

Town of North Topsail Beach

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

Aldermen:
Alfred Fontana
Richard Grant
Tom Leonard
Connie Pletl



Alice Derian, ICMA-CM
Town Manager

Nancy Allen
Interim Town Clerk

Nature's Tranquil Beauty

Zoning Board of Adjustment

Agenda

Wednesday, June 28, 2023 at 5:30 p.m.

- | | | |
|------|--|-----------|
| I. | Call to Order | 5:30 p.m. |
| II. | Adoption of Agenda | 5:31 p.m. |
| III. | Approval of Minutes, March 22, 2023 | |
| IV. | Old Business | |
| | Case #AA23-000003: Appeal by Mark Wilson | 5:32 p.m. |
| V. | New Business | |
| | Case #AA23-000004: Appeal by Mr. Chris Plaford | 6:32 p.m. |
| VI. | Discussion | |
| | Organizational matters pursuant to UDO §2.03.01. | 7:32 p.m. |
| VII. | Adjournment | 8:00 p.m. |

Notice to citizens who wish to speak: As a courtesy to others, a citizen speaking on an agenda item or making a petition is normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Planning Director by calling 328-1349. If you wish to address the Board this evening, please go to the front right corner of the conference room and sign up with the Recording Secretary. The Board may also change the order in which agenda items are presented.

Attorneys: If you are representing a person with an interest in a quasi-judicial proceeding on this agenda and believe you may wish to cross examine a witness, please identify yourself as such to the Recording Secretary. For the sake of maintaining an accurate public record all speakers must be prepared to speak into an amplified microphone and must provide their name to the Recording Secretary.

Town of North Topsail Beach

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

Aldermen:
Alfred Fontana
Richard Grant
Tom Leonard
Connie Pletl



Alice Derian, ICMA-CM
Town Manager

Kate Winzler, CMC, NCCMC
Deputy Town Clerk

Nature's Tranquil Beauty

PUBLIC NOTICE Zoning Board of Adjustment Wednesday, June 28, 2023 at 5:30 p.m.

Public Notice is hereby given that the Town of North Topsail Beach Zoning Board of Adjustment will hold an Evidentiary Hearing following quasi-judicial procedures on Wednesday, **June 28, 2023** at 5:30 p.m. at Town Hall, 2008 Loggerhead Court, North Topsail Beach NC.

The purpose of this meeting is to hear and decide:

- Case #AA23-000003 (cont.): Appeal by Mr. Mark Wilson of decision by Deborah J. Hill, Planning Director to issue a Notice of Violation and Citation based on Town Code § 10.07.02 REBUILDING OF DAMAGED DUNES; Unified Development Ordinance §10.02.01 DEVELOPMENT WITHOUT A PERMIT; §10.02.02 DEVELOPMENT INCONSISTENT WITH A PERMIT and §10.02.03 VIOLATION OF CONDITIONS IMPOSED at 4122 Island Drive, North Topsail Beach, NC.
- Case #AA23-000004: Appeal by Mr. Chris Plaford of decision by Deborah J. Hill, Planning Director to issue Citation #23-000290 dated March 28, 2023, for violation of Town Code § 10.07.02 REBUILDING OF DAMAGED DUNES at 402 New River Inlet Road, North Topsail Beach, NC.

Following the public hearing, the Board may discuss organizational matters pursuant to the Unified Development Ordinance §2.03.01.

All information pertaining to the Board of Adjustment public hearing may be viewed at Town Hall, 2008 Loggerhead Court, North Topsail Beach NC, Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. All interested citizens are encouraged to attend.

Deborah J. Hill MPA AICP CFM CZO
Planning Director

STAFF REPORT CONTACT INFORMATION

Deborah J. Hill MPA AICP CFM CZO, Planning Director

DOCKET/CASE/APPLICATION NUMBER

AA23-000003

APPLICANT/PROPERTY OWNER

Cedar Homes Investments, LLC Mark Wilson/Chad Bell

PUBLIC HEARING DATE

Wednesday, March 22, 2023 at 5:30 p.m.

PROPERTY ADDRESS/LOCATION

4122 ISLAND DR

BRIEF SUMMARY OF REQUEST

Appeal by Cedar Homes Investments, LLC Mark Wilson/Chad Bell from Planning Director's Written Order or decision Written Order or Decision Being Appealed:

- § 10.07.02 REBUILDING OF DAMAGED DUNES.
- §10.02.01 DEVELOPMENT WITHOUT A PERMIT.
- §10.02.02 DEVELOPMENT INCONSISTENT WITH A PERMIT.
- §10.02.03 VIOLATION OF CONDITIONS IMPOSED.
- § 10.07.02 REBUILDING OF DAMAGED DUNES.

You are hereby ordered to restore the dune to its original state using similar materials and stabilizing vegetation within 7 days of this notice and subject to a fine of \$10,000.



MAP: Auto (Oblique) 12/24/2021

MAP SOURCE: CONNECTExplorer

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-20	Residential	North R-20 Single Family East R-20 u Single Family South N/A Atlantic Ocean West R-5 Condos	1970 Dwelling 2805 square feet	15,041 Square Feet

EXHIBITS

Application by Mark Boike

1a. Written Order or decision being appealed	3-6
1b. Stop Work Order Issued by Ralph Allen dated 3/7/2023	7
1c. 4122 Island Dr Survey 2018	8
1d. 4122 Island Dr Survey 2022	9
1e. Exemption Number – EX47-22 dated October 26, 2022	10
i. Notice for Property Owners, Contractors, and Design Professionals	11
ii. Requirements for Applications for Permits for Substantial Improvements and Repair of Substantial Damage	12-13
iii. Costs for Substantial Improvements and Repair of Substantial Damage*	14
iv. Owner's Affidavit*	15-16
v. Contractor's Affidavit	17
vi. Substantial Improvement or Substantial Damage Worksheet.	18
1f. Notice of Appeal	19
1g. Photo IMG_9224.jpg	20-23
1h. Photo IMG_9223.jpg	24
	25

Documents submitted by Deborah J. Hill, Planning Director. Pursuant to § 2.02.04 (E) The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner:

Staff Report NTB 1
List of Exhibits NTB 2

Notice Of Determination (Residential) dated November 21, 2022 NTB 3

4122 ISLAND DR PHOTO NTB 4

4122 ISLAND DR PHOTO NTB 5

Deborah J. Hill, Planning Director email RE: 4122 Island Drive Stop Work Order, Notice of Violation, Order to Restore, Citation, and Right to Appeal dated Wed 3/8/2023 9:58 AM NTB 6-8

Mark Wilson email Wednesday, March 8, 2023 8:41 AM NTB 8-11

Kate Winzler email Mar 8, 2023, at 08:20 NTB 11

Ralph Allen email FW: 4122 Island Dr Survey Wed 3/8/2023 4:49 PM/ NTB 12

Mark Wilson email March 8, 2023 12:23 PM NTB 12-13

Survey dated April of 2022 NTB 14

Robb Mairs email March 14, 2023 5:07:47 PM NTB 15

Deborah J. Hill, Planning Director email March 14, 2023 3:25:00 PM NTB 16

Tina R Martin email March 14, 2023 1:25 PM NTB 17

Deborah J. Hill, Planning Director email March 14, 2023 1:13 PM NTB 18

Tina R Martin email March 14, 2023 12:20 PM NTB 19

Deborah J. Hill, Planning Director email March 13, 2023 5:06 PM NTB 19-21

Braxton Davis DCM Director memo July 20, 2020 NTB 22-25

Staff Report 9/7/2022 NTB-28

An ordinance amending the Unified Development Ordinance of the Town of North Topsail Beach, North Carolina to provide dune protection measures, mandatory remediation for damaged dunes and set fines NTB 29-30

Town of North Topsail Beach

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

CEDAR HOMES INVESTMENTS LLC
4122 ISLAND DR
N TOPSAIL BEACH, NC 28460-8214

November 21, 2022

NOTICE OF DETERMINATION (RESIDENTIAL)

Dear CEDAR HOMES INVESTMENTS LLC:

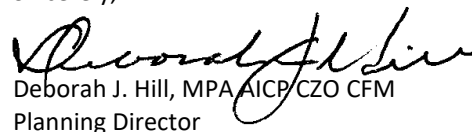
The Town of North Topsail Beach has reviewed your recent application for a permit remodel house exterior and exterior for the existing residential structure located at 4122 ISLAND DR, North Topsail Beach, NC 28460. Some of these repairs are required as a result of flood damage from Hurricane Florence of September 14, 2018.

The Planning Department has determined that this structure is located within a mapped Special Flood Hazard Area on the Flood Insurance Rate Map (FIRM), Panel 3720426600K, with an effective date of 6/19/20. As required by our floodplain management regulations and/or building code, we have evaluated the proposed repair work and determined that the damage does not constitute Substantial Damage for this structure. This determination is based on a comparison of the cost estimate of the proposed cost of repairs to the appraised value of the structure (excluding land value). When the cost of repairs is less than 50 percent of the pre-damage market value of the structure, the damage is not considered to be Substantial Damage, so no additional requirements apply for this structure.

Please be advised that we may need to make another determination if you elect to perform work other than that described and defined in your current permit application, including additional renovations or upgrades or the building of an addition. Construction activities that are undertaken without a proper permit are violations and may result in citations, fines, the removal of the non-compliant construction, or other legal action.

Questions regarding the inspection process may be directed to me or Mr. Ralph Allen of the Building Department at (910) 328-1349 between the hours of 8:00 AM and 5:00 PM, Monday through Friday, or e-mailed to dhill@northtopsailbeachnc.gov.

Sincerely,


Deborah J. Hill, MPA AICP CZO CFM
Planning Director

cc: file





Deb Hill

From: Deb Hill
Sent: Wednesday, March 8, 2023 9:58 AM
To: Mark Wilson
Cc: billing@cedarhomesllc.com; Ralph Allen; Kate Winzler; Alice Derian
Subject: RE: 4122 Island Drive Stop Work Order, Notice of Violation, Order to Restore, Citation, and Right to Appeal
Attachments: 20230307_100633.jpg; 20230307_100618.jpg

Please be advised that on September 7, 2022, the Board of Aldermen adopted an amendment to the Unified Development Ordinance to provide dune protection measures, mandatory remediation for damaged dunes and set fines.

§ 10.07.02 REBUILDING OF DAMAGED DUNES.

- (A) All dunes in the Ocean Hazard Area that are damaged during construction, or damage occurring as a result of such construction, or excavated in violation of this ordinance shall be restored to its original state using similar materials and stabilizing vegetation. It shall be the responsibility of the property owner to guarantee the protection of all identified dune systems and not allow the natural topography of the lot altered beyond that which has been authorized in the permit. The rebuilding of a dune shall be the ultimate responsibility of the property owner. Any dune in the required natural area that has been damaged or excavated in violation of this ordinance shall be subject to a fine of \$10,000 and restored within 7 days of notice.
- (B) Failure to repair damage to dunes and vegetation after 7 days, shall constitute a separate violation for each day that such failure continues after written notification by the Planning Director.
- (C) Any development proposed within the Ocean Hazard Area shall indicate on a plat submitted with the application, the dune contour/topography and dune profile by elevation, the landward toe of the dune by bearing and distance.
- (D) No disturbance, no development, no structure shall be permitted within 5.0 feet of the landward toe of the dune, "dune buffer," except beach access crossovers as permitted.
- (E) Any additions or improvements to existing structures must comply with the standards for new construction and be relocated outside of the "dune buffer."
- (F) If any provision of this article is in conflict with a rule or regulation adopted by the State Coastal Resources Commission dealing with oceanfront erosion control, then the most stringent rule or regulation shall control and apply.

(Ord. passed 11-2-2011)

This ordinance is effective upon its adoption.
 Adopted this the 7th day of September, 2022.

I have reviewed your FILE #: 22-001174 Renovation of 2156 square foot single-family residence: replacing Windows, Roof, Repairing deck, new cabinets and countertops, flooring, paint, lighting, and plumbing fixtures. Bringing electrical to code. Adding insulation to walls and attic. replacing existing mechanical systems. Setting tubs/showers for 3 bathrooms with toilets, fixtures, and a water heater. **Replace some deck boards, handrails**

and stair treads- no change in footprint. Owner exemption affidavit pursuant to G.S. 87-14 (a) (1) signed and notarized 11/15/2022. Approval condition: "Please be advised that we may need to make another determination if you elect to perform work other than that described and defined in your current permit application, including additional renovations or upgrades or the building of an addition. Construction activities that are undertaken without a proper permit are violations and may result in citations, fines, the removal of the non-compliant construction, or other legal action."

No Zoning/Floodplain application was submitted, no permits were authorized for the development into the dune, as evidenced by the Building Inspector on March 7, 2023. This is a violation of

- **§10.02.01 DEVELOPMENT WITHOUT A PERMIT.**

To engage in any development, use, construction, remodeling or other activity of any natures upon land or improvements thereto subject to the jurisdiction of this ordinance without all the required permits, certificate or other forms of authorization as set forth in this ordinance.

(Ord. passed 11-2-2011)

- **§10.02.02 DEVELOPMENT INCONSISTENT WITH A PERMIT.**

To engage in any development, use, construction, remodeling or other activity of any nature upon land or improvements thereto inconsistent with any approved plan, permit, certificate or other forms of authorization as set forth in this ordinance.

(Ord. passed 11-2-2011)

- **§10.02.03 VIOLATION OF CONDITIONS IMPOSED.**

To violate by act or omission any term, variance, modification, condition or qualification placed by the Planning Director, in accordance with this ordinance, upon any required permit, certificate or other form of authorization for the use, development or other activity upon land or improvements thereto.

(Ord. passed 11-2-2011)

- **§ 10.07.02 REBUILDING OF DAMAGED DUNES.**

(A) All dunes in the Ocean Hazard Area that are damaged during construction, or damage occurring as a result of such construction, or excavated in violation of this ordinance shall be restored to its original state using similar materials and stabilizing vegetation. It shall be the responsibility of the property owner to guarantee the protection of all identified dune systems and not allow the natural topography of the lot altered beyond that which has been authorized in the permit. The rebuilding of a dune shall be the ultimate responsibility of the property owner. Any dune in the required natural area that has been damaged or excavated in violation of this ordinance shall be subject to a fine of \$10,000 and restored within 7 days of notice.

(B) Failure to repair damage to dunes and vegetation after 7 days, shall constitute a separate violation for each day that such failure continues after written notification by the Planning Director.

You are hereby ordered to restore the dune to its original state using similar materials and stabilizing vegetation within 7 days of this notice and subject to a fine of \$10,000.

You have a right to appeal pursuant to UDO §2.03.05 APPEALS OF ADMINISTRATIVE DECISIONS. § 160D-405, which can be found online at https://www.northtopsailbeachnc.gov/sites/default/files/fileattachments/planning_and_zoning/page/2369/2021_unified_development_ordinance.pdf

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: Mark Wilson <fullsend0369@gmail.com>
Sent: Wednesday, March 8, 2023 8:41 AM
To: Kate Winzler <kwinzler@northtopsailbeachnc.gov>
Cc: billing@cedarhomesllc.com; Deb Hill <dhill@northtopsailbeachnc.gov>; Ralph Allen <rallen@northtopsailbeachnc.gov>
Subject: Re: 4122 Island Drive Stop Work Order

Caution: This is an external email. Please take caution when clicking links or opening attachments. Contact the IT Department if you're unsure of the legitimacy of this email.

