH, SUCH AS FOOTINGS = 3"  
 EXPOSED TO WEATHER & SLABS ON GRADE = 1 1/2"  
 NOT EXPOSED TO WEATHER OR IN CONTACT WITH GROUND = 3/4"  
 BEAMS, GIRDERS, COLUMNS = 1 1/2"  
 \* 1/2" OR SMALLER REINFORCING (2" COVER IS REQUIRED FOR LARGER REINFORCING)
- DOVELS AND CONT. REINFORCING SHALL HAVE A MINIMUM LAP OF 40 BAR DIAMETERS OR 2'-11" MINIMUM UNJO. PROVIDE HOOKED BARS AT CORNERS OR INTERSECTIONS. (SEE MASONRY NOTES FOR LAP SPICE REQUIREMENTS IN MASONRY.)
- PROVIDE AIR ENTRAINMENTS OF 4 TO 6 PERCENT.
- REINFORCED CONCRETE WORK SHALL CONFORM TO THE LATEST EDITION OF BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE (ACI 318).
- PROVIDE CLASS B BARS AND MESH SUPPORTS.

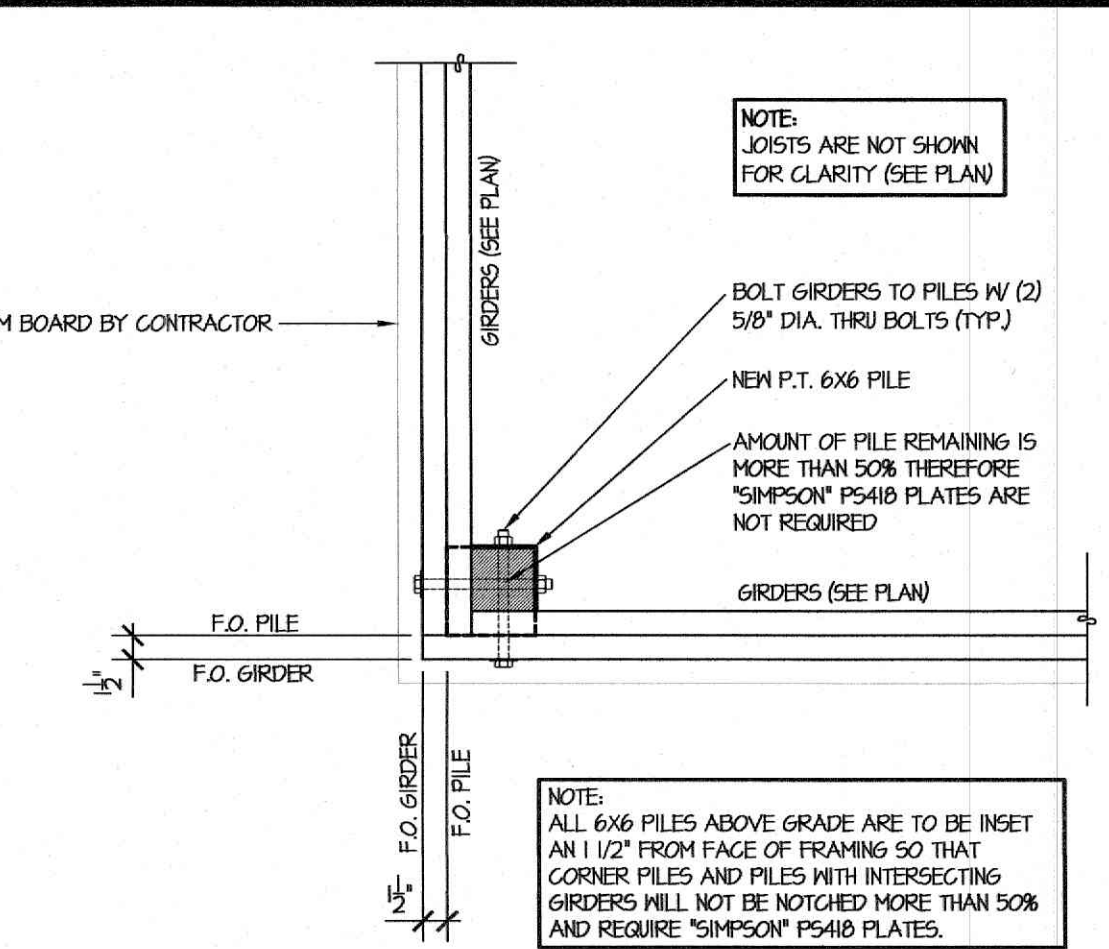
ENGINEER RESPONSIBLE FOR ALL STRUCTURAL COMPONENTS ON THIS DRAWING. ALL DIMENSIONS AND DETAILS MAY NOT BE SHOWN AND ARE THE RESPONSIBILITY OF THE DESIGNER AND CONTRACTOR. CONTRACTOR TO VERIFY WITH ENGINEER ANY ADDITIONAL DETAILS REQUIRED FOR CONSTRUCTION.

CONTRACTOR TO SHORE AND BRACE EXISTING STRUCTURE DURING ENTIRE RENOVATION

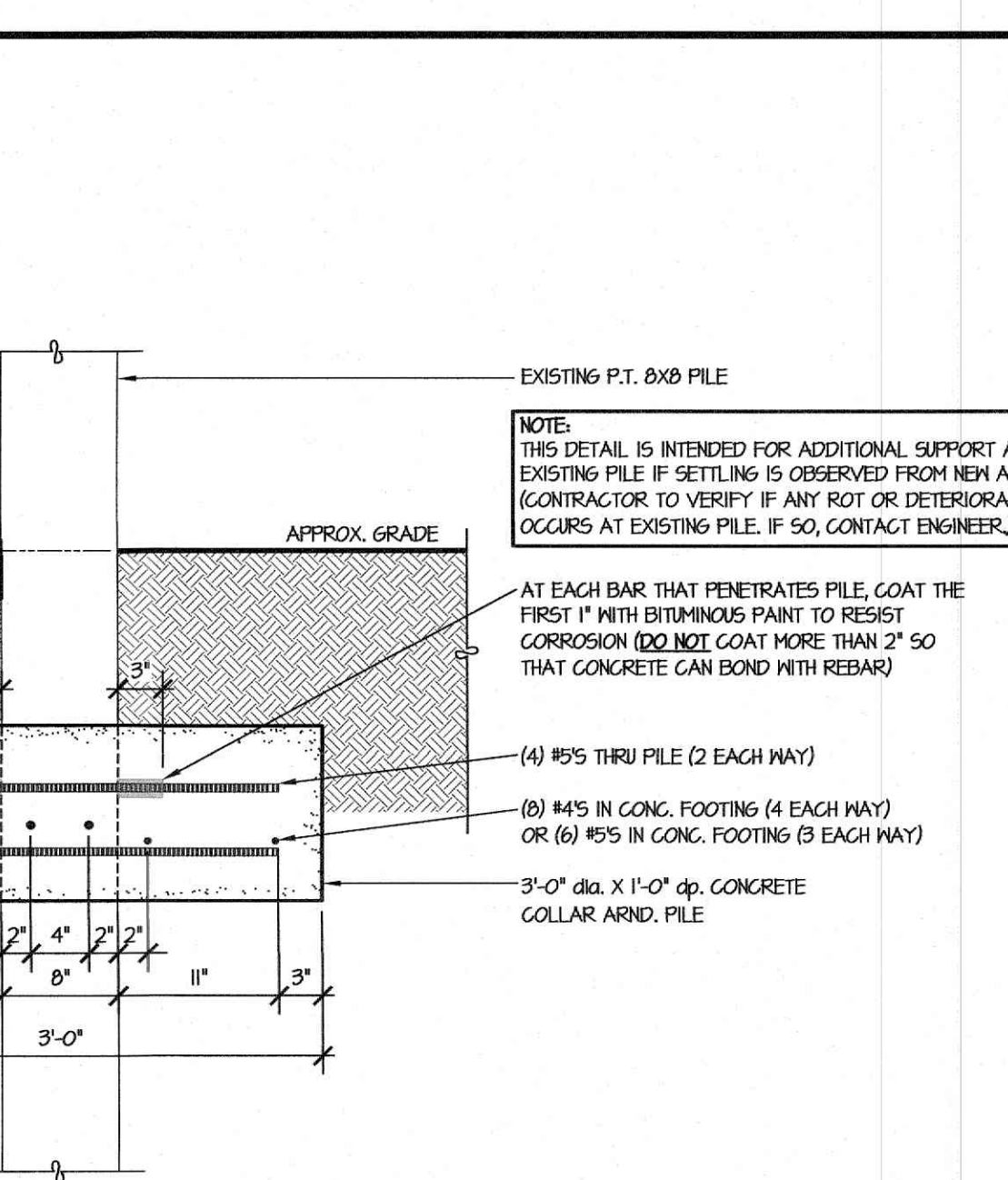
**RENOVATION DISCLAIMER:**  
 THE FRAMING IMPROVEMENTS SHOWN ON THESE PLANS ARE INTENDED SOLELY TO PROVIDE STRUCTURAL SUPPORT FOR THE NEW RENOVATIONS / ADDITIONS TO THE CURRENT BUILDING. ANALYSIS OF THE EXISTING BUILDING FOR CODE COMPLIANCE HAS NOT BEEN DONE BY THIS OFFICE. FURTHERMORE, WE TAKE NO RESPONSIBILITY FOR ANY PRE-EXISTING FRAMING DEFICIENCIES, UNLEVEL FLOOR CONDITIONS, OUT OF PLUMB WALLS, IMPROPER OPERATION OF DOORS & WINDOWS, CRACKING OR SEPARATION OF TRIM AND FINISH MATERIALS, POTENTIAL DETERIORATION OF THE FOUNDATION OR ROOF, HIDDEN MOISTURE DAMAGE AND ROT, OR ANY UNFORESEEN PROBLEMS WITH SOIL CONDITIONS ON THE PROPERTY. THE CONTRACTOR SHOULD TAKE STEPS TO DOCUMENT AND PHOTOGRAPH EXISTING CONDITIONS OF THE HOUSE PRIOR TO CONSTRUCTION. IF ANY OF THE ABOVE ISSUES ARE DISCOVERED DURING THE RENOVATION PROCESS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY AND TAKE STEPS TO REMEDY THESE CONDITIONS BEFORE CONTINUING WITH CONSTRUCTION.

**PILE CAPACITY NOTE:**  
 PILES MUST BE DRIVEN TO ACHIEVE THE REQUIRED TONNAGE AS INDICATED IN THE SCHEDULE ABOVE, WHICH MAY RESULT IN PILES BEING EMBEDDED DEEPER THAN THE MINIMUM REQUIREMENTS.  
 CONTRACTOR MUST VERIFY LOCAL EROSION RATE WITH CANAL AND PLACEMENT OF HOUSE ON LOT TO DETERMINE MINIMUM EMBEDMENT REQUIREMENT.  
 ACCORDING TO N.G.R.C. SECTION 4603.4 - REQUIRED DEPTH OF PILES: PILE TIP SHALL EXTEND TO A DEPTH OF NOT LESS THAN 8 FEET (2438 MM) BELOW THE NATURAL GRADE OR FINISHED GRADE OF THE LOT, WHICHEVER IS LOWER. ALL PILING WITHIN THE OCEAN HAZARD AREA SHALL HAVE A TIP PENETRATION OF AT LEAST 5 FEET (1524 MM) BELOW MEAN SEA LEVEL OR 16 FEET (4877 MM) BELOW AVERAGE ORIGINAL GRADE, WHICHEVER IS LEAST. STRUCTURES WITHIN OCEAN HAZARD AREAS WHICH ARE PLACED UPON THE SITE BEHIND A LINE 60 TIMES THE ANNUAL EROSION RATE AWAY FROM THE MOST SEAWARD LINE OF STABLE NATURAL VEGETATION ARE EXEMPT FROM THIS ADDITIONAL TIP PENETRATION REQUIREMENT.

