



**TOWN OF ATLANTIC BEACH  
BOARD OF ADJUSTMENT AGENDA**

**Monday, June 20, 2016  
7:00 pm**

- 1. Call to Order**
- 2. Oath of Office**
- 3. Approval of November 16, 2015 Meeting Minutes**
- 4. Opening remarks and swearing in of witnesses**
- 5. CASE #VAR-16-01 James & Mollie Brown**

*James and Mollie Brown have requested a variance from Section 2.25(B) of the UDO to install a septic system within the setback in order for Future Homes to develop a single-family home at 406 Tryon Street.*

- A. Staff Presentation – Michelle Shreve
- B. Applicant Presentation – Kevin Miller of Future Homes or Agent
- C. Public Hearing
- D. Board of Adjustment Discussion and Evaluation

- 6. CASE #APP-16-01 Zachary Taylor**

*Zachary Taylor has filed an appeal of the decision regarding zoning and building permits for 604, 608, and 612 West Fort Macon Road.*

- A. Staff Presentation – Michelle Shreve
- B. Appellant Presentation – Zachary Taylor or Agent
- C. Public Hearing
- D. Board of Adjustment Discussion and Evaluation

- 7. Adjournment**

**Town of Atlantic Beach  
Planning and Zoning Department  
Staff Report**



**Variance 16-01  
Septic System in Rear Setback at 406 Tryon Street**

Date of Application: May 23, 2016  
Date Paid: May 23, 2016  
Applicant's Name: Future Homes  
Owner's Names: James and Mollie Brown  
Contact: 904 Sarasota Drive Seymour, Indiana 47274  
Agent's Name: Future Homes  
Variance Address: 406 Tryon Street  
PIN Number: 638514236141000  
Zoning District: RMU  
Flood Zone: X  
Current Minimum Lot Size: 5,000 square feet or 50'x100'  
Actual Lot Size/Status: 5,000 square feet  
Coverage: Seeking to cover 1502 square feet, or 30% of the lot

**Description of Variance Requested:**

The applicant is requesting a variance from Article 2 of the Town of Atlantic Beach Unified Development Ordinance. Specifically, Section 2.25(B), "Encroachment Into Setbacks. No structure (except fences) or any part of a septic system shall be allowed within any setback area, except in encroachment areas of public rights-of-way approved and recorded in accordance with Section A. Setback lines shall be measured from the owner's property lines and not from adjoining easement lines."

The property was platted in 1936 and is considered to be a conforming lot. The setbacks are five feet from the side property lines, ten feet from the rear property line, and the setback from the front property line is the average of the adjacent two structures. In this case, the front setback is twenty feet.

The property is currently vacant and is under review for development by the Planning and Inspections Department. The Carteret County Health Department authorized a septic system to be constructed on this property to serve the three-bedroom proposed residence. This permit shows a site plan which maintains the necessary five-foot separations from structures, such as the house, as well as the property lines. The drain field of the permitted septic system encroaches into the rear setback by five feet.

**The applicant for the variance did give proper notice to the adjoining property owners of the holding of the public hearing to consider the variance request.**

Staff confirms that a notice of public hearing was sent to the 30 property owners within 150 feet of the subject property as listed on file with Carteret County on May 25, 2016. Letters containing the advertisement for the variance request were mailed on May 31, 2016, by the Planning and Inspections Department. This satisfies requirements in Section 3.23 B of the Town of Atlantic Beach Unified Development Ordinance. A copy of the aforementioned property owners has been included for review in your agenda packets, as well as the notification letter.

A sign identifying the property variance request was posted on June 1, 2016 by the Planning and Inspections Department on the north side of the property.

**There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance.**

The ordinance disallows any part of a septic system to be installed in the setbacks of a property, but without an approved septic system, this property cannot be developed as intended.

**That the variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.**

Staff agrees with this statement. The Planning and Inspections Department allows for engineered stormwater infiltration systems to exist in the setbacks. It would be practical to allow a septic system within the setback, as they are similar in structure and use.

**In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. It may reach these conclusions if it finds that:**

**If the applicant complies strictly with the provisions of the Ordinance, he/she can make no reasonable use of his property;**

Staff agrees with this statement. If the applicant is not granted the variance, they will not be able to build this single family home. The first step for most development is authorization from the Carteret County Health Department for wastewater system use or construction.

**The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;**

Staff agrees with this statement. The septic system only serves development on this property.

**The hardship relates to the applicant's land, rather than personal circumstances;**

Staff agrees with this statement. The applicant has no impact on ordinances regarding setbacks.

**The hardship is unique, or nearly so, rather than one shared by many surrounding properties;**

Staff agrees with this statement. Due to the parameters of development of this lot (twenty foot setback from the front property line), the septic system can only be located in the area approved by the Carteret County Health Department.

**The hardship is not the result of the applicant's own actions; and**

Staff is unaware of any actions the applicant could have taken to contribute to this unique situation.

**The variance will neither result in the extension of a nonconforming situation in violation of Article 8 nor authorize the initiation of a nonconforming use of land.**

Staff agrees with this statement. If granted, this variance will not result in non-conformity on the property.

**Staff Recommendation:** Staff believes this variance request satisfies all requirements and all necessary state and local steps have been satisfied for its approval.

Staff report completed by:

Michelle Grace Shreve  
Director of Planning and Zoning



Case Number:

### VARIANCE APPLICATION

*A variance application will follow the development review process as outlined in Article 4 of the Unified Development Ordinance, adopted on August 24, 2009.*

Date of Application: 5/23/16  
Applicant's Name: Future Homes  
Applicant's Address: 16663 Hwy. 17, Hampstead, NC 28443  
Applicant's Telephone: 910-270-3313  
Applicant's E-mail: tom@futurehomesnc.com

Owner's Name: James Edward Brown  
Owner's Address: 904 Sarasota Dr, Seymour, Indiana 47274  
Owner's Telephone: 812-523-8917

Variance Address: 406 Taylor St, Atlantic Beach, NC 28512  
PIN Number: 638514236141000  
Deed Book and Page: 0790 00941

Please describe parcel:

Zoning District: RMU  
Flood Zone: N/A  
Minimum Lot Size: N/A  
Lot Size (In square ft): 5,000  
Through Lot: N/A  
Corner Lot: N/A  
Setbacks: Front: 20' Sides: 5' Rear: 10'  
Existing Use: Residential  
Proposed Use: Residential

What section of the Unified Development Ordinance are you requesting a variance from?  
(Staff will attach a copy for your review)

Section 2.25 (B)

On a separate sheet, please provide a detailed description of what you are requesting.

The Board of Adjustment will use the following answers to guide the evaluation of your proposed request. A variance may be granted by the Board of Adjustment if it concludes that, by granting the variance, the following findings are supported by the Board of Adjustment decision. Please answer with a yes or no and provide the facts you believe support your answer:

**If the applicant complies strictly with the provisions of the Ordinance, he/she can make no reasonable use of his property:**

Due to the size of this parcel there is not enough room for the house and a septic system without a portion of the septic system encroaching into the 10' rear setback.

Note: The structure will meet all required setbacks

**The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public:**

This hardship would not allow a house to be built because the approved septic system has been designated and approved for its current location. No septic No House

**The hardship relates to the land, rather than personal circumstances:**

This is a result of the land. Environmental Health determines size and location of these systems.

Note: septic system meets all state/county Env. Health setbacks

**The hardship is unique, or nearly so, rather than one shared by many surrounding properties:**

The septic for this property must be in the rear setback to allow room for a house to be constructed within setback guidelines.

**The hardship is not the result of the applicant's own actions:**

Correct

**The variance will neither result in the extension of a nonconforming situation in violation of Article 8 nor authorize the initiation of a nonconforming use of land:**

This will not create further nonconforming issues

*I certify that the information provided in this Variance Application is true and accurate and if approved will be in conformance with the Town of Atlantic Beach Unified Development Ordinance and any additional conditions imposed by the Town of Atlantic Beach Board of Adjustment.*

Kecia Miller  
Applicant (Owner or Agent)

5/23/16  
Date

Amount Paid: \$500 MS

5/23/16



16663 Hwy. 17 N  
Hampstead, North Carolina 28443

Tel. (910) 270-3313  
Fax (910) 270-9493

**Variance Request**  
**406 Tryon Street, Atlantic Beach, NC 28512**

- The current UDO states that septic systems cannot encroach into the building setbacks. We are requesting for a variance to permit the septic system (which will still meet Environmental Health setbacks) to be installed within the 10' rear setback of the property.

Notes:

- All of the structure (Single Family Residence) will fall within setback guidelines.
- The septic system was designed and approved by Carteret County Environmental Health.
- This system meets all state/county Environmental Health setbacks.
- Without a septic system a home could not be constructed on this property.

LIVE OAK ENT., INC.

36548

A/P - Jobs

500.00

5/23/16

36548

Town of Atlantic Beach

\$500.00

36548

**FUTURE**  
▲▲▲HOMES

**LIVE OAK ENT., INC.**  
16663 HWY. 17 N  
HAMPSTEAD, NC 28443

36548

**BB&T**  
BRANCH BANKING AND TRUST COMPANY  
1-800-BANK BBT BBT.com  
66-112/531

CHECK

Memo: Brown variance

DATE

AMOUNT

May 23, 2016

\*\*\*\*\*\$500.00

Five Hundred and 00/100 Dollars

Town of Atlantic Beach

**PAY**  
TO THE  
ORDER  
OF



AUTHORIZED SIGNATURE

<>>>>>> TOWN OF ATLANTIC BEACH <<<<<<<>

----- Misc Receipt -----

Batch No	Receipt No	Trans Date
0000006047	0000127315	05/23/2016

Operator Code	Today's Date	Time
CT1	05/23/2016	02:59:27 PM

Payor: FUTURE HOMES  
Address: 00000

10-0500-311	Payment:	500.00
PLANNING & ZONING FEES		
VARIANCE-406 TRYON ST		

Total Due:	500.00
Total Tendered:	500.00
Change Returned:	0.00

Check Amount: 500.00

Paid By: Future Homes  
Check No 36548 For \$500.00

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**Town of Atlantic Beach Planning & Inspections Department**  
 125 West Fort Macon Road \* Atlantic Beach \* NC \* 28512

Case Number: \_\_\_\_\_

**APPOINTMENT OF AGENCY LETTER**

Date of Application: \_\_\_\_\_  
 Case Number: \_\_\_\_\_

Type of Request: Map Amendment    Conditional Use    Variance    Other

I, MOLIE BROWN, owner of property located in the Town of Atlantic Beach, at  
 (name)  
406 TRYON ST recorded in Carteret County Deed Book 0790,  
 (street address)  
 pages 00941, and having parcel identification number (PIN#)  
of 63851423614 0000, do hereby appoint as my representing  
 agent Future Homes to represent me in the application/petition indicated above  
 (Agent's Name)  
 and authorize him/her to act as my agent in all matters formal and informal relating to the Town  
 of Atlantic Beach procedures for such requested actions. I authorize him/her to receive and  
 submit all official correspondence with the understanding, however, that as the owner of the  
 property I must sign any and all affidavits and statements that may be required for approvals of  
 the request.

**Property Owner Information**

Name: MOLIE BROWN

Address: 904 SARASOTA DR  
SEYMOUR IN 47274

Telephone: 812 707 7900

Molie Brown  
 (Property Owner Signature)

Date: 25 MAY 2016

**Authorized Agent Information**

Name: Future Homes

Address: 16663 Hwy, 17  
Hampstead, NC 28443

Telephone: 910-270-3313

Kerri Miley  
 (Authorized Agent Signature)

Date: 5/25/16

# FUTURE



## Cover Sheet for Building Permit Package

**Instructions:** Gather all necessary paperwork noted below, complete this cover sheet, and turn file into the Construction office. Be sure everything is accurate. The Construction office will review and complete the file, and return to you. You are responsible for turning in package to the Inspections Department, turning in a check request for costs of permits, and picking up permits when they are ready. Return permits to Construction office ASAP. No footer work can be scheduled prior to receiving permits.

Customer Name: JAMES & MOLLIE BROWN Project Coordinator: TOM  
 Project Address: 406 TRYON ST Date: 4/13/16  
ATLANTIC BEACH NC 28512 COUNTY CARTERET

Please Find the Enclosed:	Comments
<input checked="" type="checkbox"/> Permit Application	
<input checked="" type="checkbox"/> Septic Permit/Well permit	<u>EXISTING WATER</u>
<input checked="" type="checkbox"/> Plot Plan/Elevation Cert	<u>EC NOT NEEDED</u>
<input checked="" type="checkbox"/> Property Locator	
<input checked="" type="checkbox"/> Set of Plans	
<u>N/A</u> Flood Zone or CAMA	
<u>130</u> Wind Code	
<u>NEED</u> LIEN AGENT INFORMATION	
<u>314,895</u> Cost of House	
<u>3</u> # of Bdrms	
<u>3</u> # of Baths	
<u>7/12</u> Roof Pitch	
<u>3040</u> Sq Footage	
<u>PILING</u> Type of Foundation	
<u>→</u> Details of Porches/Garages	<u>STACKED 8x32 w/ GABLE ROOF - NO STEPS</u>
<u>N/A</u> Details of Upstairs	
Piling Diagram	

4/13/16 Date Turned into Construction  
 \_\_\_\_\_ Reviewed by Construction, returned to Proj Coord

Notes

Const needs Proj Coord to pick up:	Inspections Office: _____
_____ Building Permit?	Phone # _____
_____ HVAC?	
_____ Electric?	
_____ Plumbing?	
_____ Other? _____	

Rec'd 4/28/16

Kim



**TOWN OF ATLANTIC BEACH**  
**PLANNING & INSPECTIONS**  
125 WEST FORT MACON ROAD  
ATLANTIC BEACH, NORTH CAROLINA  
PHONE (252) 726-4456 FAX (252) 727-7043

Permit  
Number: Office Use  
Application  
Date: Office Use

**Zoning Compliance Application**

The Town of Atlantic Beach UDO is available online at [www.atlanticbeach-nc.com](http://www.atlanticbeach-nc.com)

Applicant's Name: Future Homes  
Company's Name: Future Homes  
Company's Address: 16663 Hwy 17, Hampstead, NC 28443  
Company's Telephone: (910) 577-6402  
Company's Fax: (910) 577-1218

Kevin M@futurehomesnc.com

Owner's Name: James & Mollie Brown  
Owner's Address: 904 Sarasota Dr., Seymore, Indiana 47274  
Owner's Telephone: (910) 577-6402

Property Address: 406 Tryon St.  
PIN #: 638514236141000 Deed Book / Page #: Deed Book 790 / Page 941  
Zoning District: \_\_\_\_\_ Setbacks: Front - 20' / Sides - 5' / Rear - 10'  
Corner Lot: \_\_\_\_\_ Required Corner Lot Setback: \_\_\_\_\_  
Min. Required Lot Size: \_\_\_\_\_ Proposed Lot Size: \_\_\_\_\_  
Min. Required Lot Frontage: \_\_\_\_\_ Proposed Lot Frontage: \_\_\_\_\_  
Max. Bldg. Height: \_\_\_\_\_ Proposed Height: 40' Mean Roof Height  
Required Parking Spaces: \_\_\_\_\_ Total Proposed Parking Spaces: \_\_\_\_\_  
Number of Existing Parking Spaces: \_\_\_\_\_ Project Value: 370,360  
CAMA Permit Required: \_\_\_\_\_ CAMA Permit Information: \_\_\_\_\_  
Flood Hazard Area: \_\_\_\_\_ Flood District: \_\_\_\_\_  
Maritime Forrest Protection Area: \_\_\_\_\_

Existing Square Footage of Impervious Surface: \_\_\_\_\_  
Maximum Square Footage of Impervious Surface Allowed at 40%: \_\_\_\_\_  
Proposed Square Footage of Impervious Surface: \_\_\_\_\_

\*\*\*Impervious surface figures must include applicable sidewalks, decks, porches, driveways, sheds, overhangs, etc.\*\*\*  
Stormwater Plan Required:  Engineered SWMP  Engineered BMP  Staff Approved BMP  No SWMP  
Describe Stormwater Management Engineered Plan w/ gutters + Day wells



**TOWN OF ATLANTIC BEACH**  
**PLANNING & INSPECTIONS**  
125 WEST FORT MACON ROAD  
ATLANTIC BEACH, NORTH CAROLINA  
PHONE (252) 726-4456 FAX (252) 727-7043

**Permit**  
**Number:** Office Use  
**Application**  
**Date:** Office Use

***Zoning Compliance Application***

Please include a site plan that clearly illustrates setbacks, impervious surface coverage information, building height information, square footage, parking plans and any pre-existing structures/driveways on the property. You may use the area below to illustrate this information, but it is recommended an attachment is included that is drawn to scale.

*Survey Plot Plan Attached*

**Please provide a brief description of work that will be completed:**

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*I certify that the information provided in this Zoning Compliance Application is accurate. I further understand that this request will be reviewed based on this information, and any approvals, conditional or otherwise, will have to meet the setback, height, lot coverage and other requirements of the Town of Atlantic Beach Unified Development Ordinance.*

Karin Muck  
Signature of Applicant (Owner or Agent)

4/27/14  
Date



TOWN OF ATLANTIC BEACH

Inspection Department

PO Box 10, Atlantic Beach, NC 28512

FORM B - 2(a)

OFFICE (252) 726-4456

FAX (252) 727-7043

BUILDING PERMIT APPLICATION

FOR LICENSED GENERAL CONTRATORS ONLY

PROJECT ADDRESS: 406 Tryon Street Flood Zone [ ] X [ ] AE [ ] VE

Owners Name: James & Mollie Brown Phone: (812) 707-7900

Address: 904 Sarasota Dr. Mobile:

City/State/Zip: Seymour, Indiana 47274 Email:

Structure Classification: [ ] Single Family [ ] Duplex [ ] Triplex [ ] Quadraplex [ ] Manufactured / Mobile [ ] Modular Home [ ] Condominiums [ ] Commercial All Other =

Description of Work: Total (Including Material) Estimated Project Cost: \$ 314,895. 32x41 off-frame (2-story) on pilings, 6x16 Factory Porch (2-story), 8x32 site built Gabby Porch (2 story). Elevator? Need zoning 4/28/16

Is project exterior? [ ] Yes [ ] No Zoning Approval: [Signature] Date 4/28/16

Is project within 160 feet of ocean or 75 feet of water way? [ ] Yes [ ] No CAMA Approval: [Signature] Date

Is project increasing number of bedrooms or changing occupancy class? [ ] Yes [ ] No Health Department Approval must be provided with this application.

Is Project including Demolition of existing structure? [ ] Yes [ ] No Demolition Permit Application must be submitted with this application. (Form D-1)

Contractor Information (Exactly as listed on North Carolina Licensing Board for General Contractors) Name of Business: Live Oak Enterprises, Inc. DBA Future Homes Phone (910) 577-6402 Address: 16663 Hwy 17 Mobile City/State/Zip: Hampstead, NC 28443 Email service@futurehomesnc.com North Carolina General Contractors License # 56078 [ ] N/A Class:

NOTICE

This permit becomes null and void if work or construction authorized under this permit is not commenced within 6 months or if after commencement of work no required inspection is requested and approved within any 12-month period thereafter or for substantial deviations from plans. Permit may be withdrawn if occupancy occurs before a Certificate of Compliance is issued. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of this permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulation construction or the performance of construction. When properly validated this is your permit.

Kevin Miller (Future Homes) [Signature] Date 4/27/16

PERMIT INFORMATION Building Permit No. [ ] Issue Date: [ ] Permit Fee [ ] Approved For Issuance - Building Inspector Date



# TOWN OF ATLANTIC BEACH

Inspection Department  
PO Box 10, Atlantic Beach, NC 28512

FORM B - 2(b)

OFFICE (252) 726-4456

## AFFIDAVIT OF WORKERS' COMPENSATION COVERAGE N.C.G.S. § 87-14

FAX (252) 727-7043

The undersigned applicant for Building Permit # \_\_\_\_\_ being the

Contractor  
 Owner  
 Officer/Agent of the Contractor or Owner

do hereby aver under penalties of perjury that the person(s), firm(s) or corporation(s) performing the work set forth in the permit:

has/have three (3) or more employees and have obtained workers' compensation insurance to cover them,

\_\_\_\_\_ has/have one or more subcontractor(s) and have obtained workers' compensation covering them,

has/have one or more subcontractor(s) who has/have their own policy of workmen's compensation covering them,

\_\_\_\_\_ has/have not more than two (2) employees and no subcontractors,

while working on the project for which this permit is sought. It is understood that the Inspection Department issuing the permit may require certificates of coverage of worker's compensation insurance prior to issuance of the permit and at any time during the permitted work from any person, firm, or corporation carrying out the work.

Firm Name: **Future Homes**

By: Kenny Miller

Title: VP

Date: 4/27/16



TOWN OF ATLANTIC BEACH

Inspection Department

PO Box 10, Atlantic Beach, NC 28512

BUILDING PERMIT APPLICATION

SUB-TRADE FORM

FOR LICENSED GENERAL CONTRATORS ONLY

FORM B - 2(c)

OFFICE (252) 726-4456

FAX (252) 727-7043

PROJECT ADDRESS:

406 Tryon Street

BUILDING PERMIT NO. \_\_\_\_\_

Electrical Contractor Information

(Exactly as listed on North Carolina Board of Examiners of Electrical Contractors)

Not Applicable

Electrical Contractor Business Name: H & H Electrical Services

Phone: (252) 222-4405

Address: 110 Little Nine Rd

Mobile:

City/State/Zip: Morehead City, NC 28557

Email: hhelectric@bizec.rr.com

North Carolina Electrical Contractors License # 03311

Class: U

Does Project Require Temporary Pole/Board  Yes  No

Temp Pole Permit No.

Does Project Require Temporary Service  Yes  No

Temp Power Permit No.

prior to issuance of C/O If yes must have form E-2 approved before service is energized

Electrical Licensee → Name, Signature, and Date *Bill Winstead Bill Winstead 6/25/16*

Electrical Permit No.

Gas Contractor Information

(Exactly as listed on North Carolina Board of Examiners of Heating and Plumbing Contractors)

Not Applicable

Gas Contractor Business Name:

Phone:

Address:

Mobile:

City/State/Zip:

Email:

North Carolina Fuel Piping, Plumbing, or Heating and Air License #

Class:

Fuel Installer Licensee →

Name, Signature, and Date

Gas Permit No.

Insulation Contractor Information

Not Applicable

Insulation Contractor Business Name:

Phone:

Address:

Mobile:

City/State/Zip:

Email:

Company Owner/Manager →

Name, Signature, and Date

Insulation Permit No.

Mechanical Contractor Information

(Exactly as listed on North Carolina Board of Examiners of Heating and Plumbing Contractors)

Not Applicable

Mechanical Contractor Business Name: Four Seasons Heating and Cooling, Inc.

Phone: (252) 247-5500

Address: 411 Live Oak St.

Mobile:

City/State/Zip: Beaufort, NC 28516

Email: darlene@fouseasonsheatcool.com

North Carolina Heating and Air License # 30550

Class: Group 3 Class I

Mechanical Licensee → Name, Signature, and Date *Shawn Powell*

Mechanical Permit No.



TOWN OF ATLANTIC BEACH

Inspection Department

PO Box 10, Atlantic Beach, NC 28512

**BUILDING PERMIT APPLICATION  
SUB-TRADE FORM  
FOR LICENSED GENERAL CONTRATORS ONLY**

FORM B - 2(d)

OFFICE (252) 726-4456

FAX (252) 727-7043

**PROJECT ADDRESS:**

406 Tryon Street

**BUILDING PERMIT NO.** \_\_\_\_\_

**Plumbing Contractor Information** (Exactly as listed on North Carolina Board of Examiners of Heating and Plumbing Contractors)

**Not Applicable**

Plumbing Contractor Business Name: **Simpsons Plumbing** | Phone: **(910) 289-0333**

Address: **705 Sumner Rd.** | Mobile:

City/State/Zip: **Pink Hill, NC 28572** | Email:

North Carolina Plumbing Contractors License # **22464** | Class:

Plumbing Licensee → | Plumbing Permit No.

Name, Signature, and Date **Kenneth Simpson Kenneth Simpson 4/25/16**

**Elevator Contractor Information** (Exactly as listed on North Carolina Board of Examiners of Electrical Contractors)

**Not Applicable**

Elevator Contractor Business Name: **see attached →** | Phone:

Address: | Mobile:

City/State/Zip: | Email:

Describe point where elevator installer proceeds with electrical installation for elevator:

North Carolina Electrical Contractors License # | Class:

Elevator Installer → | Elevator Permit No.

Name, Signature, and Date | Electrical Permit No.

**Pool/Spa Contractor Information** (Exactly as listed on North Carolina Board of Examiners of Electrical Contractors)

**Not Applicable**

Pool/Spa Contractor Business Name: | Phone:

Address: | Mobile:

City/State/Zip: | Email:

Describe point where Pool/Spa installer proceeds with electrical installation including low voltage:  In-Ground  Above-Ground

North Carolina General Contractor License # | Class:

North Carolina Electrical Contractors License # | Class:

Pool Installer → | Pool/Spa Permit No.

Name, Signature, and Date | Electrical Permit No.

**Paving Contractor Information**

**Not Applicable**

Paving Contractor Business Name: | Phone

Address: | Mobile

City/State/Zip: | Email

Company Owner/Manager → | Paving Permit No.

Name, Signature, and Date



TOWN OF ATLANTIC BEACH  
Inspection Department  
PO Box 10, Atlantic Beach, NC 28512

FORM B - 2(d)

OFFICE (252) 726-4456

**BUILDING PERMIT APPLICATION  
SUB-TRADE FORM**

FAX (252) 727-7043

FOR LICENSED GENERAL CONTRACTORS ONLY

PROJECT ADDRESS: 406 Tryon St.

BUILDING PERMIT NO. \_\_\_\_\_

<b>Plumbing Contractor Information</b> (Exactly as listed on North Carolina Board of Examiners of Heating and Plumbing Contractors)	
<input type="checkbox"/> Not Applicable	
Plumbing Contractor Business Name:	Phone:
Address:	Mobile:
City/State/Zip:	Email:
North Carolina Plumbing Contractors License #	Class:
Plumbing Licensee → Name, Signature, and Date	Plumbing Permit No.
<b>Elevator Contractor Information</b> (Exactly as listed on North Carolina Board of Examiners of Electrical Contractors)	
<input type="checkbox"/> Not Applicable	
Elevator Contractor Business Name: Atlantic Lifts	Phone: 252-241-8275
Address: 308 Virginia Ave.	Mobile:
City/State/Zip: Morehead City, NC 28557	Email: terry@atlantichiftsnc.com
Describe point where elevator installer proceeds with electrical installation for elevator: From Service Disconnects Provided By Contractors electrician	
North Carolina Electrical Contractors License # 29710 SPEL	Class: SPEL
Elevator Installer → Name, Signature, and Date Terry A. Young Terry Young 5/2/16	Elevator Permit No. Electrical Permit No.
<b>Pool/Spa Contractor Information</b> (Exactly as listed on North Carolina Board of Examiners of Electrical Contractors)	
<input type="checkbox"/> Not Applicable	
Pool/Spa Contractor Business Name:	Phone:
Address:	Mobile:
City/State/Zip:	Email:
Describe point where Pool/Spa installer proceeds with electrical installation including low voltage: <input type="checkbox"/> In-Ground <input type="checkbox"/> Above-Ground	
North Carolina General Contractor License #	Class:
North Carolina Electrical Contractors License #	Class:
Pool Installer → Name, Signature, and Date	Pool/Spa Permit No. Electrical Permit No.
<b>Paving Contractor Information</b>	
<input type="checkbox"/> Not Applicable	
Paving Contractor Business Name:	Phone
Address:	Mobile
City/State/Zip:	Email
Company Owner/Manager → Name, Signature, and Date	Paving Permit No.

**DO NOT REMOVE!**

**Details: Appointment of Lien Agent**

**Entry #: 454525**

**Filed on: 04/21/2016**

**Initially filed by: FutureHomes**

**Designated Lien Agent**

Investors Title Insurance Company

**Online:** [www.liensnc.com](http://www.liensnc.com) (<https://www.liensnc.com>)

**Address:** 19 W. Hargett St., Suite 507 / Raleigh, NC 27601

**Phone:** 888-690-7384

**Fax:** 913-489-5231

**Email:** [support@liensnc.com](mailto:support@liensnc.com) (<mailto:support@liensnc.com>)

**Project Property**

406 Tryon St.  
Atlantic Beach, NC , NC 28512  
Carteret County

**Property Type**

1-2 Family Dwelling

**Print & Post**



**Contractors:**

Please post this notice on the Job Site.

**Suppliers and Subcontractors:**

Scan this image with your smart phone to view this filing. You can then file a Notice to Lien Agent for this project.

**Owner Information**

James & Mollie Brown  
406 Tryon St.  
Atlantic Beach, NC 28512  
United States  
Email: [service@futurehomesnc.com](mailto:service@futurehomesnc.com)  
Phone: 910-577-6402

[View Comments \(0\)](#)

**Technical Support Hotline: (888) 690-7384**

**LIEN AGENT INFORMATION**

Permit No. \_\_\_\_\_

**Effective April 1, 2013**

In accordance with North Carolina General Assembly Session Law 2012-158, Inspection Departments are not allowed to issue any permit where the project cost is \$30,000 or more, unless the application is for improvements to an existing dwelling that the applicant uses as a residence **OR** the property owner has designated a lien agent and provided the Inspection's office with information below:

Name of Lien Agent: Investors Title Insurance Co. of NC

Mailing Address of Agent: 121 N. Columbia St.

Chapel Hill, NC 27514

Physical Address of Agent: Same as above

Telephone No. 919-968-2200 Fax No. 919-968-2227

Email address: corporate@invtitle.com

The information will be attached to the permit record and a copy provided to the applicant. The applicant is required to post a copy on the construction site.

Excerpt from North Carolina G.S. 160A-417:

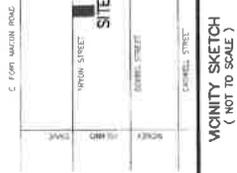
**"(Effective April 1, 2013)** No permit shall be issued pursuant to subdivision (1) of subsection (a) of this section where the cost of the work is thirty thousand dollars (\$30,000) or more, other than for improvements to an existing single-family residential dwelling unit as defined G.S. 87-15.5(7) that the applicant uses as a residence, unless the name, physical and mailing address, telephone number, facsimile number, and electronic mail address of the lien agent designated by the owner pursuant to G.S. 44A-11.1(a) is conspicuously set forth in the permit or in an attachment thereto. The building permit may contain the lien agent's electronic mail address. The lien agent information for each permit issued pursuant to this subsection shall be maintained by the Inspection department in the same manner and in the same location in which it maintains its record of building permits issued."

I, JOHNNY J. WILLIAMS, PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS MAP WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION COMPLETED ON 08/17/15. THE PROPERTY SHOWN HEREON IS NOT LOCATED WITHIN A SPECIAL 100 YEAR FLOOD HAZARD AREA ACCORDING TO FLOOD INSURANCE RATE MAP NO. 3720638500J DATED JULY 16, 2003.

AS SHOWN HEREON, THAT THIS GPS SURVEY WAS PERFORMED TO SECOND ORDER CLASS II FCCG SPECIFICATIONS. THAT GPS FIELD NETWORK ADJUSTMENTS: THAT THIS GPS SURVEY WAS PERFORMED USING TRIMBLE SURVEY GRADE GPS UNITS. THAT ALL COORDINATES ARE BASED ON N.C. GRID NORTH (NAD 1983, 2007 ADJUSTMENT). CONVENTIONAL METHODS ARE IN ACCORDANCE WITH A CLASS A SURVEY AS DEFINED BY TITLE 21, CHAPTER 56, SECTION 1800 OF THE N.C. ADMINISTRATIVE CODE, AND THAT THIS MAP WAS IN ACCORDANCE WITH TITLE 21, CHAPTER 56, OF THE N.C. ADMINISTRATIVE CODE.

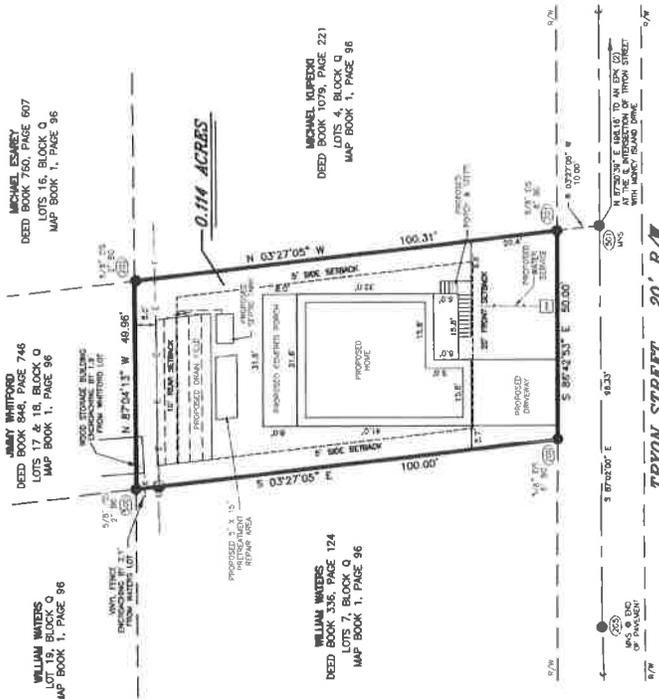


JOHNNY J. WILLIAMS, P.L.S., L-3170



VICINITY SKETCH  
( NOT TO SCALE )

N.C. GRID NORTH NAD 1983 (2011 ADJUSTMENT)



BOUNDARY SURVEY &  
PRELIMINARY PLOT PLAN FOR:

**JAMES EDWARD BROWN  
AND WIFE, MOLLIE MCCOTTER BROWN  
AND EMILY SUBANKS**

CURRENT OWNER: JAMES EDWARD BROWN  
904 SARASOTA DRIVE, SEYMOUR, IN 47274

INDIVIDUAL TRACT ON TRYON STREET  
TOWN OF ATLANTIC BEACH

MOREHEAD TOWNSHIP, CARTERET COUNTY, N.C.