Good Morning,

We aren't doing a beach access, we are doing exactly what was listed on the cama permit and the building permit. Simply repairing what was there to a similar manner. The back steps are landing on the dune, and traversing back to the house.

This is what was advised to me by Tina Martin when she met me at the property, as she stated they aren't wanting decks going over the dunes because it impedes on Dune Management.

We are repairing the deck to it's pre storm condition minus the deck going over the dunes.

The Cama permit states that "Structures may be repaired in a similar manner, size and location as the original structure"

Please see attached older photos of deck, I've spoke to Ralph about this matter as it was a disgruntled neighbor who doesn't want her view blocked. Which, I don't see how it would be.





Respectfully,



Mark Wilson
Construction Project Manager
Cell: (919) 394-7282

This email, including attachments, may contain information that is private or confidential. If you received this communication in error, please delete it from your system without copying it and notify sender by reply communication

On Mar 8, 2023, at 08:20, kwinzler@northtopsailbeachnc.gov wrote:

Greetings,
Please find the document attached.
To make a beach access application, follow the instructions here:
<https://www.northtopsailbeachnc.gov/buildinginspections/page/beach-access-application>
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



From: [Ralph Allen](#)
To: [Deb Hill](#)
Subject: FW: 4122 Island Dr Survey
Date: Wednesday, March 8, 2023 4:49:20 PM
Attachments: [17-12-09 PPP 3 PRE 3.pdf](#)

Mark sent me this.

From: Mark Wilson <fullsend0369@gmail.com>
Sent: Wednesday, March 8, 2023 12:23 PM
To: Ralph Allen <rallen@northtopsailbeachnc.gov>
Subject: 4122 Island Dr Survey

Caution: This is an external email. Please take caution when clicking links or opening attachments. Contact the IT Department if you're unsure of the legitimacy of this email.

Hey Mr. Allen,

Here is the survey from the surveyor who has worked this property over the years.

Survey is dated April of 2022.

If it's hard to understand, he was hired to create a survey as a proposal showing what the house would look like if they moved the house back 60' from the dune setback.

In the survey, it shows the existing wood walkway going over the dunes.

Let me know how you'd like to proceed.

Thank you.

Respectfully,

Mark Wilson



Construction Project Manager
Cell: (919) 394-7282

This email, including attachments, may contain information that is private or confidential. If you received this communication in error, please delete it from your system without copying it and notify sender by reply communication

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.

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

PRELIMINARY PLAN
NOT FOR RECORDATION,
CONVEYANCES OR SALES

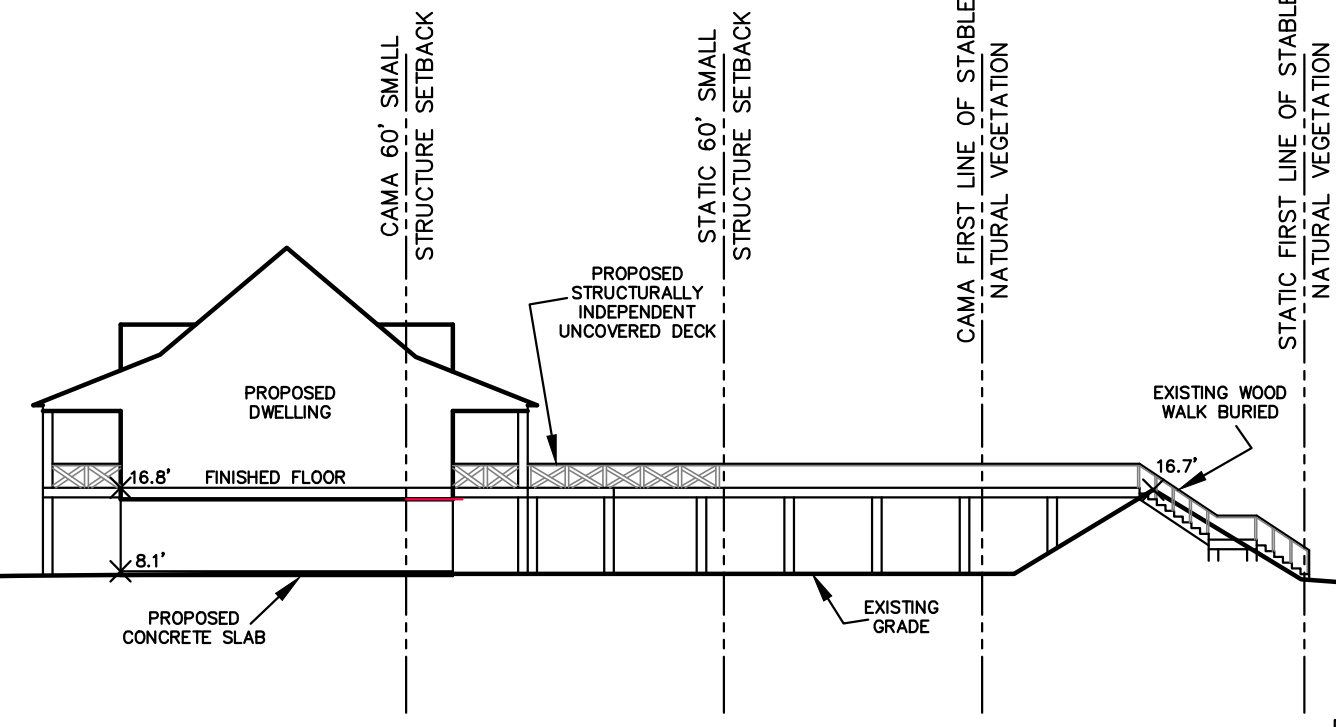
CHARLES FRANCIS RIGGS P.L.S. L# 2981

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE VARIES WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370466 3720426600K JUNE 19, 2020

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



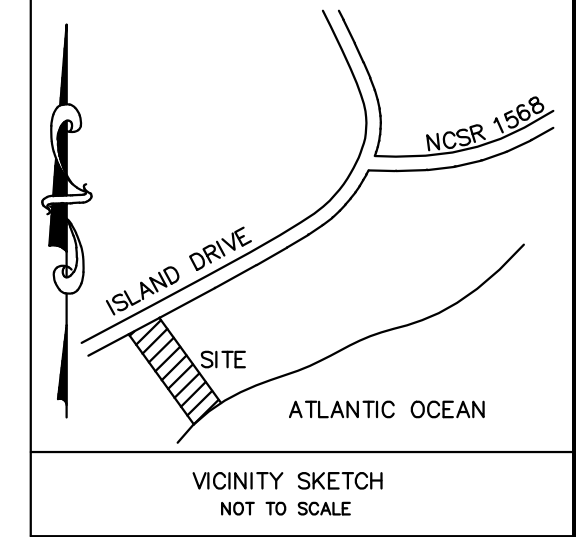
NC HIGHWAY 210-ISLAND DRIVE
100' R/W (ASPHALT-PUBLIC)



NOTE
LAND DISTURBANCE FROM R/W TO TOP OF DUNE WITH ADDITIONAL DISTURBANCE FOR PROPOSED WOOD WALK, GAZEBO, DECK & BEACH STEPS
PILING DEPTH AS PER ENGINEER
LANDSCAPING AS PER TOWN OF TOPSAIL BEACH ORDINANCES
PROPOSED STORMWATER TO BE ENGINEERED

NOTE
PROPOSED DWELLING IS TWO STORY ON PILINGS OVER CONCRETE SLAB, PARTIALLY ENCLOSED BELOW FOR ENTRY, GARAGE & STORAGE

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



AREA
15041 Sq.Ft.
0.345 ACRES

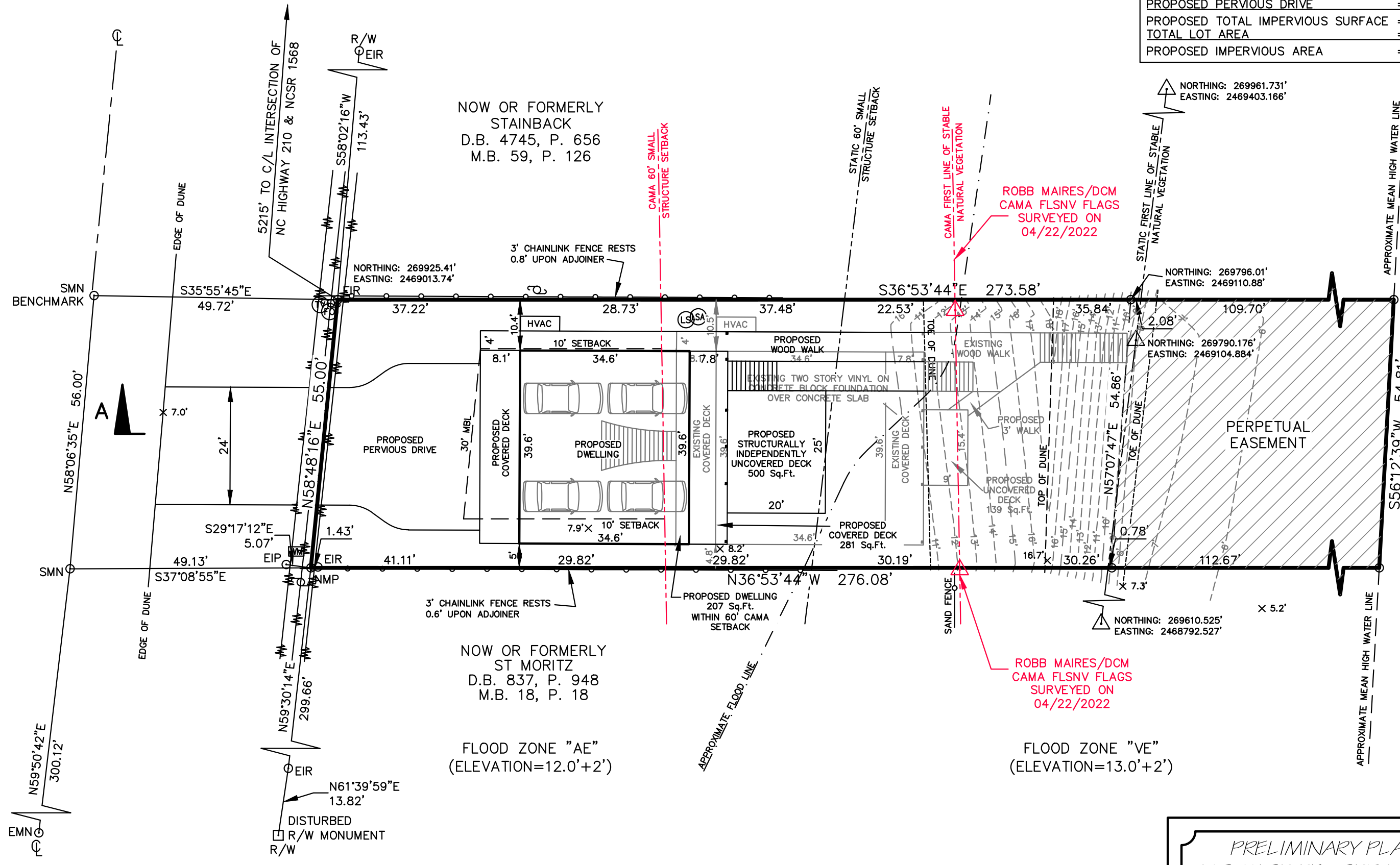
NOTE
BENCHMARK: SMN
NORTHING: 269965.66'
EASTING: 2468984.57'
ELEVATION: 6.87'
HORIZONTAL DATUM: NAD 83 (2011)
VERTICAL DATUM: NAVD 88
COMBINED FACTOR: 0.99997784
HORIZONTAL & VERTICAL DATUM OBTAINED WITH TOPCON GRS USING N.C. GEODETIC CONTINUOUS OPERATING REFERENCE STATIONS

OWNERS
SEFTON D. PADGETT, Jr.
ZONED R-20 ZONING SETBACKS
FRONT = 30'
REAR = 10'
SIDE = 10'

TITLE SOURCE
D.B. 4719, P. 339
TAX MAP #
769-2
REFERENCES
D.B. 837, P. 948
D.B. 1824, P. 762
D.B. 4719, P. 339
D.B. 4745, P. 656
M.B. 18, P. 18
M.B. 59, P. 126
LEGEND
CC = CONTROL CORNER
ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
EIP = EXISTING IRON PIPE (FOUND)
EIR = EXISTING IRON ROD (FOUND)
EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
ERRS = EXISTING RAILROAD SPIKE (FOUND)
MBL = MINIMUM BUILDING LINE
NMP = NON MONUMENTED POINT
R/W = RIGHT OF WAY
SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
SIP = SET IRON PIPE
SIR = SET IRON ROD
SMN = SET MAGNETIC NAIL (CONTROL CORNER)
SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
C = CENTERLINE
W = WATER METER
F = FIRE HYDRANT
V = WATER VALVE
L = LIFT STATION
LA = LIFT STATION ALARM
SSM = SANITARY SEWER MANHOLE
CO = CLEAN OUT
TP = TELEPHONE PEDESTAL
TEP = TELEVISION PEDESTAL
FCM = FIBER OPTIC CABLE MARKER
LP = LIGHT POLE
PP = POWER POLE
PL = POWER LINE
ET = ELECTRIC TRANSFORMER
X1.5' = EXISTING SPOT ELEVATION

ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED

NC HIGHWAY 210 - ISLAND DRIVE
100' R/W (ASPHALT-PUBLIC)



ATLANTIC OCEAN

PRELIMINARY PLAN
NOT FOR RECORDATION,
CONVEYANCES OR SALES

BOUNDARY & PARTIAL TOPOGRAPHIC SURVEY & PRELIMINARY PLOT PLAN FOR

SEFTON D. PADGETT, Jr.

TRACT AS DESCRIBED IN D.B. 4719, P. 339
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA
SEFTON D. PADGETT, Jr., OWNER, D.B. 4719, P. 339
4122 ISLAND DRIVE



(IN FEET)
1 inch = 20 ft.

ACTUAL FIELD SURVEY DATE: APRIL 22, 2022
MAPPING DATE: JUNE 13, 2022
FIELD BOOK: 1010, PAGE: 15

PROJECT NUMBER: 17-12-09 JTG

R:\2017\17-12-09 Padgett\CAD\Drawings\17-12-09 PPP 3.dwg - Monday, June 13, 2022 8:09:37 AM

CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET P.O. BOX 1570 JACKSONVILLE, NC 28540-1570 TELEPHONE: (910) 455-0877 E-MAIL: riggsland@riggslandnc.com	LANDFALL EXECUTIVE SUITES 1213 CULBRETH DRIVE WILMINGTON, NC 28405 TELEPHONE: (910) 681-7444
---	---

From: [Mairs, Robb L](#)
To: [Deb Hill](#)
Cc: [Martin, Tina R](#)
Subject: RE: [External] 4122 Island Drive APPEAL
Date: Tuesday, March 14, 2023 5:07:47 PM
Attachments: [image002.png](#)
[image003.png](#)
[Post Project Dune Guidance.pdf](#)

Caution: This is an external email. Please take caution when clicking links or opening attachments. Contact the IT Department if you're unsure of the legitimacy of this email.