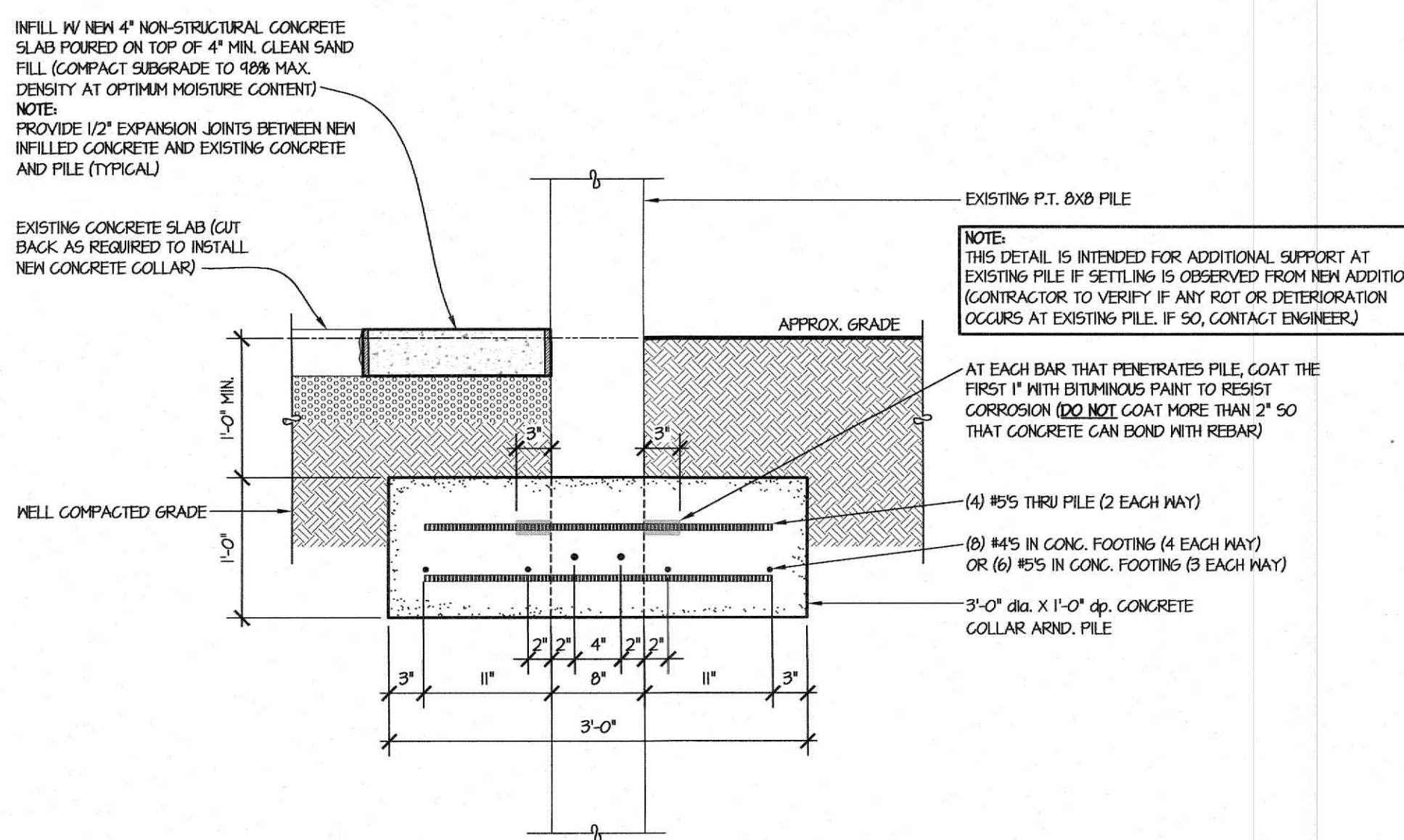
**E PLAN VIEW OF PILE NOTCH**  
 S1.0 SCALE: 1"=1'-0"



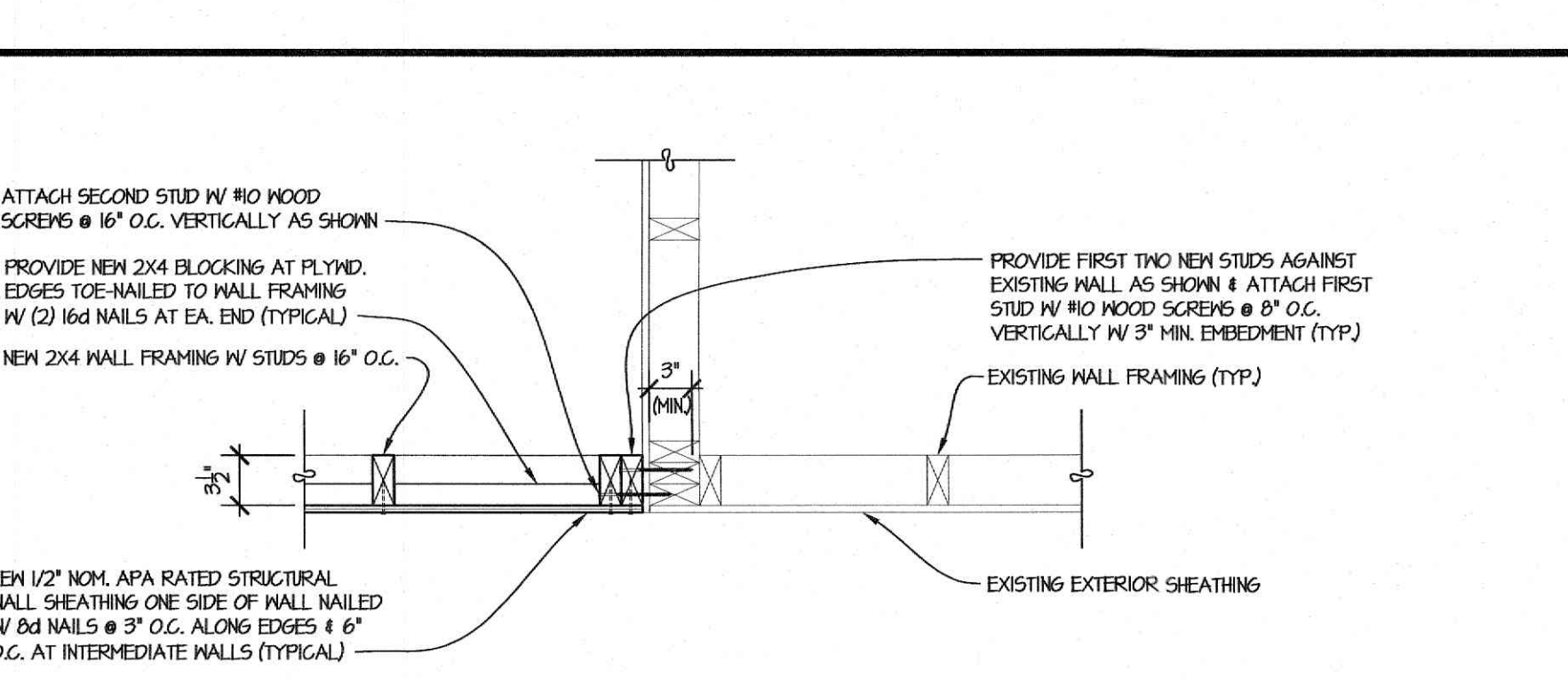
**D PLAN VIEW OF PILE NOTCH AT DECK**  
 S1.0 SCALE: 1"=1'-0"



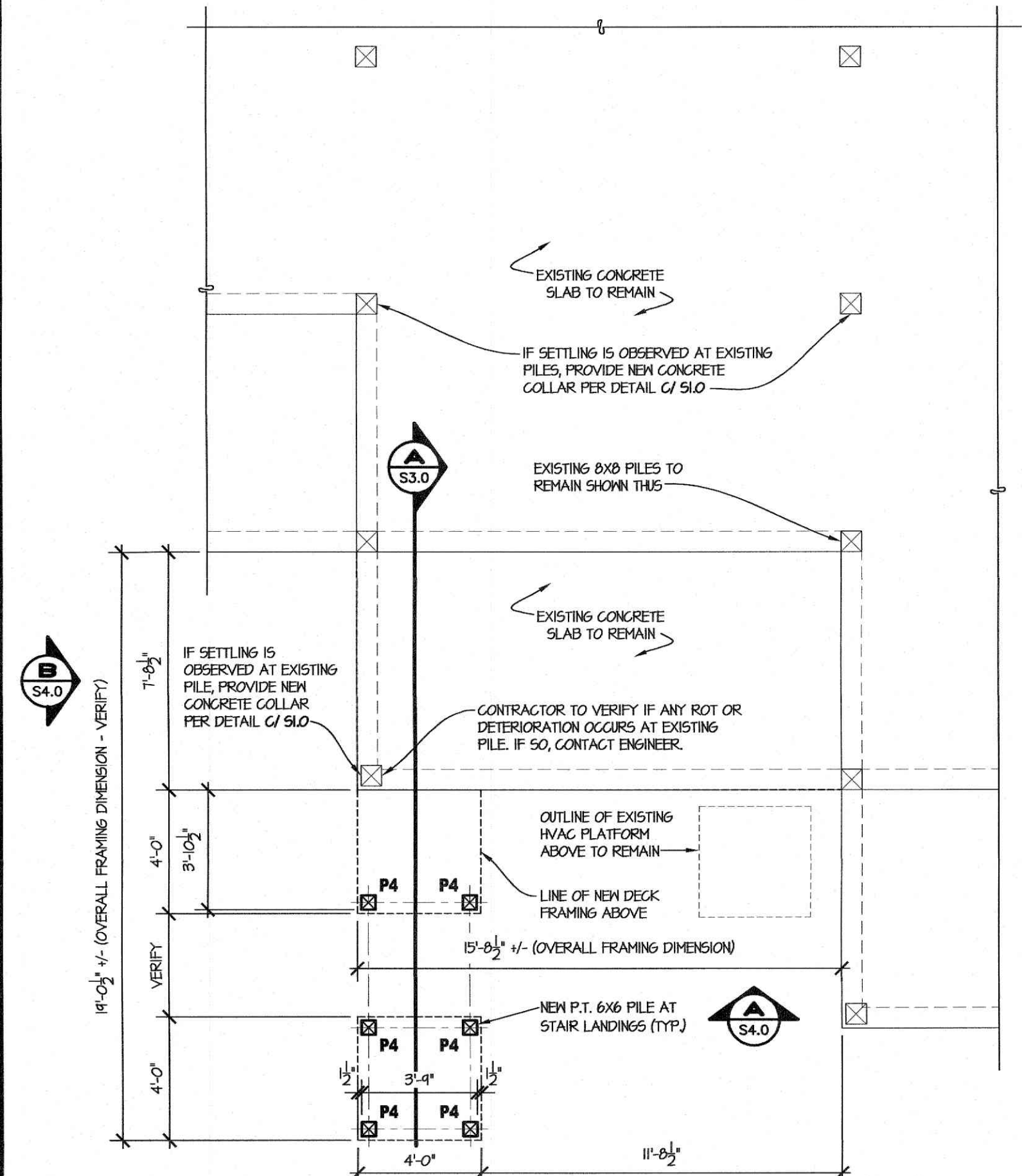
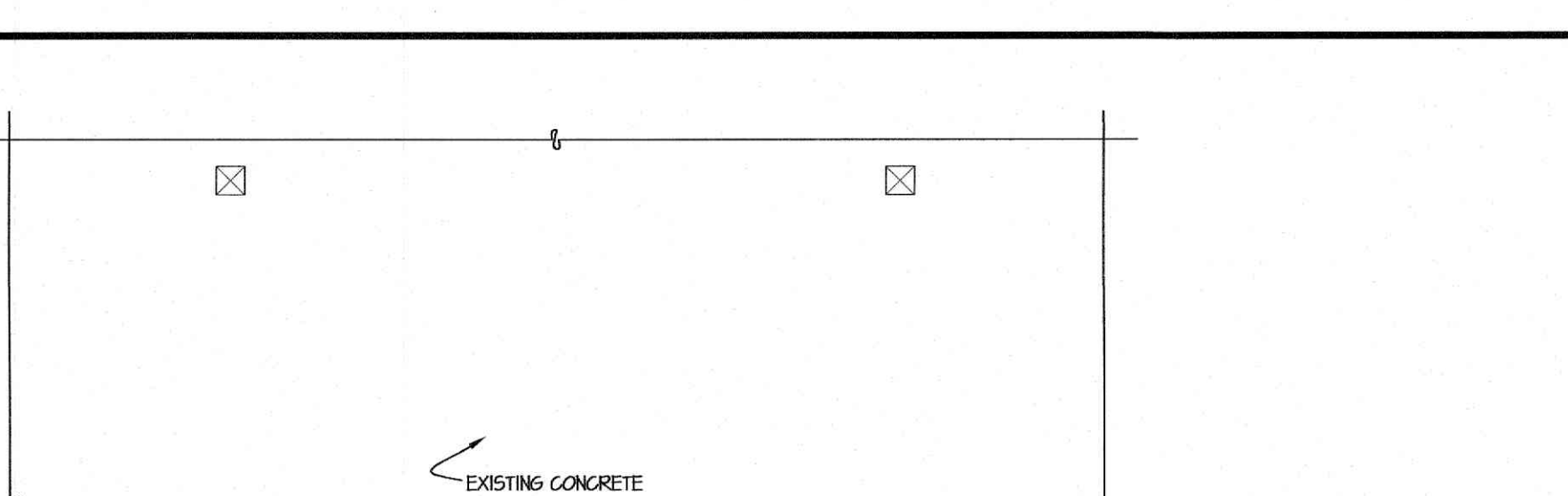
**C TYPICAL 3'-0" CONC. COLLAR OPTION**  
 S1.0 SCALE: 1"=1'-0"