DATE: SEPTEMBER 16, 2015  
SCALE: 1" = 20'



**JOHNNY J. WILLIAMS LAND SURVEYING, P.C.**  
P.O. BOX 778, BEULAVILLE, N.C. 28518  
PHONE: 910-298-8272 FAX: 910-298-2310  
EMAIL: J.WILLIAMS@WSURVEY.COM FIRM NO. C-2532

**REFERENCES:**  
DEED BOOK 790, PAGE 941  
LOTS 5 & 6, BLOCK Q  
MAP BOOK 1, PAGE 96

**GRID TIES AND COORDINATES:**  
ES NO. 200 NORTH = 353,240.295  
(CONTROL CORNER) EAST = 2,682,750.425  
ES NO. 201 NORTH = 353,243.160  
(CONTROL CORNER) EAST = 2,682,700.512

- NOTES:**
- 1) THE PROPERTY SHOWN HEREON IS NOT LOCATED WITHIN A SPECIAL 100 YEAR FLOOD HAZARD AREA ACCORDING TO FLOOD INSURANCE RATE MAP NO. 3720638500J DATED JULY 16, 2003.
  - 2) ALL N.C. GRID DATA SHOWN HEREON IS BASED ON NAD 1983 2011 ADJUSTMENT USING THE NCGS RTK NETWORK SYSTEM UNLESS OTHERWISE NOTED.
  - 3) ALL DISTANCES SHOWN HEREON ARE N.C. GRID DISTANCES UNLESS OTHERWISE NOTED.
  - 4) COMBINED GRID FACTOR = 0.999919403
  - 5) ALL UTILITY LINES SHOWN HEREON MAY HAVE EASEMENTS AND RIGHTS OF ENTRANCE AND MAINTENANCE ASSOCIATED

- LEGEND:**
- EXISTING IRON STAKE
  - EPA = EXISTING P.K. NAIL
  - ISS = IRON STAKE SET
  - MIS = MAG NAIL SET
  - CG = CENTERLINE
  - RG = TOP OF BELOW GROUND SURFACE
  - R/W = RIGHT-OF-WAY
  - E = CENTERLINE
  - C = CENTERLINE
  - NCGS = NORTH CAROLINA GEODETIC SURVEY
  - E-E = OVERHEAD UTILITY LINE
  - U = UTILITY POLE
  - W = WATER METER

C:\PROJECTS\BROWN, JAMES\_L015-TRYON ST.  
FILE NAME: BROWNA015  
JOB FILE: BROWNA015

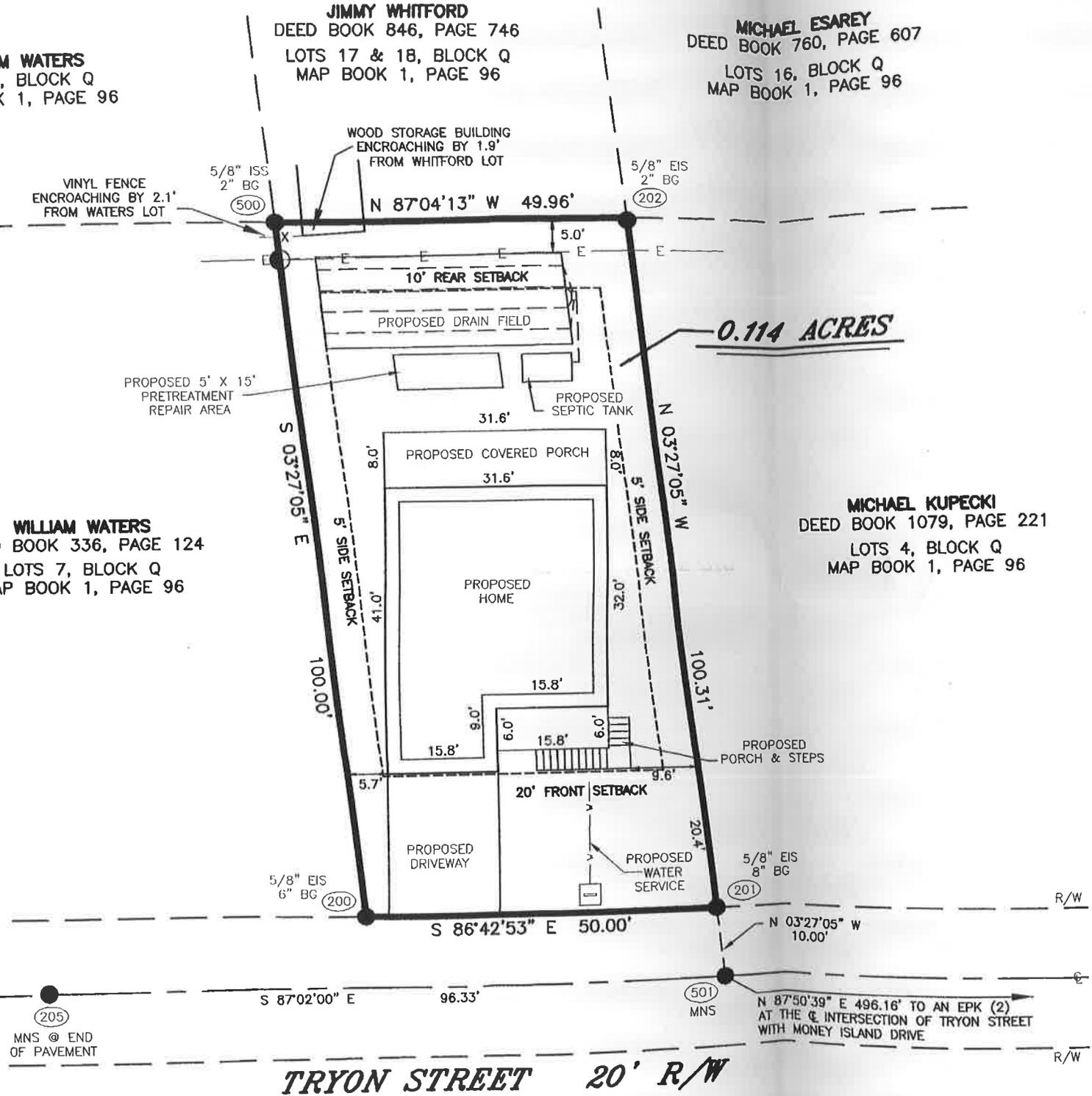
M WATERS  
BLOCK Q  
MAP BOOK 1, PAGE 96

JIMMY WHITFORD  
DEED BOOK 846, PAGE 746  
LOTS 17 & 18, BLOCK Q  
MAP BOOK 1, PAGE 96

MICHAEL ESAREY  
DEED BOOK 760, PAGE 607  
LOTS 16, BLOCK Q  
MAP BOOK 1, PAGE 96

WILLIAM WATERS  
BOOK 336, PAGE 124  
LOTS 7, BLOCK Q  
MAP BOOK 1, PAGE 96

MICHAEL KUPECKI  
DEED BOOK 1079, PAGE 221  
LOTS 4, BLOCK Q  
MAP BOOK 1, PAGE 96



R/W

R/W

1 EPK (2)  
TRYON STREET

R/W

BOUNDARY SURVEY &  
PRELIMINARY PLOT PLAN FOR:

**JAMES EDWARD BROWN**  
AND WIFE, **MOLLIE MCCOTTER BROWN**  
AND **EMILY EUBANKS**

REFERENCES:

DEED BOOK 790, PAGE 941  
LOTS 5 & 6, BLOCK Q  
MAP BOOK 1, PAGE 96

CURRENT OWNER: JAMES EDWARD BROWN  
904 SARASOTA DRIVE, SEYMOUR, IN 47274

INDIVIDUAL TRACT ON TRYON STREET  
TOWN OF ATLANTIC BEACH  
MOREHEAD TOWNSHIP, CARTERET COUNTY, N.C.

DATE: SEPTEMBER 16, 2015  
SCALE: 1" = 20'



**JOHNNY J. WILLIAMS LAND SURVEYING, P.C.**

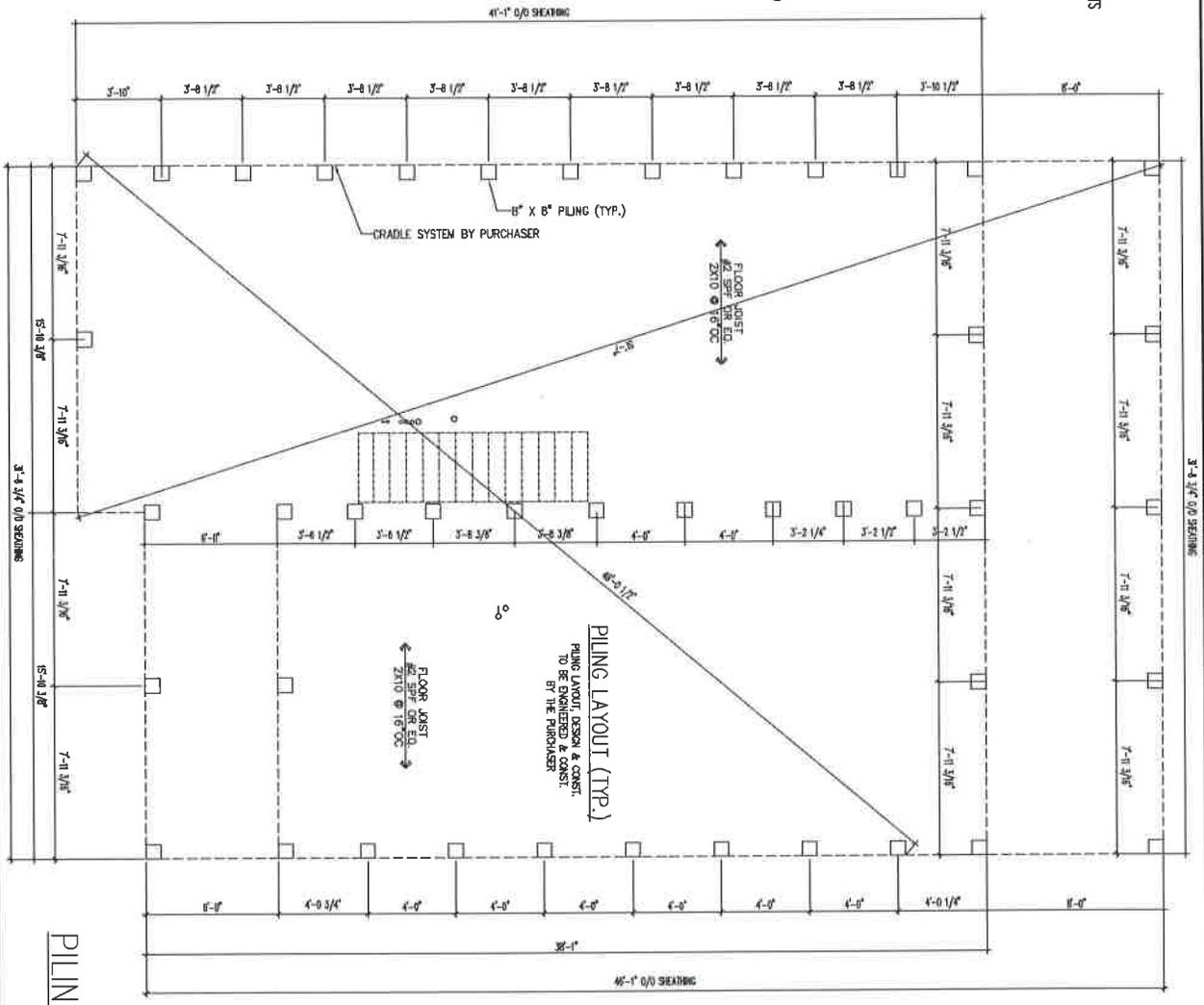
P.O. BOX 778, BEULAVILLE, N.C. 28518  
PHONE: 910-298-8272 FAX: 910-298-2310  
EMAIL : JWILLIAMS@JWSURVEY.COM FIRM NO. C-2532



C-PROJECT: BROWN, JAMES\_0915-TRYON ST.  
FILE NAME: BROJAM0316  
TDS FILE: BROJAM0915



- NOTES:
- LAYOUT IS SUGGESTIVE ONLY
  - PURCHASER IS RESPONSIBLE FOR MEETING ALL LOCAL & STATE CODES CONCERNING PILING FOUNDATION REQUIREMENTS
  - CRADLE SYSTEM IS TO BE DESIGNED, SUPPLIED, & ENGINEERED BY PURCHASER. ALL SPANS SHOWN ON THIS PLAN MUST BE CONFORMED & ENGINEERED BY PURCHASER
  - FLOODING DESIGNED, ENGINEERED & INSTALLED BY PURCHASER
  - ALL OUTSIDE DIMENSIONS ARE TO EXTERIOR SHEATHING OF MODULAR UNITS
  - EXTERIOR WALL SHEATHING HAS BEEN FIGURED FOR 7/16" OSB
  - MODULAR TO MODULAR & MODULAR TO PILE FOUNDATION CONNECTIONS TO BE ENGINEERED AND SUPPLIED BY PURCHASER
  - PURCHASER SUPPLIED CONNECTIONS, FASTENERS, STRAPS, PLATES, ETC. IN NON-CONDITIONED AREAS TO MEET STATE AND/OR LOCAL CODES CONCERNING CORROSION RESISTANT REQUIREMENTS
  - DECKS, FLOORS, RAILINGS, STAIRS, AND PORCHES SUPPLIED AND SITE CONSTRUCTED BY THE PURCHASER ARE SUBJECT TO INSPECTION BY LOCAL JURISDICTION

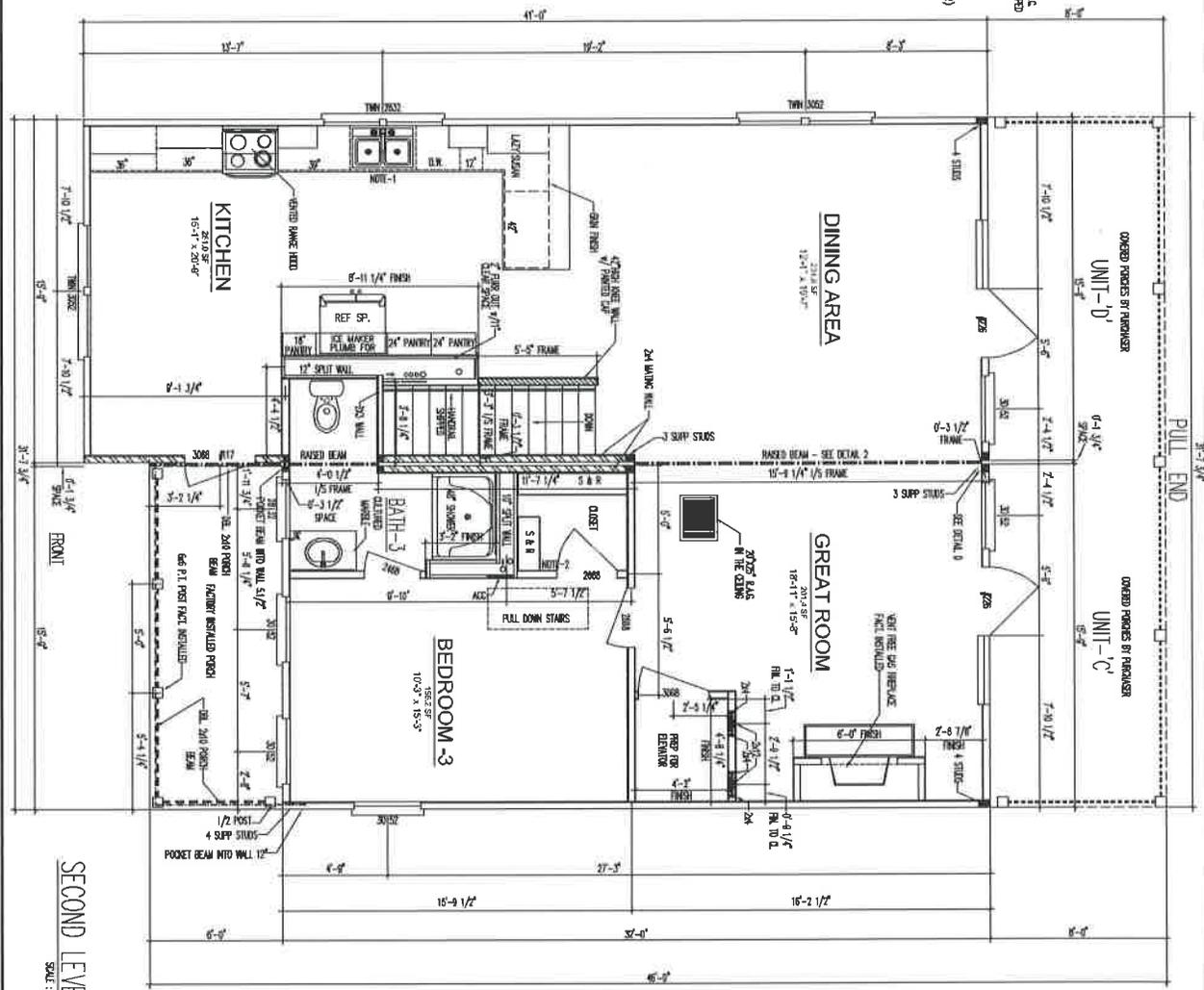
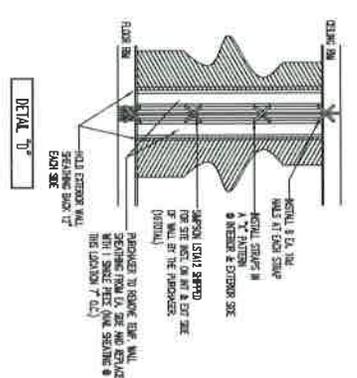
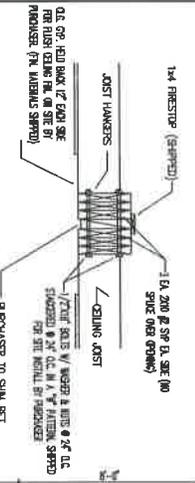


PILING FOUNDATION PLAN  
SCALE: 3/16" = 1'-0"

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4.11.2016  
NIP INC.  
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NOT FOR PRODUCTION

PANC NO. <b>2</b>	NOTE: ONLY ONE HOUSE MAY BE BUILT UTILIZING THE PLANS THAT ARE DESIGNATED FOR THIS CONTRACT JOB	<b>NATIONWIDE</b> <i>Homes</i> EVERY HOME EAST <small>1 COPYRIGHT 2016 NATIONWIDE HOMES ALL RIGHTS RESERVED</small>	1100 RIVES ROAD, MARTINSVILLE, VA 24112 (276) 832-7100 FAX (276) 832-1181 WWW.NATIONWIDESTRUTHOMES.COM	PLAN NAME: C/S 2 STORY	PURCHASER: LIME OAK - BROWN				
				COLLECTION/SERIES: FUTURE HOMES	JOB NO.: 1622-10	CONTRACT NO.: 164082			
				DESIGN DATE:	DWG. BY:	CK. BY:	PROCESS DATE: 3-22-16	DWG. BY:	CK. BY:
				REV. DATE:	REV. BY:	REV. DATE:	PLAN REVISION DATE: 3.31.2016/16H100	PLOTTED: 3/30/2016 2:20 PM	
				REV. DATE:	REV. BY:	PRODUCTION DATE:	DWG. BY:		





SECOND LEVEL FLOOR PLAN  
SCALE: 3/16" = 1'-0"

ALL CONSTRUCTION AND FASTENING AT PORCH TO BE DONE PRESCRIPTIVE PER THE 2012 NORTH CAROLINA RESIDENTIAL CODE.

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411 2016  
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4

NOTE: ONLY ONE HOUSE MAY BE BUILT UTILIZING THE PLANS THAT ARE DESIGNATED FOR THIS CONTRACT JOB

NATIONWID E  
Homes  
COURTNEY HART EAST

1100 RIVES ROAD, WARTHSVILLE, VA 24112  
(276) 632-7100  
FAX (276) 632-1161  
WWW.NATIONWIDECUSTOMHOMES.COM

PLAN NAME: C/S 2 STORY  
COLLECTION/SERIES: FUTURE HOMES  
DESIGN DATE: \_\_\_\_\_  
REV. DATE: \_\_\_\_\_  
REV. DATE: \_\_\_\_\_

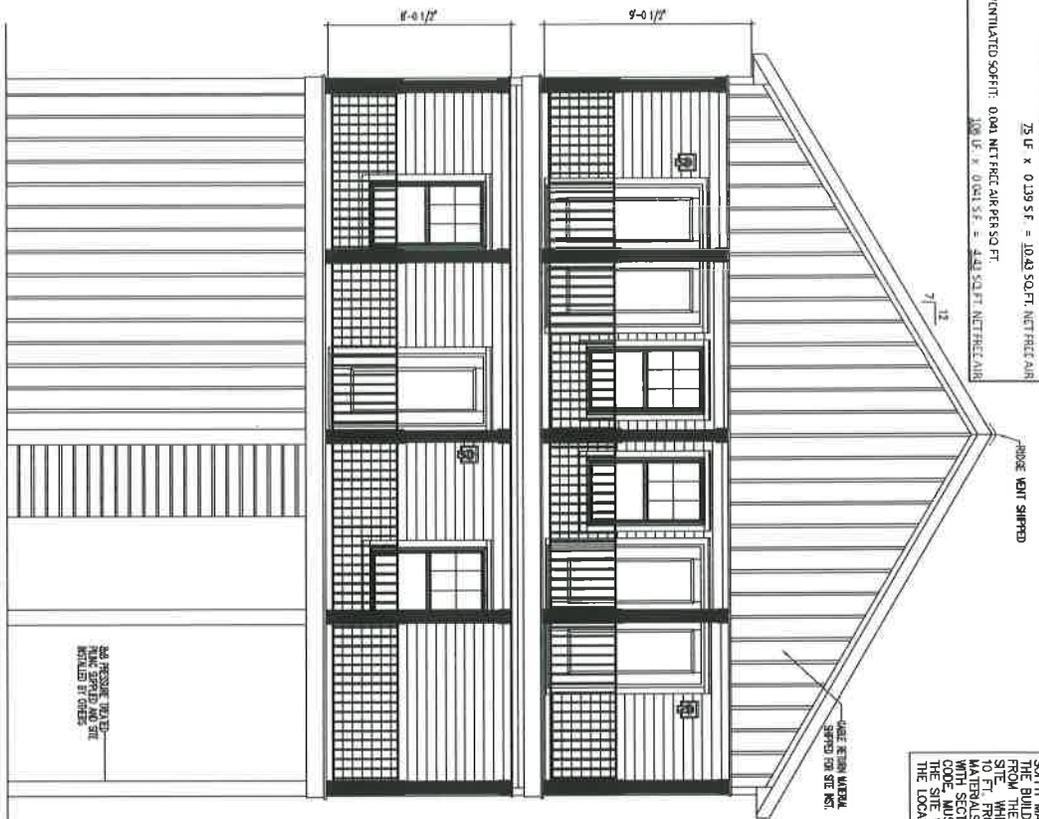
PURCHASER: LINDA OWEN - BROWN  
JOB NO: H33-16  
PROCESS DATE: 3-22-16  
PLAN REVISION DATE: 3.23.2016/AMMO  
PRODUCTION DATE: \_\_\_\_\_  
CONTRACT NO: 184086  
DWG. BY: \_\_\_\_\_  
CHK. BY: \_\_\_\_\_  
PLOTTED: 3/31/2016 11:29 AM  
DWG. BY: \_\_\_\_\_

**VENTILATION CALCULATIONS:**

RIDGE VENT: 0.139 NET FREE AIR PER SQ. FT.  
 75 LF x 0.139 SF = 10.43 SQ. FT. NET FREE AIR  
 VENTILATED SPACE: 0.044 NET FREE AIR PER SQ. FT.  
 108 LF x 0.044 SF = 4.73 SQ. FT. NET FREE AIR

**NOTE:**  
 SOMETIMES MATERIALS FOR THIS UNIT ASSUMES THAT THE BUILDING FACE WILL BE TO FT. OR GREATER FROM THE PROPERTY LINE WHEN INSTALLED ON SITE. WHERE THE BUILDING FACE IS LESS THAN 10 FT. FROM THE PROPERTY LINE, THE INSTALLMENT OF TERRAZZO AND GRANITE LINE AND CORNERMENT WITH SECTION R703.11.3 OF THE NC RESIDENTIAL CODE, MUST BE PROVIDED AND APPROVED BY THE LOCAL JURISDICTION.

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**REAR ELEVATION**

SCALE: 3/8" = 1'-0"

ADJUST FIRST ROW OF SIDING IF  
 DOUBLE END PLATE INSTALLED  
 START EXTERIOR SIDING  
 1/2" FROM BOTTOM OF END  
 PLATE AND 1/2" FROM TOP  
 FOR THE INSTALLATION OF THE BUILDING  
 SIPR 1 1/2" WALL OVER SIDING  
 IF SHIP END PLATE



**FRONT ELEVATION**

SCALE: 3/8" = 1'-0"

ALL SIDING SHIPPED FOR SITE INST. BY PURCHASER

PLAN NO.  
**5**

NOTE: ONLY ONE HOUSE  
 MAY BE BUILT UTILIZING  
 THE PLANS THAT ARE  
 DESIGNATED FOR THIS  
 CONTRACT JOB

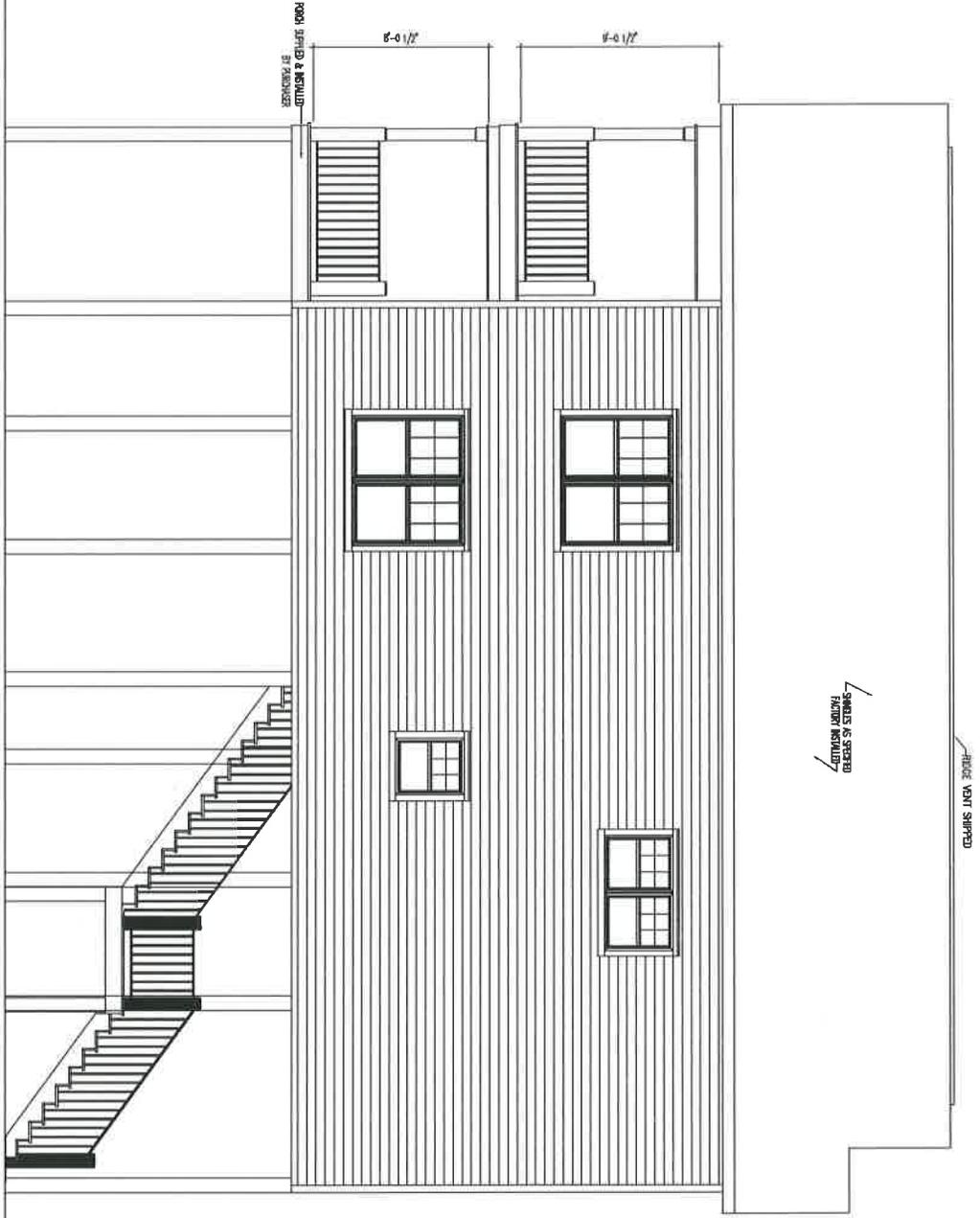
**NATIONWIDE**  
*Homes*  
 CUSTOM MADE EASY

1180 RIVES ROAD, WARTHSVILLE, VA 24112  
 (276) 633-7100  
 FAX (276) 633-1781  
 WWW.NATIONWIDECUSTOMHOMES.COM

PLAN NAME: C/S 2 STORY	PURCHASER: LUCY DAK - BROWN
COLLECTION/SERIES: FUTURE HOMES	JOB NO: NS2-18
DESIGN DATE:	PROCESS DATE: 1-22-10
REV. DATE:	PLAN REVISION DATE: 3.23.2010(AMND)
REV. DATE:	PRODUCTION DATE:

CONTRACT NO: 18080	CHK. BY:
DATE: 1-22-10	DATE: 3/2/2010 11:22 AM
DATE: 3/2/2010	DATE:

LEFT ELEVATION  
SCALE: 3/8" = 1'-0"



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NIA INC. 4.11.2016  
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PAGE NO.  
6

NOTE: ONLY ONE HOUSE  
MAY BE BUILT UTILIZING  
THE PLANS THAT ARE  
DESIGNATED FOR THIS  
CONTRACT JOB

**NATIONWIDE**  
*Homes*  
CUSTOM BUILT EASY

1100 RIVES ROAD, MARTINSVILLE, VA 24112  
(276) 632-7100  
FAX (276) 632-1181  
WWW.NATIONWIDECUSTOMHOMES.COM

PLAN NAME: C/S 2 STORY  
COLLECTION/SERIES: FUTURE HOMES  
DESIGN DATE: \_\_\_\_\_ DWG. BY: \_\_\_\_\_ CHK. BY: \_\_\_\_\_  
REV. DATE: \_\_\_\_\_ REV. BY: \_\_\_\_\_  
REV. DATE: \_\_\_\_\_ REV. BY: \_\_\_\_\_

PURCHASER: LUCY CAVK - BROWN  
JOB NO: 102-18 CONTRACT NO: 104028  
PROCESS DATE: 3-22-18 DWG. BY: CH  
PLAN REVISION DATE: 3.23.2018 CHD PLOTTED: 3/23/2018 8:07 AM  
PRODUCTION DATE: \_\_\_\_\_ DWG. BY: \_\_\_\_\_



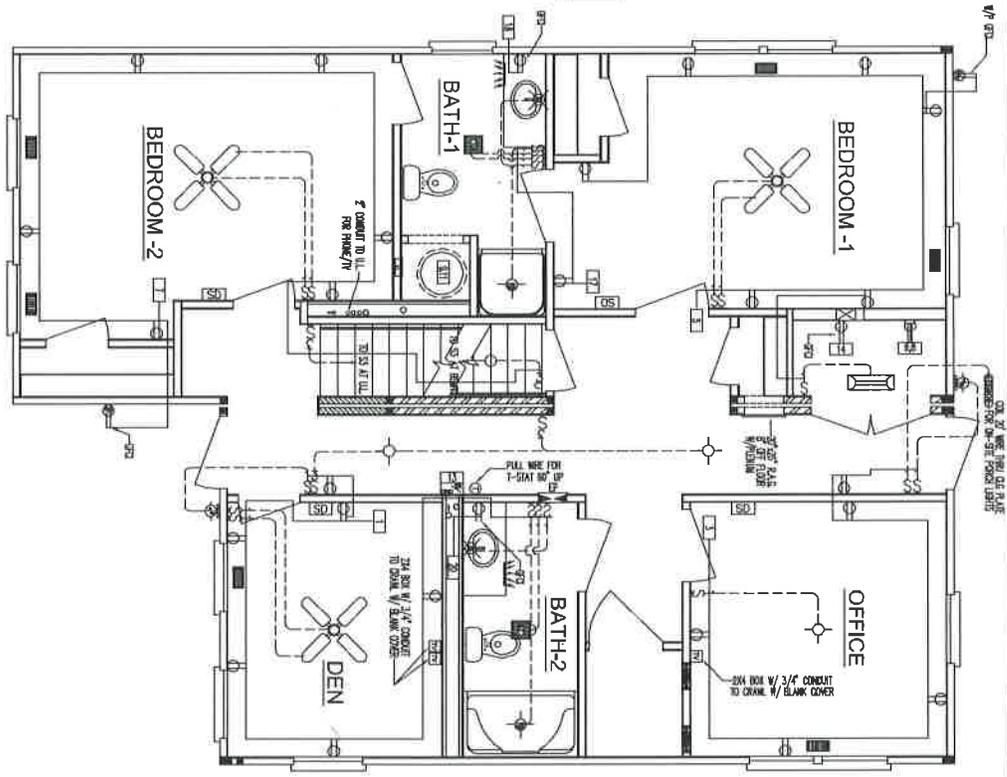
- A) Purchaser responsible for all service entry connections to existing unit main service panel.
- B) Purchaser responsible for confirming complete circuit feeding prior to service connection for all site wiring.
- C) Exterior weatherproof receptacle and light fixtures shipped for site installation by purchaser.
- D) All gas pipe lines for gas appliances by purchaser.
- E) All heating / cooling systems shipped and installed by purchaser per state and local codes.
- F) When weather/dryer are located in basement, all duct/room shall be by Purch. to meet current Bldg./Elec. codes.
- G) All wiring to be per National Electric Code (Current Edition).
- H) Unlisted or non-specified receptacle, 1 1/2" from submeter to bathroom of specified receptacle 30" termination for 1) A/C/O/C smoke detectors wired for simultaneous operation.
- I) GFI/CFL receptacles wired with feed thru for ground fault protection to all (Local Dry) Branch circuit recept.
- J) Range hoods are wireless unless otherwise specified.
- K) All exhaust fans in baths and at dryer shall be vented to the outside or by the purchaser unless otherwise specified.
- L) Lock-Off dip on water heater.
- M) Switches & Recept. in bedrooms and dressing rooms over lockets to be 48" up.
- N) Switches and recepts. over counter to be 48" up unless otherwise specified.
- O) All electrical boxes on exterior walls to be sealed with foam to eliminate air infiltration.
- P) Batt insulation glued to other access cover.
- Q) Batt insulation shipped for site installation by Purch. to be installed in gaps of mudding wall beams, end of floor & ceiling cross.
- R) Ceiling outlets to be called behind crown mould (if crown mould is purchased).
- S) All exterior wall hinged sheathing joints to be sealed.
- T) Interior walls around the perimeter of basement openings to be insulated with R-13.
- U) Wiring for phone and TV outlets are the responsibility of the purchaser. N/A to provide the outlet jack and 2x4 box with 3/4" conduit below subfloor.
- V) Tempse. Resettable Receptacles

WHOLE HOUSE VENTILATION REQUIRED PER SECTION M1507.3 TO BE PROVIDED BY WAY OF A 110 CFM EXHAUST FAN LOCATED IN THE MASTER BATHROOM

RAISE ELECTRICAL DEVICES UP 4" @ BATH-1 VANITY

F FACTORY INSTALLED EXTERIOR RECEPTALS DO NOT MEET MINIMUM REQUIREMENTS OF THE CURRENT NATIONAL ELECTRICAL CODE. THESE RECEPTALS ARE TO BE REPLACED WITH NEW RECEPTALS SUBJECT TO INSPECTION BY LOCAL JURISDICTION. EXTERIOR RECEPTAL GLETT BOX TYPES THAT ARE A PART OF THE WEATHERPROOF ENCLOSURE TO BE LISTED AND IDENTIFIED AS EXTRA DUTY DURABILITY TO BE OBTAINED THROUGH THE RECEPTALS.

