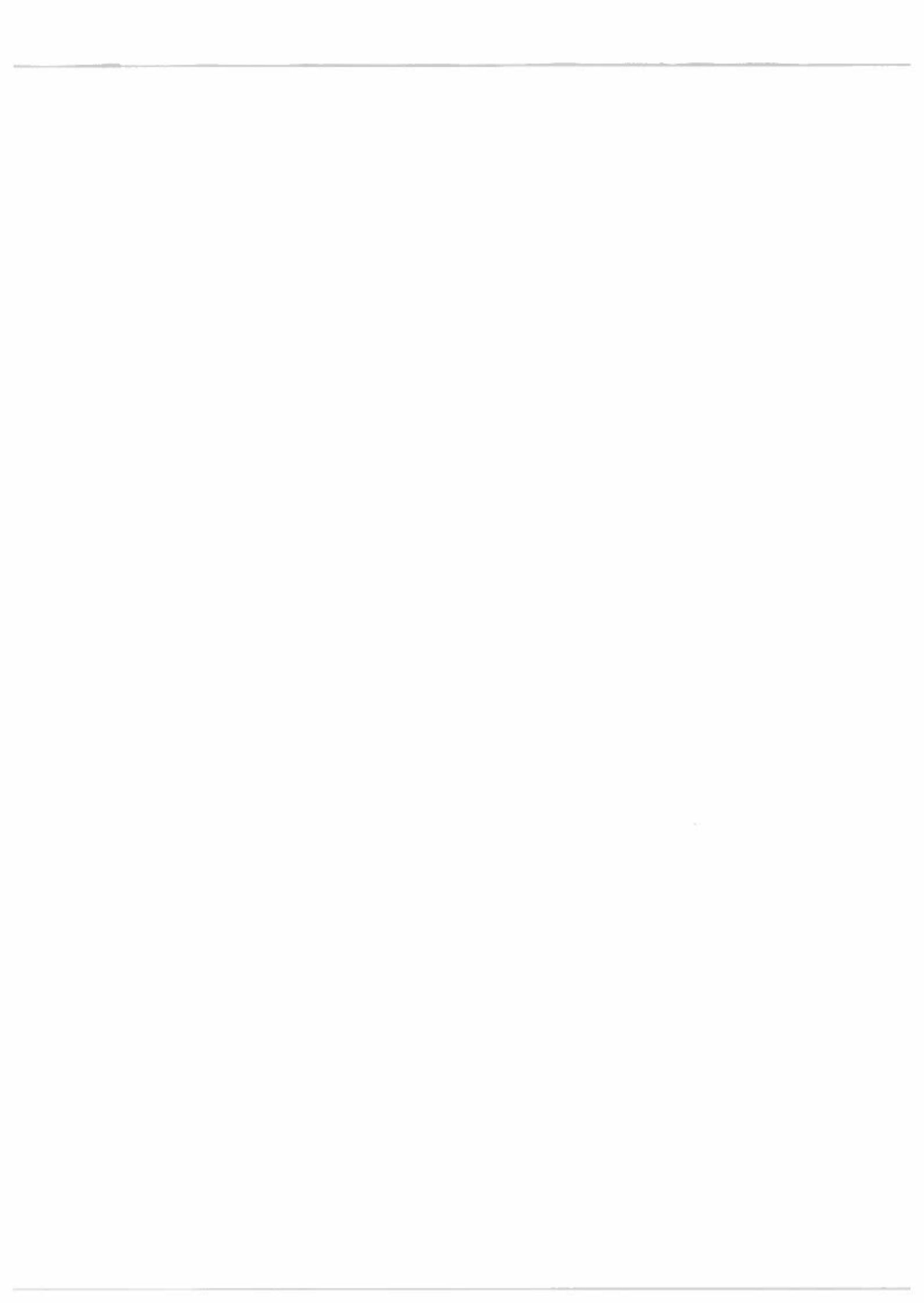




**TOWN OF HOLDEN BEACH  
BOARD OF ADJUSTMENT  
REGULAR MEETING  
TOWN HALL PUBLIC ASSEMBLY  
Monday, September 18, 2023  
3:00 PM**