**B PLAN VIEW OF NEW WALL TO EXISTING WALL INTERSECTION**  
 S1.0 SCALE: 1"=1'-0"



**A PLAN VIEW OF NEW WALL TO EXISTING WALL INTERSECTION**  
 S1.0 SCALE: 1"=1'-0"



**1 PILE FOUNDATION PLAN • SCALE: 1/4" = 1'-0"**  
 (SHOWING CONCRETE SLAB)

**PILE CAPACITY SCHEDULE**

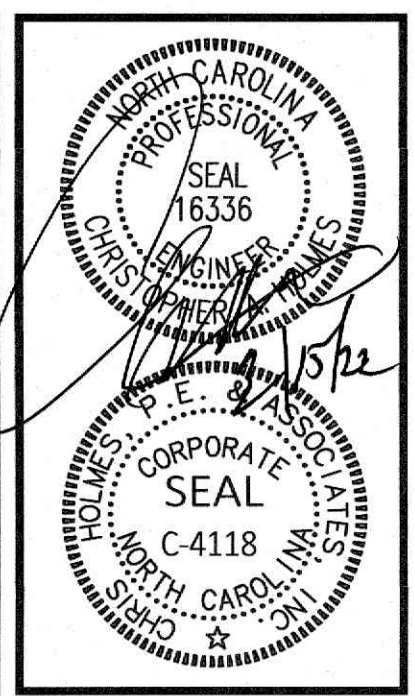
MARK	TONNAGE REQ'D.	AMOUNT
P4	4 TONS	6

**PILE LOG NOTE:**  
 PILE INSTALLER SHALL KEEP DETAILED LOG DATA DURING INSTALLATION OF PILES SO THAT ENGINEER CAN VERIFY THAT PROPER BEARING CAPACITIES WERE REACHED. LOG DATA SHALL INCLUDE HEIGHT OF HAMMER, HEIGHT OF FALL, APPROXIMATE DEPTH OF PILE, AND PILE MOVEMENT PER BLOW IN INCHES (AVERAGED OVER 10 BLOWS).

**PILE INSET NOTE:**  
 ALL NEW PILES ARE INSET FROM OUTSIDE FACE OF FRAMING A DIMENSION OF 1/2" SO THAT CORNER PILES AND PILES WITH INTERSECTING GIRDERS WILL NOT BE OVER NOTCHED AND REQUIRE P5410 PLATES. PILES MAY BE FISHED OUT FLUSH W/ FACE OF FRAMING BUT THEN ALL CORNER PILES AND PILES WITH INTERSECTING GIRDERS WILL BE NOTCHED MORE THAN 50% AND WILL REQUIRE P5410 PLATES PER CODE.

**SYMBOL LEGEND**

- ☒ NEW P.T. 6X6 PILES (TYP. - SEE PLAN)
- ☒ EXISTING 6X6 PILES TO REMAIN (SEE PLAN)
- LINE SHOWN THIS THROUGH THE CENTER LINE OF 6X6 PILES INDICATES THAT THESE PILES ARE IN ALIGNMENT W/ EACH OTHER. CHECK ALL PILE DIMENSIONS CAREFULLY PRIOR TO CONSTRUCTION.



Original Release Date: **04.14.22**

No.	Revision	Date

**Murphy Renovation**  
 #4 Bermuda Landing  
 North Topsail, North Carolina

Project Name: **Murphy Renovation**  
 Project No.: **22092**  
 Project Description: **Structural Framing Plans**  
 Drawn By: **R.S.G.**  
 Date: **04.14.22**  
 Designed By: **C.A.H.**

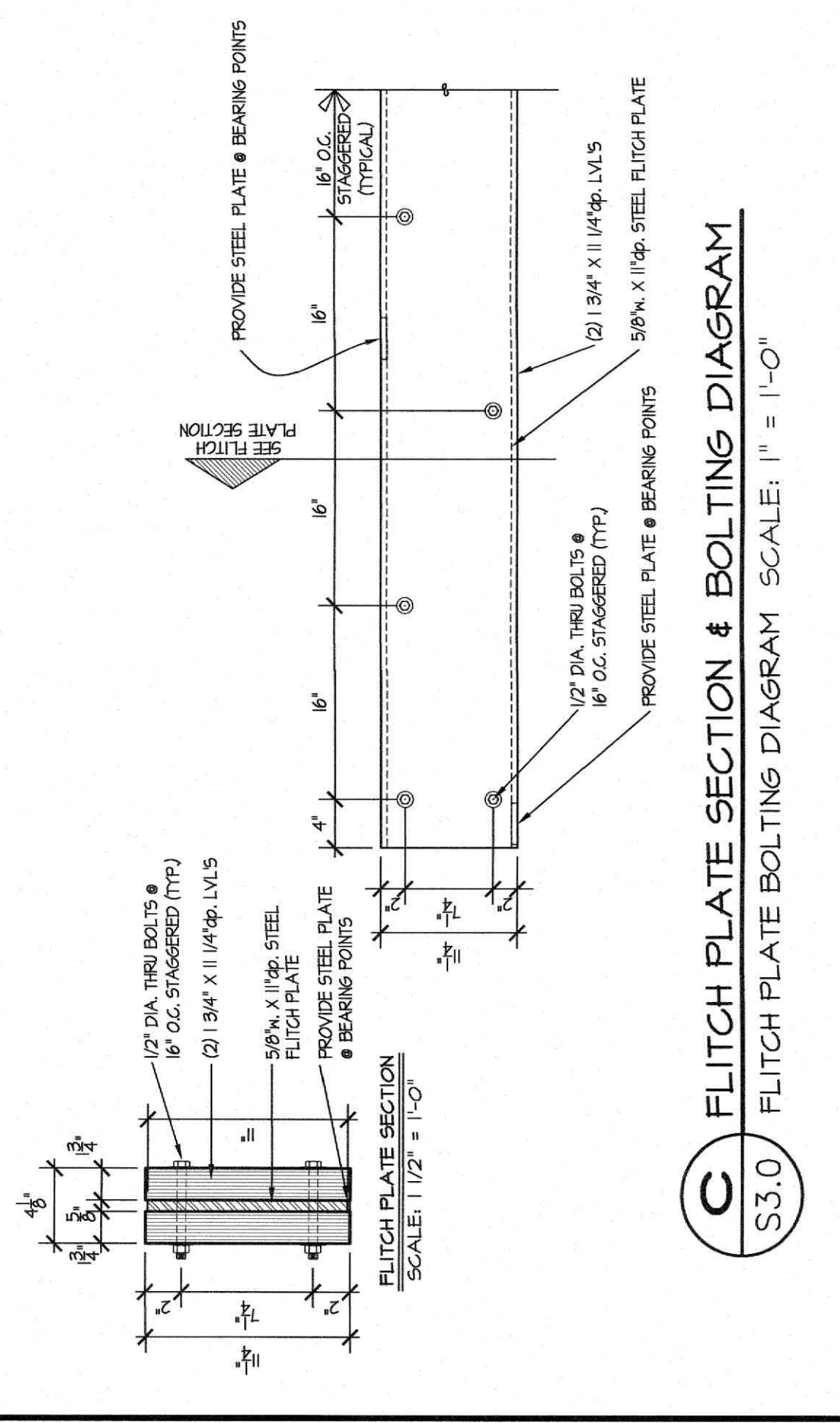
**CHRIS HOLMES, P.E.**  
 & ASSOCIATES, INC.

5725 Oleander Drive (Oleander Oaks) - Suite F-4 - Wilmington - N.C. 28403  
 Phone (910) 796-9988 Fax (910) 796-9989 office@holmespe.com

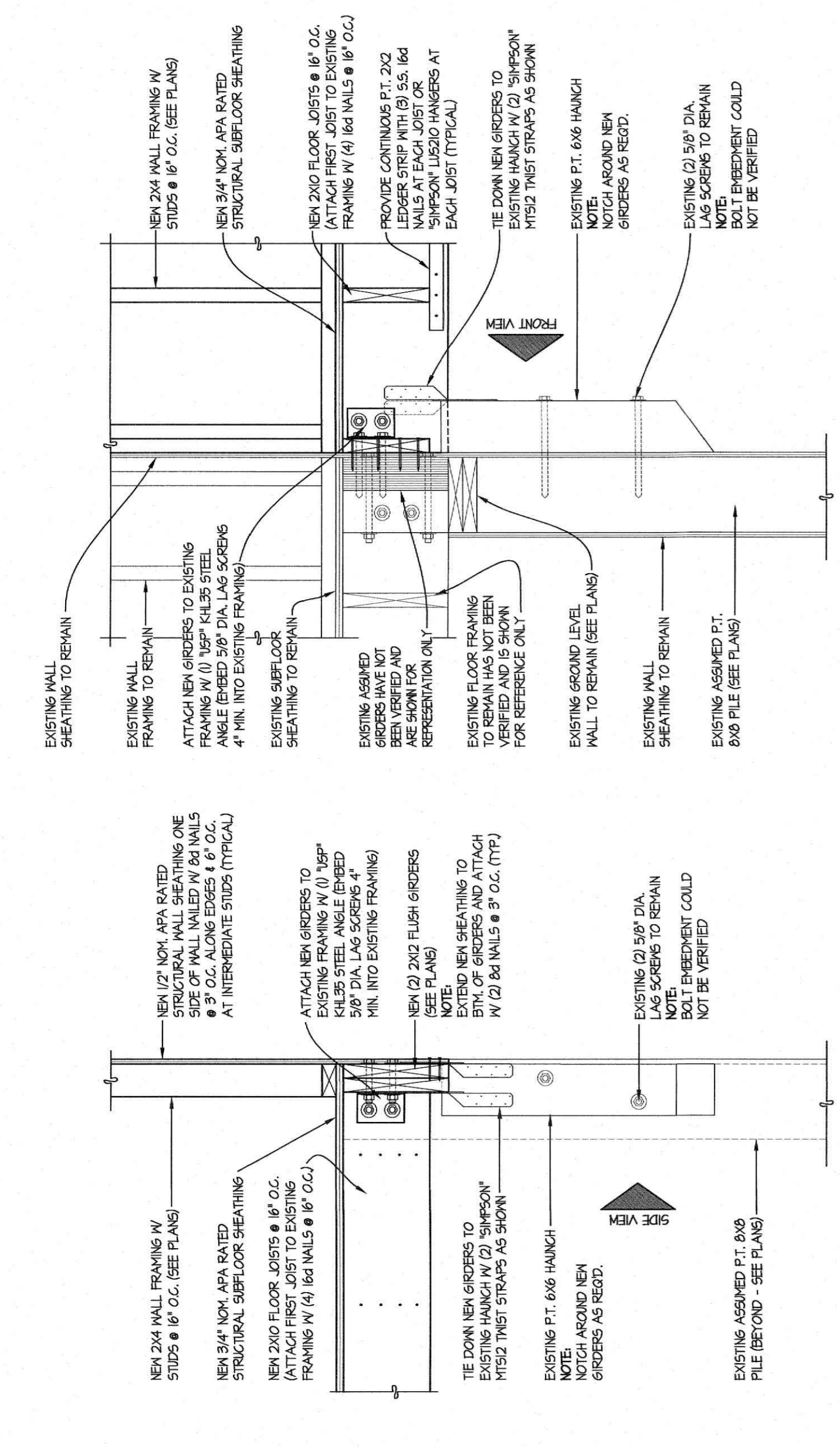
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 of: **4**