NOTE: ALL BRANCH CIRCUITS THAT ARE SUPPLYING 15 & 20 AMP OUTLETS IN ALL BEDROOMS, DINING ROOM, BREAKFAST ROOM, FAMILY ROOM, CLOSETS, HALLWAYS, OR SIMILAR AREAS, TO BE PROTECTED BY ARC-FAULT CIRCUIT INTERRUPTER IN PER SECTION 210.12, 2014 NC ELECTRICAL CODE.



FIRST LEVEL ELECTRICAL LAYOUT

1	Duplex Receptacle	9	Single pole switch	16	Carbon Monoxide Det.
2	Weatherproof duplex	10	Three-way switch	17	Carbon Mon. Det. Combo
3	240V Receptacle	11	Four-way switch	18	Roofed Fan
4	Overhead Light	12	Telephone outlet	19	Exterior Light
5	Recessed Light	13	Telephone outlet	20	Heat/Fan/Light
6	Weatherproof Light	14	Home Office Box	21	Flood Light
7	Weatherproof Light	15	Thermostat	22	Exterior Light
8	Exh. fan (50 CFM Min)	16	Electric door chime	23	4 x 10 Registers
9	Push button for chime	17	Smoke Detector	24	10x10 Kick Registers

HOUSE DESIGNED FOR DUAL HEATING/COOLING SYSTEM. SYSTEM SUPPL. & SITE INST. BY THE PURCHASER.

INSTALL FLOOR REGISTERS

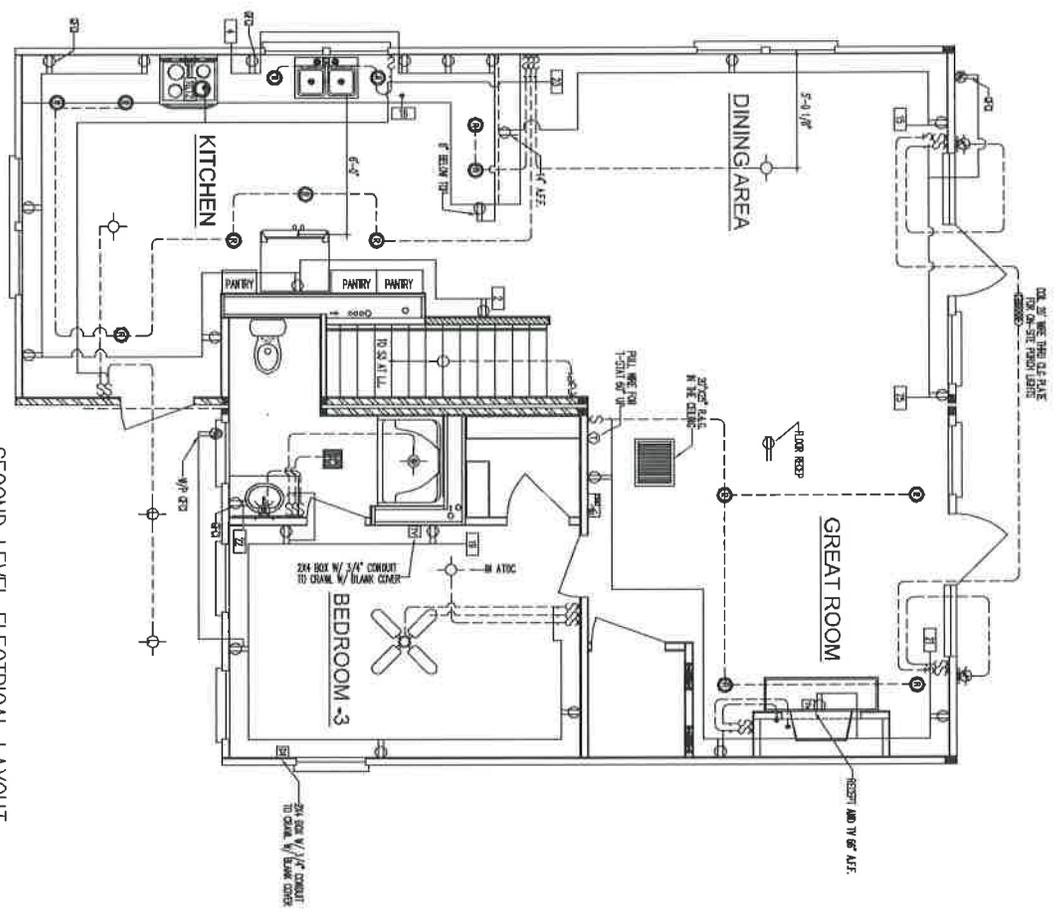


WHOLE HOUSE VENTILATION REQUIRED PER SECTION M1507.3 TO BE PROVIDED BY WAY OF A 110 CFM EXHAUST FAN LOCATED IN THE MASTER BATHROOM

MOUNT ELECTRICAL DEVICES UNDER WALL CABINET IN KITCHEN

NOTE: ALL WIRES IN ATTIC INST. BESIDE OR THRU JOISTS OR PROTECTED BY GUARD STRAPS

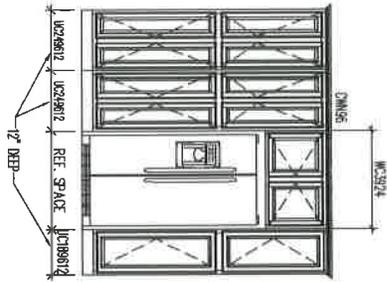
SECOND LEVEL ELECTRICAL LAYOUT



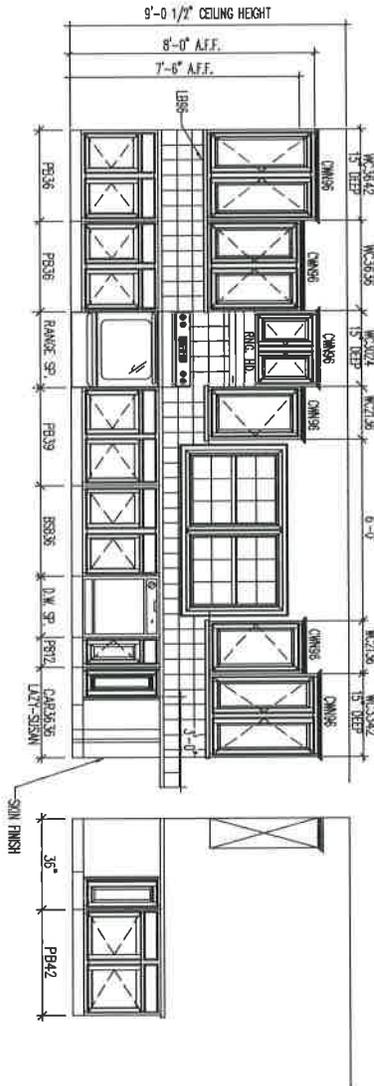
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PAGE NO. <b>9</b>	NOTE: ONLY ONE HOUSE MAY BE BUILT UTILIZING THE PLANS THAT ARE DESIGNATED FOR THIS CONTRACT JOB	<b>NATIONWIDE</b> <i>Homes</i> <small>OWNERS MAKE CAREY</small>	1100 PINES ROAD, WARTNSVILLE, VA 24112 (276) 632-7100 FAX (276) 632-1181 WWW.NATIONWIDECUSTOMHOMES.COM	PLAN NAME: C/S 2 STORY	PURCHASER: LINC ONE - BROWN			
				COLLECTION/SERIES: FUTURE HOMES	JOB NO.: MS2-16	CONTRACT NO.: 184002		
				DESIGN DATE:	DATE:	PROCESS DATE: 3-22-16	DATE:	DATE:
				REV. DATE:	DATE:	PLAN REVISION DATE: 3.23.2016MINDO	DATE:	DATE:
				REV. DATE:	DATE:	PRODUCTION DATE:	DATE:	DATE:

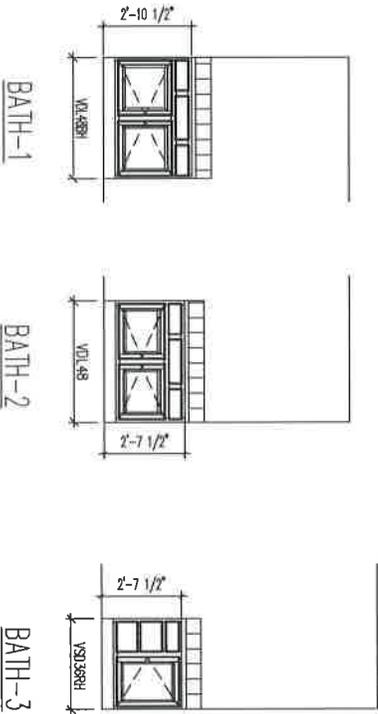
- 1) CABINET CONFIGURATION MAY VARY TO CABINET STYLE SELECTED
- 2) MIN. 30" CLEARANCE BETWEEN RANGE AND COMBUSTIBLE SURFACE ABOVE
- 3) MIN. 1" CLEARANCE FROM RANGE EXHAUST VENT TO COMBUSTIBLE MATERIAL
- 4) VENTLESS RANGE HOOD UNLESS OTHERWISE NOTED.



KITCHEN CABINET LAYOUT



CABINET KNOBS THRU OUT  
MATCHING TOE KICK COVERS



BATHROOM CABINETS

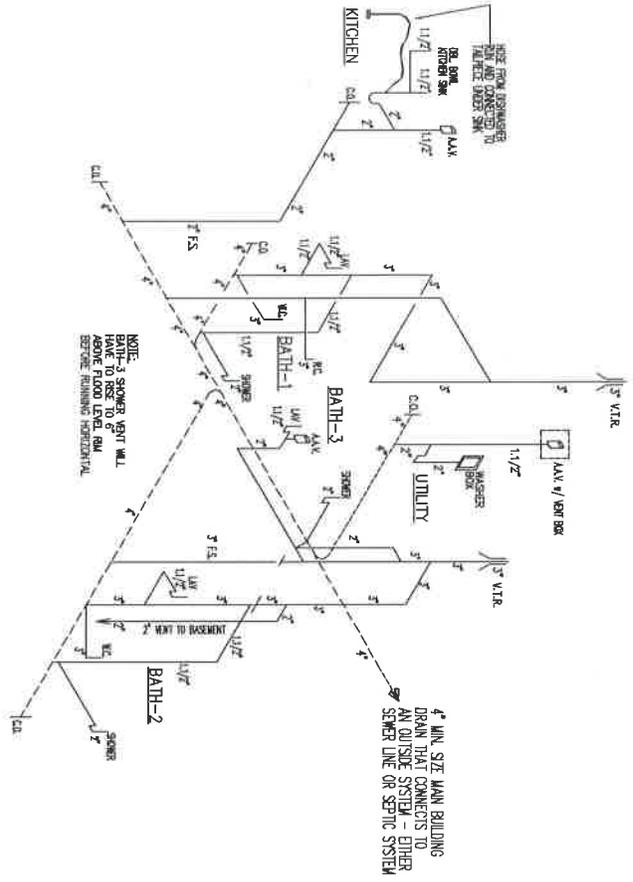
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PERMIT SET ONLY  
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PIPE SIZE	FULL RUN (FOOT)	DESTINATED TO BEAT FROM TOP*
1/2"	1/2"	3 FT. 0 IN.
3/4"	3/4"	4 FT. 0 IN.
1"	1"	6 FT. 0 IN.
1 1/2"	1 1/2"	10 FT. 0 IN.
2"	2"	12 FT. 0 IN.

ALL EXCEPT INSTALLED PLUMBING TO CONFORM TO CURRENT PLUMBING CODE (SEE OVER SHEET)	
REFER TO PLUMBING NOTES ON COVER SHEET FOR ADDITIONAL INFORMATION	

- \* PEX PLUMBING FOR SUPPLY LINES
- \* GLUE P-TRAPS AT ALL TUBS AND SHOWERS
- \* PEX SUPPLY LINES SHALL HAVE A MAXIMUM SUPPORT SPACING OF 32 INCHES.
- \* PROTECTION FROM FREEZING SHALL COMPLY WITH SECTION 305.6 OF THE 2012 NORTH CAROLINA PLUMBING CODE

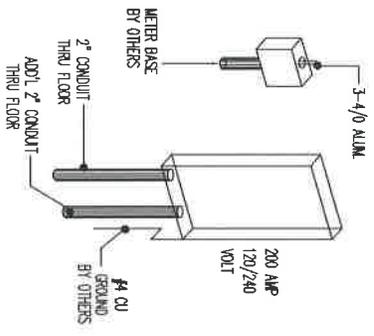
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 4-11-2016



DWV PLUMBING SCHEMATIC

PANEL SCHEDULE

AMP	WIRE SIZE		CONNECTION TO SERVICE BY OTHERS	WIRE SIZE	AMP
200 AMP MAIN BREAKER					
20	12/2	AFQ	GENERAL WIRING	1	20
20	12/2	AFQ	GENERAL WIRING	3	20
20	12/2	AFQ	GENERAL WIRING	5	20
20	12/2	AFQ	GENERAL WIRING	7	20
25	10/2	240V	WATER HEATER	9	40
25	10/2	AFQ	WATER HEATER	11	40
15	14/3	AFQ	QAO / SD	13	20
20	12/2	AFQ	DINING ROOM RECEPITS	15	20
20	12/2	AFQ	GENERAL WIRING	17	20
20	12/2	AFQ	GENERAL WIRING	19	20
20	12/2	AFQ	GENERAL WIRING	21	20
20	12/2	AFQ	GENERAL WIRING	23	20
20	12/2	AFQ	GENERAL WIRING	25	20
20	12/2	AFQ	GENERAL WIRING	27	20
20	12/2	AFQ	GENERAL WIRING	29	20
20	12/2	AFQ	GENERAL WIRING	31	20
20	12/2	AFQ	GENERAL WIRING	33	20
20	12/2	AFQ	GENERAL WIRING	35	20
20	12/2	AFQ	GENERAL WIRING	37	20
20	12/2	AFQ	GENERAL WIRING	39	20
20	12/2	AFQ	GENERAL WIRING	40	20



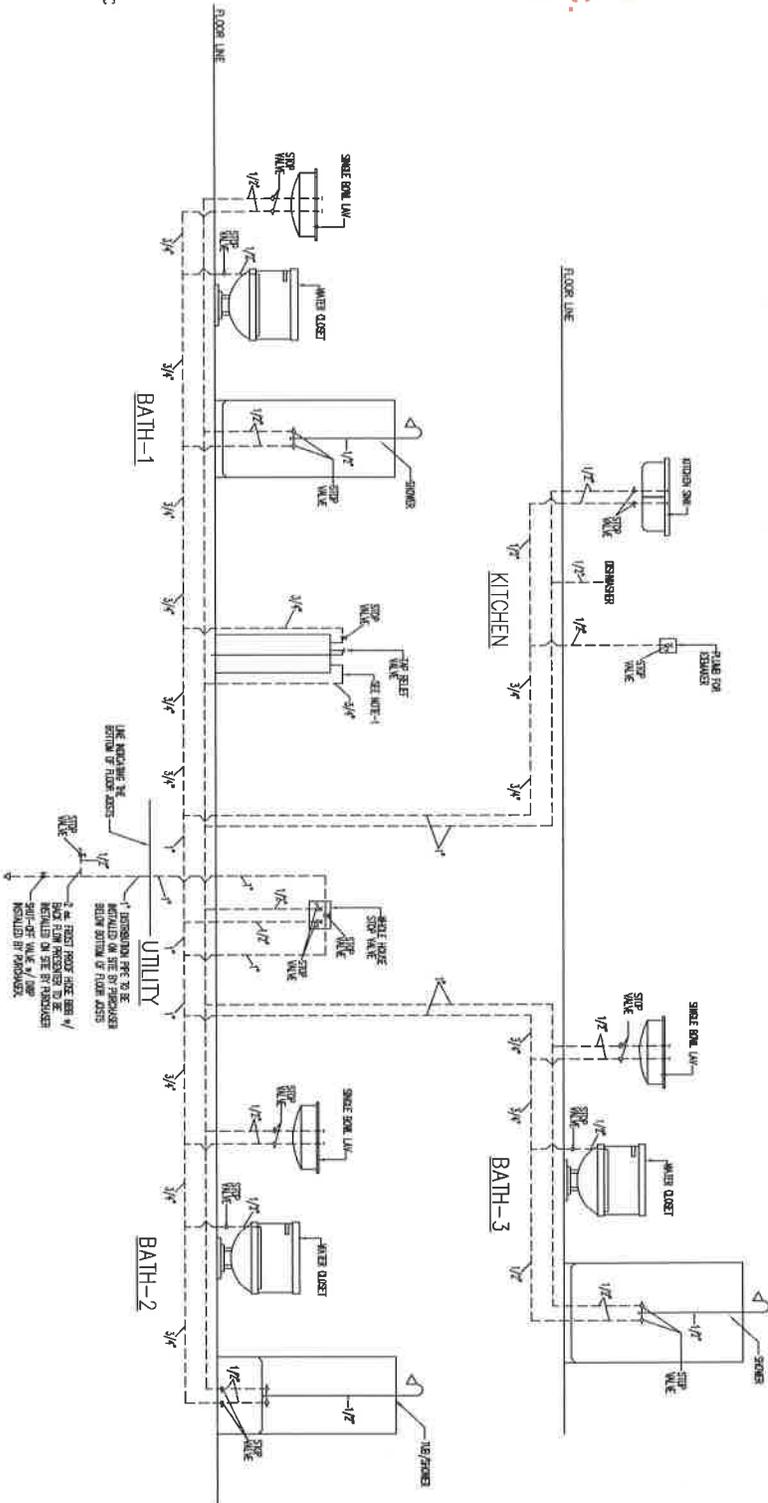
- TYP. SERVICE ENTRY INSTALLATION
- 1) 2 EA. 2" CONDUIT DROPPED THRU FLOOR FOR SITE ELECTRICAL INSTALLATION BY OTHERS.
  - 2) WIRE BASE BY OTHERS TO BE LOCATED WITHIN 30" OF ELEC. PANEL 500-001.
  - 3) CHECK LOCAL CODE & POWER CO. REQUIREMENTS FOR ANY ADDITIONAL SITE RELATED INSTALLATION.
  - 4) CIRCUIT BREAKERS SUPPLIED AND SITE INSTALLED BY THE PURCHASER AT UNFINISHED AREAS.

# TYPICAL PLUMBING NOTES

- 1) WATER DISTRIBUTION SYSTEM PIPE SHALL BE PEX PIPE (STD) SUPPORTED @ 4'-0" INTERVALS.
- 2) FITTINGS & CONNECTIONS SHALL BE PEX WITH COMPRESSION RINGS INST. PER MANUFACTURER'S INSTALLATION INSTRUCTIONS. FRICTION VALVES SHALL HAVE COMPRESSION CONNECTION FITTINGS INSTALLED PER MANUFACTURER'S INST.
- 3) COLD WATER SUPPLY LINES TO BE INSTALLED A MINIMUM 18" FROM WATER HEATER OUTLET BEFORE CONNECTION TO PEX PIPING.
- 4) BUILDER TO INSTALL BACKFLOW PREVENTERS ON EXTERIOR AND/OR OTHER FACETS WHERE REQ'D BY PLUMBING CODE.
- 5) BUILDING TO SUPPLY & INSTALL COPPER T & P RELIEF LINE OVER AREA SUBJECT TO WATER DAMAGE. BUILDER SHALL INST. A 2" GAUGE GALVANIZED METAL DRAIN PAN W/ MIN. 1" DRAIN EXTENDED TO BLDG. BELOW WATER HEATERS.

- 7) AS DICTATED BY THE SERVICE AVAILABLE, THE BUILDER SHALL INSTALL WATER HAMMER ARRESTORS (AIR CHAMBERS, PRESSURE REDUCING VALVES, ETC.) ON THE WATER DISTRIBUTION SYSTEM HYDRAULIC STOCK OR QUICK-CLOSING VALVES & FAUCETS.
- 8) WATER HEATER EQUIPPED W/ DWP TUBE TO PREVENT SIPHONING OF WATER FROM TANK BACK INTO WATER SUPPLY LINES.
- 9) ALL WATER HEATER TANKS SHALL BE EQUIPPED WITH DRAIN COCKS AT BASE OF TANK FOR DRAINING.
- 10) ALL SUPPLY LINES RAN IN LOOP FASHION PER MODULE TO CONNECTION POINT AT MAINLINE. PURCHASER TO MAKE CONNECTION FROM MODULE TO SITE.
- 11) MAXIMUM LENGTH OF INDIVIDUAL DISTRIBUTION LINES SHALL NOT EXCEED 80 FT.

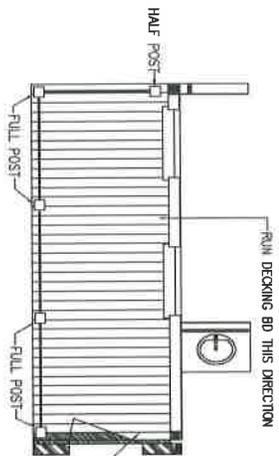
NOTE: MAXIMUM SPACING OF SUPPORTS FOR PVC/DWV DRAIN PIPE:  
 HORIZONTAL: 4'-0" VERTICAL: 10'-0"  
 NOTE: FOR PVC 2" DIA OR LARGER - PLUMBING SUPPORT REQUIRED AT MID-STORY FOR 1 1/2 STORY / 2 STORY / OR 2 1/2 STORY STRUCTURES.  
 NOTE: UNLESS OTHERWISE NOTED, STANDARD WATER HEATER IS 50 GAL CAPACITY W/ DIMENSIONS OF 50" HGT. AND 20" IN DIA.  
 NOTE: APPROVED ENGINEERED MECHANICAL WATER HAMMER ARRESTORS FOR QUICK CLOSING VALVES FACTORY INSTALLED WHERE FEASIBLE.  
 NOTE: PEX PLUMBING PIPE TO BE SUPPORTED AT 32" INTERVALS AND PROTECTED FROM FREEZING.



GENERAL NOTE REGARDING DISHWASHER (D/W):  
 DISCONNECTING MEANS FOR D/W NOT REQUIRED PER 2014 NC ELECTRICAL CODE SECTION 422.34 UNIT SWITCH (ES)

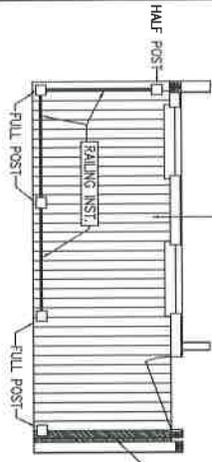
NOTE:  
 APPROVED ENGINEERED MECHANICAL WATER HAMMER ARRESTORS FOR ALL QUICK CLOSING VALVES, FAUCETS, AND WASHING MACHINE AS REQUIRED BY CURRENT STATE PLUMBING CODES.

## TYPICAL 2 STORY RISER DIAGRAM



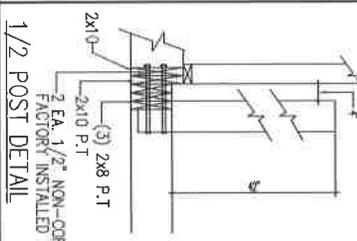
SEE ELEVATION FOR SPECIFIC POST LOCATIONS

U.L. DECKING DETAIL

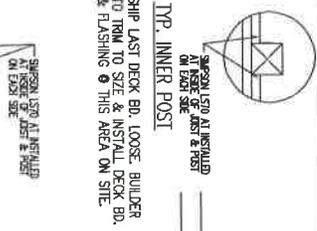


L.L. DECKING DETAIL

DECK BOARD INSTALLATION PROCEDURE  
 UNLESS SPECIFIC BOARD HAVE THE CORNER CUTTED TO THE BOARD END, ALL DECK BOARDS MUST BE SHOWN WITH THE CORNER CUTTED TO THE BOARD END.  
 \* ALL FASTENERS AT DECK AREA TO BE OF NON-CORROSIVE TYPE.  
 \* ALL FASTENERS AT DECK AREA TO BE OF 2 1/4" SPANS AT DECK BOARDS.  
 RECEIVED BY NIA INC. 3.1.2016  
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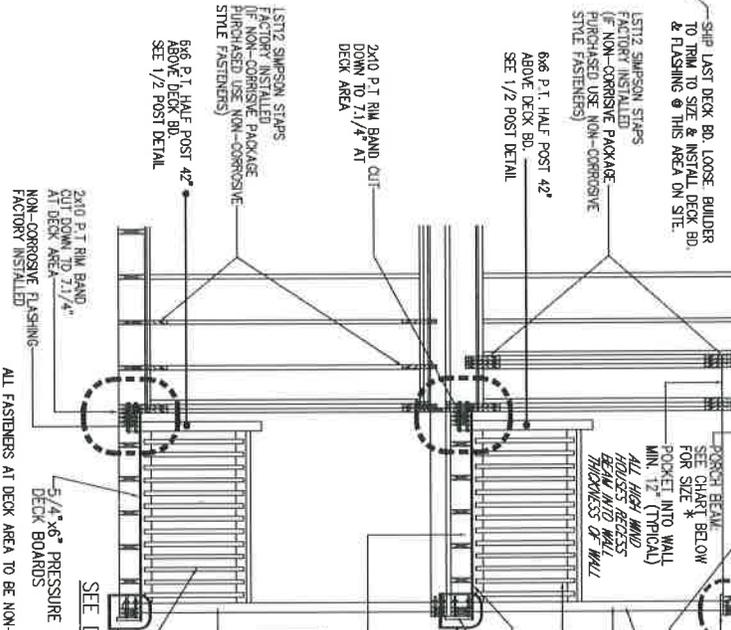


1/2 POST DETAIL

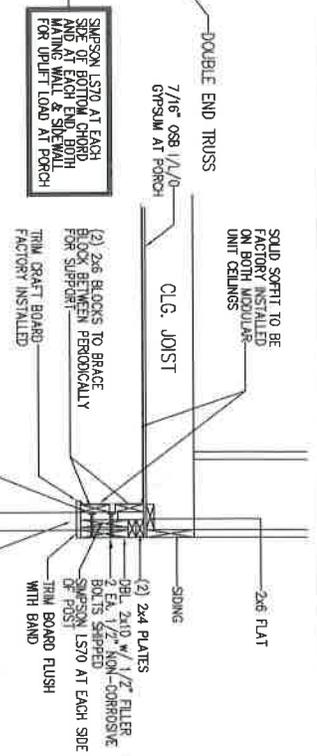


TP, CORNER POST

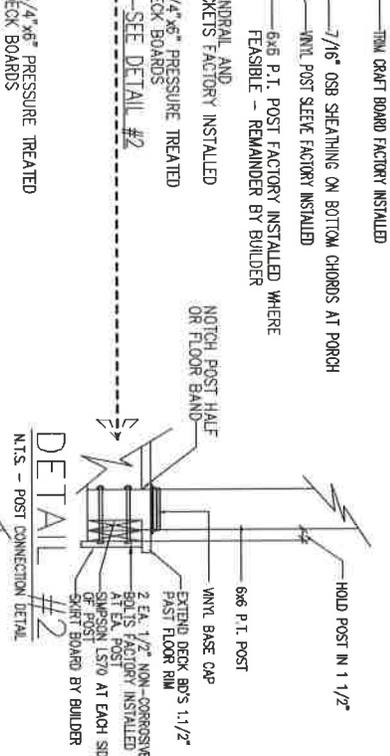
SHIP LAST DECK BD. LOOSE BUILDER TO TRIM TO SIZE & INSTALL DECK BD. & FLASHING @ THIS AREA ON SITE.  
 LIST12 SIMPSON STAPLS FACTORY INSTALLED (IF NON-CORROSIVE PACKAGE PURCHASED USE NON-CORROSIVE STAP FASTENERS)  
 6x6 P.T. HALF POST 4x2 ABOVE DECK BD. SEE 1/2 POST DETAIL



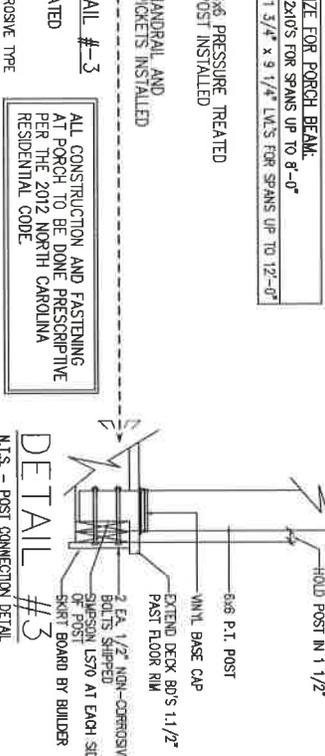
FACTORY INSTALLED PORCH DETAIL - 2 STORY HOUSE



DETAIL #1

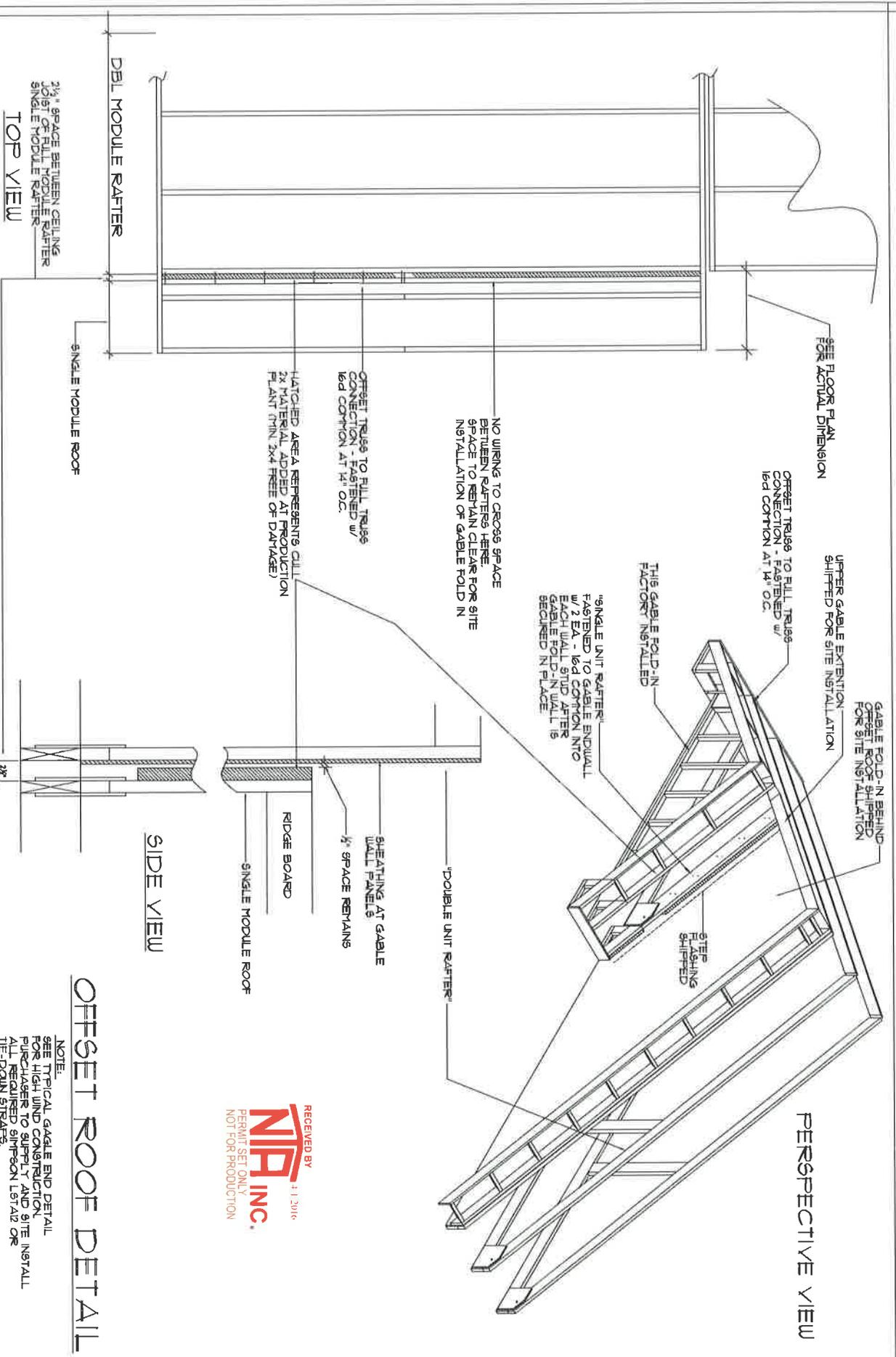


DETAIL #2



DETAIL #3

ALL FASTENERS AT DECK AREA TO BE NON-CORROSIVE TYPE  
 \* SIZE FOR PORCH BEAM:  
 (2) 2x10'S FOR SPANS UP TO 8'-0"  
 (2) 1 3/4" x 9 1/4" LVL'S FOR SPANS UP TO 12'-0"  
 ALL CONSTRUCTION AND FASTENING AT PORCH TO BE DONE PRESCRIPTIVE PER THE 2012 NORTH CAROLINA RESIDENTIAL CODE.