1. Call to Order
2. Roll Call
3. CASE NO. 01-23: To request compliance of the Town of Holden Beach Code of Ordinances, Chapter 157.085 (D)-Relocation of Buildings. The request is to relocate 591 Ocean Boulevard West to 139 Tarpon Drive
4. CASE NO. 02-23: To request a variance from the Holden Beach Zoning Code of Ordinance Chapter 15, Section 157.060 (D)(4) to encroach into the side yard setback measured 5 feet from property line located at 160 Ocean Boulevard West, Holden Beach, North Carolina.
5. Old Business
6. New Business
7. Adjournment





Town of Holden Beach  
Zoning Board of Adjustment  
Regular Meeting  
Monday, September 19, 2022

The Town of Holden Beach Board of Adjustment met for a regular meeting on September 19, 2022, at 3:00 PM in the Holden Beach Town Hall Public Assembly. Present were Chairperson Anne Arnold, Vice Chairperson Richard Griffin, Regular Members Phil Caldwell, Mary Lou Lahren, and Jack Lohman. The Alternative Member present was Richard Roberts. Present town staff members were Tim Evans and Rhonda Wooten.

#### **CALL TO ORDER**

Chairperson Anne Arnold called the meeting to order.

#### **ROLL CALL**

Secretary called roll.

#### **SWORE IN MEMBERS**

Richard McInturf and Gerald Arnold were sworn in.

#### **APPROVAL OF MINUETS FROM July 18, 2022**

Anne Arnold made a motion to approve the minutes, second by Richard Griffin; minutes were approved.

**Tabled Case No. 05-22: To request a variance from the Holden Beach Code of Ordinance Chapter 94, Section 94.03 (C)(6). The structure is being proposed south of the landward toe of the frontal dune. This request is for 1235 Ocean Boulevard West.**

Chairperson Anne Arnold had to excuse herself from the meeting.

Griffin: We have one additional thing that we want to put into the record.



Lahren: I want to make known that I am the vice president of the Holden Beach West Property Owners Association I have been for years I have never met Mr. Gaston but I have interacted with Corey online and I did print out this morning all the emails that we have done if somebody would like to read them.

Norwood Blanchard: Briefly, I know you guys are aware of the recusal standards and conflict of interest standards. Under the new version of chapter 160 D if you have a close familial or personal relationship with the applicant or if you have a direct financial stake in it or another one of the prongs is if you've got a fixed opinion about this already. This meeting we're talking about a variance so you're sitting in a quasi-judicial capacity you're hearing way evidence you're not supposed to have ex parte communications with anybody about the application and obviously you had communications but probably not about the application is what I'm saying.

Griffin: If there's any concern, we have a quorum without her.

**Mary Lou Lahren steps off the case**

Griffin: Okay so we have four full-time members and then two alternate members. We only need one alternate member to complete the quorum so whoever doesn't want to be on this case can step off.

Evans: While we are still talking about informalities, Norwood, are you familiar with the towns planning department position?

Norwood Blanchard: Yeah, I have no idea what the staff's report was on this one. Tim's explained this to you guys before, traditionally in most senses his staff goes first gives a report in the recommendation and then you go to the applicant and then anybody else who's got standing to participate in it can take part at that time. All of your testimony has to be sworn including staffs so um you'll need to administer the oath and everything before they start giving testimony including the staff report.

**Vice Chairperson Richard Griffin swore in Mr. and Mrs. Gadsden and Tim Evans**

Griffin: This case was tabled last month. The case to request is a variance from the Holden Beach Zoning Code of Ordinance to build south of the toe of the frontal dunes. The structure is being proposed south of the landmark toe of the front of dune. This request is for 1235 Ocean Boulevard West.