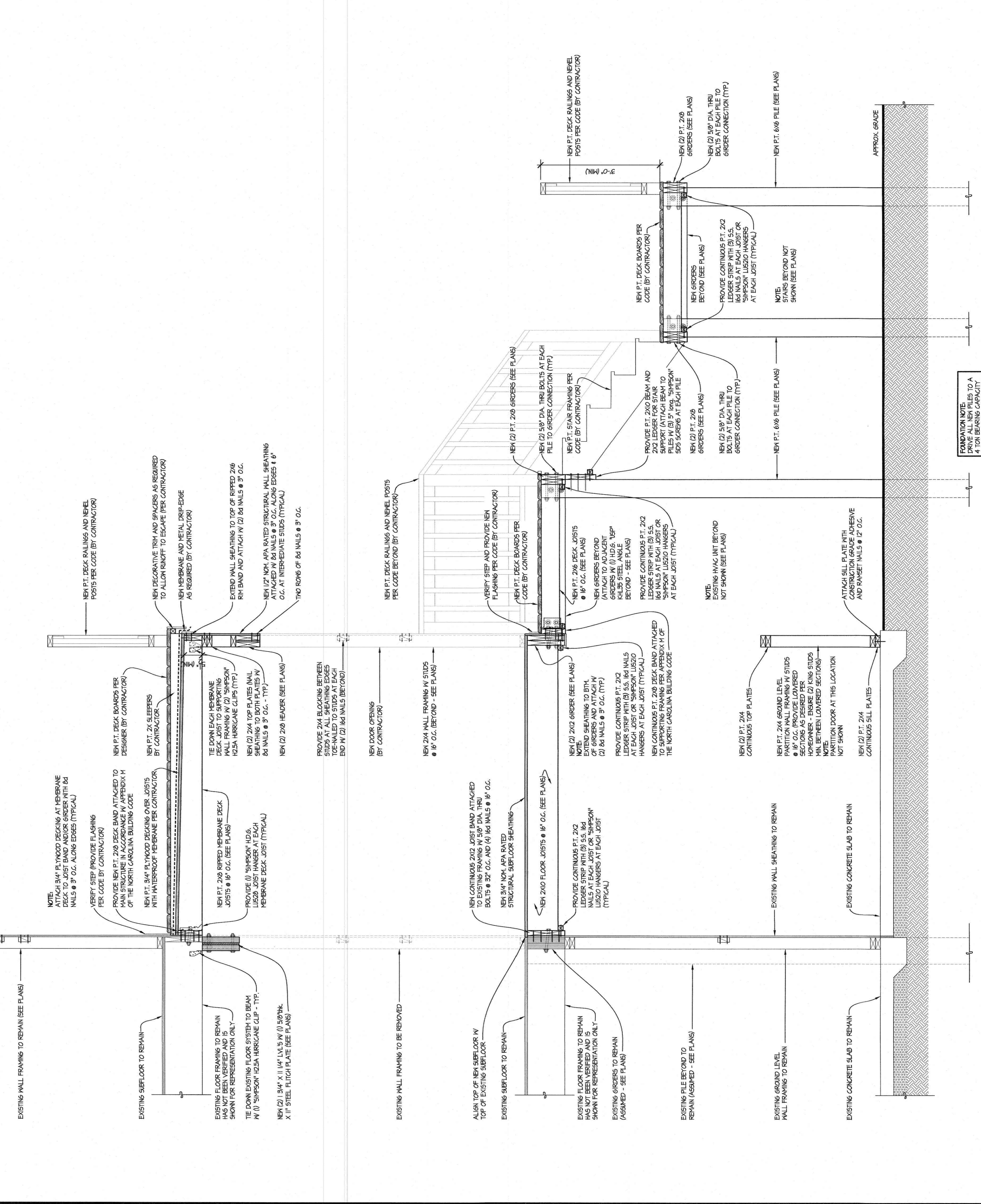


**C** FLITCH PLATE SECTION & BOLTING DIAGRAM SCALE: 1/2" = 1'-0"

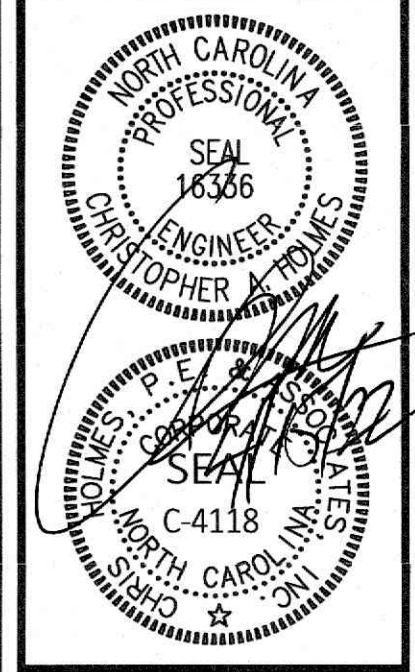


FRONT VIEW OF HAUNCH  
SIDE VIEW OF HAUNCH

**B** HAUNCH CONNECTION DETAIL SCALE: 1" = 1'-0"



**A** NEW ADDITION SECTION SCALE: 3/4" = 1'-0"



Original Release Date	04.14.22
No.	1
Revision Date	
By	
Checked	
Reviewed	

Project Name: **Murphy Renovation**  
**#4 Bermuda Landing**  
**North Topsail, North Carolina**

Project Description: **Structural Details**

Project No.: **22092**

Drawn By: **R.S.G.** Date: **04.14.22**

Designed By: **C.A.H.**

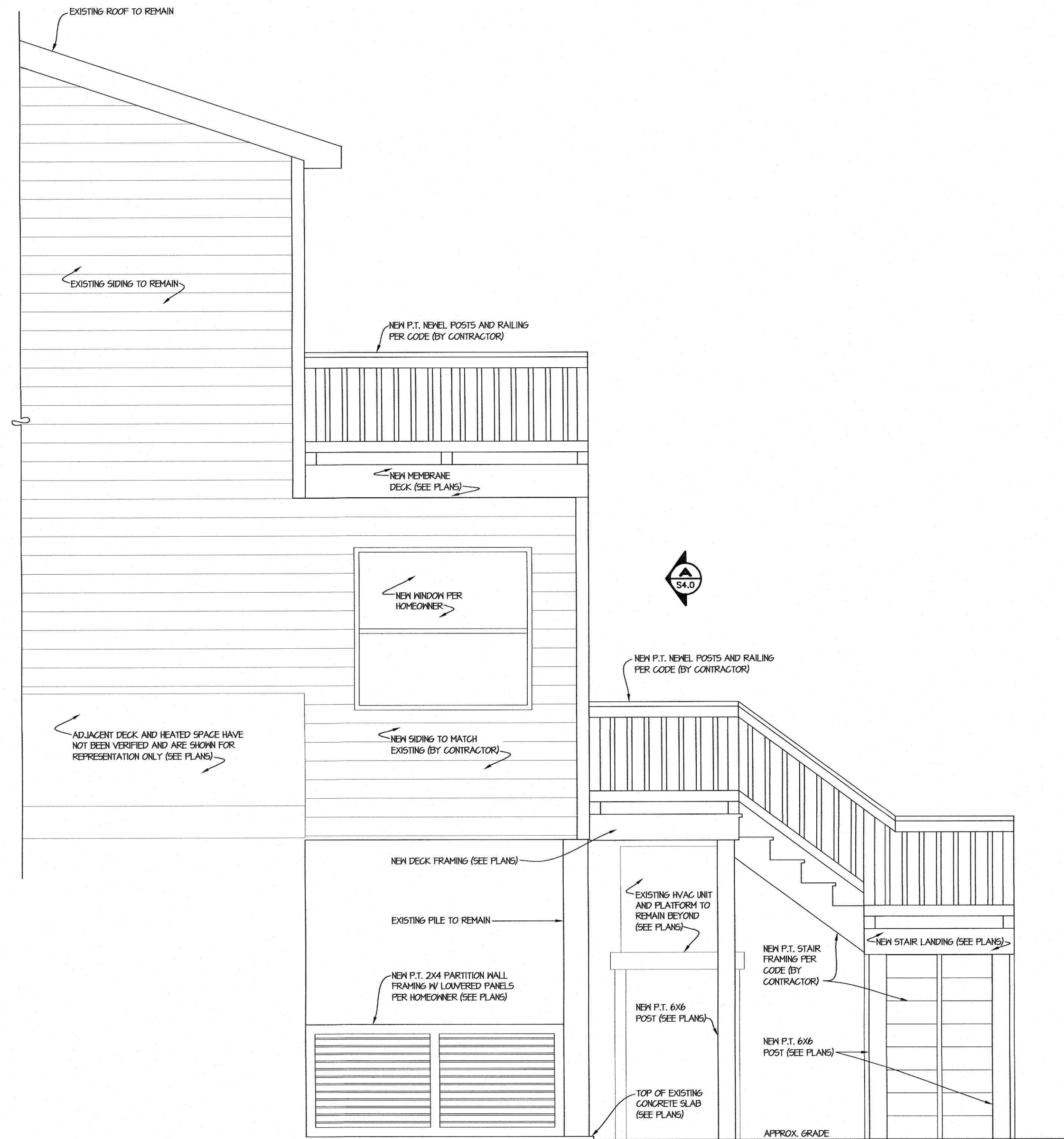
**CHRIS HOLMES, P.E.**  
**& ASSOCIATES, INC.**

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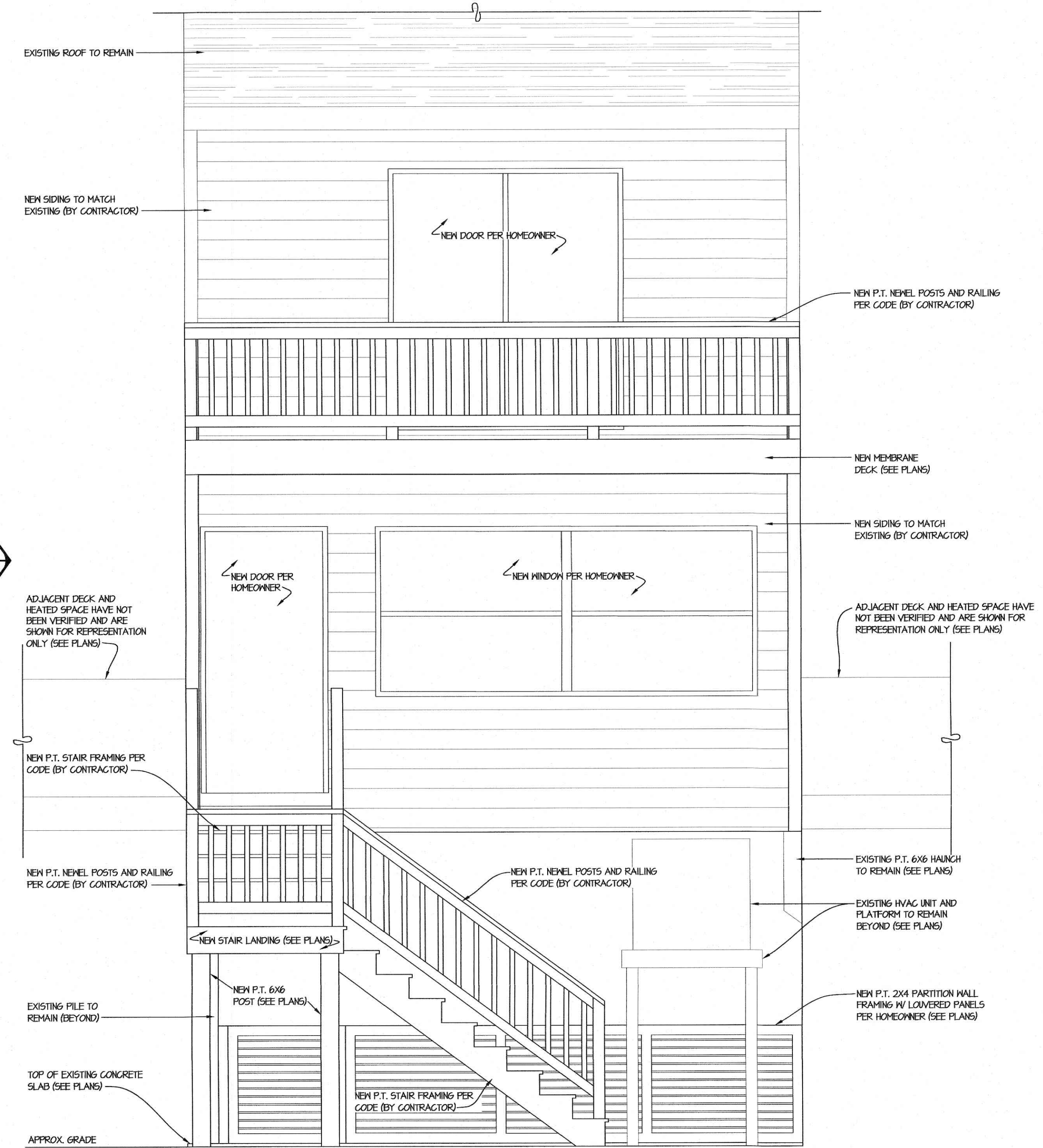
Phone (910) 796.9988 Fax (910) 796.9989 office@holmespe.com