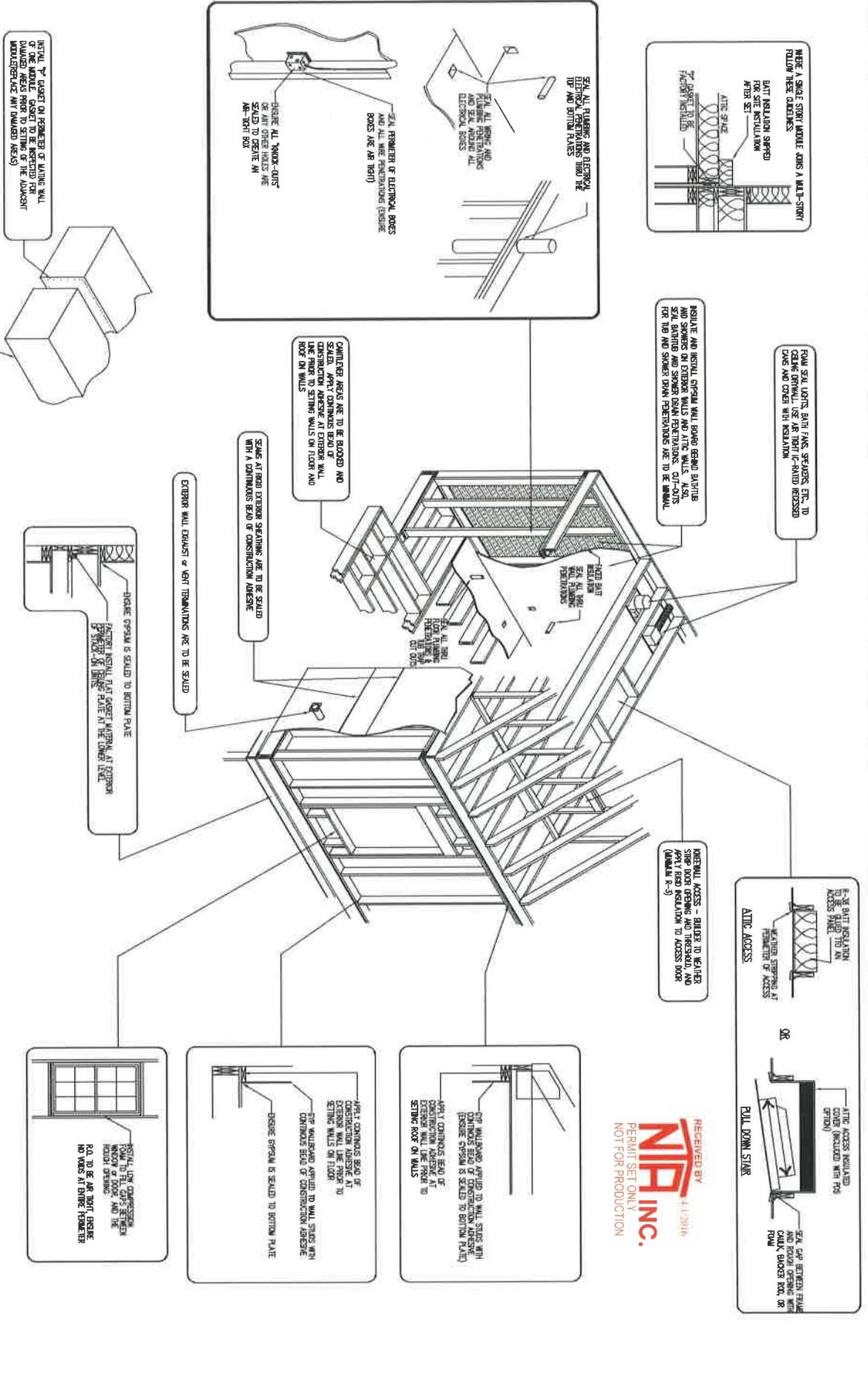


NOTE:  
SEE TYPICAL GABLE END DETAIL FOR HIGH WIND CONSTRUCTION. PURCHASER TO SUPPLY AND SITE INSTALL ALL REQUIRED SHIPSON STRIPS OR TIE-DOWN STRAPS.

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4.1.2016  
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PAGE NO. <b>14</b>		PLAN NAME: COLLECTION# 88888- 88888827	PURCHASER:		CONTRACT NO.:	
		DESIGN DATE:	DRG. BY:	CHK. BY:	DATE:	CHK. BY:
		REV. DATE:	REV. BY:	REV. BY:	CHANGE ORDER DATE:	DATE BY:
		REV. DATE:	REV. BY:	REV. BY:	PRODUCTION DATE:	DATE BY:

PLANT INSTALLED AIR SEALING DETAIL SHEET



HERE A SINGLE STORY ABOVE OR A MULTI-STORY BELOW THESE DETAILS  
 BATT INSULATION SHIPPED AFTER SET

SEAL ALL PENETRATIONS AND ELECTRICAL PENETRATIONS FROM THE TOP AND BOTTOM FLANGES  
 SEAL ALL PENETRATIONS AND ELECTRICAL PENETRATIONS FROM THE TOP AND BOTTOM FLANGES  
 SEAL ALL PENETRATIONS AND ELECTRICAL PENETRATIONS FROM THE TOP AND BOTTOM FLANGES

INSULATE AND SEAL GROUND WALLS AND ATIC WALLS. ALSO SEAL BRIMS AND SHOWER PAN PENETRATIONS. CUT-OUTS FOR TUB AND SHOWER PAN PENETRATIONS ARE TO BE REMOVED.

FOAM SEAL LIGHTS, BATH FANS, STAIRS, ETC., TO CEILING DRYWALL. USE AIR TIGHT IC-BATED RECESSED DOWNS AND COVER WITH INSULATION.

CONCRETE JOISTS ARE TO BE BOARDED AND SEALED. APPLY CONTINUOUS BEAD OF CONSTRUCTION ADHESIVE AT EXTERIOR WALL LINE PRIOR TO SETTING WALLS ON FLOOR AND ROOF ON WALLS.

SEAMS AT ROOF EXTERIOR SEAMINGS ARE TO BE SEALED WITH A CONTINUOUS BEAD OF CONSTRUCTION ADHESIVE.

EXTERIOR WALL JOISTS OR VENT TERMINATIONS ARE TO BE SEALED.

INTERNAL ACCESS - BUILDER TO WEATHER SHIP DOOR OPENING AND THRESHOLD, AND APPLY FRESH INSULATION TO ACCESS DOOR (MINIMUM R-5)

3" BATT INSULATION TO BE ATTACHED TO INSULATION SHEET  
 FEATHER TERMINATE AT ATTIC ACCESS

ATTIC ACCESS REQUIRED  
 CEILING PROVIDED WITH FOS  
 PULL DOWN STAIR  
 SEAL CAR ENTRY FRAME AND ROOF OPENING WITH CAULK. BLOCK ROOF OR FLOW

INSTALL 1" CASSET ON PERIMETER OF EXTERIOR WALL. SEAL DAMAGED AREAS PRIOR TO SETTING OF THE ADHESIVE. (DO NOT SEAL ANY DAMAGED AREAS)

SEAL ALL DOME CAULK JOINTS WITH FOAM

EXTERIOR GROUND IS SEALED TO BOTTOM FLANGE  
 APPLY CONTINUOUS BEAD OF CONSTRUCTION ADHESIVE AT EXTERIOR WALL LINE PRIOR TO SETTING WALLS ON FLOOR AND ROOF ON WALLS

INSTALL LOW COMPRESSION FOAM TO FILL GAPS BETWEEN WINDOW OPENING AND THE ROOF TO BE AIR TIGHT. SEALER IS TO BE APPLIED TO ALL DAMAGED AREAS

APPLY CONTINUOUS BEAD OF CONSTRUCTION ADHESIVE AT EXTERIOR WALL LINE PRIOR TO SETTING WALLS ON FLOOR AND ROOF ON WALLS  
 APPLY WATERPROOF MEMBRANE TO WALL STUDS WITH CONTINUOUS BEAD OF CONSTRUCTION ADHESIVE  
 EXTERIOR GROUND IS SEALED TO BOTTOM FLANGE

APPLY WATERPROOF MEMBRANE TO WALL STUDS WITH CONTINUOUS BEAD OF CONSTRUCTION ADHESIVE AT EXTERIOR WALL LINE PRIOR TO SETTING WALLS ON FLOOR AND ROOF ON WALLS  
 APPLY CONTINUOUS BEAD OF CONSTRUCTION ADHESIVE AT EXTERIOR WALL LINE PRIOR TO SETTING WALLS ON FLOOR AND ROOF ON WALLS

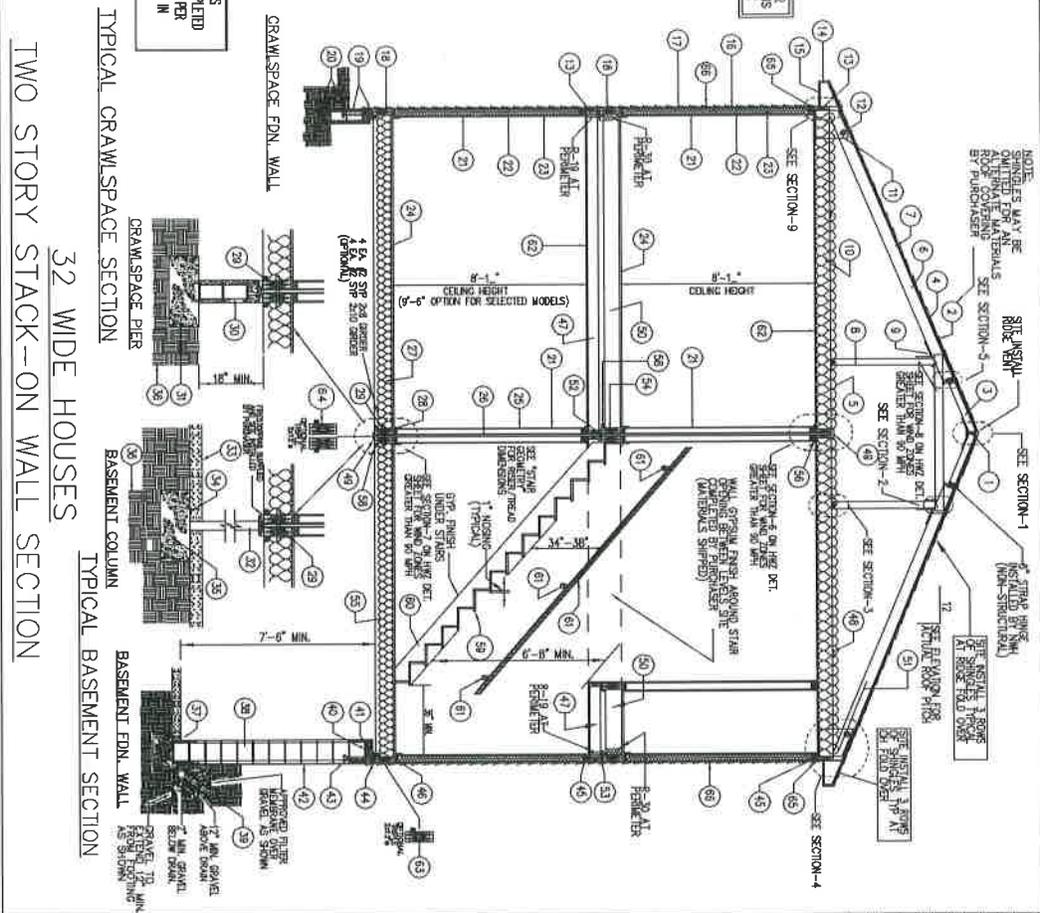
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STAIR GEOMETRY
HEAD = 9"
ROSE = 6 1/4" (MAX)
1A-10-1A-48-30
HEAD = 9"
ROSE = 7 3/4" (MAX)
0A-11-4X-11N
HEAD = 10"
ROSE = 7 3/4" (MAX)
1A-11-48-10-11N

FOR ROOF TRUSS REFERENCE - 7/12  
SEE NATIONWIDE HOMES CALCULATIONS  
MANUAL SECTION #8 PAGES 99-112

SEE TO VARIOUS CODES  
2017 IBC, 2012 IRC, 2012 IBC, 2012 IBC  
FOR ALL OTHERS  
LOCAL JURISDICTION

ALL LATERAL AND VERTICAL CONNECTIONS  
FOR FLOOR, WALLS, CEILING, TO BE COMPLETED  
ON SITE BY PURCHASER AS PRESCRIBED PER  
BUILDER OPERATIONS MANUAL AS FOUND IN  
CHAPTER 5 OF NC O.A. MANUAL



- GENERAL NOTES:**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CONTRACTOR'S SPECIFICATIONS AND THE NATIONAL BUILDING CODES FOR THE LOCAL JURISDICTION. REFER TO THE STATE AND LOCAL CODES FOR ACTUAL CONSTRUCTION METHOD REQUIRED.
  2. REFER TO FOUNDATION PLAN SECTION ON FOUNDATION PLAN FOR LIMITS BEING CONSTRUCTED IN THIS AREA.
  3. REFER TO FOUNDATION PLAN FOR LOCATION OF PILES/COLUMNS.
  4. CONSTRUCTION OF BASEMENT STAIRS BY PURCHASER.
  5. MIN. 18" FROM GRADE FOR WOOD JOISTS AND 12" MIN. FOR WOOD DECKING.
  6. MIN. 18" FROM GRADE TO EXTERIOR FINISH.
  7. PROVIDE PROTECTIVE BULLETIN INSTRUCTIONS FOR SECTION.
  8. REPAIR/REPLACE OF THE BUILDING CONSTRUCTION SHALL CONFORM TO CURRENT STATE BUILDING CODES, SUBJECT TO INSPECTION BY LOCAL JURISDICTION.

9. PURCHASER RESPONSIBLE FOR SECURING NECESSARY PERMITS TO EXCAVATE AND VERIFY TO THE LOCAL JURISDICTION THE LOCATION OF ALL UTILITIES AND DETERMINE THE DEPTH OF THE EXCAVATION.
10. ALL PLUMB FOUNDATIONS SHALL BE CHECKED BY PURCHASER.
11. SEE FOUNDATION PLAN AND 'SUPPORTER WALL' DETAILS WHEN A SUPPORTER WALL IS USED.
12. ALL INTERIOR WALLS FOR CONSTRUCTION SHALL BE CONSTRUCTED BY THE CUSTOMER AS SHOWN ON THE STANDARD LAYOUTS. THESE ITEMS WILL BE NOTED ON THE PRODUCTION ORDER AND/OR PLANS, AND NOT ON THIS CROSS SECTION.
13. WALLS AT SECTIONING JOINTS SHALL BE CONSTRUCTED AS SHOWN.
14. REFER TO COVER SHEET FOR WIND ZONE SPEED.
15. REFER TO ADDENDUM PAGE 8 OF THE NATIONWIDE CUSTOM HOME O.A. MANUAL FOR TRUSS ASSUMPTIONS.

FOR ROOF TRUSS REFERENCE - 7/12  
SEE NATIONWIDE HOMES CALCULATIONS  
MANUAL SECTION #8 PAGES 217-228

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NO.	DESCRIPTION
54	1/2" DRL. 2X10 BAND (2" SFF or EQUAL)
55	2X10 AT 18" O.C. (18" O.C. OPTIONAL) (2" SFF or EQUAL)
56	CROWN MOULDING (OPTIONAL)
57	2X2 EDGES OR EQUAL (2" SFF or EQUAL)
58	STAR SYSTEM - TRUSS & ROSES
59	STAR SYSTEM - FACTORY INSTALLED (2" SFF or EQUAL)
60	2X4 FLOOR JOIST (2" SFF or EQUAL)
61	HORIZONTAL & VERTICAL BRACKETS (SPEEDY/VENTUR TO WALL)
62	1/2" CEILING BRUSH
63	TRIPLE 2X12 BANDS - OPTIONAL FOR CONC. PLUNGES FROM
64	TRIPLE 2X12 BANDS - OPTIONAL FOR CONC. PLUNGES FROM
65	COMPRESSION STRIP - ENTIRE LENGTH OF EXT. WALL
66	WEATHER RESISTIVE BARRIER
67	2X4 FLOOR JOIST (2" SFF or EQUAL)
68	2X4 FLOOR JOIST (2" SFF or EQUAL)
69	2X4 FLOOR JOIST (2" SFF or EQUAL)
70	2X4 FLOOR JOIST (2" SFF or EQUAL)
71	2X4 FLOOR JOIST (2" SFF or EQUAL)
72	2X4 FLOOR JOIST (2" SFF or EQUAL)
73	2X4 FLOOR JOIST (2" SFF or EQUAL)
74	2X4 FLOOR JOIST (2" SFF or EQUAL)
75	2X4 FLOOR JOIST (2" SFF or EQUAL)
76	2X4 FLOOR JOIST (2" SFF or EQUAL)
77	2X4 FLOOR JOIST (2" SFF or EQUAL)
78	2X4 FLOOR JOIST (2" SFF or EQUAL)
79	2X4 FLOOR JOIST (2" SFF or EQUAL)
80	2X4 FLOOR JOIST (2" SFF or EQUAL)
81	2X4 FLOOR JOIST (2" SFF or EQUAL)
82	2X4 FLOOR JOIST (2" SFF or EQUAL)
83	2X4 FLOOR JOIST (2" SFF or EQUAL)
84	2X4 FLOOR JOIST (2" SFF or EQUAL)
85	2X4 FLOOR JOIST (2" SFF or EQUAL)
86	2X4 FLOOR JOIST (2" SFF or EQUAL)
87	2X4 FLOOR JOIST (2" SFF or EQUAL)
88	2X4 FLOOR JOIST (2" SFF or EQUAL)
89	2X4 FLOOR JOIST (2" SFF or EQUAL)
90	2X4 FLOOR JOIST (2" SFF or EQUAL)
91	2X4 FLOOR JOIST (2" SFF or EQUAL)
92	2X4 FLOOR JOIST (2" SFF or EQUAL)
93	2X4 FLOOR JOIST (2" SFF or EQUAL)
94	2X4 FLOOR JOIST (2" SFF or EQUAL)
95	2X4 FLOOR JOIST (2" SFF or EQUAL)
96	2X4 FLOOR JOIST (2" SFF or EQUAL)
97	2X4 FLOOR JOIST (2" SFF or EQUAL)
98	2X4 FLOOR JOIST (2" SFF or EQUAL)
99	2X4 FLOOR JOIST (2" SFF or EQUAL)
100	2X4 FLOOR JOIST (2" SFF or EQUAL)

NOTE: ONLY ONE HOUSE MAY BE UTILIZING THE PLANS THIS CONTRACT JOB

**NATIONWIDE Homes**

1100 RYES ROAD, MARTINSVILLE, VA 24112  
(276) 632-7100  
FAX (276) 632-1801  
WWW.NATIONWIDECUSTOMHOMES.COM

PLAN NAME: 6/3 2 STORY  
COLLECTION/SERIES: FUTURE HOMES  
DESIGN DATE: \_\_\_\_\_  
REV. DATE: \_\_\_\_\_  
REV. DATE: \_\_\_\_\_

PURCHASER: LIME OAK - BROWN  
JOB NO.: MB2-16  
PROCESS DATE: 3-22-16  
PLAN REVISION DATE: 3.31.2016/MBNO  
PRODUCTION DATE: \_\_\_\_\_

CONTRACT NO: 1944000  
DWG. BY: CHN. BY: \_\_\_\_\_  
DWG. DATE: \_\_\_\_\_  
PLOTTED: 3/28/2016 3:06 PM  
DWG. BY: \_\_\_\_\_





**CARTERET COUNTY HEALTH DEPARTMENT**

Environmental Health Division  
3820 Bridges Street, Suite A, Morehead City NC 28557

**AUTHORIZATION FOR WASTEWATER SYSTEM CONSTRUCTION**

CA #: 7932

- \*No certificate of occupancy shall be issued until operation has been issued.
- \*No operation permit shall be issued system until installation is completed and approved and all pertinent legal documents have been approved and recorded with the Carteret County Register of Deeds.

G.S. 130A-336: This permit expires 5 years (60) months from date of Improvement Permit issuance. If expiration occurs the client shall comply with all changes in applicable regulation, laws, technical aspects, etc, that may be effective at that time. This may require additional preparation, more complex wastewater systems, operation and maintenance requirements, pre-treatment, etc. This could result in less area for the home, parking, lower water usage and further development limitations.

OWNER: JAMES BROWN  
ADDRESS: 904 SARASOTA DR PO BOX 325  
SEYMOUR IN, 47274  
PHONE #: (812) 707-7900

APPLICANT: TOM RUSSELL  
ADDRESS: 16663 US HWY 17  
HAMPSTEAD NC, 28443  
PHONE #: (910) 231-2656

PARCEL ID: 638514236141000  
PROPERTY LOCATION: 406 TRYON STREET Atlantic Beach NC, 28512 Subdivision MONEY  
ISLAND BEACH, Lot 5/6

A/C ISSUANCE DATE: 10/28/2015  
TYPE: New System

A/C EXPIRATION DATE: 10/28/~~2015~~<sup>2020</sup>  
BUILDING TYPE: House *at 11/2/15*

DESIGN FLOW: 360 (gpd)  
SYSTEM TYPE: Conventional/Modified

# BEDROOMS: 3  
# OCCUPANTS: 6

SYSTEM APPROVAL: NA  
OTHER SYSTEM APPROVAL: NA  
SYSTEM CLASSIFICATION: Type IIa  
WATER SUPPLY: Municipal

SEPTIC TANK: 1000 (gal)  
DOSING TANK: (gal)  
GREASE TRAP: (gal)

RECIRCULATION TANK: (gal)  
FILTER DOSING TANK: (gal)

TRENCH BOTTOM DEPTH: 18" Below Naturally Occuring Surface

TRENCH WIDTH: (in)  
TOTAL LINE LENGTH: (ft)  
LINE/LATERAL LENGTH: (ft)  
ABSORPTION AREA: 450 (sq. ft)  
DEPTH OF MEDIA: 12 (in)  
MINIMUM INSTALLER CERTIFICATION LEVEL REQUIRED: I

BED LENGTH: 35 (ft)  
BED WIDTH: 13 0ft  
# OF LINES/~~DRIP~~ LATERALS: 4 @ 3'oc  
# Runs:

GARBAGE GRINDER: NO  
DRAINAGE REQUIREMENTS:

DISTANCE TO ANY WELL: 100 (ft)  
6 INCH TOPSOIL COVER REQ: N/A

TRI-PARTY AGREEMENT REQUIRED - No EASEMENT RECORDED:  
PRE-CONSTRUCTION CONFERENCE REQUIRED TO BE ATTENDED BY:

COMMENTS:

1. The wastewater contractor (installer) shall be currently certified by the NC On-Site Wastewater Contractor and Inspectors Certification Board at the level specified for the permitted system. The installer shall be currently registered with the Carteret County Health Department.
2. The installer shall be responsible for notification of the engineer and the CCHD for system inspection in stages as required and prior to backfilling any portion of the system. No portion of the system shall be backfilled or placed into use without prior approval of the CCHD.
3. The system shall be installed in accordance with the APPROVED set of plans and specifications (if applicable). Any deviation in site modifications, plans, specification, layout, materials or other system components shall be approved by the designer and the CCHD prior to installation of the system. Failure to do so may result in delay or refusal of final approval of the system, and may render the Permit null and void.
4. Wastewater system shall not be installed in wet conditions.
5. Wastewater systems shall be installed in accordance with the laws (Article 11 of Chapter 130A for the General Statutes of North Carolina) and rules (North Carolina Administrative Code T15A. 18A .1900) for sewage treatment and disposal systems, and the conditions specified in the Improvement permit and construction authorization.
6. Structure shall be placed so that gravity flow is achieved or pump system shall be required.
7. Do not park, pave, drive, or build over any part of septic system or repair area.
8. Maintain a minimum of five (5) feet between any foundation and any part of septic system or reserve area.
9. Do not install well until well site has been permitted by CCHD.
10. The system shall be installed in a timely manner and staged so as to avoid unnecessary exposure to weather.

NOTICE: Construction must comply with all state and local regulations.

NOTICE: Beware much property in Carteret County is subject to Wetland Regulations and properties containing wetlands should receive approval from U.S. Army Corp. of Engineers prior to development.

  
Environmental Health Specialist

10/28/2015

Date

Accepted systems\* may be substituted for conventional systems with gravel media if the accepted system can be placed in the permitted/authorized trench footprint and the installation is in accordance with the accepted system approval, without unauthorized product alteration. Permit modification, prior approval of the health department or separated owner sign-off is not required as long as no changes are necessary in the location of each nitrification line (except reduction in line length), trench depth, or effluent distribution method. There shall be no reductions in trench length for trenches installed in new or existing fill, or for bed systems.

\* Accepted systems include:

EZflow Drainage systems:

*EZ1203H*

Infiltrator chambered sewage effluent subsurface disposal systems:

*Standard and Standard SideWinder (polyethylene) with 12 inch cover*

*High Capacity (polyethylene) with 12 inch cover*

*Quick 4 Standard-W, Standard SC, and Standard Sidewinder (polypropylene) models with 6 inch cover*

*Contour Wedge*

*Standard Contour Swivel*



# CARTERET COUNTY HEALTH DEPARTMENT

ENVIRONMENTAL HEALTH DIVISION  
3820 Bridges Street, Suite A, Morehead City NC 28557

Improvement Permit 7932

Construction Authorization 7932

Expiration Date: 10/28/2015 <sup>2020</sup> *at*  
*11/2/15*

OWNER: JAMES BROWN

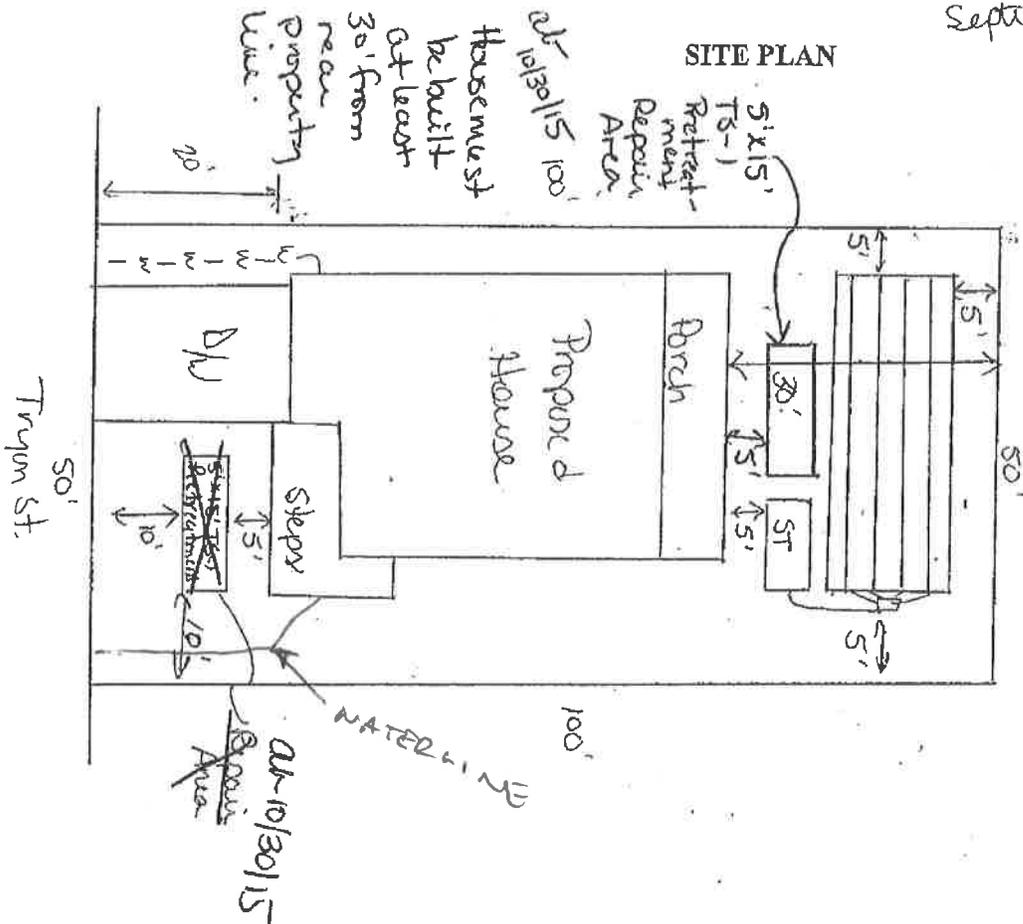
APPLICANT: TOM RUSSELL

PROPERTY LOCATION:  
406 TRYON STREET Atlantic Beach NC, 28512, ATLANTIC BEACH, NC 28512, Subdivision MONEY ISLAND  
BEACH, Lot 5/6  
PARCEL ID: 638514236141000

\* Property abandon existing Septic tank.

\* ~~Water meter & water line must be relocated to maintain at least 10' from repair area. at-10/30/15~~

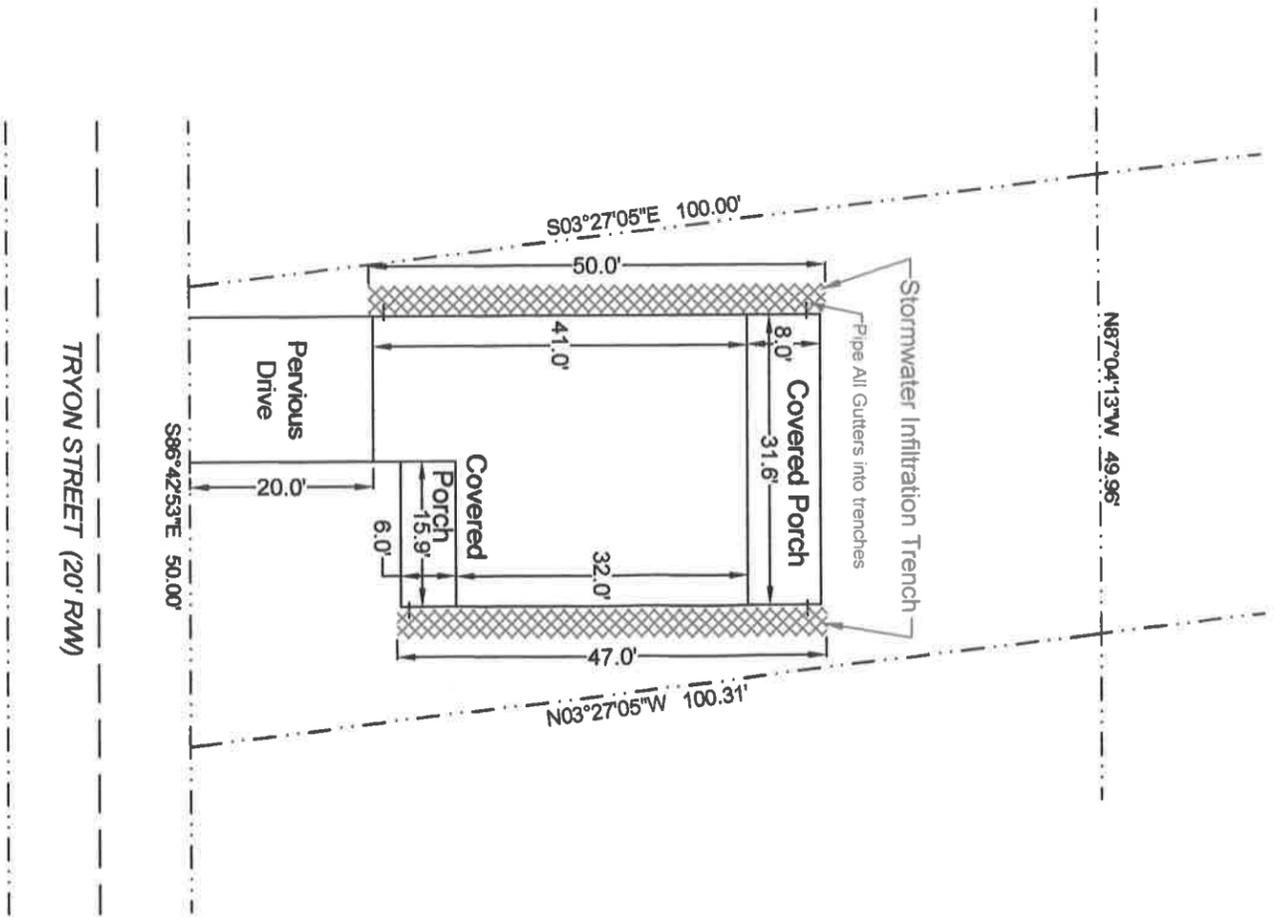
\* All Foundations must maintain at least 5' from all parts of septic system & repair area. The porch may be cantilevered as long as its foundation maintains 5' from all parts of the septic system.