Evans: First, we have a question for the attorney, this is in the regulatory section. This is not in land use. Is a variance of the proper mechanism for appeal of that decision?

Norwood Blanchard: I saw from your notes the other day that you know buying a property knowing that you're going to need a variance is not a self-created hardship by Statute now. I'm not so sure that this is a variance issue if this is not a dimensional requirement issue.



Evans: It's not even in the land use section which is where we typically get our variances from. Our frontal dune policy is a regulatory policy.

Norwood Blanchard: I want to hash out one thing right here, I think it's great for us to go ahead and talk about the procedure right now. We're not offering evidence right now, none of this back and forth is about the evidence yet, we'll get into that.

Ms. Gadsden: We did not want to appeal the law; we thought a variance was the most appropriate pathway. All we wanted to do was appeal the decision above the toe of the dune.

Mr. Gadsden: So, when we met last July, we were tabled because there was a lack of clarity, is this a variance or an appeal?

Norwood Blanchard: You're asking for an appeal of determination, that it was the toe of the dune that applies to this?

Ms. Gadsden: Yes.

Norwood Blanchard: Alright, now I got you. See, on this one that is an interpretation issue and that's important because a variance you know, you got to have four-fifths. On the other hand you know, all others now under the statute and a lot of towns had super majority requirements for other things. Everything else now is a simple majority and I think it's taken me a minute to get my head around it. It's not a variance type issue. The staff's determination here was that the dune means this dune and you're saying dune means another dune.

Ms. Gadsden: Yes, I think that's a simple concise way of putting it.

Norwood Blanchard: Okay, that's covered by 160PI. It's an appeal from an administrative decision as you pointed out to him and you're correct. This is not a variance; this is an appeal from an administrative decision. So, I guess with that, go ahead and let's talk about your appeal. On this one member of the board, I would suggest to you that this is an appeal. You have an administrative record here it's under these circumstances, I think it would be permissible to hear extra evidence if you want to but you're just appealing and passing on the question of whether the administrative official reached the right conclusion with respect to that regulation. The regulation, Tim, that is the issue here is which one of these dunes amounts to the frontal dune is that. How does the regulation read in our code?

Evans: Our code has a Cama frontal dune and the town designated frontal dune. A lot of times they end up being the same dune based off definition. Our dune is a little bit more restrictive and brings them further back.