Hi Deb,

Thanks for the heads up on this. Here's the policy memo that addresses starter dunes we discussed. If this is a starter dune with planted vegetation that is not deemed as stable natural vegetation, the property owner would be limited to post and rope to access the beach. We can come out to do a site visit to make this determination, which I have copied Tina Martin.

Thanks,

Robb

Robb Mairs

LPO Minor Permits Coordinator

North Carolina Division of Coastal Management

North Carolina Department of Environmental Quality

127 Cardinal Drive Extension

Wilmington, NC 28405

Office: (910) 796-7301

Cell: (910) 789-2577 (preferred)

Robb.Mairs@ncdenr.gov

Click [HERE](#) to Find the DCM Field Rep in your CAMA region.



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>
Sent: Tuesday, March 14, 2023 4:47 PM
To: Mairs, Robb L <robb.mairs@ncdenr.gov>
Subject: FW: [External] 4122 Island Drive APPEAL

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

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, March 14, 2023 3:26 PM
To: Martin, Tina R <Tina.Martin@ncdenr.gov>
Subject: RE: [External] 4122 Island Drive APPEAL

I have checked my records and am asking Ralph and Kate to check theirs as well.

The issue with the crossover is that it wasn't mentioned in their application to us. The police were called to the site for them tearing into the dunes and sandbags. The Police called Ralph and Ralph issued a Stop Work Order. I had to issue a \$10,000 fine.

By your statement, "They would be granted an accessway exemption to replace if they weren't already doing the 50% repair." We would have no way of knowing whether or not you had rolled the accessway exemption into their **EX47-22 for MAINTENANCE AND REPAIR OF EXISTING STRUCTURES**, as it was not mentioned and as it was not existing since 2018. The applicant failed to include the accessway in his discussion with us or his application with us.

Did the CAMA EX47-22 include rebuilding and relocating the 2018 crossover?

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: Martin, Tina R <Tina.Martin@ncdenr.gov>

Sent: Tuesday, March 14, 2023 1:25 PM

To: Deb Hill <dhill@northtopsailbeachnc.gov>

Subject: RE: [External] 4122 Island Drive APPEAL

Caution: This is an external email. Please take caution when clicking links or opening attachments. Contact the IT Department if you're unsure of the legitimacy of this email.

Not the pictures but yes, the estimate. I included this when I sent out the exemption to him and you all awhile back. I know I saw plans but I can't find them in my records mostly because exemptions are handled differently than minor permits. I did spend at least an hour with them in the fall talking about the repairs. What is the issue with them doing the crossover. They would be granted an accessway exemption to replace if they weren't already doing the 50% repair.

Tina Martin

Field Representative

Division of Coastal Management

400 Commerce Avenue Morehead City, 28557

Mobile: (252) 725-3908

Tina.Martin@ncdenr.gov

www.deq.nc.gov

<http://portal.ncdenr.org/web/cm/dcm-home>

[Find a Field Rep \(arcgis.com\)](#)



E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Deb Hill <dhill@northtopsailbeachnc.gov>
Sent: Tuesday, March 14, 2023 1:13 PM
To: Martin, Tina R <Tina.Martin@ncdenr.gov>
Subject: RE: [External] 4122 Island Drive APPEAL

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

Is that what he submitted to you on 8/26/2022?

He did not submit an application for the crossover here.

His application was for

FILE #: 22-001174

4122 ISLAND DR NORTH TOPSAIL BEACH NC 28460-821

REPLACING WINDOWS, ROOF, REPAIRING DECK, NEW CABINETS AND COUNTERTOPS, FLOORING, PAINT, LIGHTING, AND PLUMBING FIXTURES. SUBSTANTIAL IMPROVEMENT NOTICE OF DETERMINATION 22.11.21.

Work description:

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

He did not re-construct the crossover *as it was* in 2018, he relocated it, into the sandbags and vegetated dunes. Please see pictures.

Was the replacement of the 2018 crossover permitted by your letter of exemption EX47-22 for MAINTENANCE AND REPAIR OF EXISTING STRUCTURES - [G.S. 113-103(5)(B)(5) and [15A NCAC 7K.0103(a)]?

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: Martin, Tina R <Tina.Martin@ncdenr.gov>
Sent: Tuesday, March 14, 2023 12:20 PM
To: Deb Hill <dhill@northtopsailbeachnc.gov>
Subject: RE: [External] 4122 Island Drive APPEAL

Caution: This is an external email. Please take caution when clicking links or opening attachments. Contact the IT Department if you're unsure of the legitimacy of this email.

2018 Aerials and before show crossover in place.

Tina Martin

Field Representative

Division of Coastal Management

400 Commerce Avenue Morehead City, 28557

Mobile: (252) 725-3908

Tina.Martin@ncdenr.gov

www.deq.nc.gov

<http://portal.ncdenr.org/web/cm/dcm-home>

[Find a Field Rep \(arcgis.com\)](#)



E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Deb Hill <dhill@northtopsailbeachnc.gov>
Sent: Monday, March 13, 2023 5:06 PM
To: Martin, Tina R <Tina.Martin@ncdenr.gov>
Subject: [External] 4122 Island Drive APPEAL

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an

attachment to [Report Spam](#).

Have a question for you.

Mark states that:

As highlighted by the Planning Director, those words stand true. "NO CHANGE IN FOOTPRINT". There is no change in the footprint of the property, no additions are to be done, nor expansions. The matter she is referencing is the steps down to the top of the dune, or landing. She is stating that I am disturbing the dune. If you look at the two surveys (one dated 2018 and the other 2022), you can see that the footprint of the house does in fact have a crossover, going over the dune, has support columns in the dune. As outlined in my building permit as well as the CAMA permit, I am to repair said parts of the deck. I have also attached photos, indicating the crossover before we started repair and were issued the stop work order for visual representation.

1. I will note, that the CAMA representative did inform me on site, that it would be in my best interest not to keep the crossover, but to just keep the current switchback and a rope walkway down. She showed me the switchback of a house, 2 houses south of our residence as an example. As stated in her permit; "Structures may be repaired in a similar manner, size, and location as the original structure." She also notes: The project consists of the repair of the single-family residence (2,156 square feet), as shown on the attached drawing and materials list and the existing stairs which attach to the deck associated with the maintenance."

With that being noted, I cannot be in violation of this ordinance as I am doing what is listed on the CAMA permit and on my approved building permit (where the CAMA permit has to be submitted and reviewed by the towns Permit Specialist and the Planning Director) by the town of N. Topsail Beach.

He is basing his position on a verbal conversation he alleges he had with you; that the CAMA permit covers the verbal conversation he alleges to have had with you.

- Did the CAMA permit include rebuilding and relocating the crossover?
- May I have a copy of the site drawing and materials list submitted on 8/26/2022?

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.

To: DCM Regulatory Staff / Local Permitting Officers

From: Braxton Davis, DCM Director



Date: July 20, 2020

Subject: Rules and Procedures related to post-project dune restoration

As beach nourishment projects continue to increase in scope and frequency, a few questions have emerged with respect to the appropriate siting of accessways and sand fencing on newly nourished areas. In the past, beach profile designs focused on rebuilding the flat sand beach berm that tied into the existing dune. However, many of these projects are now incorporating higher elevation emergency berms waterward of the remaining frontal dune to provide additional levels of protection during future storm events. These features are variably referred to as an “emergency berm,” “shelf,” or “incipient dune,” among other terminologies. Here I will refer to these features as a “starter dune” (see Figure 1).

In many cases, Towns and property owners want to plant these starter dunes with vegetation to facilitate stabilization. Property owners and local governments have also requested to extend structural accessways over these areas to reduce impacts of foot traffic on the starter dune and its newly planted vegetation. In addition to accessways, property owners and communities have sought to install sand fencing at the toe or on the slope of the new starter dune (rather than adjacent to the original frontal dune) to further expand and stabilize the starter dune.

While the Division fully recognizes the importance of a robust dune system, DCM has concerns regarding public access to the public trust/dry sand beach and has also received input from the NC Wildlife Resources Commission and US Fish & Wildlife Service expressing concerns about the placement of sand fencing and beach accessways on newly constructed starter dunes. These concerns are due to the gradual design slopes that may allow for sea turtle nesting, and concerns that natural erosion and storm events may significantly erode areas that are not yet stabilized. If new structural accessways were permitted over a starter dune, derelict structures could soon end up on an eroding beach or scattered as storm debris. Also, if sand fencing were permitted to be placed waterward of the toe or on the slope of this new feature, there is an increased potential for sea turtle/hatchling entrapment and exclusion of the public from even broader public trust/dry sand beach areas.

In determining the appropriate siting of structural accessways and sand fencing, N.C. Coastal Resources Commission Rules reference the first line of stable, natural vegetation and/or the toe of the frontal dune. The frontal dune is defined as “the first mound of sand located landward of the ocean beach that has stable and natural vegetation present.” [15A NCAC 07H .0305(a)(4)] Therefore, recently nourished areas, even if planted with vegetation, typically will not qualify as a frontal dune until they have stable, natural vegetation. With time, these areas may become stable and naturalized. As with determining the first line of stable, natural vegetation (FLSNV) for construction setbacks, indications of “stable and natural” vegetation include the establishment of new rhizomes in addition to the planted sprigs, the reduction of an obvious planted “grid” pattern, and/or the presence of additional species of vegetation. Prior to this, if the toe of the

original frontal dune is buried during nourishment construction, the visible FLSNV or any erosion scarp (or substantial drop in elevation) along the original frontal dune should be used in lieu of the buried toe of the original frontal dune to determine the allowable location of sand fencing and beach accessways.

To address these issues, the following is specific guidance for siting these types of structures:

Beach accessways should not be authorized to extend onto or over emergency berms or “starter dunes” until they are stabilized with natural vegetation and are determined to have become the frontal dune, in accordance with the Commission’s general use standards for structural accessways in 15A 07H .0308(c), which states:

- (1) Structural accessways shall be permitted across primary or frontal dunes so long as they are designed and constructed in a manner that entails negligible alteration of the primary or frontal dune; and...
- (5) Structural accessways may be constructed no more than six feet seaward of the waterward toe of the frontal or primary dune, provided they do not interfere with public trust rights and emergency access along the beach.

Limited stairs may be added to damaged structural accessways that are broken off above ground level in order to allow safe access to the beach, but shall be constructed parallel to the ocean.

Commission rules for **sand fencing** exemptions [15A NCAC 07K .0212] require that:

- (6) Sand fencing shall be placed as far landward as possible to avoid interference with sea turtle nesting, existing public access, recreational use of the beach, and emergency vehicle access; and

(6)(c) Sand fencing installed waterward of the crest of the frontal or primary dune shall be installed at an angle no less than 45 degrees to the shoreline. Individual sections of sand fence shall not exceed more than 10 feet in length (except for public accessways) and shall be spaced no less than seven feet apart, and shall not extend more than 10 feet waterward of the following locations, whichever is most waterward, as defined in 15A NCAC 7H .0305: the first line of stable natural vegetation, the toe of the frontal or primary dune, or erosion escarpment of frontal or primary dune;

While this rule allows placement at the waterward-most location of these three reference features, in all cases consideration should be given to the first part of the rule (“as far landward as possible”). Sand fencing may also be installed along the length of public accessways, but should also be terminated as landward as possible and no more than 10 feet waterward of the FLSNV, toe of the frontal or primary dune, or erosion escarpment of the frontal or primary dune. In no case should sand fencing extend onto the wet sand beach area, as stated in subpart (a) of the rule.

Sand fencing proposed waterward of these locations, with different alignments, or with different materials can be considered through a minor permit application, but in accordance with the

general use standards for sand fencing in 15A 07H .0311(c): “sand fencing shall not be installed in a manner than impedes, traps or otherwise endangered sea turtles, sea turtle nests, or sea turtle hatchlings.” For this reason, CAMA minor permit applications for sand fencing are subject to review by the Wildlife Resources Commission and the U.S. Fish & Wildlife Service in order to determine whether or not the proposed design or installation will have an adverse impact on sea turtles or other threatened and endangered species. Sand fencing that is non-compliant should be immediately removed by the property owner, or is subject to enforcement action. All sand fencing that is non-functioning, damaged or unsecured should also be immediately removed by the property owner, in accordance with 15A NCAC 07H .0311(d).