*Tom Russell*  
Environmental Health Specialist

10/28/15  
Date





**TOWN OF ATLANTIC BEACH**  
**PLANNING AND INSPECTIONS**  
**125 WEST FORT MACON ROAD**  
**ATLANTIC BEACH, NORTH CAROLINA**

**\*\*CERTIFICATION OF SIGN POSTING\*\***

---

Case Number: VAR-16-01

Owner's Name: James and Mollie Brown  
Owner's Address: 904 Sarasota Drive, Seymour, Indiana 47274  
Owner's Telephone: (812) 707-7900

Agent's Name: Future Homes  
Agent's Address: 16663 Hwy 17, Hampstead, North Carolina 28443  
Agent's Telephone: (910) 577-6402

THIS IS TO CERTIFY THAT ON THIS DATE A SIGN SPECIFYING THE DATE, TIME, PLACE AND NATURE OF A PUBLIC HEARING TO BE CONDUCTED BY THE TOWN OF ATLANTIC BEACH BOARD OF ADJUSTMENT FOR THE TOWN OF ATLANTIC BEACH, NORTH CAROLINA HAS BEEN POSTED CONSPICUOUSLY ON THE PROPERTY DESCRIBED BELOW:

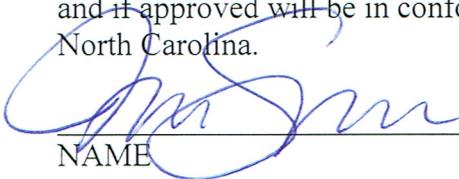
Requested Property Address: 406 Tryon Street

Property Posted By: Michelle Shreve, Planning Director

Date: June 1, 2016

---

I certify that the information provided in this Certification of Sign Posting is true and accurate and if approved will be in conformance with the requirements of the Town of Atlantic Beach, North Carolina.

  
NAME

June 1, 2016  
Date

NOTE: SIGN MUST BE PLACED ON PROPERTY AT LEAST TEN (10) DAYS PRIOR TO THE SCHEDULED MEETING DATE PER SECTION 14.3.3 9B (2) OF THE TOWN OF ATLANTIC BEACH UNIFIED DEVELOPMENT ORDINANCE.

## Michelle Shreve

---

**From:** Len Gilstrap <leng@carteretcountync.gov>  
**Sent:** Thursday, June 02, 2016 9:39 AM  
**To:** Michelle Shreve  
**Subject:** RE: septic systems in setbacks

Michelle,

The State Administrative Code (15A NCAC 18A Section .1900) requires a minimum 5 foot setback to a building foundation with any part of the septic system and repair area. That includes deck pilings. The minimum setback to property lines is 10 feet, however some lots qualify by date of deed and maximum 480 gpd wastewater design flow for the 5 foot setback as is seen on this permit.

This is a very tight spacing for the septic and the builder must be very careful to maintain the required setbacks as shown on the permit.

Thanks,  
Len

Ann C. (Len) Gilstrap  
Environmental Health Program Specialist  
Carteret County Health Department  
Environmental Health  
3820 Bridges St.  
Morehead City, NC 28557  
Ph. 252-728-8499 Ext. 5504  
Fax 252-222-7753

Visit our Website: <http://www.carteretcountync.gov/139/Environmental-Health>

"Like Us" on Facebook: [www.facebook.com/CarteretCountyHealthDepartment](http://www.facebook.com/CarteretCountyHealthDepartment)

Please tell us how we doing by taking this very quick survey. We appreciate you feedback!

<https://surveymonkey.com/r/CCHD-EH>

Disclaimer: The content of this message and all attachments are subject to NC Public Record Law. According to the law all information except the property of a private individual is considered public record and subject to disclosure upon request to third parties without prior notification. If you are not the intended recipient of this message contact the sender immediately and delete the message from your files. Thank you for your cooperation.

**From:** Michelle Shreve [mailto:planner2@atlanticbeach-nc.com]  
**Sent:** Thursday, June 02, 2016 9:21 AM  
**To:** Len Gilstrap <leng@carteretcountync.gov>  
**Subject:** RE: septic systems in setbacks

Good Afternoon Len,

Regarding this issue: The builders have applied for a variance of our UDO Section 2.25(B). The case will be heard by the Board of Adjustment on June 20<sup>th</sup>. I'm compiling information for the Board and want to make sure I have the County's separation requirements for septic systems correct: five feet of separation between septic and structures and/or property lines?

Thank you,

Michelle Grace Shreve  
Planning Director  
Town of Atlantic Beach  
Post Office Box 10  
Atlantic Beach, NC 28512  
(252) 726-4456 x2243

---

**From:** Len Gilstrap [<mailto:leng@carteretcountync.gov>]  
**Sent:** Thursday, May 19, 2016 3:43 PM  
**To:** Michelle Shreve  
**Subject:** RE: septic systems in setbacks

Michelle,  
What kind of setback is it? The only setback we've been required to stay out of are AEC and vegetative buffers (even they can get an encroachment when the system can't go anywhere else), and easements that are not ours. I think you're right about the parenthesis. Certainly if a stormwater system can go in the setback, so can a wastewater system.  
Len

Ann C. (Len) Gilstrap  
Environmental Health Program Specialist  
Carteret County Health Department  
Environmental Health  
3820 Bridges St.  
Morehead City, NC 28557  
Ph. 252-728-8499 Ext. 5504  
Fax 252-222-7753  
Visit our Website: <http://www.carteretcountync.gov/139/Environmental-Health>  
"Like Us" on Facebook: [www.facebook.com/CarteretCountyHealthDepartment](http://www.facebook.com/CarteretCountyHealthDepartment)

Please tell us how we doing by taking this very quick survey. We appreciate you feedback!  
<https://surveymonkey.com/r/CCHD-EH>

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**From:** Michelle Shreve [<mailto:planner2@atlanticbeach-nc.com>]  
**Sent:** Thursday, May 19, 2016 10:38 AM  
**To:** Len Gilstrap <[leng@carteretcountync.gov](mailto:leng@carteretcountync.gov)>  
**Subject:** septic systems in setbacks

Good Morning Len,

I've been working with a property owner that is trying to develop on a vacant lot... the septic system would encroach into their rear setback by five feet. Per our UDO, that isn't permitted, but the Mayor noted to me that it may be a typo (see ordinance below, if the parenthesis moved then it would be permitted). Do other municipalities or the county allow septic systems to exist in the setback?

We allow underground stormwater systems to be placed within the setbacks, which makes me think that this is a typo. Let me know what you think. 😊

(B) Encroachment Into Setbacks. No structure (except fences) or any part of a septic system shall be allowed within any setback area, except in encroachment areas of public rights-of-way approved and recorded in accordance with Section A. Setback lines shall be measured from the owner's property lines and not from adjoining easement lines.

Thanks,

Michelle Grace Shreve  
Planning Director  
Town of Atlantic Beach  
Post Office Box 10  
Atlantic Beach, NC 28512  
(252) 726-4456 x2243

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Town of Atlantic Beach  
BOA Checklist – Variances

- If the applicant complies strictly with the provisions of the Ordinance, he/she can make no reasonable use of his property:
- The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public:
- The hardship relates to the land, rather than personal circumstances:
- The hardship is unique, or nearly so, rather than one shared by many surrounding properties:
- The hardship is not the result of the applicant's own actions:
- The variance will neither result in the extension of a nonconforming situation in violation nor authorize the initiation of a nonconforming use of land:
- The variance request was properly advertised and posted

**Town of Atlantic Beach  
Planning and Zoning Department  
Staff Report**



## APPEAL 16-01

### Expired Building Permits for 604, 608, and 612 West Fort Macon Road

<b>Date of Application:</b>	May 13, 2016
<b>Date Paid:</b>	May 13, 2016
<b>Applicant's Name:</b>	Zachary Taylor
<b>Contact:</b>	Post Office Box 12006, New Bern, North Carolina 28561
<b>Agent's Name:</b>	John King, Jr, Attorney
<b>Owner's Names:</b>	East Bay Farms, LLC (604 W. Ft. Macon Rd.) Kershaw Investments, LLC (608 W. Ft. Macon Rd.) East Bay Farms, LLC (612 W. Ft. Macon Rd.)
<b>PIN Numbers:</b>	637515649922000 (604 W. Ft. Macon Rd.) 637515648942000 (608 W. Ft. Macon Rd.) 637515647856000 (612 W. Ft. Macon Rd.)
<b>Zoning Districts:</b>	R-1(C) (604 W. Ft. Macon Rd.) No zone (608 W. Ft. Macon Rd.) (R-1(C) rezoning under review by Planning Board and Council) R-1(C) (612 W. Ft. Macon Rd.)
<b>Flood Zone:</b>	AE

Zachary Taylor and his agent, John King, Jr., Attorney, have appealed the interpretation of the UDO Administrator to the Board of Adjustment pursuant to Section 4.4.1 of the Town of Atlantic Beach Unified Development Ordinance. According to Section 4.4.6(A), the UDO Administrator has the burden of proof of justification of the decision appealed from. This staff report and enclosed evidence, as well as the presentation during the Board of Adjustment proceedings on June 20, 2016, will serve as justification of the decision made by the Planning and Inspections Department on March 29, 2016.

The three properties that the Board has been requested to study are 604, 608, and 612 West Fort Macon Road. These three properties have been intermittently under development by Mr. Taylor since 2009. The Planning and Inspections Department staff has worked with Mr. Taylor over the years to keep him informed of the process and requirements of development in Atlantic Beach.

Following the proceedings of the UDO Committee in 2008 and the recommendation of the UDO and zoning map by the Planning Board in February 9, 2009, Mr. Taylor applied for permits to construct a single-family residence on each of the three lots in question. He was urged to have permits in place by the Planning Director in order to qualify to be grandfathered. The zoning at that time was Resort Residential (RR), which permitted the construction of single-family homes by-right. By obtaining permits on August 12, 2009, Mr. Taylor retained the rights to construct the three single-family residences as long as those permits remained open and active. Several avenues of notification were utilized in compliance with notification requirements set forth in NCGS 160A-364, and many email conversations confirm that he was aware of these impending changes.

Due to the effects of the economic recession that began in 2008, the North Carolina State Legislature created the Permit Extension Act (PEA), Session Law (S.L.) 2009-406, and it became effective on August 4, 2009. According to the UNC School of Government, "This law extended most state and local development approvals that were valid at any time between January 1, 2008, and December 31, 2010." This PEA held the timeline of Mr. Taylor's permits at a standstill. The 2010 PEA

amendment extended this period to include 2011 as well. These two pieces of legislation afforded several years of inactivity on the permits: the permits were subsequently extended until August 12, 2012.

June 14, 2012, sixty days before the permits expired, pilings were inspected for all three structures. This ensured an additional year of validity of the permits pursuant to NCGS 160A-418.

- June 21, 2013, underground plumbing was installed and inspected for the three properties.
- June 18, 2014, a T-pole was installed and inspected.
- July 1, 2014, partial framing was completed to connect these pilings.

The building permits expired on July 1, 2015 after no work was accomplished and no inspections were completed within the year following the framing inspections.

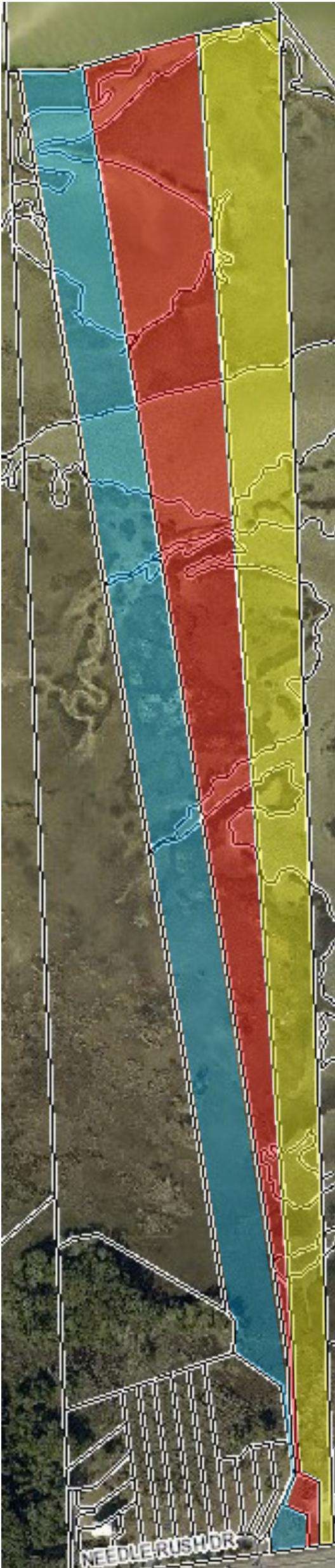
The primary issue on this situation lies with the plumbing permits that were issued on June 26, 2015. Because the original plumbing permits had expired, these new, separate plumbing permits allowed the developer to, "install above ground sewer pipe from pilings of home to connect to manhole at east end of Needle Rush Drive". The work done in accordance with these three permits passed final inspection on July 2, 2015. Mr. Taylor contends that these permits extend the permits issued to him in 2009. New, separate permits issued at a later time than that of the original permits are not grandfathered with the original permits.

The Planning and Inspections Department served a letter to Mr. Taylor, East Bay Farms, LLC, and Kershaw Investments, LLC on March 29, 2016 explaining the expiration of the above referenced permits. The letter, signed by Donna Turner, John Harrell, and Michelle Shreve, justified this assertion and stated that the decision could be appealed to the Board of Adjustment within 45 days of the date of that decision. Mr. Taylor and his attorney, John King, Jr., served their appeal of the March 29, 2016 decision on May 13, 2016, on the forty-fifth day after the letter was served.

Planning and Inspections Department maintains the position that Mr. Taylor's permits have expired and that his three properties are no longer grandfathered under the old zoning designation. If the permits are found to be expired, Mr. Taylor will have to request Conditional Use Permits of the Board of Adjustment in order to move forward with development. If the permits are found to be valid, the Board of Adjustment will repeal or modify the decision made by the Planning and Inspections Department. Either way, it is no longer under the staff's authority to determine development for Mr. Taylor.

Staff report completed by:

Michelle Grace Shreve  
Director of Planning and Zoning



## Properties at Needle Rush Bay

612 West Fort Macon Road  
East Bay Farms, LLC

608 West Fort Macon Road  
Kershaw Investments, LLC

604 West Fort Macon Road  
East Bay Farms, LLC



**Town of Atlantic Beach Planning & Inspections Department**  
 125 West Fort Macon Road \* Atlantic Beach \* NC \* 28512

Case Number: \_\_\_\_\_

**APPEAL FORM**

**Date of Appeal:** May 12, 2016

**Applicant's Name:** Kershaw Investments, LLC

**Applicant's Address:** PO Box 12006, New Bern, NC 28561

**Applicant's Telephone:** 252 633 5106

**Applicant's E-mail:** ztaylor1231@gmail.com

**Property Address:** 608 E. Ft. Macon Road, Atlantic Beach, NC

**Owner's Name:** Kershaw Investments, LLC

**Owner's Address:** PO Box 12006, New Bern, NC 28561

**PIN Number:** 637515648942000

**Deed Book and Page:** Book 1253 Page 279

Please describe why you feel the decision you are appealing meets all applicable codes and ordinances. If necessary, please attach separate pages and or evidence. After a building permit for a dwelling is issued there are multiple inspections which are required to be made by the inspections department during the construction. Some of the work performed under the Building Permit such as footing and framing can be done by general labor. Other work required under the Building Permit such as electrical and plumbing require an additional permit to verify that it is being performed by a properly licensed professional. Each inspection made under the Building Permit extends the permit for an additional 12 months.

The building inspections department has issued a notice of expiration of the Building Permit even though one of the inspections listed on the building permit occurred within the required 12 month period.

It is the owners contention that even though there was a separate plumbing permit issued, that it was still a required inspection under the Building Permit and therefore extended the Building Permit for 12 months.

Therefore, the owner respectfully requests that the Building Permit for this home be re-instated and extended as it should have been on July 1, 2015; with the date of re-instatement and extension being the date this request is approved by the necessary town governing body.

Kershaw Investments, LLC  
 By: *John W. Taylor* May 13, 2016  
 Applicant's Signature, John W. Taylor, Manager Date

*You will be notified by the UDO Administrator of the date and time of the Administrative Appeal Hearing. The Board of Adjustment generally meets on the third Monday of the month at 7:00 pm. A copy of Article 4 of the UDO has been provided to you, outlining this process.*

<>>>>>> TOWN OF ATLANTIC BEACH <<<<<<<<>

Misc Receipt

Batch No            Receipt No        Trans Date  
0000006022        0000126660       05/16/2016

Operator Code    Todays Date      Time  
CT1                05/13/2016       04:26:40 PM

Payor: KERSHAW INVESTMENTS, LLC  
Address: 00000

10-0500-311            Payment:            500.00  
PLANNING & ZONING FEES  
608 E FT MACON-APPEAL

Total Due:            500.00  
Total Tendered:       500.00  
Change Returned:       0.00

Check Amount:        500.00

Paid By: Kershaw Investments, Llc  
Check No 380            For                \$500.00

THIS CHECK IS VOID WITHOUT A COLORED BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

**KERSHAW INVESTMENTS, LLC**  
P O BOX 12006  
NEW BERN, NC 28561  
252-833-5106

**WELLS FARGO**  
NEW BERN, NC  
66-21/530

**380**

DATE            05/13/16

**PAY**  
**TO THE**  
**ORDER OF**        Town of Atlantic Beach

**\$ \*\* 500.00**

Five Hundred and 00/100\*\*\*\*\*

**DOLLARS**

Town of Atlantic Beach

MEMO





**Town of Atlantic Beach Planning & Inspections Department**  
125 West Fort Macon Road \* Atlantic Beach \* NC \* 28512

Case Number: \_\_\_\_\_

**APPEAL FORM**

**Date of Appeal:** May 12, 2016  
**Applicant's Name:** East Bay Farms, LLC  
**Applicant's Address:** PO Box 12006, New Bern, NC 28561  
**Applicant's Telephone:** 252 633 5106  
**Applicant's E-mail:** ztaylor1321@gmail.com

**Property Address:** 604 E. Ft. Macon Road, Atlantic Beach, NC  
**Owner's Name:** East Bay Farms, LLC  
**Owner's Address:** PO Box 12006, New Bern, NC 28561  
**PIN Number:** 637515649922000  
**Deed Book and Page:** Book 1528 Page 170

Please describe why you feel the decision you are appealing meets all applicable codes and ordinances. If necessary, please attach separate pages and or evidence.

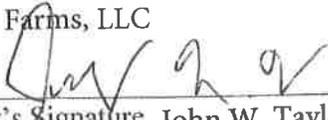
After a building permit for a dwelling is issued there are multiple inspections which are required to be made by the inspections department during the construction. Some of the work performed under the Building Permit such as footing and framing can be done by general labor. Other work required under the Building Permit such as electrical and plumbing require an additional permit to verify that it is being performed by a properly licensed professional. Each inspection made under the Building Permit extends the permit for an additional 12 months.

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It is the owners contention that even though there was a separate plumbing permit issued, that it was still a required inspection under the Building Permit and therefore extended the Building Permit for 12 months.

Therefore, the owner respectfully requests that the Building Permit for this home be re-instated and extended as it should have been on July 1, 2015; with the date of re-instatement and extension being the date this request is approved by the necessary town governing body.

East Bay Farms, LLC

By:  5/13/16  
Applicant's Signature, John W. Taylor, Manager Date

*You will be notified by the UDO Administrator of the date and time of the Administrative Appeal Hearing. The Board of Adjustment generally meets on the third Monday of the month at 7:00 pm. A copy of Article 4 of the UDO has been provided to you, outlining this process.*



**Town of Atlantic Beach Planning & Inspections Department**  
125 West Fort Macon Road \* Atlantic Beach \* NC \* 28512

Case Number:

**APPEAL FORM**

**Date of Appeal:** May 12, 2016  
**Applicant's Name:** East Bay Farms, LLC  
**Applicant's Address:** PO Box 12006, New Bern, NC 28561  
**Applicant's Telephone:** 252 633 5106  
**Applicant's E-mail:** ztaylor1321@gmail.com

**Property Address:** 612 E. Ft. Macon Road, Atlantic Beach, NC  
**Owner's Name:** East Bay Farms, LLC  
**Owner's Address:** PO Box 12006, New Bern, NC 28561  
**PIN Number:** 637515647856000  
**Deed Book and Page:** Book 1220 Page 50

Please describe why you feel the decision you are appealing meets all applicable codes and ordinances. ~~If necessary, please attach separate pages and or evidence.~~  
After a building permit for a dwelling is issued there are multiple inspections which are required to be made by the inspections department during the construction. Some of the work performed under the Building Permit such as footing and framing can be done by general labor. Other work required under the Building Permit such as electrical and plumbing require an additional permit to verify that it is being performed by a properly licensed professional. Each inspection made under the Building Permit extends the permit for an additional 12 months.

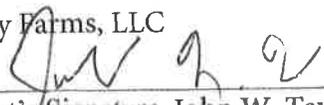
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It is the owners contention that even though there was a separate plumbing permit issued, that it was still a required inspection under the Building Permit and therefore extended the Building Permit for 12 months.

Therefore, the owner respectfully requests that the Building Permit for this home be re-instated and extended as it should have been on July 1, 2015; with the date of re-instatement and extension being the date this request is approved by the necessary town governing body.

East Bay Farms, LLC

By:

  
Applicant's Signature, John W. Taylor, Manager

5/13/16

Date

*You will be notified by the UDO Administrator of the date and time of the Administrative Appeal Hearing. The Board of Adjustment generally meets on the third Monday of the month at 7:00 pm. A copy of Article 4 of the UDO has been provided to you, outlining this process.*

<>>>>>> TOWN OF ATLANTIC BEACH <<<<<<<<

----- Misc Receipt -----

Batch No            Receipt No        Trans Date  
0000006022        0000126659       05/16/2016

Operator Code      Todays Date      Time  
CT1                05/13/2016       04:25:33 PM

Payor: EAST BAY FARMS, LLC  
Address: RALEIGH, NC 00000

10-0500-311            Payment:            500.00  
PLANNING & ZONING FEES  
604 E FT MACON-APPEAL

10-0500-311            Payment:            500.00  
PLANNING & ZONING FEES  
612 E FT MACON-APPEAL

Total Due:            1,000.00  
Total Tendered:        1,000.00  
Change Returned:        0.00

Check Amount:         1,000.00

Paid By: East Bay Farms, Llc  
Check No 994            For                \$1,000.00  
-----

THIS CHECK IS VOID WITHOUT A TAN BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT ANGLE TO VIEW

**EAST BAY FARMS, LLC**  
P O BOX 12006  
NEW BERN, NC 28561  
252-633-5106

**WELLS FARGO**  
NEW BERN, NC  
66-21/530

**994**

DATE            05/13/16

PAY  
TO THE  
ORDER OF        Town of Atlantic Beach

\$    \*\* 1,000.00

One Thousand and 00/100\*\*\*\*\*

DOLLARS

Town of Atlantic Beach



MEMO

Appeal of Bldg Permits for 604 & 612 W Et Ma on Rd

NORTH CAROLINA  
CARTERET COUNTY

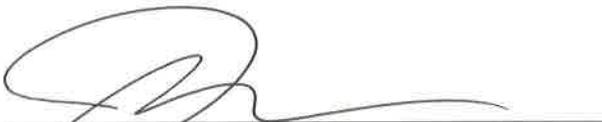


NOTICE OF APPEAL

TO: BOARD OF ADJUSTMENT (BOA)  
ATLANTIC BEACH, N.C.

PLEASE TAKE NOTICE that owner, Kershaw Investments, LLC, hereby gives notice of appeal regarding Notice of Expiration dated March 29, 2016, for Permits # 1717-1724, and 1737 issued to Kershaw Investments, LLC, for 608 E. Ft Macon Road.

This the 11th day of May, 2016.



---

John W. King, Jr.  
Attorney for Kershaw Investments, LLC  
PO Box 1654  
New Bern, NC 28563

NORTH CAROLINA  
CARTERET COUNTY



NOTICE OF APPEAL

TO: BOARD OF ADJUSTMENT (BOA)  
ATLANTIC BEACH, N.C.

PLEASE TAKE NOTICE that owner, East Bay Farms, LLC, hereby gives notice of appeal regarding Notice of Expiration dated March 29, 2016, for Permits # 1709-1716, 1726 and 1758 issued to Eugene Anthony, (current Owner- East Bay Farms, LLC) for 604 E. Ft Macon Road.

This the 11th day of May, 2016.

John W. King, Jr.  
Attorney for East Bay Farms, LLC  
PO Box 1654  
New Bern, NC 28563

NORTH CAROLINA  
CARTERET COUNTY



NOTICE OF APPEAL

TO: BOARD OF ADJUSTMENT (BOA)  
ATLANTIC BEACH, N.C.

PLEASE TAKE NOTICE that owner, East Bay Farms, LLC, hereby gives notice of appeal regarding Notice of Expiration dated March 29, 2016, for Permits # 1726 – 1732, 1738 and 1769 issued to East Bay Farms, LLC, for 612 E. Ft Macon Road.

This the 11th day of May, 2016.

John W. King, Jr.  
Attorney for East Bay Farms, LLC  
PO Box 1654  
New Bern, NC 28563

**Original Permits Issued in August of 2009.  
 “Permit Extension Act” kept them alive for three years, until 2012**

**604 W Ft Macon Issued 8-12-09**

<u>Permit #</u>	<u>Valuation</u>	<u>Permit Fee</u>	<u>Inspections</u>	<u>Expired</u>
1709 Building	\$215,077	\$ 482.00	6/14/12 Pilings and 7/1/14 Framing (partial)	7-1-15
1712 Zoning		\$ 25.00		8-12-12
1736 Flood Plain Dev.		\$ 50.00		8-12-12
1710 HRF		\$ 10.00		8-12-12
1711 SWI		\$1,075.39		8-12-12
1713 Insulation		\$ 270.80		8-12-12
1714 Plumbing		\$ 270.80	6/21/13 Underground Plumbing	6-21-14
1715 Mechanical		\$ 270.80		8-12-12
1716 <u>Electrical</u>		<u>\$ 395.80</u>	6/18/14 T-Pole	6-18-15
		\$2,850.59		

\*\*\*\*\*

**608 W Ft Macon Issued 8-12-09**

<u>Permit #</u>	<u>Valuation</u>	<u>Permit Fee</u>	<u>Inspections</u>	<u>Expired</u>
1717 Building	\$215,077	\$ 482.00	6/14/12 Pilings and 7/1/14 Framing (partial)	7-1-15
1720 Zoning		\$ 25.00		8-12-12
1737 Flood Plain Dev.		\$ 50.00		8-12-12
1718 HRF		\$ 10.00		8-12-12
1719 SWI		\$1,075.39		8-12-12
1721 Insulation		\$ 270.80		8-12-12
1722 Plumbing		\$ 270.80	6/21/13 Underground Plumbing	6-21-13
1723 Mechanical		\$ 270.80		8-12-12
1724 <u>Electrical</u>		<u>\$ 395.80</u>	6/18/14 T-Pole	6-18-15
		\$2,850.59		

\*\*\*\*\*

**612 W Ft Macon Issued 8-12-09**

<u>Permit #</u>	<u>Valuation</u>	<u>Permit Fee</u>	<u>Inspections</u>	<u>Expired</u>
1725 Building	\$153,787	\$ 358.00	6/14/12 Pilings and 7/1/14 Framing (partial)	7-1-15
1728 Zoning		\$ 25.00		8-12-12
1733 Flood Plain Dev.		\$ 50.00		8-12-12
1726 HRF		\$ 10.00		8-12-12
1727 SWI		\$ 768.94		8-12-12
1729 Insulation		\$ 203.60		8-12-12
1730 Plumbing		\$ 203.60	6/21/13 Underground Plumbing	6-21-13
1731 mechanical		\$ 203.60		8-12-12
1732 <u>Electrical</u>		<u>\$ 328.60</u>	6/18/14 T-Pole	6-18-15
		\$2,151.34		

**June 26, 2015**

New Plumbing permits were issued for all 3 addresses to:  
 “Install above ground sewer pipe from pilings of home to connect to manhole at east end of Needle Rush Drive” On 6/26/15 a specific permit for connecting sewer to home, unlike the basic plumbing permit for a new SFD that expired 6/21/13.

All three plumbing permits above were **completed and closed** when they passed final inspection **7/2/15**.

The building permit may contain the lien agent's electronic mail address. The lien agent information for each permit issued pursuant to this subsection shall be maintained by the inspection department in the same manner and in the same location in which it maintains its record of building permits issued.

(e) No city may withhold issuing a building permit or certificate of occupancy that otherwise would be eligible to be issued under this section to compel, with respect to another property or parcel, completion of work for a separate permit or compliance with land use regulations under this Article unless otherwise authorized by law or unless the city reasonably determines the existence of a public safety issue directly related to the issuance of a building permit or certificate of occupancy. (1905, c. 506, s. 26; Rev., s. 2986; 1915, c. 192, s. 3; C.S., s. 2748; 1957, c. 817; 1969, c. 1065, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 65; 1981, c. 677, s. 1; 1983, c. 377, s. 3; c. 614, s. 1; 1987 (Reg. Sess., 1988), c. 1000, s. 2; 1993, c. 539, s. 1090; 1994, Ex. Sess., c. 24, s. 14(c); 1993 (Reg. Sess., 1994), c. 741, s. 2; 2002-165, s. 2.20; 2008-198, s. 8(d); 2009-532, s. 3; 2012-158, s. 5; 2013-58, s. 3; 2013-117, s. 5; 2013-160, s. 2; 2014-115, s. 15(b); 2015-145, s. 4.3(a), (b); 2015-187, s. 2(a).)

#### **§ 160A-418. Time limitations on validity of permits.**

A permit issued pursuant to G.S. 160A-417 shall expire by limitation six months, or any lesser time fixed by ordinance of the city council, after the date of issuance if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

#### **§ 160A-419. Changes in work.**

After a permit has been issued, no changes or deviations from the terms of the application, plans and specifications, or the permit, except where changes or deviations are clearly permissible under the State Building Code, shall be made until specific written approval of proposed changes or deviations has been obtained from the inspection department. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

#### **§ 160A-420. Inspections of work in progress.**

Subject to the limitation imposed by G.S. 160A-412(b), as the work pursuant to a permit progresses, local inspectors shall make as many inspections thereof as may be necessary to satisfy them that the work is being done according to the provisions of any applicable State and local laws and of the terms of the permit. In exercising this power, members of the inspection department shall have a right to enter on any premises within the jurisdiction of the department at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials. If a permit has been obtained by an owner exempt from licensure under G.S. 87-1(b)(2), no inspection shall be conducted without the owner being personally present, unless the plans for the building were drawn and sealed by an architect licensed pursuant to Chapter 83A of the General Statutes. (1969, c. 1065, s. 1; 1971, c. 698, s. 1; 2011-376, s. 4; 2015-145, s. 1(b).)

#### **§ 160A-421. Stop orders.**

(a) Whenever any building or structure or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, or in substantial violation of any State or local building law, or in a manner that endangers life or property, the appropriate inspector may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped. The stop order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons therefor, and the conditions under which the work may be resumed.

(b) The owner or builder may appeal from a stop order involving alleged violation of the State Building Code or any approved local modification thereof to the North Carolina Commissioner of Insurance or his designee within a period of five days after the order is issued. Notice of appeal shall be given in writing to the Commissioner of Insurance or his designee, with a copy to the local inspector. The Commissioner of Insurance or his designee shall promptly conduct an investigation and the appellant and the inspector shall be permitted to submit relevant evidence. The Commissioner of Insurance or his designee shall as expeditiously as possible provide a written statement of the decision setting forth the facts found, the decision reached, and the reasons for

## Sabrina Simpson

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**From:** Kim Tynes  
**Sent:** Tuesday, November 24, 2015 12:14 PM  
**To:** David Walker  
**Cc:** Donna Turner; Jessica Fiester  
**Subject:** FW: Proposed Footprint Layout Hwy 58

FYI...Jessica stated Zack acquired the property at no cost via Quit Claim.

---

**From:** Kim Tynes  
**Sent:** Tuesday, November 24, 2015 11:39 AM  
**To:** David Walker  
**Cc:** Donna Turner; Jessica Fiester  
**Subject:** RE: Proposed Footprint Layout Hwy 58

Sending more info after this...but here is the answer to your question

### 604 W Ft Macon 8-12-09

		Valuation	Permit Fee
1709	Building	\$215,077	\$482.00
1712	Zoning		\$25
1736	Flood Plain Dev.		\$50
1710	HRF		\$10
1711	SWI		\$1075.39
1713	Insulation		\$270.80
1714	Plumbing		\$270.80
1715	Mechancial		\$270.80
1716	Electrical		<u>\$395.80</u>
			\$2,850.59

### 608 W Ft Macon 8-12-09

		Valuation	Permit Fee
1717	Building	\$215,077	\$482.00
1720	Zoning		\$25
1737	Flood Plain Dev.		\$50
1718	HRF		\$10
1719	SWI		\$1075.39
1721	Insulation		\$270.80
1722	Plumbing		\$270.80
1723	Mechancial		\$270.80
1724	Electrical		<u>\$395.80</u>
			\$2,850.59

### 612 W Ft Macon 8-12-09

	Valuation	Permit Fee
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1725	Building	\$153,787	\$358.00
1728	Zoning		\$25
1733	Flood Plain Dev.		\$50
1726	HRF		\$10
1727	SWI		\$768.94
1729	Insulation		\$203.60
1730	Plumbing		\$203.60
1731	Mechancial		\$203.60
1732	Electrical		<u>\$328.60</u>
			\$2151.34

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**From:** David Walker  
**Sent:** Tuesday, November 24, 2015 10:15 AM  
**To:** Kim Tynes  
**Cc:** Donna Turner; Jessica Fiester  
**Subject:** RE: Proposed Footprint Layout Hwy 58

Also list the \$\$ amount of work each permit covered and \$\$ cost of the permits.