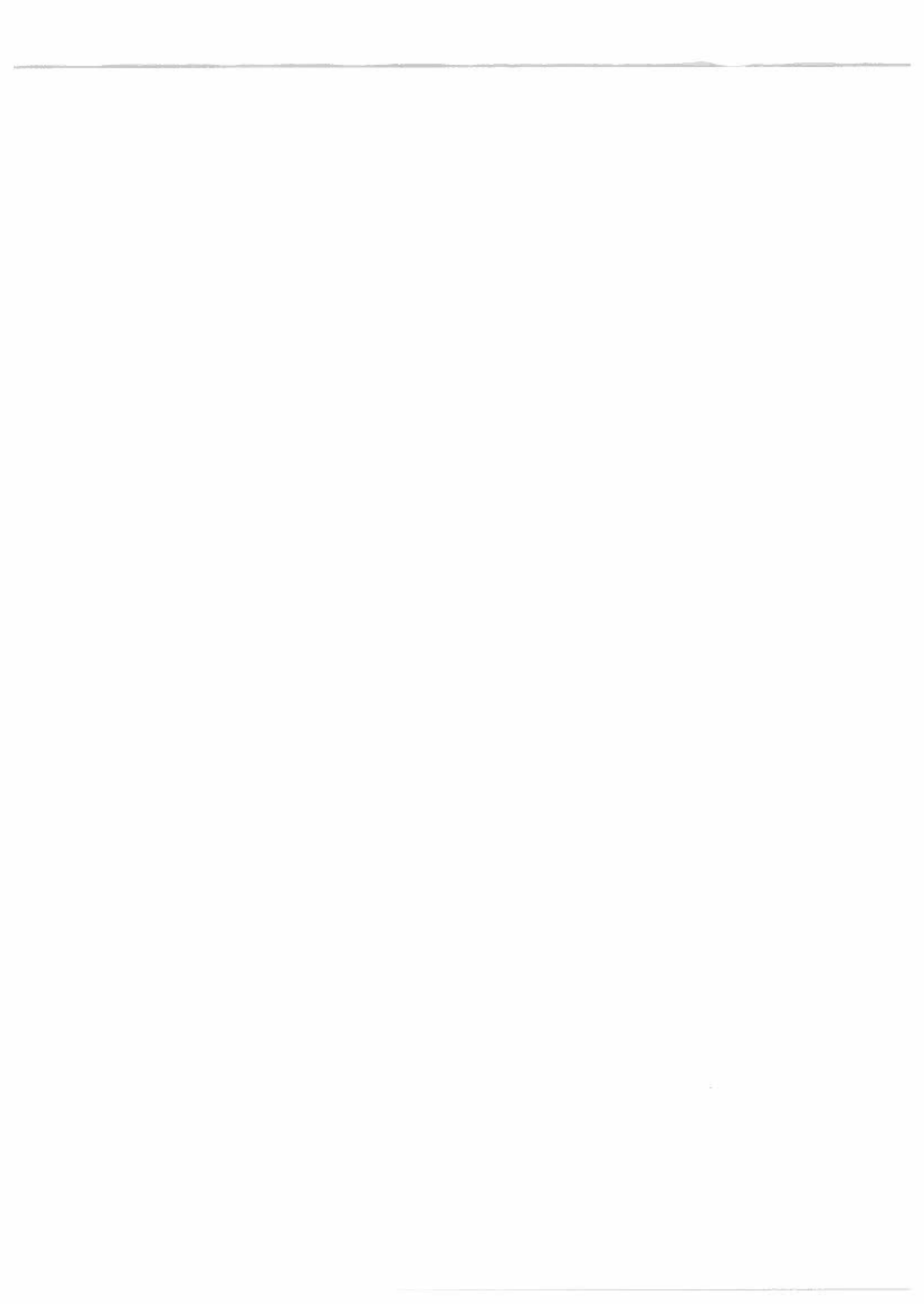
Norwood Blanchard: Cama's frontal Dune is the first solid line of vegetation, right? First dune is where it turns up is essentially. The toe of that frontal dune and it's the one that's for lack of a better description, closest to the water.

Evans: That's right.

Norwood Blanchard: So, dunes behind that are not the frontal dune?

Evans: The town's designated frontal dune is different than the Camas designated frontal dune. We have our own designated frontal dune. We have to because of the way it is. So, the town has its own regulatory rule for its frontal dune during designation. It's similar to Camas but then it talks about the depth and the fact that it has the capability to be the most protective of the structure, so it doesn't just take into account that it's the first dune that's capable of doing that. It takes into account that it is the best dune to protect destruction is the way it's designed. The definition for the purpose of this section doesn't mean the dunes designated by the town's designee is a problem. Otherwise, they are the first amount of sand located landward of the ocean beach with the sufficient vegetation height and configuration to offer protection from Ocean storms considering the fact that the oceanfront property limits extend to the main high water mark the frontal dune may be located on private property the towns doing although similar may be different than the state's Cama designated dune.