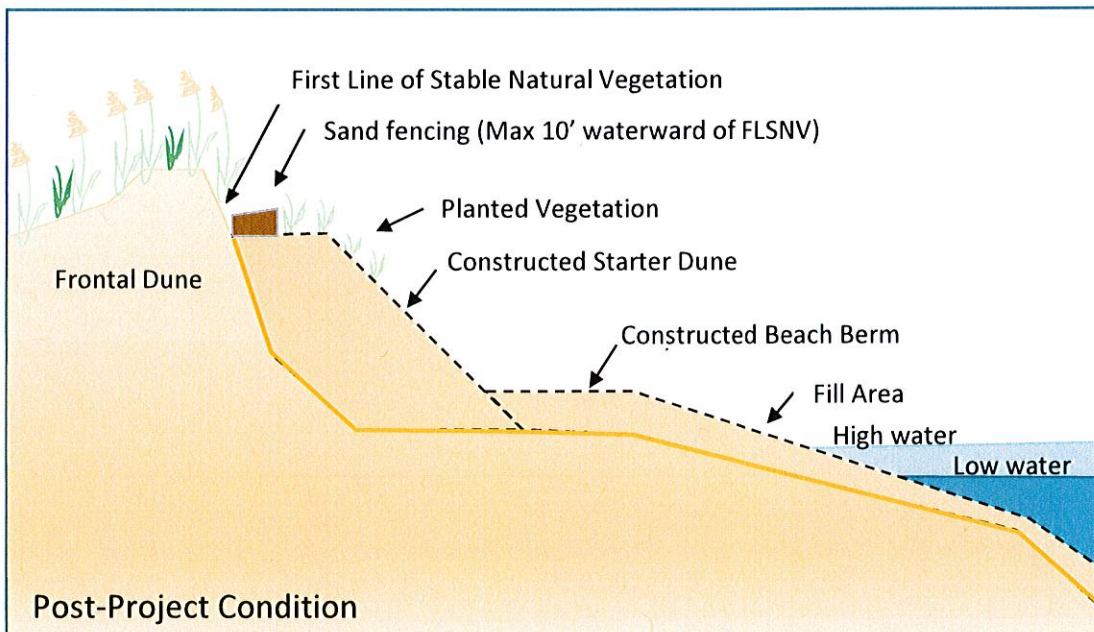
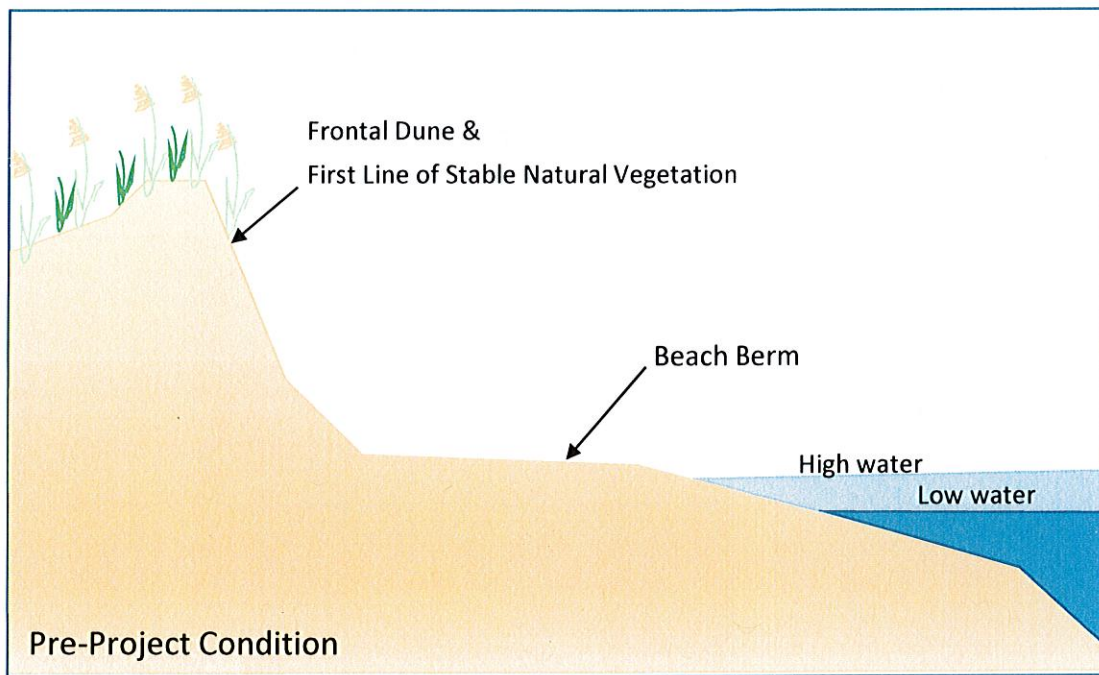
The Division recognizes and appreciates efforts to plant and stabilize newly constructed starter dunes to provide better storm protection for communities, and fully supports efforts to ensure access to our State’s beaches. The Commission’s rules are intended to find the right balance between the desire for structures that would enhance access and protect sensitive dunes and dune vegetation, with the potential increased exposure and damage to these structures from coastal storms and erosion, potential impacts to sea turtles, and potential impacts to public trust rights on the dry sand beach. With these goals in mind, the Division will not consider small post-and-rope pathways over newly constructed starter dunes, subject to the following design guidelines, as “development” requiring a CAMA permit. Post-and-rope pathways can provide a temporary solution until structural accessways can be authorized in accordance with the rules, once the dune vegetation has successfully established and stabilized. These conditions have also been coordinated with NCWRC and USFWS. In order to qualify, the following conditions for post-and-rope pathways must be followed:

- Posts must not be greater than 4x4 inches, should extend no deeper than 5 feet below grade, should not use concrete footers, and should maintain spacing of at least 7 feet between posts;
- Posts should be installed by hand without the use of heavy equipment;
- Only rope railings – no wooden or other railing systems will be allowed;
- Rope railings should be at least 3 feet above ground in order to avoid sea turtle interactions; and
- Paths shall be shore-perpendicular only for access to the beach; should not extend more than 6 feet waterward of planted vegetation or the toe of the constructed slope, *whichever is more landward*; post-and-rope shall not obstruct recreation, access, or emergency vehicles; and shall in no case extend below the high water line.

As is common in our line of work, please keep in mind there may be certain circumstances which may not be clear-cut and should be addressed on a case-by-case basis. If there any questions or concerns about this policy in general, please let me know. If you have any questions regarding application of this policy to specific projects and circumstances, please contact your field representative or district manager for assistance.

As always, thanks for everything you do for the State of North Carolina.

Figure 1. Pre- and post-nourishment beach profiles.



Applicable rule references:**15A NCAC 07H .0305 GENERAL IDENTIFICATION AND DESCRIPTION OF LANDFORMS**

(a) This Paragraph describes natural and man-made features that are found within the ocean hazard area of environmental concern.

- (1) Ocean Beaches. Ocean beaches are lands consisting of unconsolidated soil materials that extend from the mean low water line landward to a point where either:
 - (A) the growth of vegetation occurs; or
 - (B) a distinct change in slope or elevation alters the configuration of the landform, whichever is farther landward.
- (2) Nearshore. The nearshore is the portion of the beach seaward of mean low water that is characterized by dynamic changes both in space and time as a result of storms.
- (3) Primary Dunes. Primary dunes are the first mounds of sand located landward of the ocean beaches having an elevation equal to the mean flood level (in a storm having a one percent chance of being equaled or exceeded in any given year) for the area plus six feet. Primary dunes extend landward to the lowest elevation in the depression behind that same mound of sand commonly referred to as the "dune trough".
- (4) Frontal Dunes. The frontal dune is the first mound of sand located landward of ocean beaches that has stable and natural vegetation present.
- (5) Vegetation Line. The vegetation line refers to the first line of stable and natural vegetation, which shall be used as the reference point for measuring oceanfront setbacks. This line represents the boundary between the normal dry-sand beach, which is subject to constant flux due to waves, tides, storms and wind, and the more stable upland areas. The vegetation line is generally located at or immediately oceanward of the seaward toe of the frontal dune or erosion escarpment. The Division of Coastal Management or Local Permit Officer shall determine the location of the stable and natural vegetation line based on visual observations of plant composition and density. If the vegetation has been planted, it may be considered stable when the majority of the plant stems are from continuous rhizomes rather than planted individual rooted sets. Planted vegetation may be considered natural when the majority of the plants are mature and additional species native to the region have been recruited, providing stem and rhizome densities that are similar to adjacent areas that are naturally occurring. In areas where there is no stable and natural vegetation present, this line may be established by interpolation between the nearest adjacent stable natural vegetation by on-ground observations or by aerial photographic interpretation.

15A NCAC 07H .0311 INSTALLATION AND MAINTENANCE OF SAND FENCING

- (a) Sand fencing may only be installed for the purpose of building sand dunes by trapping wind blown sand; the protection of the dune(s) and vegetation (planted or existing).
- (b) Sand fencing shall not impede existing public access to the beach, recreational use of the beach, or emergency vehicle access. Sand fencing shall not be installed in a manner that impedes or restricts established common law and statutory rights of public access and use of public trust lands and waters.
- (c) Sand fencing shall not be installed in a manner that impedes, traps or otherwise endangers sea turtles, sea turtle nests or sea turtle hatchlings. CAMA permit applications for sand fencing shall be subject to review by the Wildlife Resources Commission and the U.S. Fish and Wildlife Service in order to determine whether or not the proposed design or installation will have an adverse impact on sea turtles or other threatened or endangered species.
- (d) Non-functioning, damaged, or unsecured sand fencing shall be immediately removed by the property owner.
- (e) Sand fencing shall not be placed on the wet sand beach area.

History Note: Authority G.S. 113A-107; 113A-113(b)(6);

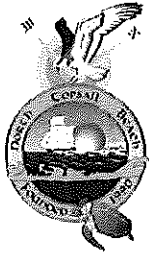
Eff. August 1, 2002.

15A NCAC 07K .0212 INSTALLATION AND MAINTENANCE OF SAND FENCING

Sand fences that are installed and maintained subject to the following criteria are exempt from the permit requirements of the Coastal Area Management Act:

- (1) Sand fencing may only be installed for the purpose of: building sand dunes by trapping wind blown sand; the protection of the dune(s) and vegetation (planted or existing).
- (2) Sand fencing shall not impede existing public access to the beach, recreational use of the beach or emergency vehicle access. Sand fencing shall not be installed in a manner that impedes or restricts established common law and statutory rights of public access and use of public trust lands and waters.
- (3) Sand fencing shall not be installed in a manner that impedes, traps or otherwise endangers sea turtles, sea turtle nests or sea turtle hatchlings.
- (4) Non-functioning, damaged, or unsecured, sand fencing shall be immediately removed by the property owner.
- (5) Sand fencing shall be constructed from evenly spaced thin wooden vertical slats connected with twisted wire, no more than 5 feet in height. Wooden posts or stakes no larger than 2" X 4" or 3" diameter shall support sand fencing.
- (6) Location. Sand fencing shall be placed as far landward as possible to avoid interference with sea turtle nesting, existing public access, recreational use of the beach, and emergency vehicle access.
 - (a) Sand fencing shall not be placed on the wet sand beach area.
 - (b) Sand fencing installed parallel to the shoreline shall be located no farther waterward than the crest of the frontal or primary dune; or
 - (c) Sand fencing installed waterward of the crest of the frontal or primary dune shall be installed at an angle no less than 45 degrees to the shoreline. Individual sections of sand fence shall not exceed more than 10 feet in length (except for public accessways) and shall be spaced no less than seven feet apart, and shall not extend more than 10 feet waterward of the following locations, whichever is most waterward, as defined in 15A NCAC 7H .0305: the first line of stable natural vegetation, the toe of the frontal or primary dune, or erosion escarpment of frontal or primary dune; and
 - (d) Sand fencing along public accessways may equal the length of the accessway, and may include a 45 degree funnel on the waterward end. The waterward location of the funnel shall not exceed 10 feet waterward of the locations identified in Item (6)(c) of this Rule.

History Note: Authority G.S. 113A-103(5)c.;
Eff. August 1, 2002.



Town of North Topsail Beach
Board of Aldermen

Agenda	P
Item:	HEARING
Date:	9/7/2022

Issue: Dune Protection and Remediation: Proposed Text Amendments to UDO §10.07.02 Rebuilding of Damaged Dunes & Town Code Article 10 Sand Dune Protection

Department: Planning

Prepared by: Deborah J. Hill MPA AICP CFM CZO

Presentation: Yes

BACKGROUND Pursuant to NCGS § 160D-301 (b) (4), the Planning Board is assigned the power and duty to advise the Board of Aldermen concerning the implementation of plans, including, but not limited to, review and comment on all zoning text and map amendments as required by G.S. 160D-604.

On August 11, 2022, the Planning Board reviewed UDO plat requirements for development permits; specifically, requirements for ocean front lots with respect to the dune. The Planning Board also discussed the both the Unified Development Ordinance §10.07.02 Rebuilding of Damaged Dunes and Town Code Article 10 Sand Dune Protection.

In their review of Town Code Article 10 *Sand Dune Protection*, the Planning Board recommends that the Town Manager (or designee) has the authority to enforce; that each day unrepaired is a separate offense; and that the exceptions pertaining to development in § 10-49 be deleted, as development is addressed in the UDO.

In their review of Unified Development Ordinance §10.07.02 *Rebuilding of Damaged Dunes*, the Planning Board discussed a dune buffer, non-conforming status for existing encroachments into the buffer, additions or improvements to existing structures, fines, as well as dune restoration.

RECOMMENDATION On August 11, 2022, Ms. Lisa Brown made a motion that the Planning Board recommends that the Board of Aldermen conduct a public hearing on September 7, 2022 at 11:00 a.m. to receive input on a proposed amendment to North Topsail Beach Town Code Article IV Sand Dune Protection and the North Topsail Beach Unified Development Ordinance Article 10 Enforcement § 10.07.02 Dune Protection and Remediation; and that the Board of Aldermen adopt the proposed text amendments to UDO §10.07.02 Rebuilding of Damaged Dunes (attachment 1) & Town Code Article 10 Sand Dune Protection (attachment 2). Mr. Fred Fontana seconded. The motion passed unanimously, 6-0.

ATTACHMENT

1. Ordinance to Amend Unified Development Ordinance §10.07.02 Rebuilding of Damaged Dunes
2. Ordinance to Amend Town Code Article 10 Sand Dune Protection
3. Public Notice



Ordinance 22-00__

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA TO PROVIDE DUNE PROTECTION MEASURES, MANDATORY REMEDIATION FOR DAMAGED DUNES AND SET FINES

WHEREAS, N.C. General Statutes 160 D Article 6 created new standards for the procedure for adopting, amending, or repealing development regulations that apply throughout North Carolina; and

WHEREAS, pursuant to N.C. General Statutes § 160D-601 a notice of the hearing has been given once a week for two successive calendar weeks in the Jacksonville Daily News.

WHEREAS, pursuant to N.C. General Statutes § 160D-603 if any resident or property owner in the town submits a written statement regarding this proposed amendment that has been properly initiated as provided in G.S. 160D-601, to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Board of Aldermen.

WHEREAS, pursuant to N.C. General Statutes § 160D-604 the Planning Board has reviewed the proposed standards and recommended approval of this ordinance; and

WHEREAS, the Board of Aldermen has found this ordinance to be consistent with the Town's adopted CAMA Land Use Plan; and

WHEREAS, the Board of Aldermen has determined that is in public interest to update standards for dune protection measures, mandatory remediation for damaged dunes and set fines in the Unified Development Ordinance in compliance with the N.C. General Statutes.

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen for the Town of North Topsail Beach, North Carolina that the Unified Development Ordinance shall be amended as follows:

PART I. That Subsection of the Unified Development Ordinance be amended with the addition of the following:

PART II. This ordinance shall be effective upon its adoption.

§ 10.07.02 REBUILDING OF DAMAGED DUNES.

(A) —~~Any~~ All dunes in the ~~required natural area~~ Ocean Hazard Area that ~~is~~ are damaged during construction, or damage occurring as a result of such construction, or excavated in violation of this ordinance shall be restored to its original state using similar materials and stabilizing vegetation. It shall be the responsibility of the property owner to guarantee the protection of all identified dune systems and not allow the natural topography of the lot altered beyond that which has been authorized in the permit. The rebuilding of a dune shall be the ultimate responsibility of the property owner. Any dune in the required natural area that has been



damaged or excavated in violation of this ordinance shall be subject to a fine of \$1 restored within 60-7 days of notice.

- (B) Failure to repair damage to dunes and vegetation after 7 days, shall constitute a separate violation for each day that such failure continues after written notification by the Planning Director.
- (C) Any development proposed within the Ocean Hazard Area shall indicate on a plat submitted with the application, the dune contour/topography and dune profile by elevation, the landward toe of the dune by bearing and distance.
- (D) No disturbance, no development, no structure shall be permitted within 5.0 feet of the landward toe of the dune, "dune buffer," except beach access crossovers as permitted.
- (E) Any additions or improvements to existing structures must comply with the standards for new construction and be relocated outside of the "dune buffer."
- (F) If any provision of this article is in conflict with a rule or regulation adopted by the State Coastal Resources Commission dealing with oceanfront erosion control, then the most stringent rule or regulation shall control and apply.

(Ord. passed 11-2-2011)

This ordinance is effective upon its adoption.
Adopted this the 7th day of September, 2022.