Still need this info.

*David R. Walker, Town Manager*  
*Town of Atlantic Beach*  
 125 W. Fort Macon Road PO Box 10  
 Atlantic Beach, NC 28512  
 Office (252) 726-2121 ext 237  
 Cell (910) 330-2587  
[www.atlanticbeach-nc.com](http://www.atlanticbeach-nc.com)




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**From:** Kim Tynes  
**Sent:** Tuesday, November 24, 2015 9:50 AM  
**To:** David Walker  
**Cc:** Donna Turner; Jessica Fiester  
**Subject:** FW: Proposed Footprint Layout Hwy 58

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**From:** Jessica Fiester  
**Sent:** Tuesday, November 24, 2015 9:23 AM

**To:** Kim Tynes  
**Subject:** FW: Proposed Footprint Layout Hwy 58

This is the email I sent Zach a few weeks ago from 2009 to remind him of our conversations that he did know how important it was to keep those permits alive. He obtained the permits prior to the UDO being adopted since his three homes were no longer a use by right after the adoption on August 24, 2009. Donna and I have communicated to him COUNTLESS times since they were issued that he had to keep them alive or they would expire. The expiration was important since the zoning no longer allowed his homes. The Board of Adjustment will need to issue conditional use permits for him to do this now. And it will be three separate cases for the three separate lots.

---

**From:** Jessica Fiester  
**Sent:** Wednesday, September 23, 2015 3:26 PM  
**To:** 'ztaylor1321@gmail.com'  
**Cc:** Kim Tynes; Donna Turner  
**Subject:** FW: Proposed Footprint Layout Hwy 58

**Here is an email chain that may jog your memory. The zoning was RR.**

---

**From:** Zack Taylor [<mailto:ztaylor@suddenlink.net>]  
**Sent:** Tuesday, June 16, 2009 9:18 AM  
**To:** Jessica Fiester  
**Subject:** Re: Proposed Footprint Layout Hwy 58

Jessica,  
Thanks for your reply.  
Please check with Donna to see if our old applications for each home is still valid.....if not, we can re-submit these for the zoning permit.  
I plan to come down to review the applications as soon as Donna finds the old applications.  
Zack Taylor

----- Original Message -----

**From:** [Jessica Fiester](#)  
**To:** '[Zack Taylor](#)'  
**Cc:** '[Trace Cooper](#)'  
**Sent:** Tuesday, June 16, 2009 8:16 AM  
**Subject:** RE: Proposed Footprint Layout Hwy 58

Zach,

The land you mentioned is proposed to be zoned conservation, which is why it is imperative that we have zoning applications in prior to adoption if you wish to proceed. The old zoning will no longer exist because RR is no longer a zone. R1 would work for what you are proposing (single family), and I will be happy to communicate those wishes to Council. You do not have any formal permits submitted at this time. In order to secure a valid zoning permit it needs to be approved and paid for and in our system prior to adoption.

The new zoning may or may not be approved on June 22. I am going to forward your concerns to the mayor, so he is aware.

Thanks,

Jessica

---

**From:** Zack Taylor [<mailto:ztaylor@suddenlink.net>]  
**Sent:** Monday, June 15, 2009 5:34 PM  
**To:** Jessica Fiester  
**Subject:** Re: Proposed Footprint Layout Hwy 58

Jessica,

As you may know, the first I heard of the proposed new UDO for the town was two weeks ago when I was in your office.

I have reviewed today some of the items contained in the UDO document and have some questions and comments:

1. Zoning Map:

The new zoning map shows that all of our property next to the Palm Suite Condos

(Tax parcels:

6375.15.649922000  
6375.11.66.8542000  
6375.15.64.8942000  
6375.11.66.6473000  
6375.15.64.7856000  
6375.11.66.4494000  
6375.15.64.5821000

are to be rezoned as "Conservation" and by zooming in on the three lots that we have been working with CAMA and the Town concerning building permits.....shows that the frontage on these lots along NC 58 is also shown as Conservation zoning.

We respectfully request that this land be left in its current zoning so as to allow our project to proceed as planned. We do not wish to have lots that will become non-conforming under the UDO.

Am I correct that these three lots fronting on NC 58 are being rezoned by the UDO?

2. We are planning to work with Donna to get our applications finished and in to her early this week, and would assume that these permit applications that were submitted several months ago would be grandfathered under the old rules and old zoning.

Thanks,  
Zack Taylor

----- Original Message -----

**From:** [Jessica Fiester](#)  
**To:** '[Zack Taylor](#)'  
**Sent:** Monday, June 08, 2009 8:56 AM  
**Subject:** RE: Proposed Footprint Layout Hwy 58

[Hey Zach,](#)

I reviewed the plans for the homes on Highway 58. It appears at this time all three lots meet the RR requirements – 25' front setback, 10' side setbacks. The rear setbacks obviously will be determined by the wetlands.

Since the Coastal Rules went into effect last year we are no longer able to include CAMA jurisdictional wetlands to determine the built upon area percentage on these lots. Other wetlands may be included for the calculation. When you submit site plans on each of these lots, please indicate the type of wetlands and labeled lines on them. Also, when you fill out your zoning compliance applications, remember to omit the CAMA jurisdictional wetlands from the coverage percentages. If you are ready to move forward with the zoning applications, they are available online at this link:

<http://www.atlanticbeach-nc.com/community%20development/customeraccess.asp>

Thanks!

Jessica

---

**From:** Zack Taylor [<mailto:ztaylor@suddenlink.net>]  
**Sent:** Friday, June 05, 2009 4:18 PM  
**To:** Jessica Fiester  
**Subject:** Proposed Footprint Layout Hwy 58

Jessica,

This morning when we met in your office, I promised to send you the footprint design for the three tracts next to the Palms Suite Condos on Hwy 58.

The proposed footprint is attached for your review.

Each Tract contains 10 acres. Zoning is RR

I just wanted to be sure the setbacks meet with your approval before completing our applications.

The main issue with CAMA is that the footprint stay behind the Coastal Marsh Line as shown on this new survey of the line that was established 2 weeks ago CAMA.

As you mentioned, we would like to get all the reviews completed within the next few days so these applications can be submitted to the town prior to the new UDO coming into effect.

Please give me a call on my cell if you have any questions and I look forward to talking with you on Monday to discuss.

Thanks  
Zack Taylor  
Cell: 252-670-8290

\_\_\_\_\_ NOD32 4134 (20090605) Information \_\_\_\_\_

This message was checked by NOD32 antivirus system.  
<http://www.eset.com>

\_\_\_\_\_ NOD32 4156 (20090615) Information \_\_\_\_\_

This message was checked by NOD32 antivirus system.

<http://www.eset.com>

**Sabrina Simpson**

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**From:** Zack Taylor <ztaylor@suddenlink.net>  
**Sent:** Thursday, August 13, 2009 5:50 PM  
**To:** Jessica Feister  
**Subject:** Re: UDO for Atlantic Beach

**Jessica,**

I looked at the Table showing allowable uses in the Zoning Districts, and see a few areas where R-1(C) would have problems in the future.

**These are:**

Boardwalks, walkways, etc.....single family homes should be able to have boardwalks and walkways to the homes and piers to gazebos, etc.

Boat Lifts

Docks

Greenhouses

Ground Level wooden observation decks

Home occupations

improved driveway and parking area

Pedestrian walkways and bicycle riding ways

Piers

Sewer systems.....This is a must if you are to have a single family home

Utilities.....This is a must if a home is to be on the property

Wooden Dock without electricity or other utilities.

**Jessica,** I cannot see why the items allowed in the R-1(5) should not also be allowed in the R-1(C) zone.....do you know the reasoning behind this difference.....

Thanks,  
Zack Taylor

**PS.** I noticed that several long tracts in the marsh on the EAST side of town are zoned R1-7 and RS.....why are these not also being put into the old conservation zone of R-1(C) ?  
zt

----- Original Message -----

**From:** [Jessica Fiester](#)

**To:** 'Zack Taylor'

**Sent:** Thursday, August 13, 2009 3:37 PM

**Subject:** RE: UDO for Atlantic Beach

[On the Town's website is the most recent UDO copy. It is on page 5-3.](#)

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**From:** Zack Taylor [<mailto:ztaylor@suddenlink.net>]

**Sent:** Thursday, August 13, 2009 1:44 PM

**To:** Jessica Fiester

**Subject:** UDO for Atlantic Beach

Jessica,

You mentioned that the "conservation" zone will allow single family development as a "conditional" use.

Could you please send me the revised language being proposed for the uses of the conservation zone.

Thanks  
Zack Taylor

\_\_\_\_\_ NOD32 4333 (20090813) Information \_\_\_\_\_

This message was checked by NOD32 antivirus system.

<http://www.eset.com>

## Sabrina Simpson

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**From:** Zack Taylor <[ztaylor1321@gmail.com](mailto:ztaylor1321@gmail.com)>  
**Sent:** Wednesday, September 23, 2015 3:19 PM  
**To:** Jessica Fiester  
**Cc:** Donna Turner; Kim Tynes  
**Subject:** Re: Rezoning in August 2009

OK,  
I will take a look at the old permit.  
Thanks  
Zack

PS. When the UDO was passed in 2009, who at the town handled this project and how long did it take to get it all done?

On Sep 23, 2015, at 1:08 PM, Jessica Fiester <[planner@atlanticbeach-nc.com](mailto:planner@atlanticbeach-nc.com)> wrote:

My memory doesn't go back 6 years anymore but it should be on your original permit.

Sent from my iPhone

On Sep 23, 2015, at 12:45 PM, Zack Taylor <[ztaylor1321@gmail.com](mailto:ztaylor1321@gmail.com)> wrote:

Jessica,  
Can you tell me what the zoning of this site was prior to the UDO being adopted?  
and what type of development was allowed in the old zoning?  
Thanks  
Zack

On Sep 23, 2015, at 12:40 PM, Jessica Fiester <[planner@atlanticbeach-nc.com](mailto:planner@atlanticbeach-nc.com)> wrote:

It happened when the UDO was adopted and the conservation zone was adopted on the zoning map. The date was August 2009. This is why it was so important for you to finish your project. None of this information should come as a surprise.

Sent from my iPhone

On Sep 23, 2015, at 12:31 PM, Kim Tynes <[inspectionsadmin@atlanticbeach-nc.com](mailto:inspectionsadmin@atlanticbeach-nc.com)> wrote:

You will need to talk to Jessica and she is at lunch and will be back at 1:00.

---

**From:** Zack Taylor [<mailto:ztaylor1321@gmail.com>]  
**Sent:** Wednesday, September 23, 2015 12:30 PM  
**To:** Kim Tynes

**Cc:** Donna Turner; Jessica Fiester  
**Subject:** Rezoning in August 2009

Dear Kim,

In your email to me on September 18th you said:

Zoning permits for single family homes have not been a “use by right” in these locations since August 24, 2009. Approvals in the R1-C Zoning District require a Conditional Use permit since that date.

I assume that August 24, 2009 was the date when the land was rezoned.

If this is correct, can you tell me where I can get information on this rezoning if I come by this afternoon to pick it up?

Also: If you could print out for me the requirements for application for Single Family Building permits, I could pick these up this afternoon also.

Please call me on my cell when you get this, as I will be on the road....my cell is 252-670-8290.

Thanks  
Zack

## Sabrina Simpson

---

**From:** David Walker  
**Sent:** Tuesday, November 24, 2015 4:12 PM  
**To:** Zachary Taylor  
**Cc:** Trace Cooper; Danny Navey; Ann Batt; Eddie Briley; Harry Archer; John Rivers; Katrina Tyer; Donna Turner; Jessica Fiester; 'Derek Taylor (derek@tt2law.com)'; Kim Tynes  
**Subject:** RE: Building Permits 604, 608, & 612 W. Ft. Macon Road

Respectfully received, and those items stated were taken into consideration, but do no change the position that it's a Board of Adjustment matter.

*David R. Walker, Town Manager*

*Town of Atlantic Beach*

*125 W. Fort Macon Road PO Box 10*

*Atlantic Beach, NC 28512*

*Office (252) 726-2121 ext 237*

*Cell (910) 330-2587*

[www.atlanticbeach-nc.com](http://www.atlanticbeach-nc.com)



---

**From:** Zachary Taylor [mailto:ztaylor1321@gmail.com]  
**Sent:** Tuesday, November 24, 2015 4:02 PM  
**To:** David Walker  
**Cc:** Trace Cooper; Danny Navey; Ann Batt; Eddie Briley; Harry Archer; John Rivers; Katrina Tyer; Donna Turner; Jessica Fiester; 'Derek Taylor (derek@tt2law.com)'; Kim Tynes  
**Subject:** Re: Building Permits 604, 608, & 612 W. Ft. Macon Road

Dear David,

Thank you for your email below with comments concerning rezoning.

It is my position that since the three (3) plumbing permits for these homes have not expired and were extended, and I was led to believe (by prior conduct and course of dealing) that the building permits would be extended based on the plumbing work that was done in June of 2015, that this would not be a re-issuance of the building permit, but instead an acknowledgment that the building permits were extended as well. If the building permits are in fact extended to correspond with the expiration dates for the plumbing permits, then the zoning would not be a factor since the zoning would be grandfathered.

I would urge you to present these facts and questions to the town attorney for his opinion concerning the necessity of obtaining a Conditional Use Permit before denying the Town Council the authority to confirm the extension of the existing permits, so that all the permits will expire at the same time.

Please let me know if I can provide you or the Town Council any further information that would allow us to complete these homes in a timely manner.

Sincerely  
Zack Taylor  
252-670-8290 cell

On Nov 24, 2015, at 1:50 PM, David Walker <[TownManager@atlanticbeach-nc.com](mailto:TownManager@atlanticbeach-nc.com)> wrote:

Mr. Taylor:

I have received and reviewed your letter (attached) and follow up email below, and reviewed a multitude of emails between you and Inspections /Planning staff over the past six years. When we met me in my office several weeks ago on these issue, it seem to involve only expired permits which I felt could be submitted to the Council for a decision ; now I have learned that it also involves a change of zoning and non-conforming as well. Such an issue needs to be presented to and heard by the Board of Adjustment for a decision as it is not in mine or the Council's purview.

Please see below Jessica's report to me. I fully agree with her findings that this is an issue for the Board of Adjustment, not the Council. To keep all parties in the same loop, I have copied the Mayor/Council on this response. Thanks.

DW

\*\*\*\*\*  
\*\*\*\*\*

*Mr. Walker, per your request of our review of Mr. Taylor's request for an extension of expired permits , please be advised of the following:*

*Original Permits Issued :*

*604 W Ft Macon 8-12-09*

	<i>Valuation</i>	<i>Permit Fee</i>
<i>1709 Building</i>	<i>\$215,077</i>	<i>\$482.00</i>
<i>1712 Zoning</i>		<i>\$25</i>
<i>1736 Flood Plain Dev.</i>		<i>\$50</i>
<i>1710 HRF</i>		<i>\$10</i>
<i>1711 SWI</i>		<i>\$1075.39</i>
<i>1713 Insulation</i>		<i>\$270.80</i>
<i>1714 Plumbing</i>		<i>\$270.80</i>

1715	<i>Mechanical</i>	\$270.80
1716	<i>Electrical</i>	\$395.80
		<u>\$2,850.59</u>

608 W Ft Macon 8-12-09

#		<i>Valuation</i>	<i>Permit Fee</i>
1717	<i>Building</i>	\$215,077	\$482.00
1720	<i>Zoning</i>		\$25
1737	<i>Flood Plain Dev.</i>		\$50
1718	<i>HRF</i>		\$10
1719	<i>SWI</i>		\$1075.39
1721	<i>Insulation</i>		\$270.80
1722	<i>Plumbing</i>		\$270.80
1723	<i>mechanical</i>		\$270.80
1724	<i>Electrical</i>		\$395.80
			<u>\$2,850.59</u>

612 W Ft Macon 8-12-09

		<i>Valuation</i>	<i>Permit Fee</i>
1725	<i>Building</i>	\$153,787	\$358.00
1728	<i>Zoning</i>		\$25
1733	<i>Flood Plain Dev.</i>		\$50
1726	<i>HRF</i>		\$10
1727	<i>SWI</i>		\$768.94
1729	<i>Insulation</i>		\$203.60
1730	<i>Plumbing</i>		\$203.60
1731	<i>mechanical</i>		\$203.60
1732	<i>Electrical</i>		\$328.60
			<u>\$2151.34</u>

● *In August of 2009 the Council adopted a new zoning map in conjunction with the UDO. Due to the climate at the time, they were very interested in preventing development on environmentally sensitive land due to a high volume of criticisms associated with the development of the Needle Rush Bay subdivision. Mr. Taylor's land fell in this category.*

● *A new zoning district was created in 2009 called "R1-C." This zoning district only allows one thing: Single family homes with a Conditional Use Permit issued by the Board of Adjustment. To date, the BOA has issued one similar permit, which was to David Sledge in 2012. If you recall his property on East Fort Macon Road is zoned R1-C and he was issued a CUP to build his home there.*

● *Mr. Taylor was informed prior to the adoption of the UDO that his three lots next to Palm Suites were scheduled to be rezoned to R1-C (this was during the time the entire town's zoning changed with the UDO adoption). As supported in an email exchange between him and me, he knew this. He unsuccessfully tried to get that property zoned R1-7 (where Single family homes are a use by right) instead of R1-C, but the council*

would not approve it. Given he knew the new zoning was going to require his permits to be conditional, he moved quickly to obtain zoning permits while it was zoned "RR" under the old code.

- These were legal because the zoning had not changed when he secured them (a few weeks prior to the change). Mr. Taylor obtained permits for three separate homes on three separate lots while they were a use by right.
- Mr. Taylor's three separate permits were all assisted greatly by the permit extension act, and then the extension of the permit extension act. Once this act expired in the permit clock reset.
- This is the last project that is lingering from old zoning. The typical rule is you must have an inspection and show a good faith effort to start your project within 6-months. Once the first inspection is done you have another year to make the next one. Mr. Taylor did this for years. Often times Kim and Donna would call or email him to remind him his permits were going to expire so we could all avoid this paper work needing to be restarted.
- Now Mr. Taylor's permits have expired because he failed to do work that required an inspection within a year.  
To obtain new permits he will need to obtain Conditional Use Permits for each lot from the BOA, just like David Sledge had to do. I sent him an email in in 2009 and then re-sent it to him in September when he tried to tell me he didn't know any of this.
- He needs to request three Conditional Use Permits from the BOA. Each CUP application is \$500 by our fee schedule. The next BOA meeting is scheduled for Tuesday, January 19th at 7:00 pm. Application deadline is December 19.
- Another option for Mr. Taylor is to appeal my decision to the BOA. Inspection/s/Planning has a multitude of emails dating back to 2009 to and from him to present as evidence to the BOA verifying we were in communication about the zoning change and the need for activity on the project(s) to prevent the permits from expiring.

Let me know if you need more info / Jessica

David R. Walker, Town Manager  
Town of Atlantic Beach  
125 W. Fort Macon Road PO Box 10  
Atlantic Beach, NC 28512  
Office (252) 726-2121 ext 237  
Cell (910) 330-2587  
[www.atlanticbeach-nc.com](http://www.atlanticbeach-nc.com)

-----Original Message-----

From: Zachary Taylor [<mailto:ztaylor1321@gmail.com>]  
Sent: Tuesday, November 24, 2015 10:39 AM  
To: David Walker  
Subject: Building Permits 604, 608, & 612 W. Ft. Macon Road

Dear David,

This email is in reference to our conversation in your office yesterday, and is to further clarify my letter to you dated November 20th, requesting a re-instatement of the original building permits for the three (3) piling supported homes next to the Palm Suites Condo-Tel.

The reason we are requesting the re-instatement of the original permits is to shorten the time it will take to complete the construction of the homes, and to get the site looking presentable to the public.

The issuing of new permits would take additional time to complete the homes due to the necessity of obtaining new permits from Federal and State agencies, survey certificates, zoning permits, etc. that would not be necessary under the original permits.

If the original permits were re-instated by the Town Board this year, we would be willing to commit to a schedule to close-in all three (3) homes prior to the end of June 2016.

Please let me know if you need any further information from me, and I would be willing to attend any meetings necessary to help get work started on the three homes.

Sincerely,  
Zack Taylor

PS. Please confirm your receipt of this email so I will know you have received.

**<Zach Taylor Appeal.pdf>**

**From:** Zack Taylor [mailto:ztaylor1321@gmail.com]  
**Sent:** Tuesday, June 17, 2014 12:48 PM  
**To:** Jessica Fiester  
**Cc:** Donna Turner  
**Subject:** Building Permits Sewer Tap Inspection

Dear jessica,

On our project next to the Palm Suite Condos (604, 608, & 612 West Fort Macon Road) Permits # Z-09-44 & Z-09-45

We had planned to have the sewer lines installed to each building this week, but due to the current high water table, it appears that we will not be able to complete this installation by this coming weekend as planned.

We will however be able to install the "tap" on-site for the sewer line, but not the lines leading to each building.

**Question:**

1. Would the "tap" at the lift station on-site be considered an inspection for the 3 buildings?
2. What would we have to do to extend the permits to give us time to complete the lines to each building?

I will give you a call later this afternoon to discuss.

Thanks  
Zack Taylor  
252-670-8290 cell

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**From:** Jessica Fiester  
**Sent:** Tuesday, June 17, 2014 1:10 PM  
**To:** Zack Taylor  
**Cc:** Donna Turner; Kim Tynes; Joey Starling  
**Subject:** RE: Building Permits Sewer Tap Inspection

Zach,

All of these questions are items Donna oversees and she is out until Monday, I only deal with the zoning. You need to speak with Joey (726-4456) in her absence to see if he can make that determination. My recommendation would be if you can't fulfill this inspection to get some other one to ensure these zoning permits don't expire. If they do it is going to be a paperwork nightmare to re-acquire the rights to develop on those sites.

Jessica

On Jun 18, 2014, at 8:52 AM, Joey Starling <[inspector@atlanticbeach-nc.com](mailto:inspector@atlanticbeach-nc.com)> wrote:

Zack,

In my opinion the tap is not a reasonable justification of showing progress towards the continual construction of those dwellings. Furthermore, I would not consider any thing like setting a T-Pole, Port-a-John, getting a flood shot, ect. as anything that would show you are making any progress. I would consider a framing, a slab, or rough-in inspections, as legitimate reasons to continue under the existing permits.

However, I am only here to fill in for Donna while she is out.... so, you get a second "option". Since you have been working with Donna on these permits all these years, I am not going to get evolved on the final determination with their fate. If you have insight that she is in agreement with you that a tap (or any of the other items listed that I would not consider as progress) will be sufficient for allowing the permits to remain active, then you are welcome to have the taps complete and set the up for an inspection (give me 24 hours notice) and I will gladly perform the inspection for you while the permits are active.

NOTICE: And I can't stress this enough, do not wait until the last minute to let us know what your plans are!

Thanks,  
J. Starling

---

**From:** Zack Taylor [mailto:[ztaylor1321@gmail.com](mailto:ztaylor1321@gmail.com)]  
**Sent:** Wednesday, June 18, 2014 10:45 PM  
**To:** Joey Starling  
**Cc:** Donna Turner; Kim Tynes; Jessica Fiester  
**Subject:** Re: Building Permits Sewer Tap Inspection

Joe,  
Thanks for inspecting the Temp Power Poles today for all three lots.

Due to the high water table problem in setting the sewer lines, we intend to begin framing all three (3) homes tomorrow (Thursday 19th). I will keep you posted on the progress, and would hope that you might be available on Thursday afternoon to take a look at the methods being used in the construction to let me know if you see any problems with the quality of the construction. I plan to be in Atlantic Beach Thursday and Friday to keep an eye on the progress.

Again, Thanks for your help  
Zack  
252-670-8290 cell

On Jul 16, 2015, at 4:45 PM, Kim Tynes <[inspectionsadmin@atlanticbeach-nc.com](mailto:inspectionsadmin@atlanticbeach-nc.com)> wrote:

Hey Zack,

Sorry I missed your call – your permit status is as follows:

Expired Permits:

Building	July 1, 2015
Electrical	June 18, 2015
Mechanical	August 10, 2012
Insulation	August 10, 2012
Zoning	August 10, 2012

Regards,  
Kim

---

**From:** Zack Taylor [mailto:[ztaylor1321@gmail.com](mailto:ztaylor1321@gmail.com)]  
**Sent:** Friday, July 17, 2015 3:25 PM  
**To:** Kim Tynes  
**Subject:** Re: Permits for 604, 608 & 612 W Ft Macon

Kim,  
Thanks for your email below.

Can you tell me how each of these expiration dates were figured?

Thanks  
Zack

---

On Jul 20, 2015, at 8:29 AM, Kim Tynes <[inspectionsadmin@atlanticbeach-nc.com](mailto:inspectionsadmin@atlanticbeach-nc.com)> wrote:

- Each permit, per trade was issued six years ago, the permit extension act pushed them thru from 2009 until 2012.
- A permit is only valid for 6 months and if no work is done, they expire.
- If work is done within 6 months of issue, the permit for that trade stays alive for one year after inspection.

On Jul 20, 2015, at 11:22 AM, Kim Tynes <[inspectionsadmin@atlanticbeach-nc.com](mailto:inspectionsadmin@atlanticbeach-nc.com)> wrote:

Hey Zack,

Certainly, details are attached below. Over the last 6 years, minimal work has been done with only 5 inspections and the Electrical T-pole was a courtesy to allow it to remain open, as that was not truly doing any work. Hope this helps.

Have a good week.

<image001.png>

<image002.png>

<image003.png>

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**From:** Zack Taylor [mailto:[ztaylor1321@gmail.com](mailto:ztaylor1321@gmail.com)]

**Sent:** Monday, July 20, 2015 2:10 PM

**To:** Kim Tynes

**Cc:** Donna Turner

**Subject:** Re: Permits for 604, 608 & 612 W Ft Macon

Dear Kim,

In looking at the extension of the Building Permit in June 2013, the permit was extended by the installation of plumbing pipes (water).

Now it appears that the plumbing pipes (sewer) that were installed in June 2015 are not being treated in the same manner as the water pipes in 2013.

Please let me know the reasoning behind this change.

Thanks

Zack Taylor

---

On Jul 20, 2015, at 3:56 PM, Kim Tynes <[inspectionsadmin@atlanticbeach-nc.com](mailto:inspectionsadmin@atlanticbeach-nc.com)> wrote:

Zack,

I apologize, for any confusion – again, each trade is separate and plumbing work does not keep building permit open. We do not issue blanket permits, each one is separate. All of your permits were issued 6 years ago and extended from 2009 to 2012 with you doing one miniscule project each year for the last 3 years (2012-2015) to keep them alive, even the permit extension act has expired. (2012)

You are correct about being treated differently - I was new and did not understand the Permit Extension Act and you actually got away with two permits you should not have. Underground Plumbing was inspected June 21, 2013 when in fact, no work should have been allowed without a new permit because that Plumbing permit had actually expired on August 10, 2012.

Regarding Electrical – you actually squeezed by with another free year because that T-pole should not have happened due to expiration on August 10, 2012 as well. Nor should it have counted as actual work being done to keep permit alive one more year.

So it appears my inexperience with Permit Ext. Act saved you a bit of time that actually should not have happened.

Plumbing permit expired June 21, 2014 and a new permit was issued June 23, 2015 to add sewer connection. That job was inspected on July 21, 2015 so it will expire on July 21, 2016 if no further plumbing work is done and inspected.

The other trades are not a problem to reissue. However, I cannot reissue Zoning or Building Permits without approval from Jessica and Donna.

Hope that clears up your question.

Regards,  
Kim

---

**From:** Zachary Taylor [mailto:ztaylor1321@gmail.com]  
**Sent:** Friday, September 18, 2015 9:25 AM  
**To:** Kim Tynes  
**Subject:** Re: Permits for 604, 608 & 612 W Ft Macon

Kim,  
If you are back in the office today, please fax me the materials for the building permit application requested below.  
Thanks  
Zack

---

On Sep 18, 2015, at 3:50 PM, Kim Tynes <[inspectionsadmin@atlanticbeach-nc.com](mailto:inspectionsadmin@atlanticbeach-nc.com)> wrote:

Hi Zack, before we can go any further you will need to provide approval from the Corp of Engineers and Sugar Loaf stating you can connect to their system.

Zoning permits for single family homes have not been a “use by right” in these locations since August 24, 2009. Approvals in the R1-C Zoning District require a Conditional Use permit since that date. This means plans go to the Technical Review Committee, review for environmental sensitivity issues by the Planning Board and then require a Conditional Use public hearing from the Board of Adjustment.

Regards,  
Kim

## Michelle Shreve

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**From:** Michelle Shreve  
**Sent:** Wednesday, June 08, 2016 10:16 AM  
**To:** 'Zachary Taylor'  
**Cc:** David Walker (townmanager@atlanticbeach-nc.com); Kim Tynes (inspectionsadmin@atlanticbeach-nc.com); Arrington Moore; 'John King'  
**Subject:** RE: Zoning Uses

Zack,

As I stated before, you have all of the information I have.

Michelle

---

**From:** Zachary Taylor [mailto:ztaylor1321@gmail.com]  
**Sent:** Wednesday, June 08, 2016 9:57 AM  
**To:** Michelle Shreve  
**Subject:** Re: Zoning Uses

Mechelle,

Thanks for the info.

I am just trying to put a particular map with the final vote taken to approve the UDO.....and also determine when that particular (final) map was revised from the one before it (the prior map) so we can see the final revisions that were made.

Can you help us determine (which map was the "prior map" and the date that the prior map was changed to the final version.....along with the documents advising the board of the revision.

Thanks  
Zack

Zachary Taylor  
P.O. Box 12006  
New Bern, NC 28561

Cell: 252-670-8290  
Office: 252-633-5106  
[ZTaylor1321@Gmail.com](mailto:ZTaylor1321@Gmail.com)

On Jun 8, 2016, at 9:31 AM, Michelle Shreve <[planner2@atlanticbeach-nc.com](mailto:planner2@atlanticbeach-nc.com)> wrote:

Zack,

Your attorney has all of the information that I have. The zoning map is the one unanimously recommended by the Planning Board and unanimously approved by the Town Council.

Michelle

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**From:** Zack Taylor [mailto:ztaylor1321@gmail.com]  
**Sent:** Wednesday, June 08, 2016 8:32 AM  
**To:** Michelle Shreve  
**Subject:** Re: Zoning Uses

Mechelle,  
Can you tell me the date of the last change in the zoning map before the UDO was passed in 2009?  
Along with the written notice to the Town Board concerning the final changes...  
Thanks  
Zack Taylor

On Jun 7, 2016, at 2:39 PM, Michelle Shreve <[planner2@atlanticbeach-nc.com](mailto:planner2@atlanticbeach-nc.com)> wrote:

Zack,

The new zoning map from 2009 is the same one in use today. I've attached the map for your review – this is the same one given to your attorney several weeks ago.

Thank you,

Michelle Grace Shreve  
Planning Director  
Town of Atlantic Beach  
Post Office Box 10  
Atlantic Beach, NC 28512  
(252) 726-4456 x2243

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**From:** Zack Taylor [mailto:ztaylor1321@gmail.com]  
**Sent:** Tuesday, June 07, 2016 2:26 PM  
**To:** Michelle Shreve  
**Subject:** Re: Zoning Uses

Mechelle,  
Can you send me a copy of the zoning map that was referred to when the rezoning was done in 2009 ?

And was that map any different than the current zoning map ?

Thanks  
Zack

On Jun 7, 2016, at 8:57 AM, Michelle Shreve <[planner2@atlanticbeach-nc.com](mailto:planner2@atlanticbeach-nc.com)> wrote:

Good Morning Zack,

I have had the same problem. Because I don't have the GIS data files that were used to create the zoning map, I don't have discrete evidence of the zoning of each parcel in Atlantic Beach. The zoning map was, however, adopted by Council, and at the same time, Council repealed all other zoning maps. Whether or not it was explicitly stated, Council zoned it as R-1(C) when they unanimously adopted the map. I have attached the Future Land Use map from our Land Use Plan, which shows that area of town as Conservation/Open Space. The zoning map is consistent with the Land Use Plan in that this area is under the Conservation zoning district.

Additionally, the intent of obtaining permits before the new zoning map was adopted was so that you would be grandfathered under the old zoning designation (Resort Residential, which no longer exists) rather than the new R-1(C) zoning. The issue of maintaining these permits was so that you wouldn't have to go to the Board of Adjustment to request Conditional Use Permits for 604, 608, and 612 West Fort Macon Road, which the Planning and Inspections Department went above and beyond to remind you of this fact every year. I would contend that whether or not there is discrete evidence of the parcels being zoned R-1(C), your efforts suggest that you acknowledged the R-1(C) zoning designation of your lots and the ramifications of allowing your permits (and thus, the grandfathering) to expire.

I understand that there is a lot of information to gather and facts to prove at this time. It comes down to the Resolution adopted by Town Council on August 24, 2009. Town Hall no longer has the authority to make decisions regarding your properties – these are now decisions for the Planning Board, Board of Adjustment, and Town Council. I have copied the Town Manager, Town Attorney, your Attorney, and my office in order to maintain transparency through this process.

Please let me know if you have any additional questions.

Thank you,

Michelle Grace Shreve  
Planning Director  
Town of Atlantic Beach  
Post Office Box 10  
Atlantic Beach, NC 28512  
(252) 726-4456 x2243

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**From:** Zachary Taylor [<mailto:ztaylor1321@gmail.com>]

**Sent:** Monday, June 06, 2016 4:29 PM

**To:** Michelle Shreve

**Subject:** Re: Zoning Uses

Michelle,

We have been looking through the information you provided to us concerning the UDO and the Re-Zoning of our property back in 2009, and wondered if you could refer me to the document where our land is specifically described as being rezoned to the Conservation zone...?