Norwood Blanchard: Okay if it's the one that's Inland, that's closest to the... Let me see that. I'm sorry. Okay, then if you look at the purpose of our regulation right behind it. This is section 94.03 the purpose of the frontal dune, one of the things about the Cama regulations and I'm going by memory here, I didn't look at them today, but I had the case for Carolina Beach earlier this year with Freeman Park and there was a lot of talk about the definition. With a continuous frontal dune there can be instances and you've all seen this out on the beach where there are breaks. There are things that would look like a frontal Dune but there are washouts between them when you have, you know a king tide or something like that. All right you can have a legitimate dispute whether this stuffs the frontal dune or this right here you got to wash out right here but if your determination is this is the front the continuous one, that's the frontal dune. Now, this stuff back here, even if you have a second dune right here, I suggest to you that probably the better interpretation would be to stick with frontal dune because you are when we say it's got a statutory definition that has to be the closest one to the water. The first one in from the water and one of the other rules about statutory interpretation for these for land use regulations is that the law is interpreted in favor of pre-use of the property. In an ambiguous situation like this I would tell someone this is not the frontal dune right here, even though there is vegetation it's probably dismounted up part right here it's got a toe on it where it turns up and this part wouldn't, and I might get a different view.



Evans: You are talking about the Cama dune, it's all the way back up there behind, whether you see that straight line of houses that is the town's designated frontal dune.

Norwood Blanchard: See I don't know if that would amount to a frontal dune though. It's not it's not the one that's closest to the to the wall.

Wooten: That's a Cama dune.

Norwood Blanchard: The town's definition is the same.

Evans: The town's definition says that it's desirable to maintain along the oceanfront of this island expand, and extending from the structures that serves.

Norwood Blanchard: I know you've got your own definition right here; in the statute it says they're the first mounds of sand located landward the ocean beach with sufficient vegetation height configuration to offer protection, so I guess that's actually your question in that that definition is are they sufficient to offer protection whichever one it was.

Evans: What we call the frontal dune is actually the tallest dune, the thickest thing.

Norwood Blanchard: Can we get a copy of that up for the board?

Evans: The way that's interpreted by staff for the last 20 years, is that it is the first most sustainable structure in the series of dunes. The Cama dune is usually the first dune and the town's designated frontal dune is usually the dune. The staff continue to be the ones to protect the structures the most. If we didn't have that we would be all the way out there in the ocean on the East End on West End we'd be right up next to the ocean. There's a larger dune that follows that configuration back there. If we followed only the Cama guidelines, we wouldn't have any buffer out there for the water. We've got numerous structures that are on the other side of the town's frontal dune in the Cama dunes.

Norwood Blanchard: I'm looking, one of the problems with that though, is that it talks about escarpments. Board members I'll tell you you're allowed to determine for yourself but the way it describes it has to be the first one. Your job today is going to be to figure out which dune is the one that's the first mound of sand located landward of the ocean beach that has sufficient vegetation, height, and configuration to offer protection. That's the dispute for you, the staff has an interpretation of it and a reasonable one. The statute for us, our town ordinance is what our town ordinance is it you know it that's its definition of it is that it's the first mound located landward of the ocean beach and the ocean beach means the dry sand part of the beach. I can tell you the common law definition of ocean beach is the dry sand part and then you're looking for the first mounds of sand located landward of that but that have sufficient vegetation, height, and configuration to offer protection. I certainly believe there could be one, two, three, there could be five of those Dunes, you don't have to if you're looking for the first one. When I say first



closest to the ocean because if you had three or four of them you could skip over one or two if you had a ten one that was 30 feet high like Jockey's Ridge on the Outer Banks if there's one closer to the ocean that still offers sufficient vegetation height and configuration to protect from storms that's the one people get to you know count as the frontal dune. Yes ma'am?

Lahren: Does it have to be continuous all the way down from the westernmost part of the island all the way down?

Norwood Blanchard: Not continuous in that sense but continuous in this section of the beach. I'll give you a great example you can have a washout from a storm that makes a break in it like we just showed in that instance on the picture you've got force and recall one of the other things is that Dunes move. You know they if you get a little bit of vegetation out there the idea of the reason that you have vegetation out there is so that it captures sand that's being migrated by the wind and that falls down behind it and you're doing hopefully you know absent people being here and walking on it or whatever you it would move a little ocean word every year and there are other forces at play. Use this example right here, at some point behind where these comps are sand will build up and the Dune will walk forward and should move in both directions like that but in this instance you see this is more of a continuous frontal than in this area right out here, even though you do have vegetation out there you don't have a toe and it's not as your definition would call it doesn't have sufficient vegetation height and configuration to offer protection. So, I'd suggest look at the definition and decide for yourselves what the what the definition is here, and staff can provide an explanation of why they contended is ought to be construed one way and the applicant gets their opportunity to agree with that or disagree with it.