APPROVED:



 Joann McDermon, Mayor

(Seal)

ATTEST:



 Melinda Mier, Town Clerk

From: [Deb Hill](#)
To: [Tammy Dees](#); [Eric Alderman](#); [Carolina Creations](#); "[Chris Plaford](#)"
Cc: [Ralph Allen](#); [Alice Derian](#)
Subject: RE: North Topsail Planning # 402 New River Inlet
Date: Tuesday, March 28, 2023 10:49:00 AM
Attachments: [20230321105842897.pdf](#)
[IMG_0624.jpg](#)
[IMG_0625.jpg](#)
[IMG_0626.jpg](#)
[IMG_0621.jpg](#)
[IMG_0622.jpg](#)
[IMG_0623.jpg](#)
[Citation 3 28 2023.pdf](#)

Ralph Allen and Deb Hill conducted an inspection on Thursday, March 23, 2023, and found that approximately 2 ½ feet of dune had been excavated.

Pursuant to § 10.07.02 REBUILDING OF DAMAGED DUNES. (A) All dunes in the Ocean Hazard Area that are damaged during construction, or damage occurring as a result of such construction, or excavated in violation of this ordinance shall be restored to its original state using similar materials and stabilizing vegetation. It shall be the responsibility of the property owner to guarantee the protection of all identified dune systems and not allow the natural topography of the lot altered beyond that which has been authorized in the permit. The rebuilding of a dune shall be the ultimate responsibility of the property owner. Any dune in the required natural area that has been damaged or excavated in violation of this ordinance shall be subject to a fine of \$10,000 and restored within 7 days of notice.

Please find attached a citation in the amount of \$10,000 and order to restore the dune within 7 days, issued to the owner CAPITAL ASSET TOPSAIL DEVELOPMENT LLC, c/o Mr. Chris Plaford.

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



GOVERNMENT
EXHIBIT
NTB 2
#AA23-000004

From: Tammy Dees <tdees@carolinacreations.biz>
Sent: Monday, March 27, 2023 3:49 PM
To: Eric Alderman, Carolina Creations <ealderman@carolinacreations.biz>; Deb Hill <dhill@northtopsailbeachnc.gov>
Subject: Fwd: North Topsail Planning # 402 New River Inlet

Caution: This is an external email. Please take caution when clicking links or opening attachments. Contact the IT Department if you're unsure of the legitimacy of this email.

Good afternoon Mrs.Hill,

Reaching out to you for your insight on 402 New River Inlet pool job. The inspection failed and suggested that we reach out to you for next steps. our project manager remeasured today and we aren't close to toe of dune per the plans we are going off of. Please respond to all in this email or call Eric Alderman at 910-443-9075. He tried to call you today and your VM is full.

Thank you,

Tammy Dees
Carolina Creations

Begin forwarded message:

From: "Eric Alderman, Carolina Creations" <ealderman@carolinacreations.biz>
Date: March 27, 2023 at 3:33:18 PM EDT
To: Tammy Dees <tdees@carolinacreations.biz>
Subject: Re: North Topsail Planning #

402 NRIR

Sent from my iPhone

On Mar 24, 2023, at 8:26 AM, Tammy Dees
<tdees@carolinacreations.biz> wrote:

PLANNING AND ZONING

Phone: 910-328-1349

Email: dhill@ntbnc.org

Thank you,

Tammy Dees

Administrative Sales Associate
Carolina Creations Landscapes, Inc.

PO Box 2327

Shallotte, NC 28459

(P) 910-755-6411

(F) 910-755-6167

tdees@carolinacreations.biz

Town of North Topsail Beach

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

Alice Derian, ICMA-CM
Town Manager

Aldermen:
Richard Grant
Don Harte
Connie Pletl
Bob Swantek

Melinda Mier
Town Clerk



Nature's Tranquil Beauty

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA TO PROVIDE DUNE PROTECTION MEASURES, MANDATORY REMEDIATION FOR DAMAGED DUNES AND SET FINES

Ordinance 2022-001

WHEREAS, N.C. General Statutes 160 D Article 6 created new standards for the procedure for adopting, amending, or repealing development regulations that apply throughout North Carolina; and

WHEREAS, pursuant to N.C. General Statutes § 160D-601 a notice of the hearing has been given once a week for two successive calendar weeks in the Jacksonville Daily News.

WHEREAS, pursuant to N.C. General Statutes § 160D-603 if any resident or property owner in the town submits a written statement regarding this proposed amendment that has been properly initiated as provided in G.S. 160D-601, to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Board of Aldermen.

WHEREAS, pursuant to N.C. General Statutes § 160D-604 the Planning Board has reviewed the proposed standards and recommended approval of this ordinance; and

WHEREAS, the Board of Aldermen has found this ordinance to be consistent with the Town's adopted CAMA Land Use Plan; and

WHEREAS, the Board of Aldermen has determined that is in public interest to update standards for dune protection measures, mandatory remediation for damaged dunes and set fines in the Unified Development Ordinance in compliance with the N.C. General Statutes.

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen for the Town of North Topsail Beach, North Carolina that the Unified Development Ordinance shall be amended as follows:

PART I. That Subsection of the Unified Development Ordinance be amended with the addition of the following:

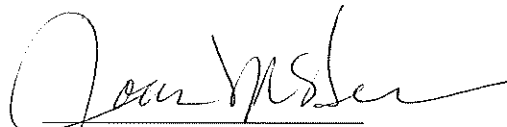
PART II. This ordinance shall be effective upon its adoption.

§ 10.07.02 REBUILDING OF DAMAGED DUNES.

- (A) All dunes in the Ocean Hazard Area that are damaged during construction, or damage occurring as a result of such construction, or excavated in violation of this ordinance shall be restored to its original state using similar materials and stabilizing vegetation. It shall be the responsibility of the property owner to guarantee the protection of all identified dune systems and not allow the natural topography of the lot altered beyond that which has been authorized in the permit. The rebuilding of a dune shall be the ultimate responsibility of the property owner. Any dune in the required natural area that has been damaged or excavated in violation of this ordinance shall be subject to a fine of \$10,000 and restored within 7 days of notice.
- (B) Failure to repair damage to dunes and vegetation after 7 days, shall constitute a separate violation for each day that such failure continues after written notification by the Planning Director.
- (C) Any development proposed within the Ocean Hazard Area shall indicate on a plat submitted with the application, the dune contour/topography and dune profile by elevation, the landward toe of the dune by bearing and distance.
- (D) No disturbance, no development, no structure shall be permitted within 5.0 feet of the landward toe of the dune, "dune buffer," except beach access crossovers as permitted.
- (E) Any additions or improvements to existing structures must comply with the standards for new construction and be relocated outside of the "dune buffer."
- (F) If any provision of this article is in conflict with a rule or regulation adopted by the State Coastal Resources Commission dealing with oceanfront erosion control, then the most stringent rule or regulation shall control and apply.


(Ord. passed 11-2-2011)

This ordinance is effective upon its adoption.
Adopted this the 7th day of September, 2022.



Joann McDermon, Mayor

ATTEST:



Nancy Avery, Interim Town Clerk



CAPITAL ASSET TOPSAIL DEVELOPMENT LLC
1121 MILITARY CUTOFF RD STE C PMB 336
WILMINGTON, NC 28405-3658

March 28, 2023

23-000290

TOWN CITATION

You are hereby notified of an inspection conducted on by Deborah Hill of 402 NEW RIVER INLET RD in North Topsail Beach NC, which has resulted in the determination of this citation and civil penalty. Any dune in the required natural area that has been damaged or excavated in violation of this ordinance shall be subject to a fine of \$10,000 and restored within 7 days of notice, from 03/28/2023 to 4/3/2023. Failure to repair damage to dunes and vegetation after 7 days, shall constitute a separate violation for each day that such failure continues after written notification by the Planning Director.

Code Section	Code Description	Fee Amount
10.07.02 (A)	Rebuilding of Damaged Dunes	\$10000.00
	TOTAL AMOUNT DUE	\$10000.00

If you fail to pay the civil penalties within seven days 04/04/2023 after having been cited, the town may recover the penalties in a civil action in the nature of the debt.

If the violation is not abated as directed and no request for hearing is made within the prescribed time, the town will abate such violation, assess the cost thereof against such person, and pursue appropriate criminal and/or civil penalties.

BY ORDER OF THE PLANNING DIRECTOR

Signature of Issuing Code Enforcement Officer

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

GOVERNMENT
EXHIBIT

NTB 7

#AA23-000004



GOVERNMENT
EXHIBIT

NTB 8
#AA23-000004



GOVERNMENT
EXHIBIT

NTB 9
#AA23-000004



GOVERNMENT
EXHIBIT

NTB 10
#AA23-000004



GOVERNMENT
EXHIBIT
NTB 11
#AA23-000004



GOVERNMENT
EXHIBIT
NTB 12
#AA23-000004



From: [Deb Hill](#)
To: [Chris Plaford](#); [Charles Riggs](#)
Bcc: [Alice Derian](#); briane@cmclawfirm.com
Subject: RE: North Topsail Planning # 402 New River Inlet
Date: Tuesday, March 28, 2023 11:06:00 AM

Unfortunately, to the property owner. You have the right to appeal pursuant to §2.03.05 APPEALS OF ADMINISTRATIVE DECISIONS. § 160D-405.

Which can be found on page 22 (2-6) of the UDO available online at

https://www.northtopsailbeachnc.gov/sites/default/files/fileattachments/planning_and_zoning/page/2369/2021_unified_development_ordinance.pdf

To submit an APPEAL application, log into <https://www.citizenserve.com/northtopsailbeach> and:

Mouse over "Services" tab in the top bar

Click on "Planning and Zoning"

In the left-hand column, click on "Apply online"

Select " Application for Appeal " in the drop-down menu

Complete the application

Once complete click "Submit"

The applications will request upload of the documents. Once the application package is submitted and complete, it will be processed and sent to the TOWN CLERK for review.

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: Chris Plaford <cplaford@capitalasset-us.com>

Sent: Tuesday, March 28, 2023 11:01 AM

To: Deb Hill <dhill@northtopsailbeachnc.gov>; Charles Riggs <CharlesRiggs@riggslandnc.com>

Subject: Re: North Topsail Planning # 402 New River Inlet

Caution: This is an external email. Please take caution when clicking links or opening attachments. Contact the IT Department if you're unsure of the legitimacy of this email.

Hey Deb

Is the citation intended to be for the responsible party (in this case the pool contractor working under their own pool permit) or the property owner?

Thanks

Sent from my iPhone

On Mar 28, 2023, at 10:49 AM, Deb Hill <dhill@northtopsailbeachnc.gov> wrote:

Ralph Allen and Deb Hill conducted an inspection on Thursday, March 23, 2023, and found that approximately 2 ½ feet of dune had been excavated.

Pursuant to § 10.07.02 REBUILDING OF DAMAGED DUNES. (A) All dunes in the Ocean Hazard Area that are damaged during construction, or damage occurring as a result of such construction, or excavated in violation of this ordinance shall be restored to its original state using similar materials and stabilizing vegetation. It shall be the responsibility of the property owner to guarantee the protection of all identified dune systems and not allow the natural topography of the lot altered beyond that which has been authorized in the permit. The rebuilding of a dune shall be the ultimate responsibility of the property owner. Any dune in the required natural area that has been damaged or excavated in violation of this ordinance shall be subject to a fine of \$10,000 and restored within 7 days of notice.

Please find attached a citation in the amount of \$10,000 and order to restore the dune within 7 days, issued to the owner CAPITAL ASSET TOPSAIL DEVELOPMENT LLC, c/o Mr. Chris Plaford.

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: Tammy Dees <tdees@carolinacreations.biz>
Sent: Monday, March 27, 2023 3:49 PM
To: Eric Alderman, Carolina Creations <ealderman@carolinacreations.biz>; Deb Hill <dhill@northtopsailbeachnc.gov>
Subject: Fwd: North Topsail Planning # 402 New River Inlet

Caution: This is an external email. Please take caution when clicking links or opening attachments. Contact the IT Department if you're unsure of the legitimacy of this email.

Good afternoon Mrs.Hill,

Reaching out to you for your insight on 402 New River Inlet pool job. The inspection failed and suggested that we reach out to you for next steps. our project manager remeasured today and we aren't close to toe of dune per the plans we are going off of. Please respond to all in this email or call Eric Alderman at 910-443-9075. He tried to call you today and your VM is full.

Thank you,

Tammy Dees
Carolina Creations

Begin forwarded message:

From: "Eric Alderman, Carolina Creations" <ealderman@carolinacreations.biz>
Date: March 27, 2023 at 3:33:18 PM EDT
To: Tammy Dees <tdees@carolinacreations.biz>
Subject: Re: North Topsail Planning #

402 NRIR

Sent from my iPhone

On Mar 24, 2023, at 8:26 AM, Tammy Dees
<tdees@carolinacreations.biz> wrote:

PLANNING AND ZONING

Phone: 910-328-1349

Email: dhill@ntbnc.org

Thank you,

Tammy Dees

Administrative Sales Associate
Carolina Creations Landscapes, Inc.

PO Box 2327

Shallotte, NC 28459

(P) 910-755-6411

(F) 910-755-6167

tdees@carolinacreations.biz

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.

From: [James Riggs](#)
To: [Deb Hill](#)
Cc: [Charles Riggs](#); [Chris Plaford](#)
Subject: CAPITAL ASSET - 402 NEW RIVER INLET ROAD
Date: Tuesday, June 27, 2023 3:25:47 PM
Attachments: [22-03-27 PPP 2-SIGNED.pdf](#)
[22-03-27 PPP 3 SIGNED.pdf](#)
[22-03-27 PPP SIGNED REV.pdf](#)
[CAMA PERMIT.pdf](#)
[BUILDING PERMIT.pdf](#)
[PICTURES OF SITE.pdf](#)
[ENLARGEMENT.pdf](#)

Caution: This is an external email. Please take caution when clicking links or opening attachments. Contact the IT Department if you're unsure of the legitimacy of this email.

Deborah:

Please find attached my surveys of June 2022, my survey of March 2023, the CAMA permit, the building permit and photos of the subject site available for the Board of Adjustment meeting tomorrow.