Thanks  
Zack

Zachary Taylor  
P.O. Box 12006  
New Bern, NC 28561

Cell: 252-670-8290  
Office: 252-633-5106  
ZTaylor1321@Gmail.com

On Jun 6, 2016, at 3:58 PM, Michelle Shreve <[planner2@atlanticbeach-nc.com](mailto:planner2@atlanticbeach-nc.com)> wrote:

Zack,

I would presume that a walkway or pier as incidental to a single-family residence, so long as it complies with local, state, and federal regulations, would be permitted as an accessory use with the Conditional Use Permit by the Board of Adjustment.

Michelle

**From:** Zachary Taylor [mailto:[ztaylor1321@gmail.com](mailto:ztaylor1321@gmail.com)]  
**Sent:** Monday, June 06, 2016 3:54 PM  
**To:** Michelle Shreve  
**Subject:** Re: Zoning Uses

Michelle

I just wanted to verify that Single Family Residential was the ONLY use allowed in the Conservation Zoning R-1C.

Does this mean that a pier or walkway would not be an allowable use in that zone?

Thanks  
Zack

Zachary Taylor  
P.O. Box 12006  
New Bern, NC 28561

Cell: 252-670-8290  
Office: 252-633-5106  
ZTaylor1321@Gmail.com

On Jun 6, 2016, at 3:38 PM, Michelle Shreve <[planner2@atlanticbeach-nc.com](mailto:planner2@atlanticbeach-nc.com)> wrote:

Good Afternoon Zack,

You can direct your zoning and planning questions to me from now on.

The only approved use of land in the R-1(C) zoning district is single-family residential, which is solely permitted with a Conditional Use Permit from the Board of Adjustment.

Please let me know if you have additional questions.

Regards,

Michelle Grace Shreve  
Planning Director  
Town of Atlantic Beach  
Post Office Box 10  
Atlantic Beach, NC 28512  
(252) 726-4456 x2243

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**From:** Kim Tynes  
**Sent:** Monday, June 06, 2016 3:26 PM  
**To:** Michelle Shreve  
**Cc:** David Walker  
**Subject:** FW: Zoning Uses

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**From:** Zachary Taylor [<mailto:ztaylor1321@gmail.com>]  
**Sent:** Friday, June 03, 2016 5:16 PM  
**To:** Kim Tynes  
**Subject:** Zoning Uses

Kim,  
Can you send me a list of activities allowed in the Conservation Zone.....or the items prohibited in that zone...

Thanks  
Zack

Zachary Taylor  
P.O. Box 12006  
New Bern, NC 28561

Cell: 252-670-8290  
Office: 252-633-5106  
ZTaylor1321@Gmail.com

<MAP 20 FLU Small.pdf>

<Item 1 Official Zoning Map of the Town of Atlantic Beach.pdf>

## Michelle Shreve

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**From:** Michelle Shreve  
**Sent:** Wednesday, June 08, 2016 2:32 PM  
**To:** 'Cindy Gaskins'  
**Cc:** Kim Tynes (inspectionsadmin@atlanticbeach-nc.com); David Walker (townmanager@atlanticbeach-nc.com); Arrington Moore  
**Subject:** RE: Contact information

Cindy,

David Owens is a professor at the UNC School of Government and did not draw the zoning maps for us in 2009. The company that the Town worked with for the UDO and rezoning in 2009 was Holland Consulting Planners, specifically Landin Holland. I do not have contact information for Mr. Holland.

Thank you,

Michelle Grace Shreve  
Planning Director  
Town of Atlantic Beach  
Post Office Box 10  
Atlantic Beach, NC 28512  
(252) 726-4456 x2243

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**From:** Cindy Gaskins [<mailto:taylorpub@embarqmail.com>]  
**Sent:** Wednesday, June 08, 2016 1:59 PM  
**To:** Michelle Shreve  
**Subject:** Contact information

Michelle,

Can you tell me how I can contact David Owens (who drew the zoning maps back in 2009)?

Cindy Gaskins  
*Coastal Real Estate & Management*  
*P O Box 12006*  
*New Bern, NC 28561*  
252-633-5106  
[taylorpub@embarqmail.com](mailto:taylorpub@embarqmail.com)

## Michelle Shreve

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**From:** Kim Tynes  
**Sent:** Friday, June 03, 2016 9:15 AM  
**To:** Donna Turner  
**Cc:** John Harrell; David Walker; Michelle Shreve  
**Subject:** FW: Zack Taylor Original Permits Issued in August of 2009  
**Attachments:** RE: Atlantic Beach Municode

See attached information from Mike Page, DOI.

Zack attached the letter from Carl Huddle that pertains to the second plumbing permit he pulled, as the first one had expired. Again – no building permit is required to do the plumbing work that was done on this permit. The structure the plumbing is attached to is part of the plumbing installation. Anyone that came in to pull that same permit, would not require a building permit for the installation of this plumbing – therefore it still does not keep the original building permit open.

Keep in mind, this work was done on a separate plumbing permit pulled specifically for this work because the one issued with the original building permit had expired.

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**From:** Page, Mike [<mailto:Mike.Page@ncdoi.gov>]  
**Sent:** Friday, June 03, 2016 8:53 AM  
**To:** Kim Tynes  
**Subject:** RE: Zack Taylor Original Permits Issued in August of 2009

Kim,  
For your information, see the attachment concerning the Zach Taylor permits.

I will be out of the office until about 2:00 if you wish to discuss this further.

Mike Page  
NC Dept. of Insurance, Engineering Division  
919-661-5880 ext 246

## Michelle Shreve

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**From:** Page, Mike <Mike.Page@ncdoi.gov>  
**Sent:** Friday, June 03, 2016 8:43 AM  
**To:** Zack Taylor  
**Subject:** RE: Atlantic Beach Municode  
**Attachments:** Atlantic Beach Municode.pdf; CA-13 3-lot above ground sewer 5-28-15.pdf

Dear Mr. Taylor,

The issue of revocation of a permit because of work not being done within a one year period of time may be somewhat complex. I have included some discussion of statutes which address revocation and vested rights.

In a letter dated May 30, 2002, Richard Ducker, an attorney with the NC Institute of Government stated:

"Now, what it means to commence work for purposes of determining whether an outstanding building permit continues to be valid is legally unclear. That does not mean an inspection department can make any interpretation it wants. It means that there are probable several different plausible interpretations that an inspection department could make, pending some definitive determinations by the courts."

I strongly encourage you to discuss these issues with your attorney. These are statutory issues and we do not comment on statutes where the issues are this complex or in which we have limited experience. Generally, we do not attempt to comment on the legality of local ordinances.

Mike Page  
NC Dept. of Insurance, Engineering Division  
919-661-5880 ext 246

### **§ 160A-418. Time limitations on validity of permits.**

A permit issued pursuant to G.S. 160A-417 shall expire by limitation six months, or any lesser time fixed by ordinance of the city council, after the date of issuance if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured. (1969, c. 1065, s. 1; 1971, c. 698, s. 1.)

The following information concerns vested rights and may be applicable to your situation. This information may be somewhat out of date and should be discussed with your attorney.

GS 153A-344.1 and GS 160A-385.1 give landowners certain rights generally pertaining to the development of land after a land use or development plan has been approved by the city or county. Depending on the city or county ordinance, the owner has from two to five years to develop the property during which the city or county is restricted from making zoning or certain other changes that affect the value or use of the property. Generally, these rights are used on the development of large or expensive property.

Of importance to the building inspection department are provisions which prohibit the expiration or revocation of a building permit during the time for which the vested rights are valid. See paragraphs (d)(5) and (d)(6) below.

These statutes do not affect the enforcement of the technical provisions of the building codes. Nor do the statutes affect changes to the building codes which occur during the five year period. Such changes would apply to permits issued after the changes became effective, no matter what the status of the vested rights. Buildings with permits issued prior to changes to the codes are not affected by the changes. See paragraph (e)(2) below.

Further, vested rights are not affected by the sale of the property. See paragraph (f)(1) below. Nor are vested rights affected by the annexation or incorporation of land into the city's extra territorial jurisdiction. See GS 160A-360(i) below.

The nature of these statutes is complex. When vested rights are applicable, inspectors are strongly encouraged to discuss any questions concerning expiration or revocation of permits with the city or county planning and zoning department and with the city or county attorney.

GS 153A-344.1 for counties and GS 160A-385.1 for cities and towns both address vested rights. The language is similar in both statutes. Pertinent sections of GS 153A-344.1 are copied below. Where appropriate, references to similar language in GS 160A-385.1 will be shown in brackets [ ]. Deleted text is denoted by ellipses (...).

#### **GS 153A-344.1 [GS 160A-385.1] - Vesting rights (In Part)**

##### **(b) Definitions ...**

(3) "Phased development plan" means a plan which has been submitted to a county [city] by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the county [city] to be a site specific development plan. ...

(5) "Site specific development plan" means a plan which has been submitted to a county [city] by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals: A planned unit development plan, a subdivision plat, a preliminary or general development plan, a conditional or special use permit, a conditional or special use district zoning plan, or any other land-use approval designation as may be utilized by a county [city]. ...

(6) "Vested right" means the right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.

...

##### **(d) Duration and termination of vested right.**

(1) A right which has been vested as provided for in this section shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the county.

(2) Notwithstanding the provisions of subsection (d)(1), a county [city] may provide that rights shall be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances ...

(3) Notwithstanding the provisions of (d)(1) and (d)(2), the county [city] may provide by ordinance that approval by a county [city] of a phased development plan shall vest the zoning classification or classifications so approved for a period not to exceed five years. ...

...

(5) Upon issuance of a building permit, the provisions of GS 153A-358 [GS 160A-418 - Time Limitations on Validity of Permits] and GS 153A-362 [GS 160A-422 - Revocation of Permits] shall apply, except that a permit shall not expire or be revoked because of the running of time while a vested right under this section is outstanding.

(6) A right which has been vested as provided in this section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

##### **(e) Subsequent changes prohibited; exceptions**

...

(2) The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to land-use regulation by a county, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.

...

(f) Miscellaneous provisions

(1) A vested right obtained under this section is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan or a phased development plan, all successors to the original landowner shall be entitled to exercise such rights. ...

**From:** Zack Taylor [mailto:ztaylor1321@gmail.com]

**Sent:** Wednesday, May 25, 2016 11:21 PM

**To:** Page, Mike <Mike.Page@ncdoi.gov>

**Subject:** Re: Atlantic Beach Municode

Dear Mike,  
Please let me know if you receive this email.  
I had sent this to you in March and not sure you received it.  
Thanks  
Zack Taylor

On Apr 4, 2016, at 5:05 PM, Zachary Taylor <[ztaylor1321@gmail.com](mailto:ztaylor1321@gmail.com)> wrote:

Dear Mike,  
Hope you are doing well.  
Wondered if you had a chance to review my email of March 30 below.  
Thanks  
Zack Taylor

On Mar 30, 2016, at 5:31 PM, Zachary Taylor <[ztaylor1321@gmail.com](mailto:ztaylor1321@gmail.com)> wrote:

Dear Mike,  
This email is in reference to Building Permits for the Town of Atlantic Beach, that we discussed several weeks ago.

I wanted to get your opinion on the wording of the attached code Sec 6-63 as it relates to "Building Permits": (See attached copy of the code)

1. In June of 2015 we hired a contractor to install wooden pilings to support an above-ground sewer line that would connect to a new single family structure that was under construction.
2. Prior to driving the pilings, we had an engineer give us a letter relating to the load-bearing requirements of the pilings, since the sewer pipe (when full) would have quite a load on the pilings. (See attached copy of Engineer's Report).

3. The installation of this "above-ground" plumbing system was also a Change In the Design of the Plumbing System, since it was originally planned to have an in-ground sewer system.

**Question:**

Since the pilings installed for holding the above-ground sewer pipes, were a "load bearing structure" and since the above-ground sewer was a change in the design of the plumbing system; Do you agree that the installation of these pilings would fall under the requirements of a "Building Permit" under Sec 6-63 as written ?

Thanks for any help you can give me on this issue.

Zack Taylor  
252-670-8290 cell

<Atlantic Beach Municode.pdf>  
<CA-13 3-lot above ground sewer 5-28-15.pdf>

# Development Approval Extension Extended

Richard D. Ducker and David W. Owens

The economic recession that began in 2008 continues to have a profound effect on housing and other forms of land development. Many projects that had received state or local regulatory approval were put on hold by their developers. This led the General Assembly in 2009 to enact legislation to extend the validity of most state and local development approvals. The time for taking action pursuant to any approval that was valid between January 1, 2008, and December 31, 2010, was suspended during this three-year period.

Faced with a continuing recession in 2010, the General Assembly took further action to provide relief for developers whose projects have been delayed. New legislation was enacted to extend these permit approvals for an additional year. Local governments were, however, given the opportunity to opt out of this fourth year of permit extensions. The new law also imposed conditions that must be met by those projects that are covered by the additional extension period.

## Summary of the Legislation

### 2009 Permit Extension Law

The original permit extension law was Session Law (S.L.) 2009-406, effective August 4, 2009. The full text of the law, as amended, is set out as Appendix A. This law extended most state and local development approvals that were valid at any time between January 1, 2008, and December 31, 2010.

The section of the law extending development approvals, Section 4, provides:

For any development approval that is current and valid at any point during the period beginning January 1, 2008, and ending December 31, 2010, the running of the period of the development approval and any associated vested right under [General Statutes] G.S. 153A-344.1 or G.S. 160A-385.1 is suspended during the period beginning January 1, 2008, and ending December 31, 2010.

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Richard D. Ducker is Albert and Gladys Coates Term Associate Professor of Public Law and Government at the School of Government. He specializes in land use planning and regulation, code enforcement, and transportation.

David W. Owens is Gladys H. Coates Distinguished Professor of Public Law and Government at the School of Government. He specializes in land use planning and regulation.

The law thus stops the clock during the entire period—that is, the period is tolled and resumes running at the end of the extension period.

Section 3 of the law defines those “development approvals” that are subject to extension. It lists a number of local government approvals that are explicitly covered, including sketch plans, preliminary plats, subdivision plats, site-specific and phased development plans, development permits, development agreements, and building permits. Among the state government approvals covered are environmental impact statements, erosion and sedimentation control permits, Coastal Area Management Act permits, water and wastewater permits, nondischarge permits, water quality certifications, and air quality permits. While listing specific approvals, the law also provides that development approvals are included “regardless of the form of the approval.” It further defines “development” that is covered by it expansively to include land subdivision, site preparation (grading, excavation, filling), the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or facility, and any use, change in use, or extension of use of land, a building, or a structure.

Section 5 of the law sets out certain exceptions to permit extension. Federal permits are not affected. Also, if a permit term or duration is “specified or determined” by federal law, the law does not affect it. The law does not affect consent orders issued by the Department of Environment and Natural Resources, neither does it affect the ability of the state or a local government to revoke or modify a permit.

The law was amended in 2009 to clarify its application to utility allocations. S.L. 2009-572 provides that the law does not reactivate any utility allocation associated with development approvals that expired between January 1, 2008, and August 5, 2009, *if* the water or sewer capacity was reallocated to other development projects based on the expiration of the prior allocation and there is insufficient supply to accommodate both projects. If a developer’s approval is revived but the water or sewer allocation that goes with it is not, the law provides that the developer must be given first priority when new supply or capacity becomes available. The law was also amended to include a slightly different process for dealing with utility allocations that is applicable only to Union County.

### **2010 Amendments to the Law**

S.L. 2010-177 makes several changes to the permit extension law. The principal change is the addition of one year to existing extensions of development approvals. The previous three-year period within which permit expiration deadlines have been suspended has become four years—January 1, 2008, to December 31, 2011.

The amended law also addresses site maintenance, performance guarantees, and infrastructure for partially completed development. In a new Section 7.1(a) the law imposes three conditions for any development approvals extended by the original permit extension law and by the additional extension. The holder of the development permit must:

1. Comply with all applicable laws, regulations, and policies in effect at the time the development approval was originally issued.
2. Maintain all performance guarantees that are imposed as a condition of the initial development approval for the duration of the period the development approval is extended or until affirmatively released from that obligation by the issuing governmental entity.
3. Complete any infrastructure necessary in order to obtain a certificate of occupancy or other final permit approval from the issuing governmental entity.

If any of these three conditions is not met, Section 7.1(b) and (c) of the law provide that the permit approval extension may be terminated. The law specifies the process for that termination. Local government terminations can also be appealed to the board of adjustment.

Another addition is that local governments (but not state agencies) have the option of opting out of this additional extension altogether. A city or county may adopt a resolution providing that this new amendment does not apply to a development approval issued by that city or county. If the local government opts out, the original three-year tolling period still applies but not the fourth year added by the 2010 amendment.

Several other minor modifications to the law were made, including clarification that the law does not change any contract obligations, including bonds, and that new water or sewer tap fees may not be assessed if the fee has previously been paid in full for a project. The 2010 law also consolidates the amendments that had been made to the original law in 2009.

## **Implications of the 2010 Amendments**

### **Opting Out of the One-Year Permit Extension**

A key feature of the 2010 legislation is the “opt-out” provision. That option effectively changes the law from a state mandate to one that involves a degree of local government choice. Local governments (but not state agencies) have been given the choice of whether or not they wish to be subject to the fourth year of permit extensions. If a local government does nothing, the additional one-year extension will apply. If a local government elects to opt out of the fourth year of permit extensions, the city or county must adopt a resolution that provides that the one-year extension and related 2010 amendments shall not apply to a development approval granted or permit issued by that governmental unit. The result of an opt-out is that the period during which permit expirations are suspended (tolled) will end on December 31, 2010, as originally called for in the 2009 legislation. The resolution thus has the effect of preserving the status quo in this regard. Although this year’s act does not address when a local government opt-out resolution must be adopted, in order to avoid unnecessary complications the resolution should be adopted and become effective no later than the end of 2010.

One important question for a local government considering opting out of the additional year of permit extension is whether a local government must opt out with respect to all development approvals covered by the law or whether it may opt out with respect to some but not all affected permits and approvals. Section 4.1 of the law provides that a local government “may by resolution provide that [the legislation as amended] shall not apply to a development approval issued by that unit of local government.” At first blush the focus of this sentence appears to be on individual permits or approvals. That suggests that an opt-out resolution could (or even should) refer to specifically named permits or possibly only one permit. A broader reading, however, is that this language applies collectively or individually to development approvals. A local government may opt out of the fourth year extension with respect to all of the permits and development approvals that it has granted that are affected by the law. Alternatively, there seems nothing to prevent a city or county from opting out only for certain categories of permits (e.g., land subdivision plat approvals) or even for particular projects within a category. However, if it chooses to partially opt out, a local government will need to offer some justification for the disparate treatment. In either event, the resolution should explicitly define the local development approvals that will not be extended for a fourth year.

Another consideration for local governments is that opting out means that those units will not be subject to certain conditions that apply if permits are extended for a fourth year (see discussion below). Sample resolutions and commentary involving local government opt-out of the one-year permit extension are presented in Appendix B.

### **Conditions of the Additional Permit Extension**

The 2010 act adds a series of provisions that apply to all governmental agencies that by choice or by operation of law are subject to the one-year extension. These provisions, most of which are included in Sections 5 and 7.1 of the law, were added in the wee hours of the last day of the legislative session. In many instances these provisions serve largely to codify or clarify what was thought to likely be the law under the 2009 legislation. However, certain minor changes also were added.

### **Performance Guarantees and Affirmative Permit Obligations**

One matter that troubled some governmental agencies and developers under the 2009 legislation was whether a permit holder could enjoy the benefits of permit extension without assuming the burdens of continuing to hold a permit. That is, when an approval was extended, did the applicant/beneficiary also have to comply with whatever affirmative obligations were imposed by the terms of the permit? For example, if a grading permit was extended by this law, was it also the responsibility of the permit holder to install and maintain various soil erosion and sedimentation control improvements that were required under the permit? The consensus was that both permit benefits and obligations were extended, at least insofar as the permit holder was not affirmatively released from that obligation by the issuing governmental unit. After all, Section 5(6) of the 2009 law declared that the act did not affect the ability of a government "to accept voluntary relinquishment of a development approval by the holder of the development approval pursuant to law."

A similar question may involve an express or implied condition that a subdivider furnish a performance guarantee ensuring that improvements will be completed within a definite period of time after final plat approval. As developers postponed their plans to develop, some also let their performance guarantees expire. As a result, some subdividers had their plat approvals revoked.

To clarify these matters, the 2010 amendments added two sections, both of which likely codify the preexisting law. Section 7.1(a)(2) deals with maintenance of performance guarantees, and Section 7.1(a)(3) deals with completion of required infrastructure.

Section 7.1(a)(2) makes explicit the requirement that any permit holder whose permit or approval is extended for one more year under the 2010 act must "[m]aintain all performance guarantees that are imposed as a condition of the initial development approval for the duration of the period the development approval is extended or until affirmatively released from that obligation by the issuing governmental entity." Section 7.1(a)(3) requires those who benefit from the one-year extension to "[c]omplete any infrastructure necessary in order to obtain a certificate of occupancy or other final permit approval from the issuing governmental entity."

There may be scenarios under which a permit holder would postpone most activity under a still-valid permit into the next decade with no plans to ever complete a project. In that event it seems unlikely that a governmental unit could compel a permit holder or the permit holder's vendee/transferee to complete the project so as to qualify for a certificate of occupancy. But

failure to complete the project as planned is grounds for terminating the state-mandated extension of the permit or approval.

A related issue concerns whether the 2009 act applies to the obligations of a surety or other third party that a permit holder has engaged to guarantee performance. If the deadline by which a developer must install certain improvements is extended by the act but the governmental entity is authorized to declare a default, a surety might claim that the surety's obligation to pay the proceeds of a bond over to the local government also is suspended or tolled under the act. This argument would appear to fail because the permit extension act applies only to obligations established under the terms of a permit, not obligations subject to a third-party agreement between the permit holder and another private contractor.<sup>1</sup> There is no evidence that the act intended to affect directly the contract rights of third parties, even if a governmental unit is an obligee under the terms of a bond or other financial instrument guaranteeing performance. Section 5(8) of the 2010 act addresses the matter by declaring that the act is not to be construed or implemented to “[m]odify any person’s obligations or impair the rights of any party under contract, including bond or other similar undertaking [*sic*].”

### **Vested Rights and Continuing Compliance with the Law**

One little acknowledged issue implicated by the 2009 legislation was the effect that the act might have on vested development rights. Section 2(14) of the law states that it was designed in part to mitigate “unfavorable economic conditions by tolling the terms of these [development] approvals for a finite period of time.” Did that mean that under the act a permit holder would be protected from changes in the regulations under which the approval or permit was originally obtained? Did the 2009 act create a new vested right based solely on receipt of a development approval?

A close reading of the law indicates it recognized the existing law on vested rights rather than changed it. A common law vested right is not established in North Carolina simply by issuance of a land development permit. In order to establish a common law vested right, the permit holder must make substantial expenditures in good faith reliance on a valid permit and suffer some detriment if required to comply with a change in the law. The statutes do provide for vesting with respect to four particular development approvals—a building permit, a “site specific development plan,” a “phased development plan,” and a “development agreement.” But for any other form of development approval, substantial action after receipt of the permit is required to establish vested rights. The 2009 law extended the time period within which a person could act to secure a vested right; it did not create a vested right in and of itself.

The terms of the 2009 law support this conclusion. The 2009 act is noticeably silent on the matter of vested rights. Section 4 explicitly recognizes existing statutory vested rights established by site specific and phased development plans. It provides that the running of the period of the development approval “and any associated vested right under G.S. 153A-344.1 or G.S. 160A-385.1” is suspended for a certain period of time. These two statutory references are to the existing statutory vested rights established by an approved “site specific development plan” or “phased development plan.” There is no suggestion that the legislation recognizes or

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1. *Cf. County of Brunswick v. Lexon Ins. Co.*, \_\_\_ F. Supp. 2d \_\_\_, 2010 WL 1872551 (E.D.N.C.) (extension of deadline, under original North Carolina Permit Extension Act, for issuer of performance bonds to either pay county or complete infrastructural improvements in new subdivision project was inappropriate because extension of deadline would delay date that payment was inevitably due, the court apparently assuming that act could apply to third parties).

establishes a vested right for any other development approvals subject to the law's permit extensions. Indeed, whether and when a permit holder becomes protected from future changes in the law is an even more complex subject if one considers the array of development approvals listed in the act and under which vesting questions may arise. Further, Section 5(6) provides that the law does not "[a]ffect the ability of a government entity to revoke or modify a development approval." This continues to allow, for example, a local government to revoke a permit approval for which no vested rights had been established upon a substantial change in the applicable local ordinance. In any event, there is no evidence that the 2009 law was intended to confer vested rights with respect to any of the various listed permits where none existed before.

One of the new conditions added in 2010, Section 7.1(a)(1) prompts renewed attention to this issue. This section, which applies to development approvals subject to the additional permit extension, provides that the permit holder must "[c]omply with all applicable laws, regulations, and policies in effect at the time the development approval was originally issued by the government entity." Does this mean that compliance with the rules in effect when the permit was issued will be sufficient to protect the permit holder from any future change in the law, regardless of the nature of the permit? In other words, does this 2010 language by implication establish vested rights for all development approvals subject to the one-year extension?

Such an interpretation is implausible in light of the silence of the 2009 act on the subject of vested rights and the discussion above. The better view is that the language of Section 7.1(a)(1) simply declares that a permit holder must continue to obey the law during the tolling period—to comply with the applicable rules in effect when the approval was granted, including obligations under the permit, in order to avoid having the permit or approval terminated or revoked.

The impact of changing regulations comes up in regard to one other aspect of the 2010 act. Local governments and utility providers have faced some particularly knotty problems in applying the 2009 act to water and sewer allocations associated with development. Because of the retroactive effect of the 2009 act there were instances in which it was impossible for authorities to revive developer utility capacity allocations that had expired before the 2009 act became effective. In some cases water or sewer capacity had already been reallocated by that date and there was insufficient capacity to accommodate the revived project. In a few cases, however, utility allocations were reinstated but only after an additional connection fee was charged or the original fee was increased. In this regard Section 5(9), added in 2010, declares that the law is not be construed or implemented to "[a]uthorize the charging of a water or wastewater tap fee that has been previously paid in full for a project subject to a development approval."

### **Permit Extension Termination Distinguished from Revocation of Permits**

One rather confusing addition made by the 2010 act concerns the topic of terminating permit extensions and how it relates to revoking permits.

Under most environmental, land use, and construction regulatory systems, a permit may be revoked if the holder of the permit fails to comply with the terms of the permit. The 2009 act recognized this existing law in Section 5(6), which provides that the act may not be constructed or implemented to affect "the ability of a government entity to *revoke* or modify a development approval or to accept voluntary relinquishment of a development approval by the holder of the development approval pursuant to law" (emphasis added).

Two prominent sections of the North Carolina General Statutes (hereinafter G.S.) that deal with the revocation of building, zoning, and related permits are G.S. 160A-422 (cities) and G.S. 153A-362 (counties). They both provide in part that such a permit "*shall* be revoked for any

substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable State or local laws; or for false statements or misrepresentations made in securing the permit” (emphasis added). They also provide that mistakenly issued permits may be revoked. The revocation of a permit inevitably entails a determination by an administrative official that a violation has occurred. Such a decision or determination typically may be appealed, but the board or body to which the appeal may be taken will depend on the regulatory system involved and the nature of the permit. Appeals of interpretations involving the North Carolina State Building Code go to the North Carolina Commissioner of Insurance. Decisions involving zoning permits may be appealed to the zoning board of adjustment. Actions involving plan approvals under a local soil erosion and sedimentation control ordinance may be appealed to the North Carolina Sedimentation Commission. The 2009 law allowed these myriad administrative arrangements to continue with respect to decisions concerning the revocation of permits that otherwise would have been extended under the law.

The 2010 act adds a related but different procedure. Section 7.1(b) provides for the “termination of the extension of a development approval.” Recall that Section 7.1 of the law applies to those development approvals that are subject to the additional one-year extension and only those permits. If a local government opts out of the one-year extension, the permits and approvals that it has issued are not subject to the termination features about to be described. Note, then, that Section 7.1(b) first states that “[f]ailure to comply with any condition in this section may result in *termination of the extension of the development approval* by the issuing governmental entity” (emphasis added). The “conditions” referred to are those requiring the permit holder to, one, comply with the regulations in effect when the permit was issued; two, maintain all performance guarantees; and, three, complete any infrastructure necessary to obtain a final permit. If any of these conditions is not met, then the development approval extension may be terminated. A local government terminating the extension may also take action to revoke the original permit approval, but that is a separate action not affected by this law.

Which extension is meant—the original three-year extension or the one-year extension provided by the 2010 act? Since the language of Section 7.1(b) is in the 2010 amendments (which provides for the one-year add-on extension), and since the original three-year suspension expires on December 31, 2010, the date the add-on extension begins, it is reasonable to conclude that the “extension” referred to is the one-year, add-on extension. It is as if the one-year extension is a bonus for permit holders but a bonus that carries some additional legal baggage.

The question remains, however, what purpose this termination language serves. Since only the one-year permit extension may be terminated for failure to comply with any of the conditions listed above, the underlying permit itself appears to be unaffected. Consider this example: On July 1, 2007, a development company receives final site plan/plat approval for a planned residential development that is subject to the condition that a performance guarantee be maintained for the streets until they are completed and inspected and that certain streets be completed and inspected within one year. Suppose that the local government involved does not opt out under the 2010 act. Then suppose that on March 1, 2011, the streets are not completed and the performance guarantee is allowed to lapse. If a local government chooses simply to “terminate” the one-year extension, then the development company will still have six months to complete the work. That is because once all permit extensions end or are cut short, the development company still has six months left to complete the work before the deadline imposed by the original approval ends. However, if the local government elects to revoke the permit (instead of or in addition to terminating the extension) because of the same failure, no work under the

permit would be allowed at all. The power to revoke a development permit for proper cause remains available. The power to terminate the one-year extension as it may apply to a particular permit holder provides an additional, milder sanction.

Two other features of the extension-termination option should be noted. Section 7.1(b) also provides that if an extension is to be terminated, the government must “provide written notice to the last known address of the original holder of the development approval of the termination of the extension of the development approval, including the reason for the termination.” This feature is apparently designed to shore up the due process requirements that may apply to termination. However, recent experience has shown that a beleaguered property subject to a development permit may be sold, made subject to foreclosure, or otherwise conveyed. Governments are well advised to use due diligence to notify the current permit holder, the property owner, and other interested parties of any termination proceedings as well.

The 2010 act also adds an appeal procedure for a termination. Section 7.1(c) applies to terminations of extensions “if the development approval was issued by a unit of local government with planning authority under Article 18 of Chapter 153A or Article 19 of Chapter 160A of the General Statutes.” In other words the procedures apply to those development approvals that have been granted by almost any city or county.<sup>2</sup> Section 7.1(c) provides that a decision to terminate the one-year extension for a particular development approval may be appealed to the zoning board of adjustment. The development approvals affected include various zoning approvals and permits, certificates of appropriateness, subdivision plat approvals, development agreements, approvals of erosion and sedimentation control plans, and various utility connection and capacity allocation permits issued by a city or county that is authorized to administer such a program. Existing law already calls for appeals of interpretations and revocation actions regarding the zoning-related permits and approvals to be appealed to the board of adjustment. Appeals of termination proceedings to the same board should not be much different. In contrast, appeals of decisions involving building permits, local approvals of soil erosion and sedimentation control plans, and certain utility-related permits are not directed to the board of adjustment by statute. Taking an appeal of a decision to terminate one of these permits or approvals will involve following a wholly new procedural path.

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2. Note that the language does not say “issued by a unit of government *pursuant to* planning authority under Article 18 of Chapter 153A or Article 19 of Chapter 160A of the General Statutes.” (emphasis added). That distinction is important because local governments issue building permits and approve erosion and sedimentation control plans pursuant in part to statutes that are in chapters of the General Statutes other than those mentioned, namely, Article 9 (building permits) of G.S. 143 and Article 4 (soil erosion and sedimentation control plans) of G.S. 113A. These approvals, as well as certain utility-related permits, apparently are also subject to the termination provisions described above simply because a city or county with planning authority grants them.



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**INSPECTION & PLANNING DEPARTMENT**  
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March 29, 2016

Zack Taylor  
PO Box 12006  
New Bern, NC 28560

East Bay Farms, LLC  
Brian Taylor, Member  
John Taylor, Manager  
1321 Commerce Drive  
New Bern, NC 28561

Kershaw Investments, LLC  
Brian Taylor, Agent  
John Taylor, Manager  
1321 Commerce Drive  
New Bern, NC 28561

RE: Notice of Expiration or Permits  
Notice of Expiration of Zoning Permitted Use

Gentlemen:

The following permits were issued August 12, 2009 for three lots in Needle Rush and are hereby declared expired.

- 604 E Ft Macon Rd – #1709 -1716, 1726 and 1758 issued to Eugene Anthony. (Current Owner-East Bay Farms, LLC)
- 608 E Ft Macon Rd - #1717 – 1724 and 1737 issued to Kershaw Investments, LLC
- 612 E Ft Macon Rd – #1726 – 1732, 1738 and 1769 issued to East Bay Farms, LLC

**NCGS 160A-418. Time Limitations on Validity of Permits**

*A permit issued pursuant to GS 160A-417 shall expire by limitations six months or lesser time fixed by ordinance of the city council, after the date of issuance if the work authorized has not been commenced. If after commencement the work is discontinued for a period of 12 months, the permit shall immediately expire. No work authorized by any permit shall thereafter be performed until a new permit is secured.*

The Permit Extension Act of 2009 allowed the permits to extend until August 12, 2012, instead of the usual 6 months per the General Statutes 160A-417. In addition, 604 E Ft Macon changed ownership which is considered deviating from the original approved plan and would void the permit as well.

- June 14, 2012, 60 days prior to expiration, pilings were inspected for all 3 houses, which kept the Building permit alive an additional 12 months.
- June 21, 2013, underground plumbing work was done. The inspection allowed the Plumbing permit to remain alive 12 more months.
- June 18, 2014, a T-pole was installed, allowing Electrical to remain alive 12 more months.
- July 1, 2014 framing to connect the pilings was done at the insistence of our building inspector.