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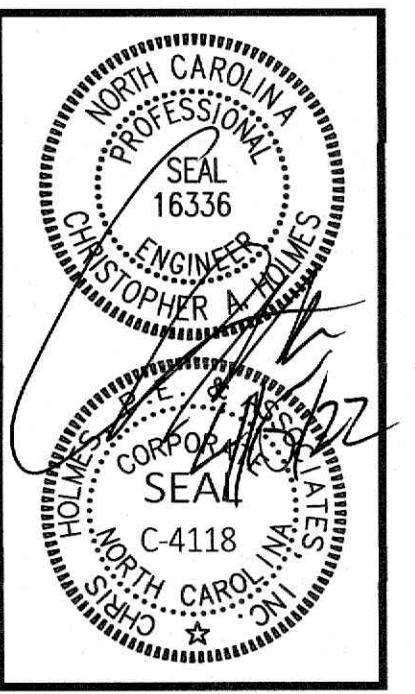
Of: **4**



**B** SIDE ELEVATION  
S4.0 SCALE: 1/2"=1'-0"



**A** REAR ELEVATION  
S4.0 SCALE: 1/2"=1'-0"



Original Release Date:	04.14.22
No.	
Revision Date	
1	
2	
3	
4	

Project Name: **Murphy Renovation**  
 #4 Bermuda Landing  
 North Topsail, North Carolina  
 Project No.: 22092  
 Drawn By: R.S.G.  
 Date: 04.14.22  
 Designed By: C.A.H.

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 Phone (910) 796.9988 Fax (910) 796.9989 office@holmespa.com

Sheet: **S4.0**  
 of 4

Page 1  
Returned



Doc ID: 014388600004 Type: CRP  
Recorded: 07/26/2019 at 04:16:02 PM  
Fee Amt: \$26.00 Page 1 of 4  
Revenue Tax: \$0.00  
Onslow County, NC  
Rebecca L. Pollard Reg. of Deeds  
BK 4991 PG 621-624

**No Title Examination Requested**

**Mail To: Laura Mignone  
#4 Bermuda Landing Place  
North Topsail Beach, NC 28460**

Parcel ID# 048198

This instrument was prepared by: M Lynn Smith Attorney at Law, PC

**QUITCLAIM DEED**

**EXCISE TAX PAID \$ 0**

STATE OF NORTH CAROLINA, ONSLOW COUNTY

THIS DEED, made and entered into this 22 day of July, 2019, by and between **Marco Mignone** of Onslow County, State of North Carolina, hereinafter called Grantor, and **Laura Mignone** of Onslow County, State of North Carolina, hereinafter called Grantee, whose permanent mailing address is #4 Bermuda Landing Place, North Topsail Beach, North Carolina, 28460.

**WITNESSETH:**

That said Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has remised and released and by these presents does remise, release, convey and forever quitclaim unto the Grantee, her heirs and/or successors and assigns, all right, title, claim and interest of the Grantor in and to a certain lot or parcel of land lying and being in Onslow County, North Carolina, and more particularly described as follows:

**All that tract or parcel of land being described as Lot 12, Unit 4, Bermuda Landing, North Topsail Beach, North Carolina as shown on that certain plat entitled "Bermuda Landing, Revision of Lot 12, Stump Sound Township, Onslow County, NC," prepared by Cowan and Jones, P.A., Registered Land Surveyors and recorded in Map Book 26, Page 222, Onslow County Registry and being the same property shown in that Deed recorded in Book 1954, Page 318 and Book 1863, Page 967 Onslow County Registry.**

- Exhibit (17) Robb Mairs email dated September 28, 2022 10:20 AM.
- Exhibit (18) D Hill email dated Tue 11/8/2022 8:46 AM

1

EXHIBIT 8

The property hereinabove described was acquired by Grantor by instrument recorded in Book 4496, Page 3.

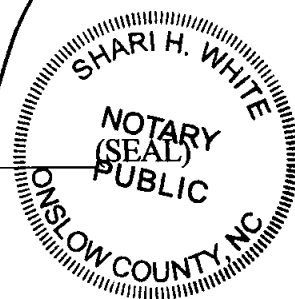
A map showing the above-described property is recorded in Plat Book 26, Page 318.

To have and to hold the aforesaid lot or parcel of land and all privileges thereunto belonging to her, the Grantee, her heirs and/or successors and assigns, free and discharged from all right, title claim or interest of the Grantor or anyone claiming by, through or under him.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

*Marco Mignone*  
Marco Mignone



Onslow County  
North Carolina

I, Marco Mignone Shari H. White, a Notary Public of the County and State aforesaid, certify that **Marco Mignone** personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal this 22 day of July, 2019.

My Commission Expires: 10/24/2020

Shari H. White  
Notary Public

EXHIBIT 8

The foregoing Certificates of \_\_\_\_\_

is/are certified to be correct. This instrument and this certificate are duly registered this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ A.M., P.M., Book \_\_\_\_\_, Page \_\_\_\_\_.

\_\_\_\_\_ Register of Deeds for \_\_\_\_\_ County, North Carolina.

By \_\_\_\_\_ Deputy/Assistant - Register of Deeds.

EXHIBIT 8



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:

048198-GRANTEE: LAURA MIGNONE

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.

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

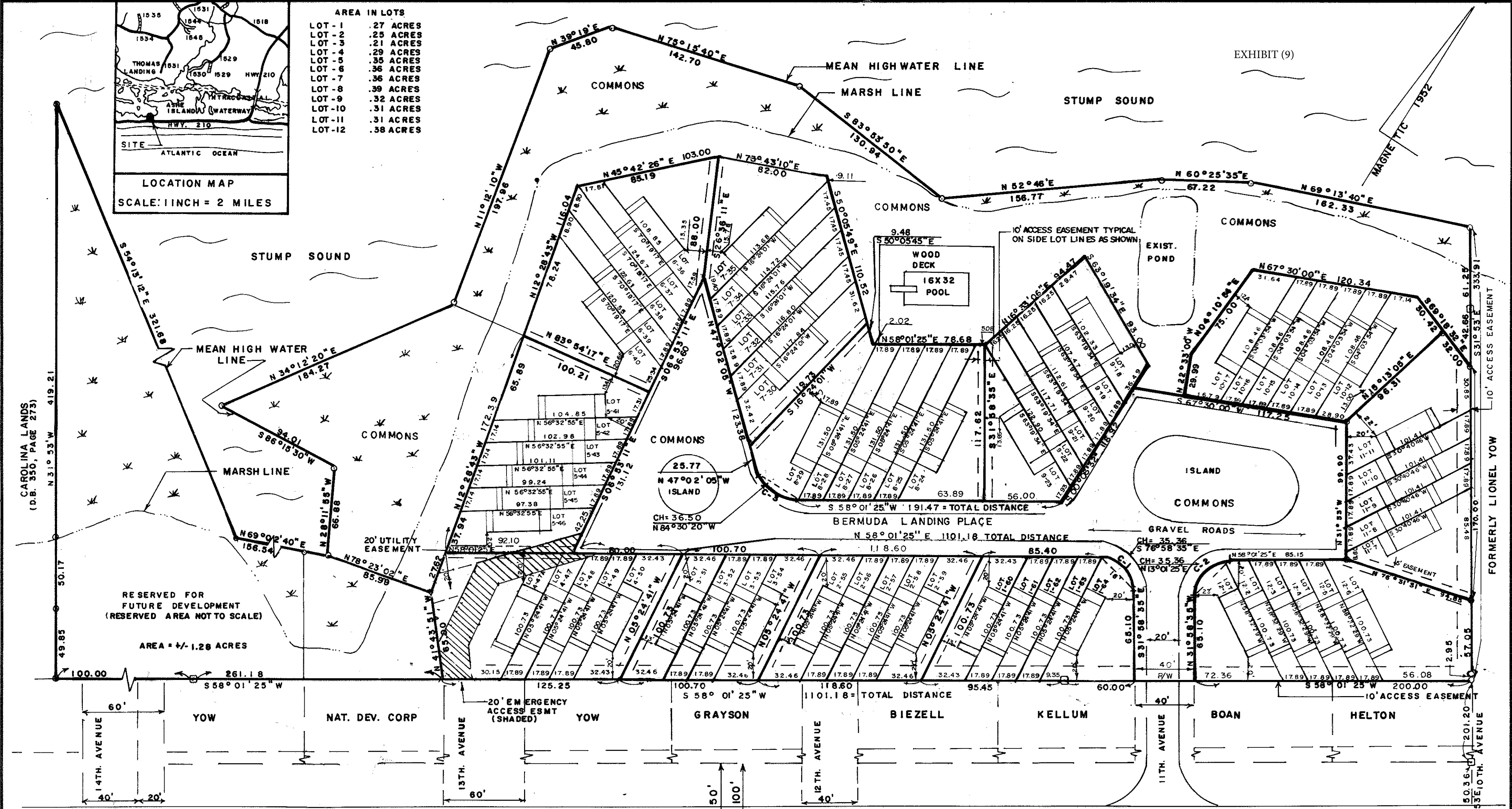
VALERIA B COX  
Digitally signed by VALERIA B COX  
DN: cn=VALERIA B COX, o=ONSLow COUNTY TAX  
ADMINISTRATION, ou,  
email=valeria\_cox@onslowcountync.gov, c=US  
Date: 2019.07.26 13:06:28 -0400

Tax Collections Staff Signature

07/25/2019

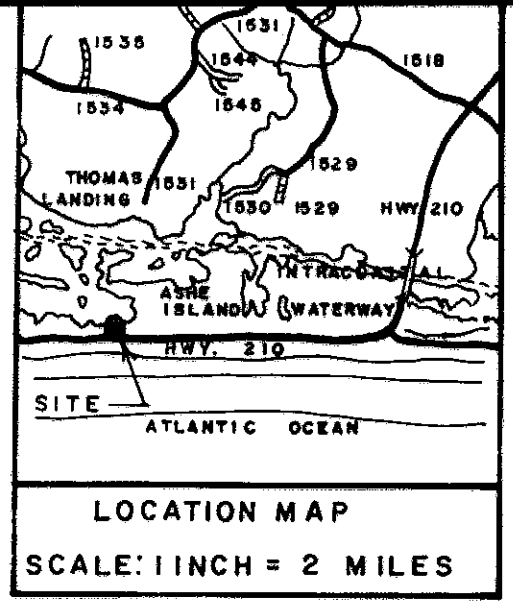
Date

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.