James L. Riggs
Charles F. Riggs & Associates, Inc.
P. O. Box 1570
Jacksonville, NC 28541
(910) 455-0877 ext. 32
jamesriggs@riggslandnc.com

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



THIS IS TO CERTIFY THAT THE PROPERTY IS LOCATED IN FLOOD ZONE "AE" & "VE". THE PROPERTY IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370466, 37204277006, JUNE 19, 2020

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

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

NOTE

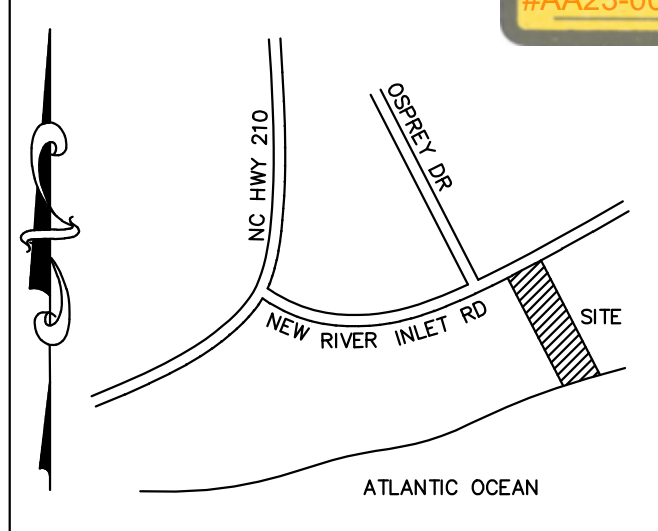
PROPOSED DWELLING WITH EAVES	= 1669 Sq.Ft.
PROPOSED CONCRETE WALK & CONCRETE POOL COPING & DECKING	= 601 Sq.Ft.
PROPOSED CONCRETE DRIVE	= 1998 Sq.Ft.
PROPOSED TOTAL IMPERVIOUS SURFACE	= 4268 Sq.Ft.
TOTAL LOT AREA	= 30530 Sq.Ft.
PROPOSED IMPERVIOUS AREA	= 13.9%

NOTE

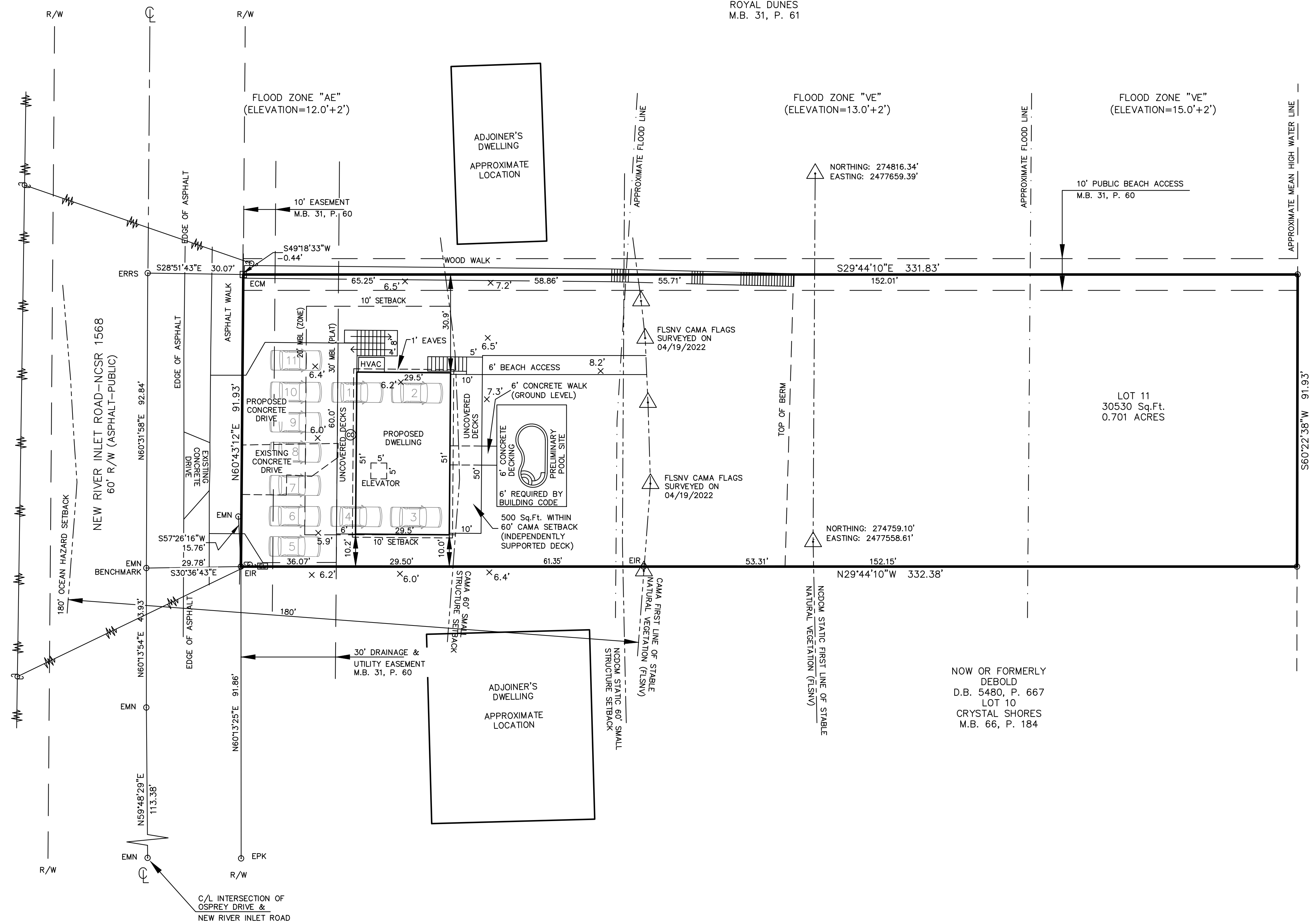
PROPOSED DWELLING WITH EAVES WITHIN 575' AEC	= 1669 Sq.Ft.
PROPOSED CONCRETE WALK & CONCRETE POOL COPING & DECKING WITHIN 575' AEC	= 601 Sq.Ft.
PROPOSED CONCRETE DRIVE WITHIN 575' AEC	= 1998 Sq.Ft.
TOTAL IMPERVIOUS SURFACE WITHIN 575' AEC	= 4268 Sq.Ft.
TOTAL LOT AREA WITHIN 575' AEC	= 30530 Sq.Ft.
PROPOSED IMPERVIOUS AREA WITHIN 575' AEC	= 13.9%

NOTE
PROPOSED DWELLING IS TWO STORY ON PILINGS, OPEN BELOW FOR ENTRY AND PARKING.
PEAK OF PROPOSED DWELLING IS 41.9' ABOVE CONCRETE SLAB ELEVATION.

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



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



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

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

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

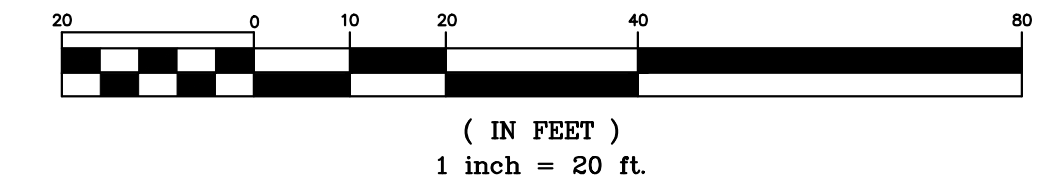
ZONED R-15 ZONING SETBACKS	PLAT SETBACKS	OWNERS
FRONT = 20'	FRONT = 30'	DANIEL THOMAS
REAR = 10'	REAR = 10'	
SIDE = 8'	SIDE = 10'	

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

ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED

- LEGEND**
- CC = CONTROL CORNER
 - DCM = DIVISION OF COASTAL MANAGEMENT
 - ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
 - EIP = EXISTING IRON PIPE (FOUND)
 - EIR = EXISTING IRON ROD (FOUND)
 - EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
 - EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
 - ERRS = EXISTING RAILROAD SPIKE (FOUND)
 - MBL = MINIMUM BUILDING LINE
 - NMP = NON MONUMENTED POINT
 - R/W = RIGHT OF WAY
 - SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
 - SIP = SET IRON PIPE
 - SIR = SET IRON ROD
 - SMN = SET MAGNETIC NAIL (CONTROL CORNER)
 - SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
 - CL = CENTERLINE
 - WM = WATER METER
 - FH = FIRE HYDRANT
 - WV = WATER VALVE
 - SMH = SANITARY SEWER MANHOLE
 - CO = CLEAN OUT
 - TP = TELEPHONE PEDESTAL
 - TV = TELEVISION PEDESTAL
 - FOCM = FIBER OPTIC CABLE MARKER
 - LP = LIGHT POLE
 - PP = POWER POLE
 - EL = ELECTRIC LINE
 - ET = ELECTRIC TRANSFORMER
 - SE = EXISTING SPOT ELEVATION

GRAPHIC SCALE



ACTUAL FIELD SURVEY DATE: APRIL 19, 2022
MAPPING DATE: JUNE 01, 2022
FIELD BOOK: 971 & INDV, PAGE: 67 & 1-2

PROJECT NUMBER: 22-03-27 JTG

CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET P.O. BOX 1570 JACKSONVILLE, NC 28540-1570 TELEPHONE: (910) 455-0877 E-MAIL: riggsland@riggslandnc.com	LANDFALL EXECUTIVE SUITES 1213 CULBRETH DRIVE WILMINGTON, NC 28405 TELEPHONE: (910) 681-7444
---	---

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

R:\2022\22-03-27 Capital Asset (Thomas 17-08-07)\CAD\Drawings\22-03-27 PPP 2.dwg - Wednesday, June 01, 2022, 3:46:52 PM

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

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" & "VE" WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370466 37204277006, JUNE 19, 2020

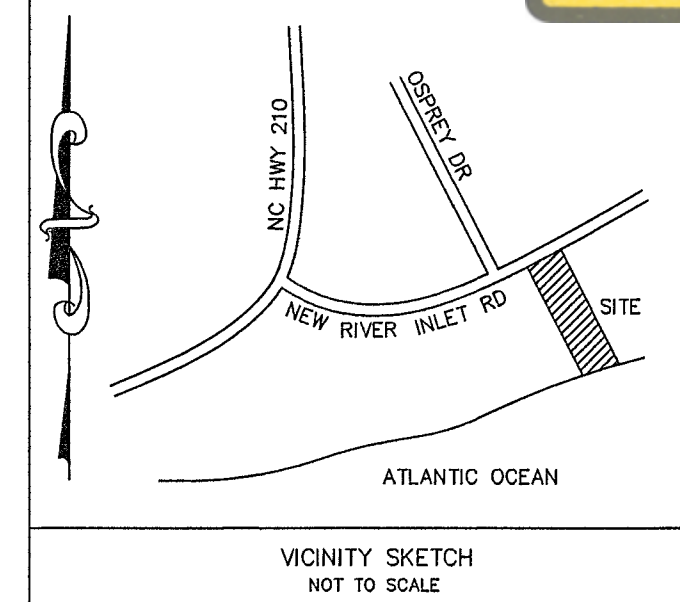
NOTE
ENTIRE PROPERTY IS LOCATED WITHIN 575' OF THE NORMAL/MEAN HIGH WATER LINE CONTIGUOUS WITH STUMP SOUND WHICH IS CLASSIFIED BY THE STATE OF NC AS OUTSTANDING RESOURCE WATERS (ORW)

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

NOTE
PROPOSED DWELLING WITH EAVES WITHIN 575' AEC = 1669 Sq.Ft.
PROPOSED CONCRETE WALK & CONCRETE POOL COPING & DECKING WITHIN 575' AEC = 601 Sq.Ft.
PROPOSED CONCRETE DRIVE WITHIN 575' AEC = 1998 Sq.Ft.
TOTAL IMPERVIOUS SURFACE WITHIN 575' AEC = 4268 Sq.Ft.
TOTAL LOT AREA WITHIN 575' AEC = 30530 Sq.Ft.
PROPOSED IMPERVIOUS AREA WITHIN 575' AEC = 13.9%

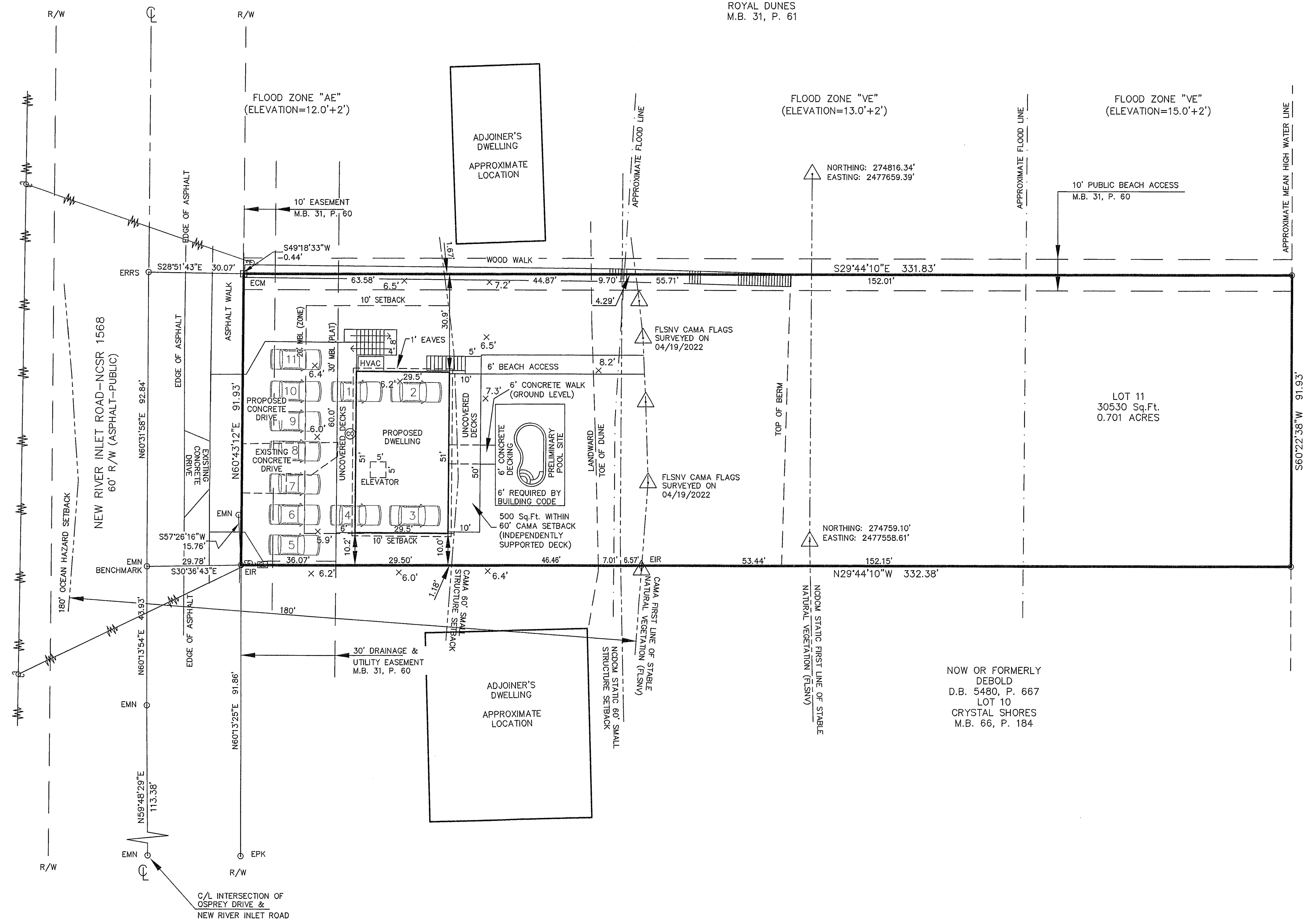
NOTE
PROPOSED DWELLING IS TWO STORY ON PILINGS, OPEN BELOW FOR ENTRY AND PARKING.
PEAK OF PROPOSED DWELLING IS 41.9' ABOVE CONCRETE SLAB ELEVATION.