Roberts: I have a question for Mr. Evans, this drawing from what I can interpret it in 10/29/2020 the town went out and surveyed the dunes and put a stake in the sand. Am I interpreting this correctly? These dotted lines represent where that Dune is and then the toe of the Dune is the line that kind of goes through the slab right now?

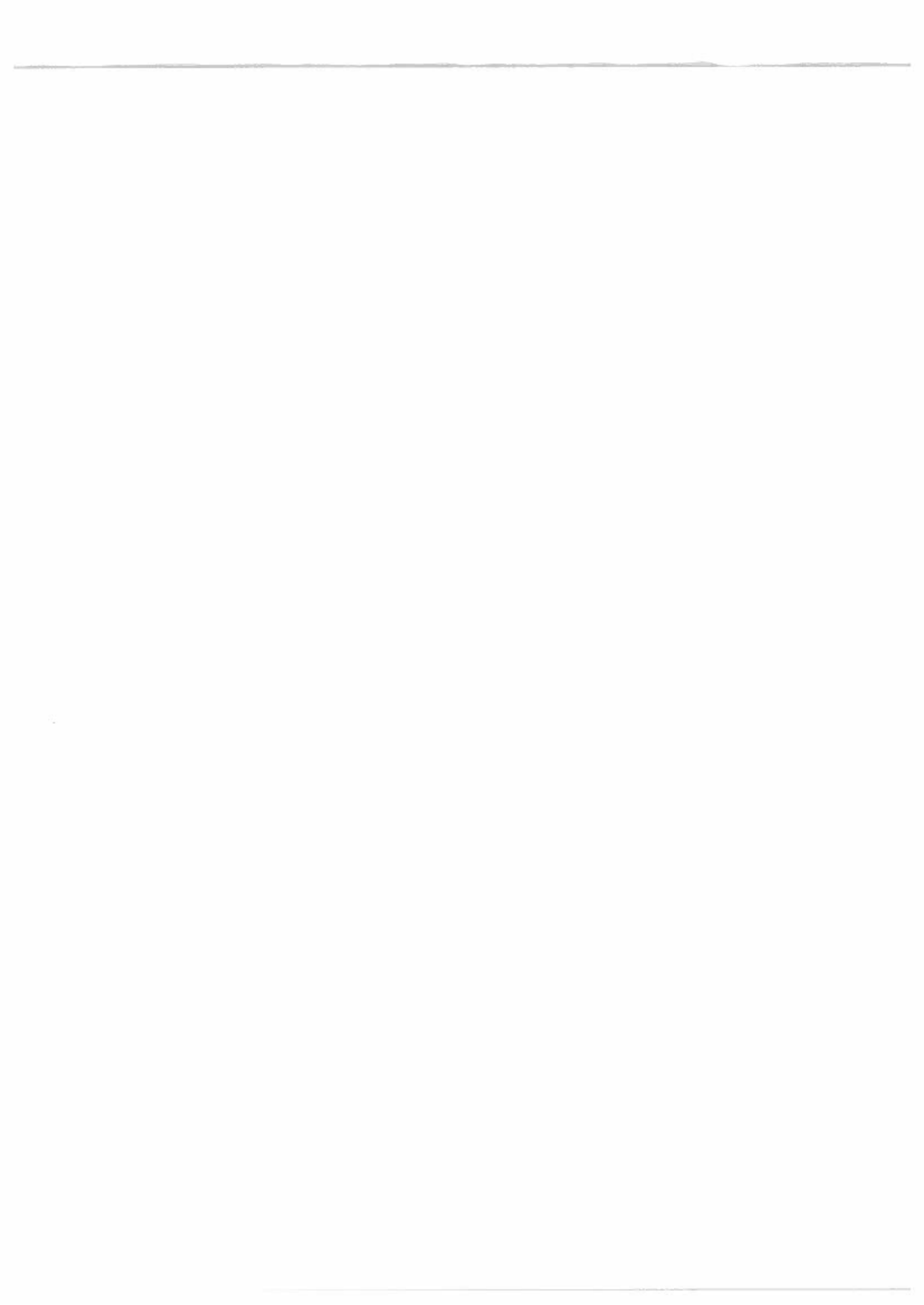
Evans: Yes.