AREA IN LOTS

LOT - 1	.27 ACRES
LOT - 2	.25 ACRES
LOT - 3	.21 ACRES
LOT - 4	.29 ACRES
LOT - 5	.35 ACRES
LOT - 6	.36 ACRES
LOT - 7	.36 ACRES
LOT - 8	.39 ACRES
LOT - 9	.32 ACRES
LOT - 10	.31 ACRES
LOT - 11	.31 ACRES
LOT - 12	.38 ACRES



NOTE NO. 1 - FOR REFERENCE TO THE WITHIN PLATTED PROPERTY SEE A DEED DATED MARCH 16, 1983 WHICH SAID DEED IS RECORDED IN DEED BOOK 647 PAGE 89 IN THE ONSLOW COUNTY REGISTRY. ALSO SEE A MAP ENTITLED "BOUNDARY SURVEY MAP, ONSLOW COUNTY PROPERTY" PREPARED BY JAMES P. STEWART & ASSOCIATES, RECORDED IN MAP BOOK 21 PAGE 32 IN THE ONSLOW COUNTY REGISTRY.

NOTE NO. 2 - IRON STAKES TO BE PLACED AT ALL PROPERTY CORNERS.

NOTE NO. 3 - COMMONS MAINTAINED BY HOMEOWNERS ASSOCIATION

NOTE NO. 4 - WATER SYSTEM VIA ONSLOW COUNTY SYSTEM

NOTE NO. 5 - SANITARY SEWER SYSTEM VIA NORTH TOPSAIL WATER AND SEWER, INC.

NOTARY PUBLIC  
LAWRENCE S. BOCHLING  
NORTH CAROLINA

STATE OF NORTH CAROLINA, ONSLOW COUNTY THE FOREGOING CERTIFICATION BY NOTARY PUBLIC IS CERTIFIED TO BE CORRECT, PRESENTED FOR REGISTRATION AND RECORDED IN THIS OFFICE IN MAP BOOK 22, PAGE 97, SLIDE D-285 THIS DAY OF MARCH, 1988 A.D. AT 1:20 O'CLOCK P.M.

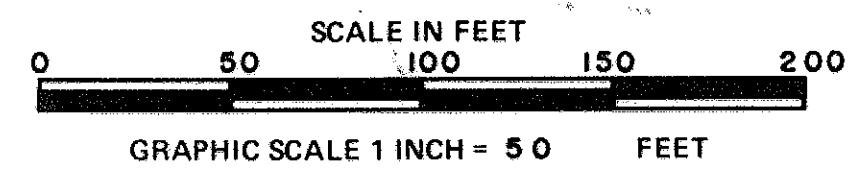
REGISTER OF DEEDS, ONSLOW CO. BY  
M. F. BOSTIC, DEPUTY OR ASSISTANT

CURVE DATA

CURVE	TANGENT	RADIUS	ARC
C-1	25.00	25.00	39.27
C-2	25.00	25.00	39.27
C-3	22.996	30.00	39.239

THE ONSLOW COUNTY PLANNING BOARD HEREBY APPROVES THE FINAL PLAT FOR BERMUDA LANDING.  
DATE 3/17/88  
CHAIRMAN ONSLOW COUNTY PLANNING BOARD

MAP REVISED - MARCH 15, 1988  
MAP REVISED - NOVEMBER 19, 1987



STATE OF NORTH CAROLINA  
PENDER COUNTY  
I, Lawrence S. Bochling, a Notary Public of Pender County, N. C., hereby certify that Stuart H. Jones, personally appeared before me this day and acknowledged the due execution of the foregoing certificate. Witness my hand and official seal this 15th day of March, 1988. My comm. expires: May 14, 1992.

NOTARY PUBLIC

- LEGEND:
- PROPERTY LINE
  - - - OUTSIDE BOUNDARY LINE OF SUB-DIVISION
  - LOT LINE OF SUB-DIVISION
  - CENTER LINE
  - - - TIE LINE, OLD PROPERTY LINE, PROPERTY LINE OF ADJOINING PROPERTY, OR OUTLINE OF TOPOGRAPHICAL DETAIL
  - - - EASEMENT LINE
  - - - R/W - RIGHT-OF-WAY LINE
  - - - UTILITY LINES
  - CONCRETE MONUMENT CONTROL CORNER (TOP ABOVE GROUND)
  - CONCRETE MONUMENT CONTROL CORNER (TOP BURIED)
  - IRON PIPE
  - IRON STAKE
  - L LENGTH OF CIRCULAR CURVE AS MEASURED WITH THE ARC OF THE CURVE
  - R RADIUS OF CIRCULAR CURVE
  - T TANGENT OF CIRCULAR CURVE
  - Δ DELTA ANGLE

FINAL PLAT  
**BERMUDA LANDING**  
PROPERTY OF  
**M. F. BOSTIC**  
STUMP SOUND TOWNSHIP  
ONSLOW COUNTY  
NORTH CAROLINA  
DATE OF SURVEY: JUNE 1986  
SCALE: 1 INCH = 50 FEET

DRAWN BY  
L. K. H.  
DATE  
JUNE 1986

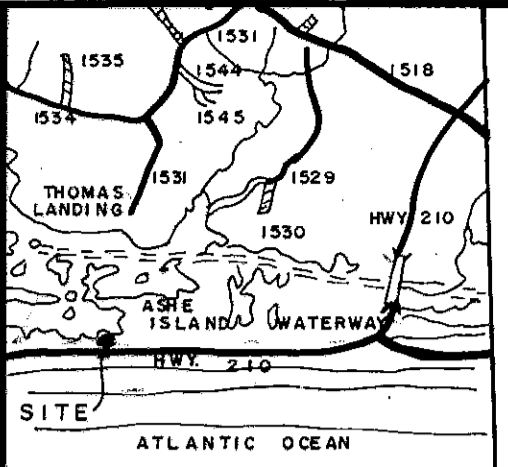
**COWAN AND JONES, P.A.**  
REGISTERED LAND SURVEYORS  
BURGAW, NORTH CAROLINA

DRAWING NO.  
537  
SHEET NO.

222

Slide - E - 250

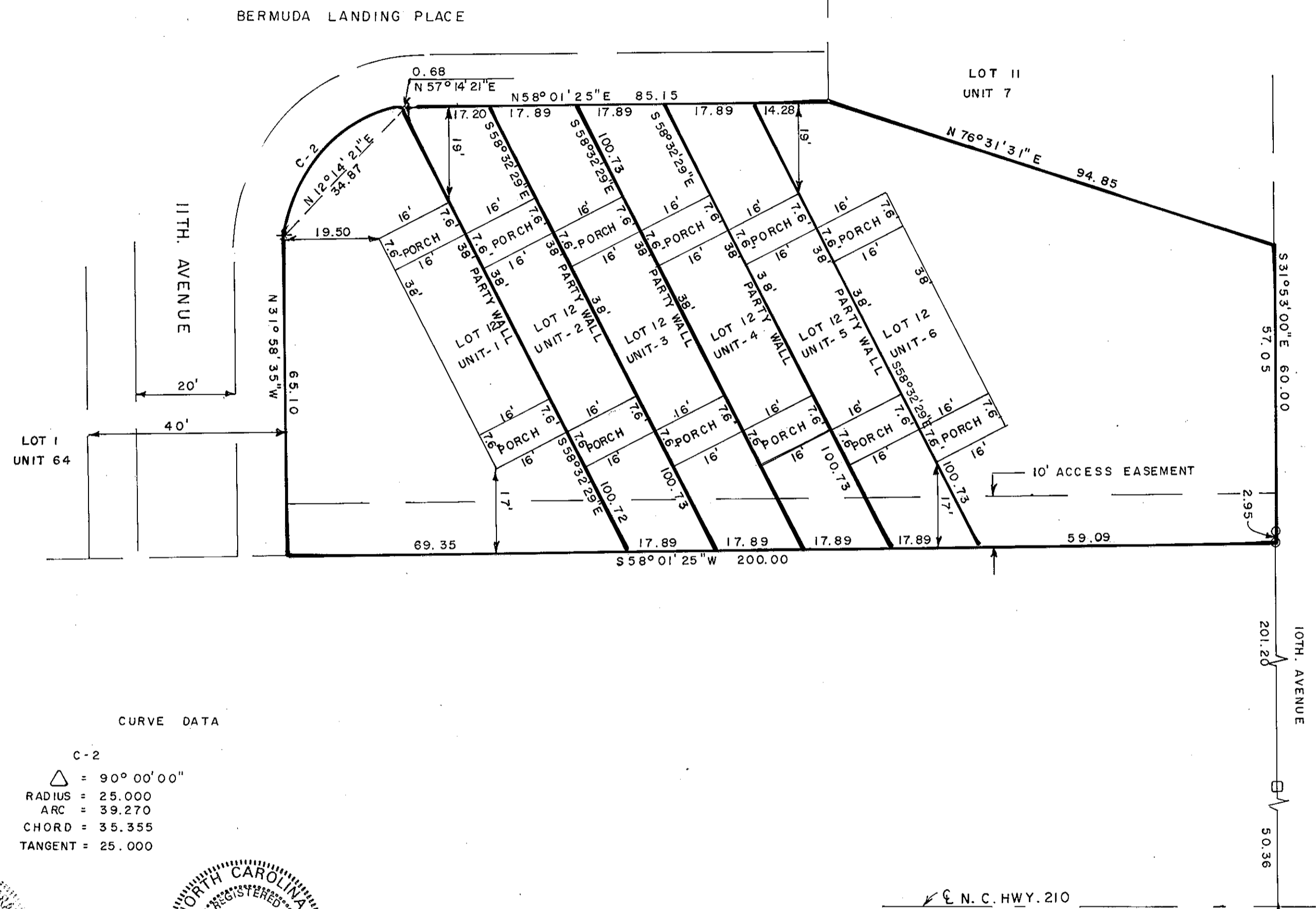
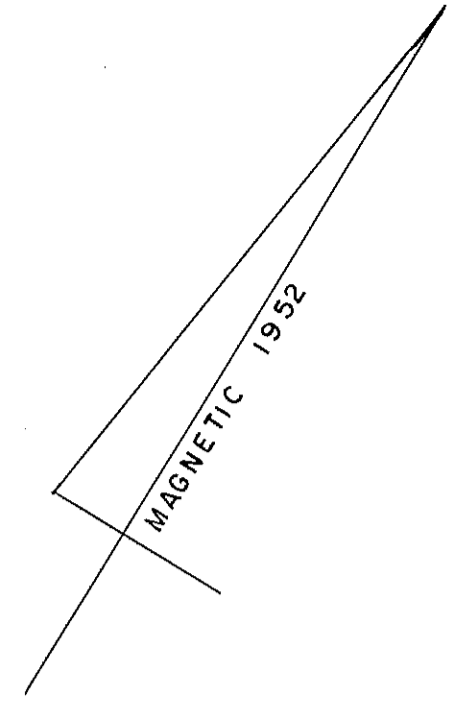
222



LOCATION MAP  
SCALE: 1 INCH = 2 MILES

NOTE NO. 1 - FOR REFERENCE TO THE WITHIN PLATTED PROPERTY SEE A MAP RECORDED IN MAP BOOK 25, PAGE 97 IN THE ONSLOW COUNTY REGISTRY.