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



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

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



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

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

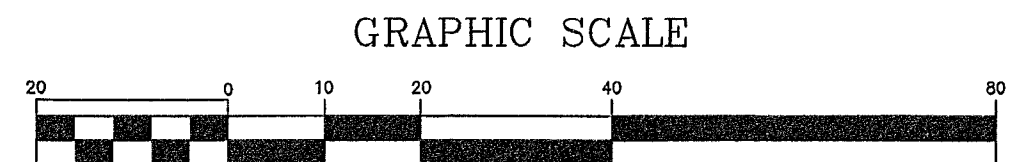
NOTE
RESTRICTIVE COVENANTS, D.B. 1285, P. 105
RESTRICTS IMPERVIOUS SURFACE TO 7,241 Sq.Ft.

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

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

ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED

- LEGEND**
- CC = CONTROL CORNER
 - DCM = DIVISION OF COASTAL MANAGEMENT
 - ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
 - EIP = EXISTING IRON PIPE (FOUND)
 - EIR = EXISTING IRON ROD (FOUND)
 - EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
 - EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
 - ERRS = EXISTING RAILROAD SPIKE (FOUND)
 - MBL = MINIMUM BUILDING LINE
 - NMP = NON MONUMENTED POINT
 - R/W = RIGHT OF WAY
 - SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
 - SIP = SET IRON PIPE
 - SIR = SET IRON ROD
 - SMN = SET MAGNETIC NAIL (CONTROL CORNER)
 - SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
 - Q = CENTERLINE
 - WM = WATER METER
 - FH = FIRE HYDRANT
 - WV = WATER VALVE
 - SSM = SANITARY SEWER MANHOLE
 - CO = CLEAN OUT
 - TP = TELEPHONE PEDESTAL
 - TV = TELEVISION PEDESTAL
 - FOM = FIBER OPTIC CABLE MARKER
 - LP = LIGHT POLE
 - PP = POWER POLE
 - PL = POWER LINE
 - ET = ELECTRIC TRANSFORMER
 - SE = EXISTING SPOT ELEVATION



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

CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS, LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET P.O. BOX 1570 JACKSONVILLE, NC 28540-1570 TELEPHONE: (910) 455-0877 E-MAIL: riggsland@riggslandnc.com	LANDFALL EXECUTIVE SUITES 1213 CULBRETH DRIVE WILMINGTON, NC 28405 TELEPHONE: (910) 681-7444
---	---

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

03/2023 12:00:00 AM (Thursday, 17-Mar-2023 12:00:00 AM) 2:46pm Monday, June 27, 2022 7:45:55 AM

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS AND PRACTICES FOR LAND SURVEYING IN NORTH CAROLINA. THE RATIO OF PRECISION AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM, COMMUNITY PANEL NUMBER 370466-3720427700K, JUNE 19, 2020.

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

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

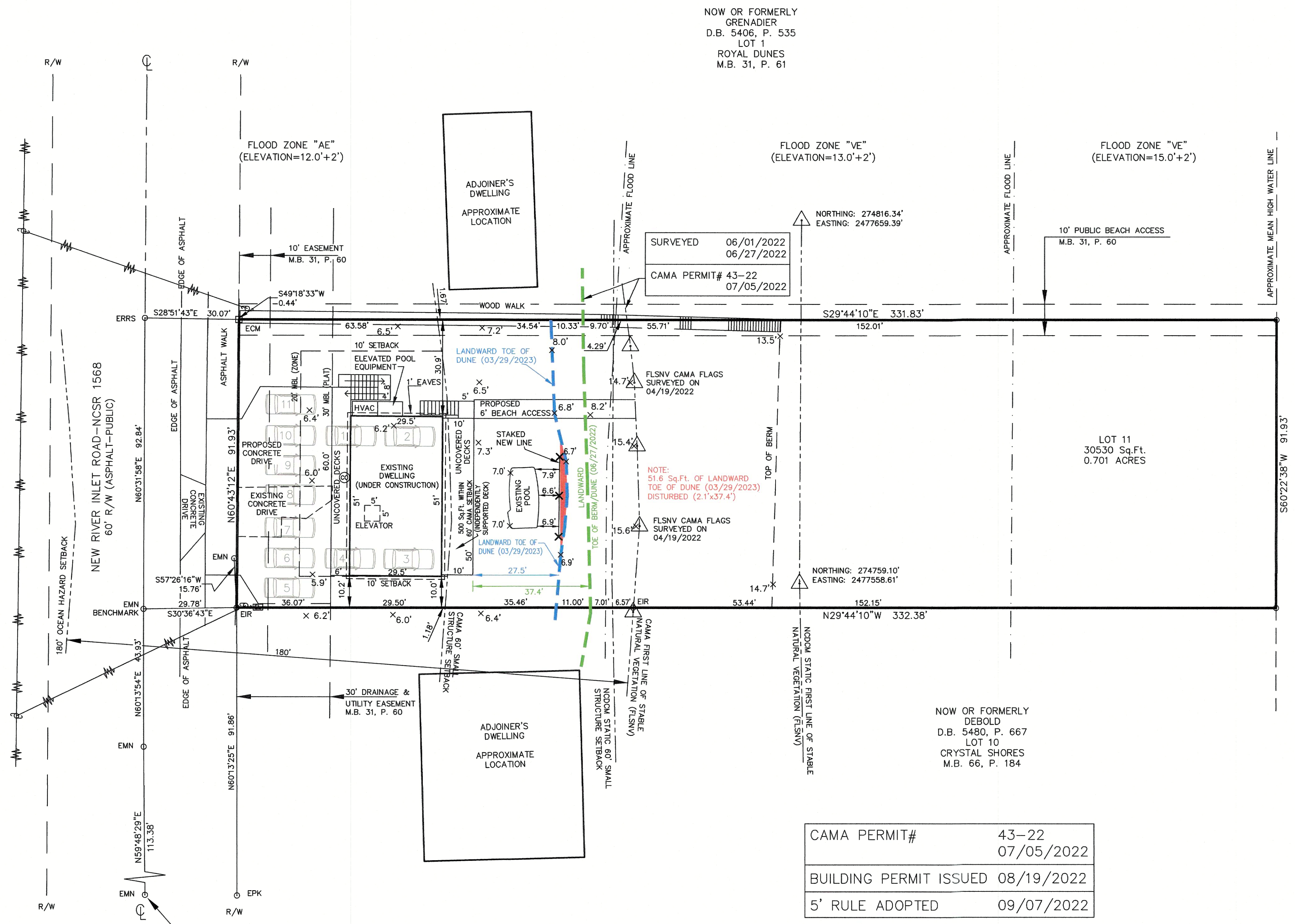
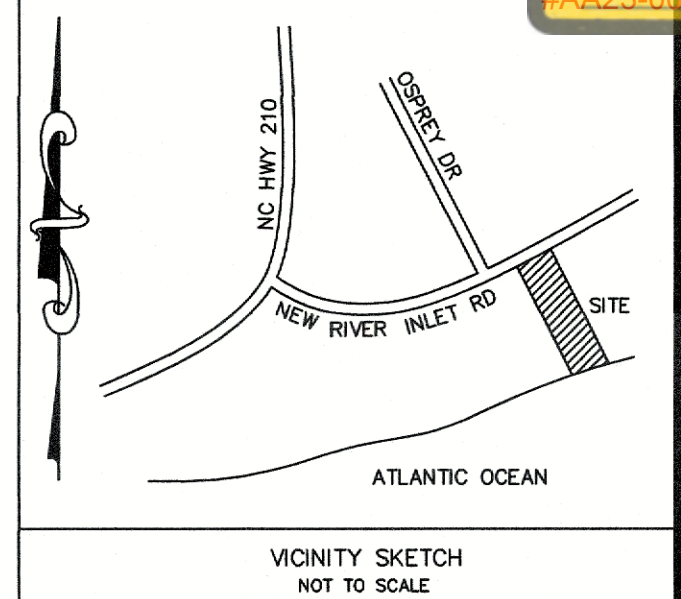
NOTE
ENTIRE PROPERTY IS LOCATED WITHIN 575' OF THE NORMAL MEAN HIGH WATER LINE CONTIGUOUS WITH STUMP SOUND WHICH IS CLASSIFIED BY THE STATE OF NC AS OUTSTANDING RESOURCE WATERS (ORW)

NOTE	PROPOSED DWELLING WITH EAVES	= 1669 Sq.Ft.
	PROPOSED CONCRETE WALK	= 88 Sq.Ft.
	PROPOSED CONCRETE POOL COPING & DECKING	= 555 Sq.Ft.
	PROPOSED CONCRETE DRIVE	= 1998 Sq.Ft.
	PROPOSED TOTAL IMPERVIOUS SURFACE	= 4310 Sq.Ft.
	TOTAL LOT AREA	= 30530 Sq.Ft.
	PROPOSED IMPERVIOUS AREA	= 14.1%

NOTE	PROPOSED DWELLING WITH EAVES WITHIN 575' AEC	= 1669 Sq.Ft.
	PROPOSED CONCRETE WALK WITHIN 575' AEC	= 88 Sq.Ft.
	PROPOSED CONCRETE POOL COPING & DECKING WITHIN 575' AEC	= 555 Sq.Ft.
	PROPOSED CONCRETE DRIVE WITHIN 575' AEC	= 1998 Sq.Ft.
	TOTAL IMPERVIOUS SURFACE WITHIN 575' AEC	= 4310 Sq.Ft.
	TOTAL LOT AREA WITHIN 575' AEC	= 30530 Sq.Ft.
	PROPOSED IMPERVIOUS AREA WITHIN 575' AEC	= 14.1%

NOTE
PROPOSED DWELLING IS TWO STORY ON PILINGS, OPEN BELOW FOR ENTRY AND PARKING.
PEAK OF PROPOSED DWELLING IS 41.9' ABOVE CONCRETE SLAB ELEVATION.

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



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

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

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

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

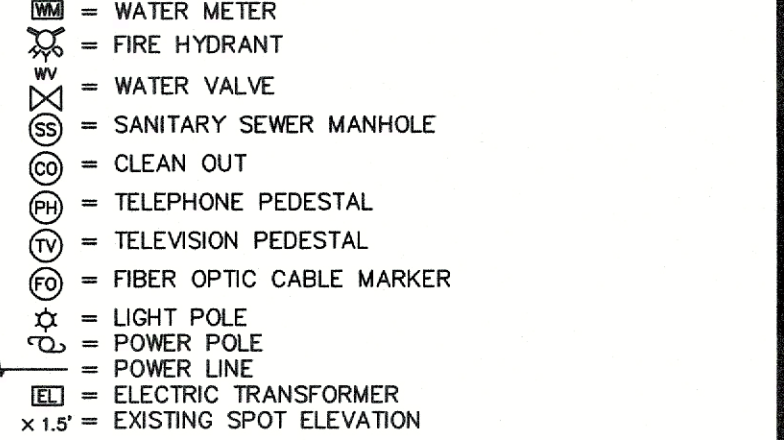
NOTE
BENCHMARK: EMN
ELEVATION: 6.36'
VERTICAL DATUM: NAVD 88
VERTICAL DATUM OBTAINED WITH TOPCON GRS USING N.C. GEODETIC CONTINUOUS OPERATING REFERENCE STATIONS

NOTE
RESTRICTIVE COVENANTS, D.B. 1285, P. 105
RESTRICTS IMPERVIOUS SURFACE TO 7.24% Sq.Ft.

ZONED R-15 ZONING SETBACKS	PLAT SETBACKS	OWNERS CAPITAL ASSET DEVELOPMENT, LLC.	TITLE SOURCE
FRONT = 20'	FRONT = 30'	D.B. 5829, P. 101	
REAR = 10'	REAR = 10'		
SIDE = 8'	SIDE = 10'		

ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED

- LEGEND
- CC = CONTROL CORNER
 - DCM = DIVISION OF COASTAL MANAGEMENT
 - ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
 - EIP = EXISTING IRON PIPE (FOUND)
 - EIR = EXISTING IRON ROD (FOUND)
 - EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
 - EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
 - ERRS = EXISTING RAILROAD SPIKE (FOUND)
 - MBL = MINIMUM BUILDING LINE
 - NMP = NON MONUMENTED POINT
 - R/W = RIGHT OF WAY
 - SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
 - SIP = SET IRON PIPE
 - SIR = SET IRON ROD
 - SMN = SET MAGNETIC NAIL (CONTROL CORNER)
 - SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
 - C = CENTERLINE
 - WM = WATER METER
 - FH = FIRE HYDRANT
 - WV = WATER VALVE
 - SSM = SANITARY SEWER MANHOLE
 - CO = CLEAN OUT
 - TP = TELEPHONE PEDESTAL
 - TV = TELEVISION PEDESTAL
 - FOCM = FIBER OPTIC CABLE MARKER
 - LP = LIGHT POLE
 - PP = POWER POLE
 - PL = POWER LINE
 - ET = ELECTRIC TRANSFORMER
 - SE = EXISTING SPOT ELEVATION



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

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

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

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

CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET
P.O. BOX 1570
JACKSONVILLE, NC 28540-1570
TELEPHONE: (910) 455-0877
E-MAIL: riggsland@riggslandnc.com

LANDFALL EXECUTIVE SUITES
1213 CULBRETH DRIVE
WILMINGTON, NC 28405
TELEPHONE: (910) 681-7444

P:\2023\22-03-27 Capital Asset (Thomas 17-06-07)\CAD\Drawings\22-03-27 FORD-PPP-App - Tuesday, June 27, 2023, 11:40:47 AM

Town of North Topsail Beach
Issued by DCM

43-22
Permit Number

CAMA MINOR DEVELOPMENT PERMIT



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

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

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

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

(Additional Permit Conditions on Page 2)

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

DECEMBER 31, 2024

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

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

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

Name: Capital Asset
Minor Permit # 43-22
Date: July 5, 2022
Page 2

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

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

SIGNATURE: [REDACTED]
PERMITTEE or AUTHORIZED AGENT

DATE: [REDACTED]

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS 1/2281.

CHARLES FRANCIS RIGGS, P.L.S. No. 2281
L-2881
NOVEMBER 20 2021

THIS IS TO CERTIFY THAT THE PROPERTY IS LOCATED IN FLOOD ZONE "AE" & "VE" WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370468, 3720427700K, JUNE 19, 2020.