On June 26, 2015, a new, separate Plumbing permit was issued for each of the three lots to connect the manhole and ground sewer pipe. (604/#10435, 608/#10433 and 612/#10434) This separate plumbing permit was issued, inspected and closed. The support structure for the plumbing is not considered building, merely a support for plumbing pipes.

With the expiration of the building permits, the prior permitted zoning use expired as well.

Please note the following:

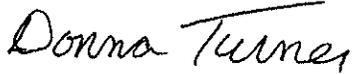
- In August of 2009 the Council adopted a new zoning map in conjunction with the UDO.
- A new zoning district was created in 2009 called "R1-C" and applied to these and other properties. This zoning district only allows single family homes with a Conditional Use Permit issued by the Board of Adjustment (BOA)
- You were informed prior to the adoption of the UDO that his three lots next to Palm Suites were scheduled to be rezoned to R1-C so you obtained zoning permits while it was zoned "RR" under the old code. These were allowed because the zoning had not changed when you secured them (a few weeks prior to the change). You obtained permits for three separate homes on three separate lots while they were a use by right.
- The life of the permit was lengthened by the Permit Extension Act, and then the extension of the PEA.
- **These permits have now expired because no work that requiring an inspection within a year has been performed.** An inspection is documentation proving work did commence to keep the permit active.
- To obtain new permits you will need to obtain Conditional Use Permits (CUP) for each lot from the towns Board of Adjustment. Each lot will require a separate Conditional Use Application.
- You may appeal these decisions to the BOA.
- The Towns UDO directs that all appeals must be taken to the BOA within 45 days after the date of the decision.
- Be advised that the Inspections/Planning office has a multitude of emails dating back to 2009 to and from you to present as evidence to the BOA verifying we were in communication about the zoning change and the need for activity on the project(s) to prevent the permits from expiring.

The next three Board of Adjustment meetings and deadlines for agenda are as follows:

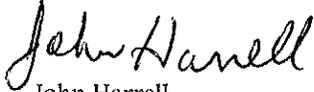
- April 16 deadline for May 16th meeting
- May 20 deadline for June 20th meeting
- June 18 deadline for July 18th meeting

Our office can provide additional information on the submittal of applications to the BOA.

Regards,



Donna Turner  
Director of Inspections



John Harrell  
Inspector



Michelle Shreve  
Planner

Cc: Mayor/Council  
Town Manager  
Town Attorney



## **No Refunds for Expired Permits**

### **GS 160A-418. Time Limitation on validity of permits.**

A permit issued pursuant to GS 160-A417 shall expire by limitation six months, or any lesser time fixed by ordinance of the city council, after the date of issuance if the work authorized by the permit has not been commenced. If after commencement the work is discontinued for a period of 12 months, the permit therefor shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.

### **GS 160A-419. Changes in work.**

After a permit has been issued, no changes or deviations from the terms of the application, plans and specifications, or the permit, except where changes or deviations are clearly permissible under the State Building Code, shall be made until specific written approval of proposed changes or deviations has been obtained.

Laurie B. Biggs  
Blake Y. Boyette  
Matthew W. Buckmiller  
Katherine A. Fountain  
Joseph Z. Frost  
John W. King, Jr.  
William H. Kroll  
Kindelle M. McCullen  
Trawick H. Stubbs, Jr.  
Christopher B. Venters  
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4 April 2016

Via e-mail:

The Honorable A. B. Cooper, III, Mayor  
Mr. Ray Langley, Planning Board Chairman  
Ms. Michelle Shreve, Interim Planning Director  
Mr. Derek Taylor, Town Attorney  
Town of Atlantic Beach  
PO Box 10  
Atlantic Beach, NC 28512

Tcooper@atlanticbeach-nc.com

planner2@atlanticbeach-nc.com  
derek@tt2law.com

Re: East Bay Farms, LLC, Needle Rush Parcel

Dear Mr. Cooper, Mr. Langley, Ms. Shreve and Mr. Taylor:

This letter is to express opposition to the "zoning" of 608 West Fort Macon Road, which is being brought before the board as a "clerical error" on the zoning maps. My clients are the owners of 604, 608 and 612 West Fort Macon Road in Atlantic Beach. In August, 2009, my clients applied for and received building permits for each of the three properties. Due to general economic conditions around the State, the North Carolina legislature extended all building permits for two years. During this statutory extension, my clients began construction of three houses on the lots.

Prior to the permits being issued, my client discovered (without officially being notified) that the property may have been scheduled for rezoning. When my client reached out to the Mayor about what was taking place, the Mayor's response was that this particular property was not being considered for rezoning. Therefore, nothing further was done by my client since no action was necessary. A copy of the Mayor's email is attached hereto.

Apparently, contrary to the mayor's email, the property was intended to be included in the rezoning. However, after the rezoning hearing, some of my clients' property was not shown as being rezoned, which is consistent with what the Mayor had told my client. (Although two of the lots are mistakenly shown as rezoned on your map).

The fact that the map does not show all of my client's parcels as being rezoned is consistent with the fact that my clients were informed that their parcels were not involved in the rezoning. It is my client's contention that the prior attempt at zoning was ineffective and that the zoning process needs to be repeated with adequate notice.

The Honorable A. B. Cooper, III, Mayor  
Mr. Ray Langley, Planning Board Chairman  
Ms. Michelle Shreve, Interim Planning Director  
Mr. Derek Taylor, Town Attorney  
4 April 2016  
Page 2

As part of my objection, I would like to address other issues which are related to this property and how we can perhaps resolve the zoning issue without further hearings.

For the construction that was commenced, the main support pilings for the homes were installed in June, 2012, and were inspected by the Atlantic Beach Building Inspector. Each inspection extends the permit effective date by one year from the date of inspection.

Another inspection was performed for the installation of water pipes in June, 2013, and this inspection resulted in the Building Permits being extended until June 30, 2014. Additional work was performed on the structures in June, 2014, and the inspection for this work extended the Permit date until July 1, 2015. Prior to the expiration of this extension, additional work was performed in June, 2015, with the installation of new support pilings and beams which were attached to the main wooden support structure of each home to support the above-ground sewer pipes which were then connected to the Sugarloaf sewer system. These improvements were visited and inspected by the inspections department. However, inconsistent with past inspections, my client was informed on July 16, 2015, that this inspection extended the plumbing permits but NOT the Building permits. The contractor who installed the new pilings in June, 2015, had actually requested the inspections department to inspect the new wooden pilings and the wooden support structures that were fastened to the main pilings of each home and used to support the above-ground sewer pipes. The response from the building inspector was that, "he did not need to inspect the support posts and wooden beams... but only the sewer pipes."

When my clients inquired about obtaining a copy of the inspection report on July 16, 2015, they were told that the plumbing permit associated with the Building permit was extended, but NOT the Building permit itself. Previously (in June, 2013), an inspection of the plumbing DID extend the Building permit. However, in this case (in June, 2015) the same type inspection DID NOT extend the Building permit. When this was questioned, my client was informed that the 2013 extension was an error on the part of the inspections department. It is important to note that my clients were never advised or informed by the inspections department of this "error" (or their new method of inspections) until July 16, 2015, two weeks after the inspections department had quietly decided to terminate the Building permits.

Under the application for the Building permit, the house plans were required to be submitted. Under section 6-14 of the Atlantic Beach Code, "Every building or structure intended for human habitation, occupancy or use shall have plumbing, plumbing systems or plumbing fixtures installed....". The original plans upon which the Building Permit was issued included the installation of the sewer lines and plumbing. Although a separate plumbing permit was required, it was issued as part of the plans submitted for the Building Permit. Therefore, the scope of work performed was part of the overall Building permit and not just for isolated plumbing work.

The Honorable A. B. Cooper, III, Mayor  
Mr. Ray Langley, Planning Board Chairman  
Ms. Michelle Shreve, Interim Planning Director  
Mr. Derek Taylor, Town Attorney  
4 April 2016  
Page 3

My clients recognize that the delay in completing the houses has caused some issues for the town, and it is obvious the building inspections department has used this change in how it extends the building permit to force the issue. However, the inconsistency with which the inspections were made and the building permit extended, has created a financial burden for my client, and is currently chilling prospective sales of the property.

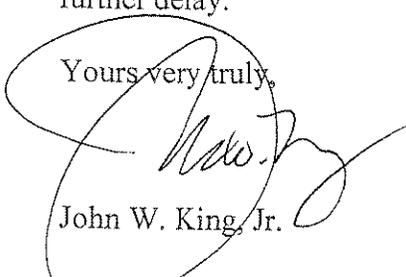
The zoning was purportedly changed after the Building Permits were issued. Normally, if a Building Permit is in place when zoning changes, the structure can be completed as permitted. Because of the inconsistent practices by the inspections department and the failure to inspect the structure supporting the sewer pipes (as requested), the inspections department has now declared the Building Permits as "Expired". Ironically, the plumbing permit for the same structures are active through June of 2016.

If my client were to apply for a new Building Permits, it would be much more difficult if the zoning is in fact in place. It is my client's contention that the inspections which were performed did in-fact extend the Building Permits, since without the Building permit the plumbing permits are absolutely useless.

Again, my clients object to the rezoning of their properties, even if classified as fixing a "clerical error" since they were provided inaccurate information by the Mayor. My clients are willing to try and resolve matters without further legal action by working towards a mutually acceptable agreement. If the inspections department will agree that due to the issues and confusion set forth above, the Building permits are extended until June of 2016, then my clients will have the houses substantially completed by June 2017. In addition, my clients will sign consents for the rezoning which you are trying to fix through your hearing.

Hopefully, you will find this proposal mutually acceptable and we can move forward without further delay.

Yours very truly,



John W. King, Jr.

JWK, Jr/hs

Enclosure/Attachment: Copy of e-mail

**From:** "Trace Cooper" <[tcooper@coopdev.com](mailto:tcooper@coopdev.com)>  
**Subject:** Re: Town Board Atlantic Beach  
**Date:** July 22, 2009 4:59:58 PM EDT  
**To:** "Zack Taylor" <[ztaylor@suddenlink.net](mailto:ztaylor@suddenlink.net)>

We met last week. We only looked at land in the eastern part of town (Island Quay & 8 1/2 Marina area). It looks like we are going to leave everything on the west of town (your property, the towns property, etc) zoned RS which is the closest thing to it's current zoning. The one exception to this is Coastal Preserve next to Atlantic Station--that will be zoned conservation.

I'll let you know if any of this changes.

Thanks,  
Trace



**Minutes  
Town of Atlantic Beach  
Planning Board Meeting  
April 5, 2016**

**Members Present**

Norman Livengood  
Rich Johnson  
Steve Joyner  
Ray Langley, Chairman  
Llewellyn Ramsey  
Curt Winbourne

**Staff Present**

Michelle Shreve, Planner  
Kim Tynes, Secretary  
David Walker, Town Manager

**Members Absent**

Neil Chamblee, Excused

**Others Present**

Derek Taylor, Town Attorney  
Jim Bailey, Developer  
Jim Brady, Developer  
Ron Cullipher, Engineer  
Zack Taylor  
John King, Attorney  
Robert Jenkins, Needle Rush Owner  
Jimmy Beckham, IB&RC HOA President  
Mike Shutak

**CALL TO ORDER**

The meeting was called to order by Chairman Ray Langley and Llewellyn Ramsey made a motion to excuse Neil Chamblee. A second was made by Curt Winbourne, with a unanimous vote to excuse him.

**APPROVAL OF MINUTES**

Chairman Langley called for a motion to change the October 13, 2015 Minutes listed on the Agenda to approve the minutes from the November 4, 2015 meeting. Norman Livengood made that motion and Rich Johnson seconded it with a unanimous vote for the change.

Rich Johnson made a motion to approve the November 4, 2015 Minutes with a second by Curt Winbourne. The vote was unanimous to approve the minutes.

**NEW BUSINESS**

Seaside Villas -

Michelle Shreve shared the following information with the Board. The UDO does not discuss resubmission of approved plans for development, so resubmission of these plans on March 4<sup>th</sup> began an entirely new major site plan review process as outlined in Article 14.

In compliance with the public outreach schedule for this process, staff posted the plans on the website and made them available at Town Hall, both on March 8<sup>th</sup>. On March 11<sup>th</sup>, staff posted a sign on the property at 2800 West Fort Macon Road and sent letters to the 94 property owners within five hundred feet of the property to familiarize the surrounding property owners with the plan and procedure. On March 15<sup>th</sup>, these same 94 property owners were sent a letter notifying them of this Planning Board meeting.

The majority of this parcel is zoned Resort Services. Multi-family development, specifically townhomes, is permitted with special regulations in this zoning district, because the area has an extremely high potential for both permanent and tourist types of residential development. The 3600 square foot northern section of this property is zoned R-1(7), so this section is to be used in conformity with ordinances for that zoning district.

This renaissance of Seaside Villas has 56 townhome units. There are 18 units with up to four bedrooms each and 38 units with up to three bedrooms each, for a maximum of 186 bedrooms. For this 4.57 acre tract of land, the density is 12.24 units per acre. This project is in compliance with the Land Use Plan, in that this area is moderately and highly suited for development for mixed-use residential. In addition to the 12 residential buildings, there is also a pool, clubhouse, and playground for the development.

The direction provided by the Land Use Plan states that the area is suitable for mixed-residential with a density of over 10 units per acre, which is carried out by regulations in the Resort Services zoning district.

The building separation requirements are met and clearly displayed on plans. Open recreational area requirements have been met and exceeded. The heights of the buildings are 37 feet and 45 feet, which is below the 55 foot height limit for the district. No additional regulations need to be met regarding the flood zone in which the property is located. The two points of ingress and egress to the development is located on Pelican Drive and on Fairview Drive. Landscaping and lighting plans have been submitted and found compliant with Articles 9 & 10. Parking requirements have been met and exceeded.

This project is being developed with a State storm water permit, which overrides the Town's storm water requirements for development on properties over an acre in size. NC DENR permits this development to cover less than 63.4% of the property, which is the coverage of the previous development, Jungle Land theme park. Applicants have met and exceeded the permitted allowance, covering 56.5% of the property.

Setbacks have been met or exceeded in each requirement. Applicants have submitted a myriad of documents to meet the major site plan requirements.

The Technical Review Committee unanimously recommended the project to the Planning Board and made some suggestions to the applicants. These suggestions included showing the fence around the pool (which is incidental to construction of an in-ground pool), showing a cross-section of the curb style, and showing the zoning as well as land use of the nearby parcels in Pine Knoll Shores. Additions were highlighted on the site plans.

Derek Taylor, Town Attorney instructed the Board to review these plans as if this is the first time they have seen these plans. Consider them as new plans and ask questions even if you have asked them before.

Ray Langley confirmed with the Planner and Attorney, to the best of their knowledge, these plans meet all government requirements.

Rich Johnson asked if there were any public comments or concerns. Then answer was no.

Steve Joyner inquired about the setback on Pelican. Per Michelle 20.04 is the setback and Steve commented that was good.

Llew Ramsey repeated question of meeting all requirements of staff and Counsel being met to which Derek Taylor replied he has not reviewed the plans but reminded them of past issues and asked Michelle to confirm concerns regarding 15.3.E (1) have been met. They have been.

Ron Cullipher, Stroud Engineering spoke on behalf of 2800 West Fort Macon's new application is very similar and stated the main difference is the cover sheet which did not exist before.

- The new sheet shows flood zones surrounding this property.
- Updates to zoning designations to surrounding properties and Pine Knoll Shores on the ocean side of this property.
- Curbing is required outside the landscaping islands, details updated.
- Developed a timetable schedule has been added on sheet 14.
  - First 30 days after approval, plan to begin grading, pads, sewer, storm water and electrical
  - 30-180 days –begin one unit and one duplex, pool and clubhouse plus infrastructure
  - Buildout may take 3 years but aiming for 2.5 years.
- Set-backs and building separation reflect no changes but notes were added for extra clarity.

Steve Joyner asked if they anticipate major construction on weekends. Michelle stated per Inspections Department, normal construction hours are Monday thru Saturday 7am and 7pm regarding due to noise.

Steve also asked if there had been any further discussion with neighbors to which Ron replied no.

Rich Johnson asked if there were any changes to unit size, number of bedrooms. Ron stated maximum number of 4 were shown but may be 3 bedrooms.

Per Llew Ramsey, Michelle confirmed all surrounding neighbors were notified by letter.

Ron confirmed no exterior changes have been made as Rich Johnson inquired. Nothing other than curbing as mentioned earlier.

Ray Langley pointed out to the board; all Town authority approved these plans as presented in the TRC (Technical Review Committee) meeting.

Doug Brady, Developer, 805 Front Street, Beaufort – Excited about the project and the plans reflect well below threshold regarding density and impervious surface. We have taken into consideration the concerns of the neighbors. We have reduced density, entrances and added open spaces and believe it to be a better project.

There were no further questions from the Board. Rich made a motion to approve the project for Council review and was second from Norm Livengood and vote was unanimous.

### **Map Amendment-**

The property at 608 West Fort Macon Road was mistakenly left off of the zoning map, such that it is blank and not color coded for a zone at all. The parcel in question is the center of the three lots with pilings on them; to the west of Palm Suites. The town-wide rezoning in 2009 reflects that this property and the two neighboring properties are zoned R-1(C), Conservation District, which requires a Conditional Use Permit be issued in order to develop a single-family residential structure on the property.

Michelle presented the 608 West Fort Macon Road map correction initiative to Town Council during the March 28th meeting. Council called for a public hearing during the work session on April 21st in order to make a determination, and will continue the public hearing at the regularly scheduled meeting on April 25<sup>th</sup>. The Planning Board is reviewing the map tonight and will make a recommendation to the Town Council, which will be considered in addition to comments at the public hearing when Council decides on the issue.

Derek Taylor asked Board if this is considered a Scrivener's error, Michelle and Ray confirmed. Derek asked if there was an Action to rezone this lot by Council and Michelle confirmed it was, the parcel was just never colored in.

There were no further questions so the floor was open to comments.

John King, Attorney with Stubbs and Perdue in New Bern. He sent letter stating it is more than just this issue. (The letter in reference was not sent to the Planning Board, but to the Town Manager, Mayor and Planner.) He wants to address some comments such as labeled as Scrivener's error by staff. John doesn't know what action was taken by staff to determine whether legal descriptions in zoning ordinance encompass all of this area when zoned or just someone stated it was left out and given to Board to take on faith as scrivener's error and not a zoning error. He wants the Board to look deeper to make that determination.

An email from the Mayor was attached to his letter stating not to worry Mr. Taylor's property is not included in this zoning which is consistent with that one area being left out of the zone.

Mr. King is asking that the Board look into this matter before a decision was made and not treat as an error. He asked if proper notice was given, legal description were adequate to cover all property in question. Independent research is requested and asks that you not recommend at this time.

Ray asked if recommendation to move forward in affirmative way, what effects are there on your property. Mr. King stated the property is zoned the most restrictive residential zone and requires a Conditional Use Permit to obtain Building Permits in order to move forward which is more steps. If not rezoned and maintains current status, a simple request for building permits would be allowed.

Llew asked if he had a Building Permit to begin with and Mr. King explained they did and there is an issue to be addressed with the Building Department as covered in his letter. The building process was drug out and there are some issues with the Town and perhaps complaints from citizens regarding the pilings.

Per Mr. King, inspections were made and usually when inspections are made that extends the permit for an additional year however the last inspection had pilings installed to connect sewer pipe and inspection was done to sewer pipe but as I understand it, the Inspections Department said that was under sewer permit and your sewer permit got extended but your Building Permit did not. Although historically there had been inspections even with the sewer pipes. I believe there has been a change in the way the Town has addressed the inspections. Mr. Taylor received a letter today or yesterday stating the Building Permits had expired even though the other sub permits were extended. We have to address that issue with the Building Inspections Department. It is our contention the Building inspections itself encompassed all the sub permits. The reason we say that is if you look at what is required when you submit plans for building, you don't submit plans that don't show any plumbing and electrical. Plans show everything. If you look at the checklist the Town has, it says plumbing, foundation, pilings, electrical, insulation, and a complete list. Just because you have a sub permit under the building permit does not separate the project.

Our contention an inspection that has been done for the project would extend all permits and not just the sub permit required under that. That is kind of what happened with the building permit, the inspection was done in June of last year and two weeks after that or actually the original permit would have normally expired July 1<sup>st</sup> of last year and two weeks later my client was informed, oh by the way, that extended your sewer but not your building permit. That is kind of why we are in this quandary we are in now. This may be more than you wanted to hear.

Llew asked Derek Taylor if he had any recommendation before they decide.

Derek Taylor stated no, they are not the issue before the Planning Board. They may be important issues for the Inspections Department, Department of Insurance, Board of Adjustment or Court but tonight the only thing we are discussing is one lot in this area which does not appear to have been colored in on the map even though documents approved by Council during the rezoning of the lots on either side of this lot, was it a scrivener's error and they meant to get all three lots and have all three lots in Zone R1C and erroneously omitted on the map. That is the issue before this Planning Board and the other items will address on a different path and do not come before this Board.

Llew asked in all fairness, when they applied for the original permit, what was the Zoning then? Michelle stated Resort Residential which no longer exists. What would happen if you had changed the zoning on them mid-stream, could they have continued on if they were already building? Derek reiterated it is not for this Board to get into the nuances in this building permit, this will end up before the Board of Adjustment. This Board is only deciding why this one lot is white versus colored in like the ones on each side.

The Planner has stated this was an error and the Council intended for the zone to change for all three lots based on past Minutes. Mr. King is saying he has not seen the supporting documentation. You must decide if this was an error or not. You may request further information.

Curt Winbourne confirmed with Michelle the lot should have been colored in from the research you have done looking back to the intent.

Michelle stated staff has email chains and Town Council Minutes stating the lots are R1C and currently the lot has no zone at all on the zoning maps and she wants to color it in to reflect the zone it is in.

Steve Joyner asked if the Minutes state it was to be rezoned to which Michelle confirmed. She did not have a copy with her to support such.

John King asked if legal descriptions were used in the rezoning in legal notices or publications. Michelle stated that would require more research but she does email chains from the former Planner and Mr. Taylor discussing all of this. Mr. King stated he has an email from the highest elected official stating it would not be.

Derek Taylor stated the issue before the Board is if you are satisfied it was a scrivener's error, it goes on as such, if not, then you need to research further before sending to Council.

Curt Winbourne asked Mr. King if they determine this scrivener's error, will do your client some harm? Mr. King replied that it will make things more difficult as to that one lot. Mr. King has no evidence and asked the Board not to take it on faith.

Derek Taylor told the Board to rely what action Council took regarding the rezoning. Normally when rezoning is done there is description to identify to the public what is currently zoned and what will be affected by the change and what the new zone will be. That map was created when the UDO changed all the districts around. It was decided to hold on to some of these areas as conservation areas which is what R1C is supposed to be. You will be allowed to build there if you meet the restrictive concerns.

Norm Livengood commented he saw Needle Rush subdivision was recently sold and asked what that rest of the area was zoned to which Michelle answered R17. Norm then asked how they planned to build houses in the swamp.

Robert Jenkins is the beneficiary of the trust that now owns Needle Rush stated that plan to stay out of the 404 wetlands completely. He has a site plan drawn out after meeting with the Army Corp of Engineers and CAMA and intends to eliminate any intrusion into the 404 Wetlands utilizing the setbacks in the Town. They plan to recombine a couple of the lots since number 7 is really low. They are installing a seawall and back fill it in and plan to have little impact in the area.

Derek Taylor pointed out the 404 Wetlands is a Federal Issue and is not what is before the Board tonight.

Steve Joyner has not seen the letter Mr. King is referring to and Michelle told the Board the letter was came in over night before the meeting.

Llew Ramsey asked why Needle Rush is zoned R17 and not those three lots. None of the members could recall. Michelle stated these three lots include a hefty portion of the marshlands. Llew went on to state Joe Tarascio was the Chairman during that time and none of them liked the idea of disturbing the marsh but the developer had met all requirements of CAMA and Corp of Engineers.

Motion made by Llew to leave this open until further research is done and second by Steve Joyner with a unanimous vote for the June 7th meeting.

Derek Taylor shared his memory of the Town wanting to preserve the wetlands which is why that area was rezoned allowing a new zone be created making it more difficult to build in order to protect the marsh areas. Feds can say what they will but this Town wants to preserve the wetlands and that is what they did by raising the bar. The record needs to show this.

Curt Winbourne asked what the difference is between those three lots versus the remaining development. Michelle pointed out on the map the depths of those three lots had much more wetlands.

**UDO Reorganization –**

The Town has contracted with CodeWright Planners to create the Code Diagnosis, which is a document assessing the past, present, and future of the UDO. This will give a “big picture” of the ordinances and what it needs as far as reorganization and legislation update. We anticipate receipt of this document for staff review and editing in about two months. Michelle is scheduled for a conference call with CodeWright every two weeks for updates and questions. Currently do not have a date to deliver the updates other than an outline of how it should appear.

Robert Jenkins asked if the UDO changes will adjust setbacks. Michelle confirmed policies are in place, just need reorganization and legislative updates. He asked the board for feedback regarding their plans for Needle Rush. The Board stated that question is unfair at this time with no information to review. Mr. Jenkins stated the goal is to look similar to E. Bogue Blvd. and each home will be custom with individual charm.

**ADJOURNMENT**

Being no further business, Chairman Ray Langley called for a motion to adjourn the meeting. The motion was made by Llewellyn Ramsey and Steve Joyner. The vote was unanimous.

Respectfully Submitted,

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Kim Tynes, Secretary

Approved by:

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Ray Langley, Chairman



Town of Atlantic Beach

# Board Meeting Agenda Item Submittal Form

Agenda Item Number:

For Office Use Only

Item: Hold Public Hearing for Rezoning of 608 W Fort Macon Rd

Board Meeting Date: June 27, 2016

Department or Public Submittal: Department X Public \_\_\_\_\_

## Overview:

On the Official Zoning Map, the parcel at 608 West Fort Macon Road (PIN: 637515648942000) is not colored to indicate the zoning district in which it is located.

Staff initiated procedures to amend the zoning map to reflect the zoning of this parcel, but research determined that due to the lack of documentation of each distinct parcel affected by the town-wide rezoning in 2009, there would not be sufficient evidence for this issue to qualify as a “scrivener’s error” and therefore is being treated as a rezoning of the parcel.

The Planning Board held a public hearing on this issue on June 8, 2016 and unanimously recommended rezoning this parcel to R-1(C).

**Background Information Attached:** *(please check if NO information attached)* Yes X No \_\_\_\_\_

**Requested Action:** *(please check if NO action requested)* Yes X No \_\_\_\_\_

Approval of the rezoning of 608 West Fort Macon Road from un-zoned to R-1(C)



## INSPECTION & PLANNING DEPARTMENT

Post Office Box 10, Atlantic Beach, NC 28512

(252) 726-4456

Fax (252) 726-7043

Michelle Grace Shreve  
planner2@atlanticbeach-nc.com

TAYLOR, ZACHARY  
PO BOX 12006  
NEW BERN, NC 28561

May 31, 2016

Dear Atlantic Beach Property Owner,

You are receiving this letter because according to the tax records of Carteret County you own property located within 150-feet of 604, 608, and/or 612 West Fort Macon Road. Regulations set forth in the Town of Atlantic Beach Unified Development Ordinance Section 3.22 require you receive notification when an Appeal hearing has been requested.

Attached you will find public notification for Appeal 16-01.

The public hearing will take place at 7:00 on June 20, 2016 at 125 West Fort Macon Road. The public is invited to attend.

For further information about this request please call the office of planning and inspections at (252) 726-4456.

Best regards,

Michelle Shreve  
Director of Planning & Zoning

## Mailing list for Appeal 16-01

OWNER	MAILING ADDRESS PO BOX	MAILING ADDRESS HOUSE NUMBER	MAILING ADDRESS STREET	MAILING ADDRESS CITY	MAILING ADDRESS STATE	MAILING ADDRESS ZIP
STOWE PHARR MILLS INC		100	MAIN STREET	MCADENVILLE	NC	28101
TAYLOR,ZACHARY	PO BOX 12006			NEW BERN	NC	28561
ANTHONY,EUGENE H	PO BOX 98			KNIGHTDALE	NC	27545
KERSHAW INVESTMENTS LLC		1321	COMMERCE DRIVE	NEW BERN	NC	28562
EAST BAY FARMS LLC	P O BOX 12006			NEW BERN	NC	28561
PALM SUITES AT LTC BCH OWN ASSO		1406	ARENDELL ST BOX 679	MORREHEAD CITY	NC	28557
GADOW,KIMBERLEY F ETAL APRIL L		4219	HOPE VALLEY ROAD	DURHAM	NC	27707
JMB GNV LLC		1901	CALICO DR	MOREHEAD CITY	NC	28557
GAGLIANO,CHRISTOPHER ANTHONY		309	WORKMAN STREET	GOLDSBORO	NC	27530
BISHOPSTROW PROPERTIES LLC	C/O JOHN GRENVILLE TEMPLE	300	EAST PARK AVENUE	TARBORO	NC	27886
JONES,WAVERLY JR ETAL TRUSTEE	PO BOX 293			PINE LEVEL	NC	27568
BAREFOOT,HERBERT SR ETUX GRACE	PO BOX 184			SALTER PATH	NC	28575
ATWAY,NEAL G ETUX SUHA ALI		5900	CHERRYWOOD DRIVE	BOARDMAN	OH	44512
STROUD,LEMUEL J ETUX BETTY S		1603	WEDGEWOOD CT	MOREHEAD CITY	NC	28557
MCMASTERS,LARRY WAYNE JR		5303	BURLINGTON RD	MCLEANSVILLE	NC	27301
GROVES,HARMON C ETAL GARY GUY	PO BOX 23			POOLER	GA	31322
BARTON,WINFRIED J ETUX GINGER		6999	BLUE WATER DRIVE	BELEWS CREEK	NC	27009
DAVIS,ROBERT RANDALL ETUX DEB		4108	SHERWOOD DRIVE	WILSON	NC	27896
CAROLINA RESOURCES LLC	PO BOX 332			BEULAVILLE	NC	28518
HAMAD,SAMER A ETUX SUMMER A		2500	BRIDGES STREET	MOREHEAD CITY	NC	28557
HOLCOMBE,DOUGLAS E JR ETUX ETL		3710	COUNTRY CLUB DR NW	WILSON	NC	27896
LEMONS,PAUL ETUX BARBARA S		275	OAKLEAF DRIVE	PINE KNOLL SHORES	NC	28512
STAMM,MICHAEL D ETUX ANDREA		1211	BETHESDA ROAD	ABDERDEEN	NC	28315
CLUBFOOT CREEK LLC		2615	TEMPLES POINT ROAD	HAVELOCK	NC	28532
B SQUARED RENTALS LLC	C/O REBECCA ANN HARRIS AVERY	208	FAIRVIEW LANE	CHOCOWINITY	NC	27817
STALLINGS,GARY WAYNE ETUX RITA		645	NC HIGHWAY 121	GREENVILLE	NC	27834
EDWARDS,JAMES E	PO BOX 1241			MOREHEAD CITY	NC	28557
THOMPSON,MAUDE M		1504	ANN STREET	BEAUFORT	NC	28516
SMITH,TERRY DEAN JR		9689	SOUTH NC HIGHWAY 58	ELM CITY	NC	27822
CROWELL,THOMAS E JR ETUX WYNNE		6800	TREVOR DRIVE	BROWN SUMMIT	NC	27214
SMITH,DEREK SCOTT		112	PHILLIPS LANDING	MOREHEAD CITY	NC	28557
PELOFFY,DEBRA A	P. O. BOX 2382			MOREHEAD CITY	NC	28557
HEMINGWAY,DAVID DIETER	PO BOX 17812			RALEIGH	NC	27619
BURCH PROPERTIES LLC	C/O GARY ETUX JANET RADFORD	4038	BURCH BRIDGES ROAD	BURLINGTON	NC	27217
MASTERS,CHRISTOPHER BARTLETT		602	W FORT MACON RD #142	ATLANTIC BEACH	NC	28512
4 GG LLC		1201	COLLEGE STREET	KINSTON	NC	28501
CARR,GEORGE P ETUX DOROTHY W		4813	COUNTRY CLUB NORTH	WILSON	NC	27895
SOSO PROPERTIES	PO BOX 30080			GREENVILLE	NC	27833
DANIEL,BUTLER ETUX KRISTI		109	BARRINGER DRIVE	NEWPORT	NC	28570
WHEELWRIGHT,BRENT CHARLES		137	CAREFREE LN	MOREHEAD CITY	NC	28557
COOKE,CARROLL A ETAL COOKE		8	KELVINGTON COURT	GREENSBORO	NC	27410
CONNER,JACKSON L ETUX CAROL G	PO BOX 1276			MOREHEAD CITY	NC	28557
ZELLMAN,CHRISTOPHER J ETUX		12013	DEER RUN	RALEIGH	NC	27614
STONE,JOHN W III ETUX PHYLLIS		1375	HWY 24	NEWPORT	NC	28570
PIERCE,DAVID WAYNE ETUX NITA B		204	WELLESLEY ROAD	WASHINGTON	NC	27889
LLEW & ELAINE RENTALS LLC	PO BOX 2708			ATLANTIC BEACH	NC	28512
NICHOLS,STEPHEN R TRUSTEE	PO BOX 830			STATESVILLE	NC	28687
DIXON,ELIZABETH	PO BOX 103			MAURY	NC	28554
WESTER,JAMES R ETUX MARSHA L		269	LANCASHIRE RUN	SMITHFIELD	NC	27577
DIXON,ELBERT H	PO BOX 488			MAURY	NC	28554
CARTERET CO BD OF ALCOHOLIC CO		410	LIVE OAK ST	BEAUFORT	NC	28516
PEPPERTREE ATLANTIC BEACH ASSO	PO BOX 1068			ATLANTIC BEACH	NC	28512
BALL,DAVID W TRUSTEE		1001	PROCURE STREET #101	FUQUAY VARINA	NC	27526
N C COASTAL FEDERATION INC		3609	HWY 24	NEWPORT	NC	28570