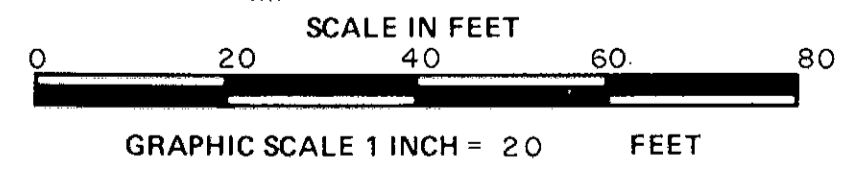
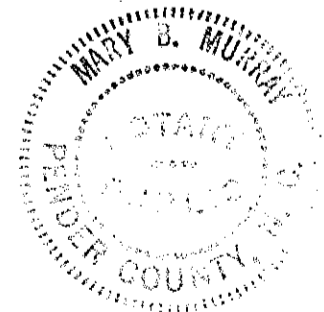
EXHIBIT (10)



CURVE DATA

C-2  
 $\Delta = 90^\circ 00' 00''$   
 RADIUS = 25.000  
 ARC = 39.270  
 CHORD = 35.355  
 TANGENT = 25.000

THE ONSLOW COUNTY PLANNING BOARD HEREBY APPROVES  
 THIS PLAT OF LOT 12, BERMUDA LANDING.  
 DATE 3/1/90 CHAIRMAN ONSLOW COUNTY PLANNING BOARD



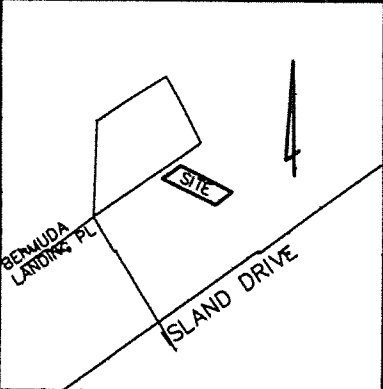
STATE OF NORTH CAROLINA PENDER COUNTY  
 I, Stuart H. Jones, BEING DULY SWORN, SAYS THAT THIS MAP WAS MADE FROM AN ACTUAL SURVEY MADE under my supervision THAT DEEDS USED FOR THIS SURVEY ARE SHOWN BY BOOK AND PAGE NUMBER IN NOTE NUMBER 1 ON THIS MAP. THAT THE PRECISION OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:5020. THAT THIS MAP WAS MADE IN ACCORDANCE WITH G.S. 47-30 AS AMENDED AND IS CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF.  
 I, Mary B. Murray, NOTARY PUBLIC OF PENDER COUNTY, N. C., HEREBY CERTIFY THAT Stuart H. Jones PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE. WITNESS MY HAND AND OFFICIAL SEAL THIS THE 16 DAY OF February, 1990. MY COMM. EXPIRES: May 15, 1992  
 MARY B. MURRAY  
 NOTARY PUBLIC

LEGEND:			
	PROPERTY LINE	L	LENGTH OF CIRCULAR CURVE AS MEASURED WITH THE ARC OF THE CURVE
	OUTSIDE BOUNDARY LINE OF SUB-DIVISION	R	RADIUS OF CIRCULAR CURVE
	LOT LINE OF SUB-DIVISION	T	TANGENT OF CIRCULAR CURVE
	CENTER LINE	$\Delta$	DELTA ANGLE
	TIE LINE, OLD PROPERTY LINE, PROPERTY LINE OF ADJOINING PROPERTY, OR OUTLINE OF TOPOGRAPHICAL DETAIL		
	EASEMENT LINE		
	RIGHT-OF-WAY LINE		
	UTILITY LINES		
	CONCRETE MONUMENT CONTROL CORNER (TOP ABOVE GROUND)		
	CONCRETE MONUMENT CONTROL CORNER (TOP BURIED)		
	IRON PIPE		
	IRON STAKE		

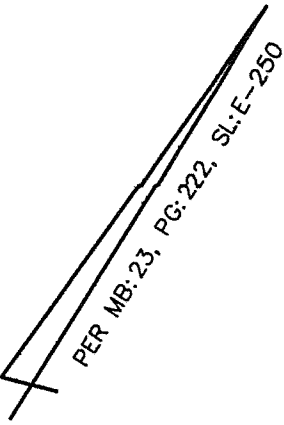
SURVEY OF <b>BERMUDA LANDING</b> REVISION OF LOT 12 STUMP SOUND TOWNSHIP ONSLOW COUNTY NORTH CAROLINA DATE OF SURVEY - FEBRUARY 1990 SCALE - 1 INCH = 20 FEET		DRAWING NO SHEET NO
DRAWN BY L. K. H. DATE FEBRUARY 1990	<b>COWAN AND JONES, P.A.</b> REGISTERED LAND SURVEYORS BURGAW, NORTH CAROLINA	

NORTH CAROLINA, ONSLOW COUNTY  
 The foregoing certificate of Mary B. Murray (Cowan)  
 Notary Public (is) certified to be correct. This instrument was presented for registration and recorded in this office in  
 Map Book 25 Page 222 This 16 day of February, 1990 at Stuart H. Jones o'clock  
Mary B. Murray By Slide - E - 250  
 Registrar of Deeds, ONSLOW COUNTY





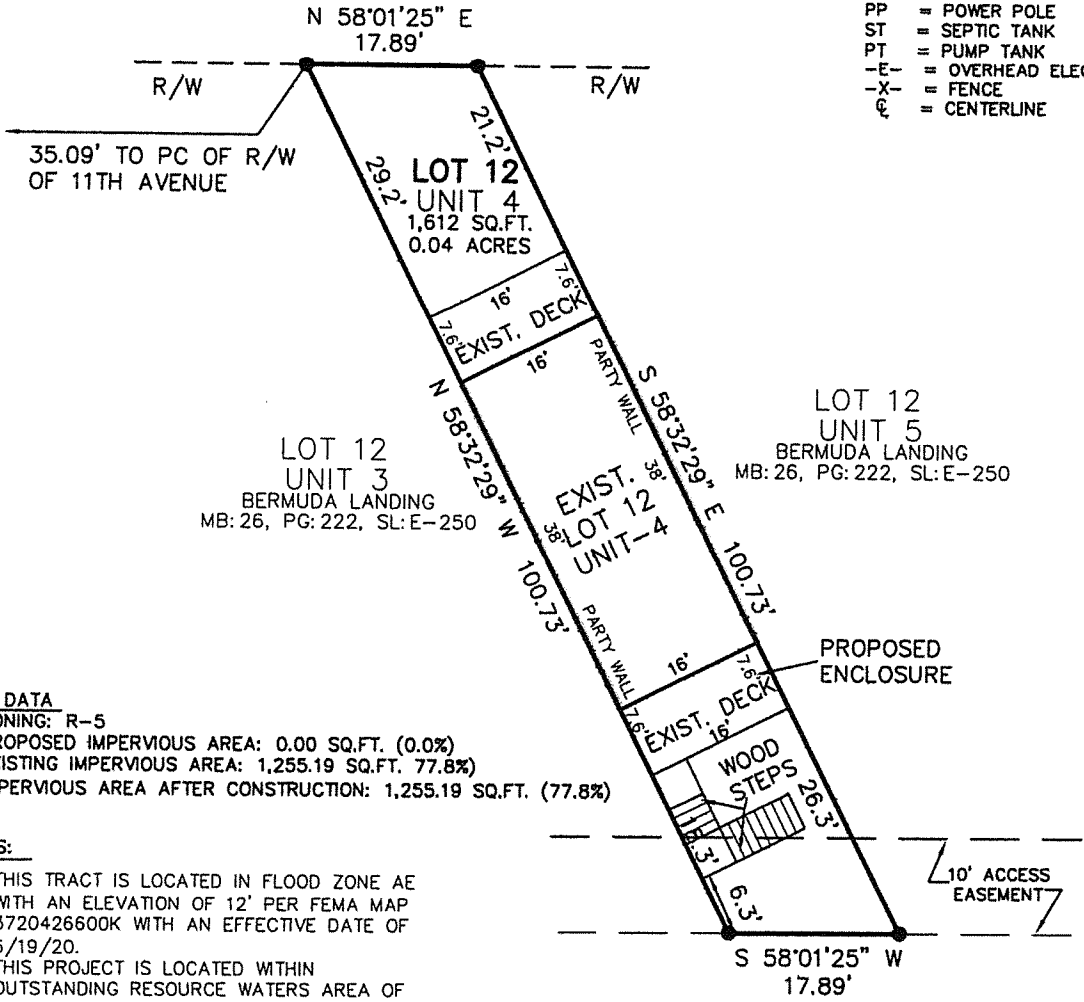
VICINITY MAP - NOT TO SCALE



LEGEND

- EIP = EXISTING IRON PIPE
- EIS = EXISTING IRON STAKE
- SIS = SET IRON STAKE
- ECM = EXISTING CONCRETE MONUMENT
- EPK = EXISTING PK NAIL
- MBL = MINIMUM BUILDING LINE
- R/W = RIGHT OF WAY
- EOP = EDGE OF PAVEMENT
- CONC. = CONCRETE
- WM = WATER METER
- PP = POWER POLE
- ST = SEPTIC TANK
- PT = PUMP TANK
- E- = OVERHEAD ELECTRICAL LINES
- X- = FENCE
- ⊕ = CENTERLINE

- BERMUDA LANDING PLACE -



TRACT DATA

ZONING: R-5  
 PROPOSED IMPERVIOUS AREA: 0.00 SQ.FT. (0.0%)  
 EXISTING IMPERVIOUS AREA: 1,255.19 SQ.FT. (77.8%)  
 IMPERVIOUS AREA AFTER CONSTRUCTION: 1,255.19 SQ.FT. (77.8%)

NOTES:

1. THIS TRACT IS LOCATED IN FLOOD ZONE AE WITH AN ELEVATION OF 12' PER FEMA MAP 3720426600K WITH AN EFFECTIVE DATE OF 6/19/20.
2. THIS PROJECT IS LOCATED WITHIN OUTSTANDING RESOURCE WATERS AREA OF ENVIRONMENTAL CONCERN (AEC)

THE PURPOSE OF THIS PRELIMINARY PLOT PLAN IS TO ENCLOSE THE EXISTING DECK

REFERENCES:

MB: 26, PG: 222, SL: E-250  
 DB: 4991, PG: 621

ADDRESS:

4 BERMUDA LANDING PLACE

PRELIMINARY PLOT PLAN

THIS IS TO CERTIFY THAT THIS MAP IS A TRUE REPRESENTATION OF THE PROPERTY HEREON AS COMPILED BY ACTUAL SURVEY OF THE PREMISES AND THAT THERE ARE NO ENCROACHMENTS ACCORDING TO THE BEST OF MY KNOWLEDGE, EXCEPT AS SHOWN. THE RATIO OF REDUCTION IS 1:10,000+.



JOHN L. PIERCE

LOT NO. LOT 12 UNIT 4 BLOCK \_\_\_\_\_  
 SUBDIVISION BERMUDA LANDING REVISION OF LOT 12  
STUMP SOUND TOWNSHIP ONSLow COUNTY, N.C.  
 PREPARED FOR: LAURA MURPHY (FORMERLY)  
LAURA MIGNONE

**JOHN L. PIERCE & ASSOCIATES, P.A. (C-1888)**  
 405 JOHNSON BLVD., JACKSONVILLE, NC 28540  
 PHONE: (910)346-9800 FAX: (910)346-1210  
 DATE: NOV. 2, 2022 SCALE: 1" = 20'  
 F.B. N/A P. N/A JOB # 2022-100

G:\PROJECTS\MURPHY, LAURA\LOT 12 BERMUDA.DWG 11/2/2022 9:16:13 AM JOSHIVOTHS vjp-dc-zk t6 Back Printer

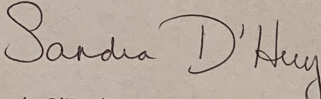
October 25, 2022

EXHIBIT (12)

To whom it concerns:

The Bermuda Landing Owners Association Board of Directors received an Architectural Change Request Form from Laura Murphy on 3/15/2022. The Board reviewed the renovation plans submitted by Chris Holmes, P.E., and approved the project on 3/20/2022. As part of the approval, the Board reiterated the Homeowner's Acknowledgement which states: "The homeowner will comply with all applicable federal, state, and local laws, codes, regulations and requirements in connection with the work and, they will obtain any necessary governmental permits and approvals for the work."

Yours truly,

A handwritten signature in cursive script that reads "Sandra D'Huy". The signature is written in dark ink and is positioned above the typed name.

Sandra D'Huy (President – Bermuda Landing Owners Association)

**From:** [Mairs, Robb L](#)  
**To:** [Deb Hill](#); [Martin, Tina R](#)  
**Cc:** [Styron, Heather M.](#)  
**Subject:** RE: [External] FW: PLANNING BOARD PACKAGE THURSDAY NOV 10 2022 5 PM  
**Date:** Thursday, November 10, 2022 4:09:37 PM

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hey Deb,

Correct, if the proposed expansion is located over existing impervious area, this would be consistent with **15A NCAC 07H .0209 COASTAL SHORELINES (d)(2)**. The proposed expansion would require a CAMA Minor Permit through the Morehead City Office (cc'd).

Thanks and hope you have a nice holiday weekend and happy Veterans Day.