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

PROPOSED DWELLING WITH EAVES	= 1669 Sq.Ft.
PROPOSED CONCRETE WALK & CONCRETE POOL COPING & DECKING WITHIN 575' AEC	= 601 Sq.Ft.
PROPOSED CONCRETE DRIVE WITHIN 575' AEC	= 1998 Sq.Ft.
PROPOSED TOTAL IMPERVIOUS SURFACE WITHIN 575' AEC	= 4268 Sq.Ft.
TOTAL LOT AREA	= 30530 Sq.Ft.
PROPOSED IMPERVIOUS AREA WITHIN 575' AEC	= 13.9%

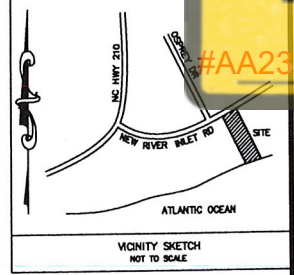
NOTE:
PROPOSED DWELLING WITH EAVES WITHIN 575' AEC
PROPOSED CONCRETE WALK & CONCRETE POOL COPING & DECKING WITHIN 575' AEC
PROPOSED CONCRETE DRIVE WITHIN 575' AEC
TOTAL IMPERVIOUS SURFACE WITHIN 575' AEC
TOTAL LOT AREA WITHIN 575' AEC
PROPOSED IMPERVIOUS AREA WITHIN 575' AEC

PROPOSED DWELLING WITH EAVES WITHIN 575' AEC	= 1669 Sq.Ft.
PROPOSED CONCRETE WALK & CONCRETE POOL COPING & DECKING WITHIN 575' AEC	= 601 Sq.Ft.
PROPOSED CONCRETE DRIVE WITHIN 575' AEC	= 1998 Sq.Ft.
PROPOSED TOTAL IMPERVIOUS SURFACE WITHIN 575' AEC	= 4268 Sq.Ft.
TOTAL LOT AREA WITHIN 575' AEC	= 30530 Sq.Ft.
PROPOSED IMPERVIOUS AREA WITHIN 575' AEC	= 13.9%

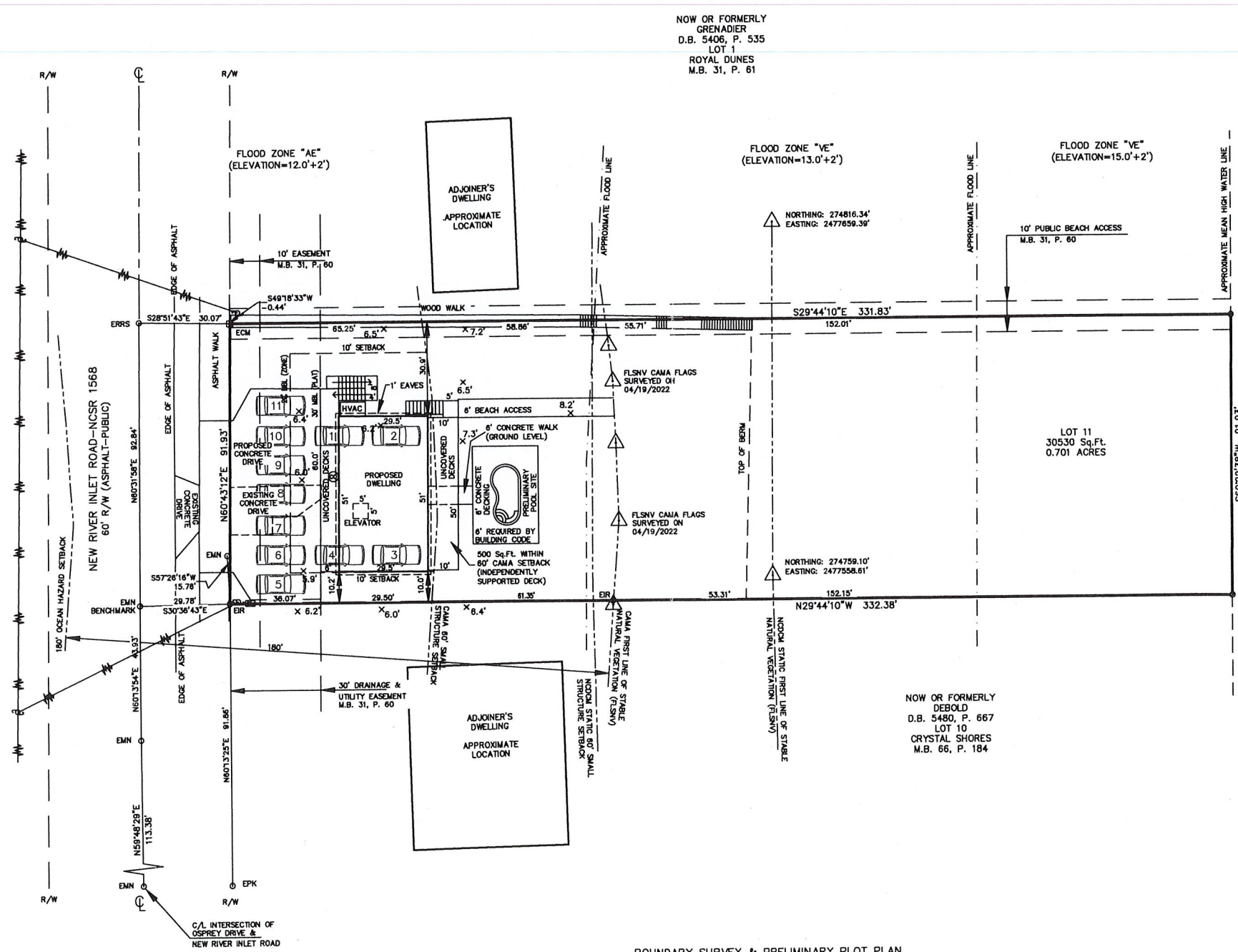
NOTE:
PROPOSED DWELLING IS TWO STORY ON PILINGS, OPEN BELOW FOR ENTRY AND PARKING.
PEAK OF PROPOSED DWELLING IS 41.9' ABOVE CONCRETE SLAB ELEVATION.

GROUND FLOOR (UNHEATED):	25.0 Sq.Ft.
CARPORIT (UNHEATED):	1479.5 Sq.Ft.
FIRST FLOOR (HEATED):	1504.5 Sq.Ft.
SECOND FLOOR (HEATED):	1504.5 Sq.Ft.
TOTAL FLOOR AREA (HEATED):	3009.0 Sq.Ft.

AS PER HOUSE PLANS



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



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

NOTE:
BENCHMARK: EMN
ELEVATION: 8.36'
VERTICAL DATUM: NAVD 88
CRS USING N.C. GEODETIC CONTINUOUS OPERATING REFERENCE STATIONS

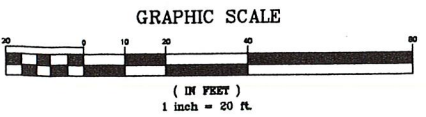
NOTE:
RESTRICTIVE COVENANTS, D.B. 1285, P. 105 RESTRICTS IMPERVIOUS SURFACE TO 7,241 Sq.Ft.

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

REFERENCES	TAX ID
D.B. 1285, P. 105	7758-45
D.B. 2889, P. 775	
D.B. 5480, P. 333	
D.B. 5480, P. 667	
M.B. 31, P. 60 & 61	
M.B. 66, P. 184	

ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED

- LEGEND:**
- CC = CONTROL CORNER
 - DCM = DIVISION OF COASTAL MANAGEMENT
 - ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
 - EP = EXISTING IRON PIPE (FOUND)
 - ER = EXISTING IRON ROD (FOUND)
 - EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
 - EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
 - ERRS = EXISTING RAILROAD SPIKE (FOUND)
 - MBL = MINIMUM BUILDING LINE
 - NMP = NON MONUMENTED POINT
 - R/W = RIGHT OF WAY
 - SOM = SET CONCRETE MONUMENT (CONTROL CORNER)
 - SP = SET IRON PIPE
 - SR = SET IRON ROD
 - SMN = SET MAGNETIC NAIL (CONTROL CORNER)
 - SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
 - C = CENTERLINE
 - WM = WATER METER
 - FH = FIRE HYDRANT
 - WV = WATER VALVE
 - SSM = SANITARY SEWER MANHOLE
 - CO = CLEAN OUT
 - TP = TELEPHONE PEDESTAL
 - TEP = TELEVISION PEDESTAL
 - FOCM = FIBER OPTIC CABLE MARKER
 - LP = LIGHT POLE
 - PP = POWER POLE
 - EL = ELECTRIC TRANSFORMER
 - X.1.5' = EXISTING SPOT ELEVATION



ACTUAL FIELD SURVEY DATE: APRIL 19, 2022
MAPPING DATE: JUNE 01, 2022
FIELD BOOK: 971 & INDY, PAGE: 67 & 1-2
PROJECT NUMBER: 22-03-27 JTG

CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)
LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS, LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET JACKSONVILLE, NC 28540-1570
TELEPHONE: (910) 455-0877

LANDFALL EXECUTIVE SUITES 1213 CULBRETH DRIVE WILMINGTON, NC 28405
TELEPHONE: (910) 681-7444

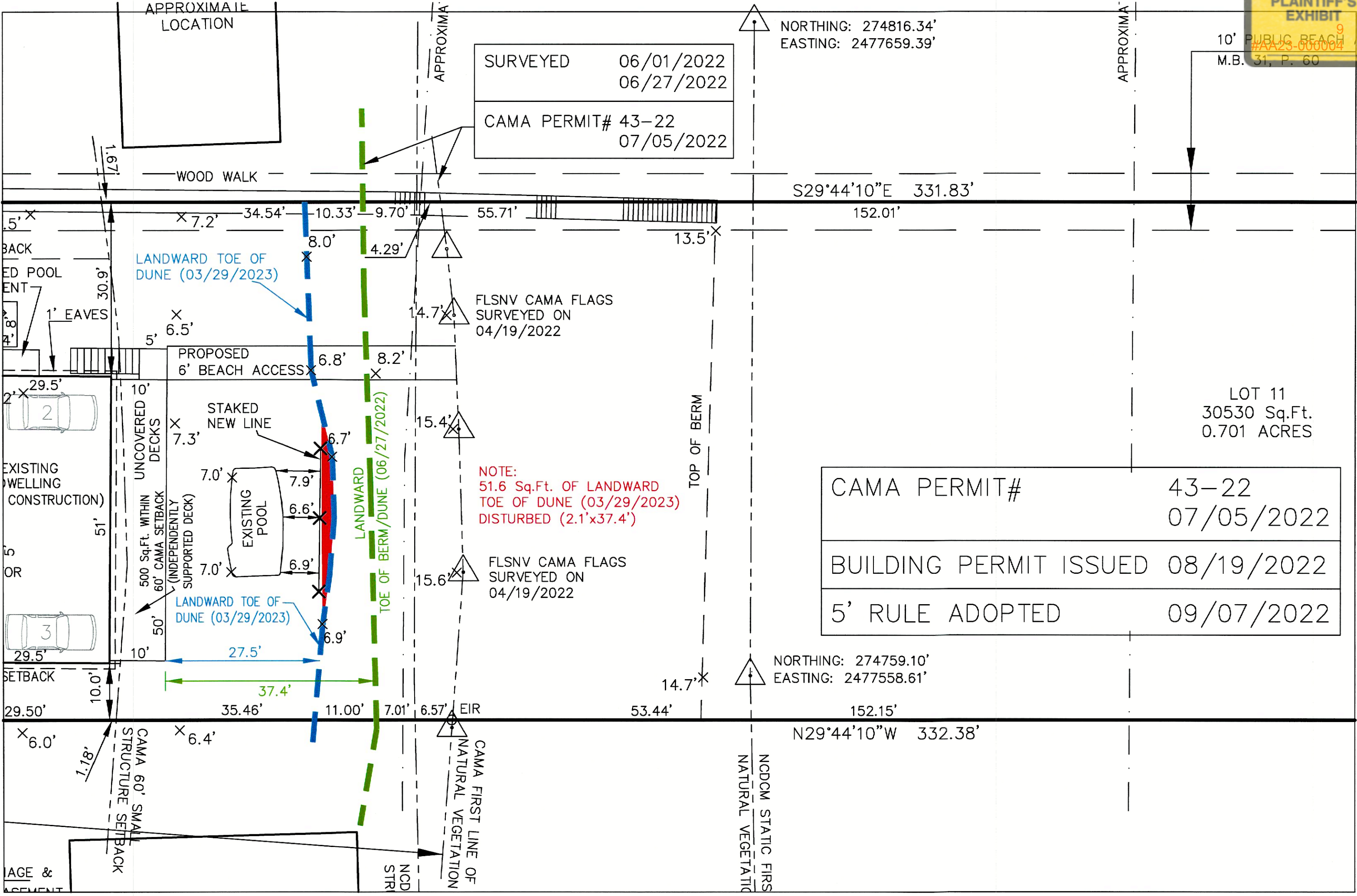
E-MAIL: riggsland@riggslandnc.com

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

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

RECEIVED
JUN 06 2022
DCM-MHD CITY

I:\2022\22-03-27 Capital Asset (Thomas) 11-06-2022\22-03-27 Final.dwg - Wednesday, Jun 01, 2022 3:40:03 PM



SURVEYED 06/01/2022
06/27/2022

CAMA PERMIT# 43-22
07/05/2022

NORTHING: 274816.34'
EASTING: 2477659.39'

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

S29°44'10"E 331.83'

LOT 11
30530 Sq.Ft.
0.701 ACRES

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

NORTHING: 274759.10'
EASTING: 2477558.61'

N29°44'10"W 332.38'

NCDNM STATIC FIRS
NATURAL VEGETATION

CAMA FIRST LINE OF
NATURAL VEGETATION

NCD STR

AGE &
CEMENT



04/03/2019 12:08



04/19/2022 15:53

PLAINTIFF'S
EXHIBIT
12
#AA23-000004



07/20/2022 12:05



07/20/2022 12:05



03/28/2023 16:14

PLAINTIFF'S
EXHIBIT
15
#AA23-000004



03/28/2023 16:13



03/28/2023 16:14

PLAINTIFF'S
EXHIBIT
17
#AA23-000004



03/28/2023 16:13



03/28/2023 16:14



WIN_20230329_09_47_38_Pro.jpg Properties

General Security Details Previous Versions

Property	Value
Description	
Title	
Subject	
Rating	
Tags	
Comments	
Origin	
Authors	
Date taken	3/29/2023 9:47 AM
Program name	Microsoft Windows Photo V...
Date acquired	
Copyright	
Image	
Image ID	
Dimensions	3200 x 1800
Width	3200 pixels
Height	1800 pixels
Horizontal resolution	96 dpi

[Remove Properties and Personal Information](#)

OK Cancel Apply



WIN_20230329_09_47_47_Pro.jpg Properties

General Security Details Previous Versions

Property	Value
Description	
Title	
Subject	
Rating	3/29/2023
Tags	
Comments	
Origin	
Authors	
Date taken	3/29/2023 9:47 AM
Program name	Microsoft Windows Photo V...
Date acquired	
Copyright	
Image	
Image ID	
Dimensions	3200 x 1800
Width	3200 pixels
Height	1800 pixels
Horizontal resolution	96 dpi

[Remove Properties and Personal Information](#)

OK Cancel Apply



WIN_20230329_09_48_23_Pro.jpg Properties

General Security Details Previous Versions

Property	Value
Description	
Title	
Subject	
Rating	☆☆☆☆☆
Tags	
Comments	
Origin	
Authors	
Date taken	3/29/2023 9:48 AM
Program name	Microsoft Windows Photo V...
Date acquired	
Copyright	
Image	
Image ID	
Dimensions	3200 x 1800
Width	3200 pixels
Height	1800 pixels
Horizontal resolution	96 dpi

[Remove Properties and Personal Information](#)

OK Cancel Apply