Griffin: There's notations here for toe of Dune, toe of Dune, ocean word. Are those are other Dunes?

Evans: The dune that you're talking about separate the house is 14 8 13 8 15 four those are the elevations 16 one and in the next highest one is way out there near 1398112 8.

Roberts: So, that one that's designated now with the toe is the highest dune of all that set of dunes?

Evans: It is the most protection for the structure.



Roberts: Okay.

Evans: It doesn't say that that's the interpretation of has always been the interpretation of Staff that's the way it's been done every 25 years it is the Town's frontal dune is not bound by Camas definition, it is bound by the interpretation of the regulatory rule if we do away with our interpretation of the town's designated frontal dune we are going to have a disaster inside of our ordinance book. This book depends on the town's definition of what it considers the frontal dune, which is the dune that affords the most protection. You get any other guidelines too FEMA, the NFIP, they don't allow you to tear down dunes it doesn't allow you to start this because there's a Cama designated dune out there somewhere that it's not the only regulatory rule you know it's one of many and our NFIP when it's an RCR is dependent upon our resilience factor inside those NFIP and they when they come and did our evaluation they recognized our ordinance as being interpreted this way in order to afford the most protection for the structures because we don't use that first line of dunes I mean you could have a dune out there that isn't four feet high and then one that's 24 feet high at the structure is clear which one of those is it to staff's opinion affords the most protection for the structure.

Roberts: We were talking about migration, that stake, has that been there since 10/29/2020?

Evans: The Gadsden's had this survey done on 10/29/2020. I believe they purchased the house on January 5<sup>th</sup>, 2021. We staked it and they knew where the frontal dune was.

Roberts: Okay, that answers my question.

Lahren: Tim, at any point in time did anybody come up with an area that was buildable for that lot prior to the purchase?

Evans: Not that I'm aware of. We don't work off speculation or speculative you know what I'm saying you got to have an official document in our office an application. We've got a site plan here that's got 4/21/2022 on it. We've had something prior to that I don't know what it was. It was denied December 14<sup>th</sup> the first time.

Griffin: Any other board members have questions?

Norwood Blanchard: Is this lot buildable at all? The applicant, I assume, is contending that frontal dune ought to be a different dune than you're talking about. Which one are they asking for?

Evans: The lot is buildable. Yeah, that's 40 feet, there's only a 25-foot front yard set back, 40 feet off the property line.





Lahren: By the same token as the 25-foot setback, he has to comply with the Property Owners Association, Arc committee. That's why I'm asking if Property Owners have nothing to do with it.

Norwood Blanchard: Right, we're only here for compliance with the town. The property owners can have plenty of circumstances where the town's required to give a permit but the property owners, or the HOA, have a veto over that because it doesn't comply with that. For us we have to put our blinders on and focus on the town's requirements.

Griffin: Other questions?

Caldwell: I have a comment, I think the last time that we were here that I had tried to do some reading on where the toe of the dune is because it's always been confusing to me and went to some scientific journals to look up where the toe of the dune is and it at best all the time is arbitrary. I mean there is no set thing and I think in the minutes it even says for you guys if we looked at. Well, I can go look at it, I have no idea where I would put the toe of the dune except to say that is this a truly an arbitrary thing.