Robb

**Robb Mairs**

LPO Minor Permits Coordinator  
 Division of Coastal Management  
 North Carolina Department of Environmental Quality

910.796.7301 office  
 910.789.2577 cell (Preferred)  
[robb.mairs@ncdenr.gov](mailto:robb.mairs@ncdenr.gov)  
<https://deq.nc.gov/about/divisions/coastal-management>  
[Find a Field Rep \(arcgis.com\)](#)  
 127 Cardinal Drive Extension  
 Wilmington, NC 28405

*Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.*

---

**From:** Deb Hill <[dhill@northtopsailbeachnc.gov](mailto:dhill@northtopsailbeachnc.gov)>  
**Sent:** Tuesday, November 8, 2022 5:06 PM  
**To:** Martin, Tina R <[Tina.Martin@ncdenr.gov](mailto:Tina.Martin@ncdenr.gov)>  
**Cc:** Mairs, Robb L <[robb.mairs@ncdenr.gov](mailto:robb.mairs@ncdenr.gov)>  
**Subject:** [External] FW: PLANNING BOARD PACKAGE THURSDAY NOV 10 2022 5 PM

**CAUTION:** External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Just for clarification, Tina, I had to get the Planning Board package out and included the statement

“redevelopment consistent with 15A NCAC 07H .0209 COASTAL SHORELINES (d)(2)” based on earlier conversations even though they had revised the plat from what they had submitted for the CAMA exemption. I’ll still need to get confirmation from you as the permitting authority.

**Deborah J. Hill MPA AICP CFM CZO**

Planning Director

**Town of North Topsail Beach**

2008 Loggerhead Ct.  
North Topsail Beach, NC 28460  
910.328.1349



---

**From:** Deb Hill

**Sent:** Tuesday, November 8, 2022 3:45 PM

**Subject:** FW: PLANNING BOARD PACKAGE THURSDAY NOV 10 2022 5 PM

Please see updated Planning Board package for Thursday, November 10<sup>th</sup> at 5 pm.

Thank you.

Hard copies available at Town Hall.

**Deborah J. Hill MPA AICP CFM CZO**

Planning Director

**Town of North Topsail Beach**

2008 Loggerhead Ct.  
North Topsail Beach, NC 28460  
910.328.1349



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.

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

Alice Derian, ICMA-CM  
Town Manager

Aldermen:  
Alfred Fontana  
Richard Grant  
Tom Leonard  
Connie Pletl

Melinda Mier  
Town Clerk



*Nature's Tranquil Beauty*  
**Certification of Public Notice**

In accordance with NCGS § 160D-4-6 (b) and North Topsail Beach Unified Development Ordinance (UDO) §2.06 Table 2-1, I hereby certify that on November 16, 2022, notice of a public hearing for the Special Use Permit application identified as Case No. SUP 22-02, was sent by first-class mail, to all owners of property abutting 4 Bermuda Landing. The list of owners and addresses was prepared from Onslow County Tax Records:

SMITH TIMOTHY & KAREN  
11409 BURBERRY DR  
RALEIGH, NC 27614

BERMUDA LANDING OWNERS ASSOC  
99 BERMUDA LANDING PL  
N TOPSAIL BEACH, NC 28460-8500

GRIMES CHRISTOPHER  
5 BERMUDA LANDING PL  
N TOPSAIL BEACH, NC 28460-8555

MIGNONE LAURA  
4 BERMUDA LANDING PL  
N TOPSAIL BEACH, NC 28460-8555

HIGGINS TIMOTHY & BETH POPLIN  
208 PENTECOSTAL CH RD  
MOUNT AIRY, NC 27030

On November 17, 2022, the Notice was posted at Town Hall, and on the Town's website and distributed to the "sunshine list." Notice was posted on the property subject to the request at least ten days prior to the scheduled hearing.

Certified:

  
Deborah J. Hill, MPA AICP CZO CFM

Planning Director

cc: file

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

Alice Derian, ICMA-CM  
Town Manager

Aldermen:  
Alfred Fontana  
Richard Grant  
Tom Leonard  
Connie Pletl

Melinda Mier  
Town Clerk



*Nature's Tranquil Beauty*

NOTICE OF PUBLIC HEARINGS  
TOWN OF NORTH TOPSAIL BEACH  
BOARD OF ALDERMEN  
Wednesday, December 7, 2022, 11:00 a.m.

Pursuant to NCGS § 160D-4-6 (b) and the Town's Unified Development Ordinance (UDO) §2.06 Table 2-1, notice is hereby given that a regular meeting of the North Topsail Beach Board of Aldermen will be held at 2008 Loggerhead Court, North Topsail Beach NC on Wednesday, December 7, 2022, 11:00 a.m. Hearings will be conducted to receive input on:

A Special Use Permit (Sec. 2.19) application to by Laura Murphy to renovate her townhouse at 4 Bermuda Landing by: removing the existing rear 16' x 7.6' deck; constructing a 16' x 7.6' den addition on 1st habitable level; building new deck on 2nd habitable level; and enclose the new ground-floor enclosure.

Although similar minor modifications and additions to the original Town House Development have previously received administrative approval prior to July 1, 2021, North Carolina General Statutes § 160D-403d Administrative Development Approvals and Determinations (see also UDO §2.15 (D)) now require that the same development review and approval process be applied as the original development for approval of modifications or minor development.

Onslow County Planning Board approved Bermuda Landing final plat on 3/17/88, effective July 1, 2021, any changes to Bermuda Landing – unless defined as minor and otherwise authorized by the ordinance - must be reviewed and approved by the Board of Aldermen using the procedures outlined in §4.03.03 TOWNHOUSE DEVELOPMENT.

All information pertaining to these public hearings may be viewed at the Town Hall Monday through Friday between the hours of 8:00 am and 5:00 pm.

For more information, please contact:  
Deborah J. Hill MPA AICP CFM CZO, Planning Director  
dhill@northtopsailbeachnc.gov  
910-328-1349

## **§2.20 SPECIAL USE PERMITS.**

(A) Objectives and purpose. Permitting special uses adds flexibility to the unified development ordinance. Subject to high standards of planning and design, certain uses are allowed in districts where they are compatible but where adverse impacts need to be minimized. By means of controls exercised through the special use permit procedures, these uses can be developed to minimize any bad effects they might have on surrounding properties.

(B) Granting authority.

(1) Special use permits must be approved by the Board of Aldermen.

(2) Requests for special use permits granted by the Board of Aldermen shall be initially reviewed by the Planning Board. The Planning Board shall pay particular attention to consistency of the proposed use with the CAMA Land Use Plan. At the meeting set by the Board of Aldermen for a evidentiary hearing, the Planning Board's written comments shall be presented, along with the staff report and are ~~not~~ subject to the rules of

sworn evidence.

(C) Application submission.

(1) The owner(s) or anyone with a possessory interest entitled to exclusive possession or anyone with a contractual interest soon to be a freehold interest in the property included in the petition for a special use permit shall submit an application to the Zoning Administrator at least 30 days before the meeting of the Board of Aldermen at which it is to be heard.

(2) It is recommended that the applicant or his or her representative meet with the Zoning Administrator before beginning the application process to discuss the proposed plans and the special use process.

(3) The application shall include all of the requirements pertaining to it in this ordinance. In addition, the application shall demonstrate compliance with the provisions identified for each special use identified in this ordinance. Without complete information, the application shall not be processed by the Zoning Administrator.

(4) The applicant shall submit sufficient information in order to provide a full and accurate description of the proposed use including its appearance and operational characteristics. The burden is on the applicant to present sufficient evidence to allow the appropriate board to make a finding that all the standards will be met.

(5) At the time of submission, applicants shall pay a fee according to the fee schedule approved by the Board of Aldermen to partially defray the costs of processing the application.

(D) Review procedures for special use permit.

(1) Notice of public evidentiary hearing. Upon receipt of a complete application for a special use permit, a public hearing shall be scheduled for an upcoming meeting of the Board of Aldermen. Notice of a public hearing shall be provided in the following manner.

(a) The Zoning Administrator shall provide written notice by first class mail at least ten days before the hearing to all parties to the proceeding and to owners of all parcels of land abutting the parcel for which the special use permit is sought. Names and addresses of property owners shall be obtained from property tax listings.

(b) Notice shall also be provided by newspaper publication of the location and subject of the request. Such notice shall run at least once each week for two successive weeks before the Board of Aldermen meeting at which the hearing is set for consideration of the request. The notice shall be published for the first time not less than ten, nor more than 25 days before the date fixed for the hearing.

(c) Notice shall also be posted by the town on the property subject to the request. Notice shall be posted at least one week before the scheduled hearing at which the request is to be heard.

(2) Public evidentiary hearing and action by Board of Aldermen. Upon receipt of a complete application at least 30 days before a meeting of the designated Board, the Board shall consider the applicant's request. All evidence presented at the public hearing shall be under oath, and evidence shall be competent, substantial and material. Following the public hearing, the board shall act on the applicant's request by either granting or denying the request.

(3) Voting. When voting on the applicant's request for a special use permit, a majority vote of the Board of Aldermen shall be required to grant the request. Vacant seats and disqualified members are not counted in computing the necessary majority vote. If the Board grants the special use permit, the approval



shall include approval of required plans as submitted.

(4) Conflicts. A member of the Board of Aldermen shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(5) Findings. In granting the permit, the Board of Aldermen shall make a written decision that:

(a) Identifies the key facts of the case and applies these facts to the following standards. The Board must find that all of these conditions exist, or the application will be denied;

(b) The use or development is located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare;

(c) The use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations; and

(d) The use or development conforms to the plans for the land use and development of town as embodied in this zoning ordinance and in the town CAMA land use plan.

(6) Additional conditions. In granting the special use permit, the Board may designate additional conditions that will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, is within the spirit of this ordinance and clearly in keeping with the public welfare.

All such additional conditions shall be entered into the minutes of the meeting, at which the special use permit is granted, on the special use permit itself and on the approved plans. The Board must obtain applicant's/landowner's written consent to conditions related to a special use permit to ensure enforceability. (S.L. 2019-111, Pt. I.) The special use permit and any other specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns. The Board must not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose. (S.L. 2019-111, Pt. I.)

(7) Denial. If the specified board denies a request for a special use permit, it shall enter the reasons for its action in the minutes of the meeting at which the action was taken. A letter signed by the Zoning Administrator is mailed to the applicant identifying the reasons for denial.

(8) Approvals and copies. Upon approval of the request for a special use permit, a copy of the plan shall be dated and signed by the Zoning Administrator, denoting town approval. One copy shall be returned to the applicant.

(9) Appeal of decision. Appeal may be taken from the action of the Board of Aldermen in granting or denying a special use permit through Superior Court of the county. Any petition for review shall be filed with the Clerk of Superior Court within 30 days after a decision of the board is filed in the office of the Town Clerk, or after a written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the Clerk at the time of the hearing of the case, whichever is later. The decision of the authorized board shall be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

(10) Failure to comply with plans or conditions. In the event of failure to comply with the plans approved by the Board of Aldermen or with any other conditions imposed upon the special use permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this special use permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this ordinance; provided, however, that the Board of Aldermen shall not be prevented from thereafter rezoning said property for its most appropriate use.

(Ord. passed 11-2-2011)

## **§ 160D-406. Quasi-judicial procedure.**

(a) **Process Required.** - Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision.

(b) **Notice of Hearing.** - Notice of evidentiary hearings conducted pursuant to this Chapter shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

(c) **Administrative Materials.** - The administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

(d) **Presentation of Evidence.** - The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.

Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

(e) **Appearance of Official New Issues.** - The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the local government, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the local government would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.

(f) **Oaths.** - The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

(g) Subpoenas. - The board making a quasi-judicial decision under this Chapter through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(h) Appeals in Nature of Certiorari. - When hearing an appeal pursuant to G.S. 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below, and the scope of review shall be as provided in G.S. 160D-1402(j).

(i) Voting. - The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

(j) Decisions. - The board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

(k) Judicial Review. - Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. Appeals shall be filed within the times specified in G.S. 160D-1405(d). The governing board of the local government that is a party to the judicial review of the quasi-judicial decision shall have the authority to settle the litigation, subject to Article 33C of Chapter 143 of the General Statutes. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-168, s. 3(a).)