Norwood Blanchard: It's certainly subjective to some extent, I wouldn't go as far to say arbitrary.

Caldwell: And what I'm thinking about in this case is, that these people want to build the house and they want to encroach on the dune a little bit, I don't even know how much. I think in the spirit of the law and what you're trying to do what we're all trying to do my question is if they build the house out in line with the other houses, what is that going to hurt other than help? I mean it's going to put a structure there to keep that dune from moving on land, I went out and looked at that lot about a half hour ago, there's nothing across the street I mean doesn't it even look like you can build across the street. What that's going to do is that house is going to stop the sand from moving. The reason that that dune has moved is because it's pretty much as far as the wind and everything coming through there and your right dunes are dynamic. I mean they move, naturally. What we do is stop them; this will stop the dune from moving. This is not going to hurt anything, no matter what you know the law says I think we need to look at the spirit of this rather than the house cannot be built on that because the Dune has moved towards the street. So, I just think we ought to keep that in mind while we're looking at this. The toe of the Dune is an arbitrary thing, there's I can show you this article they looked at six different ways of determining where the toe of the dune is also by using satellite imagery and GPS, you can't tell this is not going to hurt anything by them putting their, and I think we said the last time, that neighbors on both sides of you said fine. It doesn't do anything but help them to keep this slew from occurring. So, I think I mean that doesn't have anything to do with the letter of the law, but



the letter of the law is arbitrary at best. So, I think you know when it comes time to make a decision about this, we ought to keep that in mind.

Norwood Blanchard: Well board members, I want to caution you, hear being asked to determine what frontal Dune means in the town's statute and obviously we can't there are other reasons you're not going to be allowed to put it anywhere forward of the first line of vegetation. I would tell people it would be an abuse of your discretion to say that frontal dune means something out on the dry sand part of the beach.

Caldwell: You weren't here at the last meeting.

Norwood Blanchard: To adopt it or to view it the way you're talking about if you do and it is not without supporting the law, just a different subjective.

Caldwell: Where is the frontal dune? The frontal dune is the dune out front. I think Mr. Evans mentioned that it moves, well they do move, you know but that's where the frontal dune is it's out there.

Griffin: The town has regulations, okay, and as we continue to change variances and everything then the regulations are very slippery.

Caldwell: Well, that's my point, they are arbitrary.

Griffin: they are arbitrary, but so is everything that we do. I'm a physician and there are many different ways of doing it.

Norwood Blanchard: I prefer you use the word subjective rather than arbitrary. Arbitrary means you lack any statements. This is the subjective view and as staff pointed out, staff go out and are professionals, who go out and do that and do it on all home sites.

Caldwell: I understand that my opinion is would you get another professional, they may just say it's different.

Wooten: well, the survey shows what the elevations are on the lot that verifies where the dunes are on the lot. Your elevations are done by surveyor.

Caldwell: Yeah, I understand that you mentioned that the last time.



Evans: The Board of Commissioners wrote an ordinance and, in that ordinance, and they approve these ordinances, and, in those ordinances, they approved who it is that determines and interprets those ordinances and that's by Statute in law. So, whenever you authorize someone to do the interpretations then those interpreters are by the standard in itself are the folks who are supposed to determine that and when they start, they determine that unless it especially stands out. They are not interpreting the ordinance the way they can then there would be some argument for subjectivity, but you can look along all the rules and regulations being enforced the number of times that we've marked the toe of the dune and even look at our procedures to tell that not only have we applied knowledge to what we're doing but we also applied the lessons learned. The things that we were taught and so it is not that we randomly go out there and pick that and it's also not that we established that. We are the final say you're in the in the matter number one they have the appeals process they also have a variance if they're in the middle section but for policy's sake if someone wants to prove to us that that is not the frontal dune, we have allowed them in the past to go get a surveyor and go survey the other dunes to show that we have inaccurately marked them. In this particular case you're looking at the accuracy of the markings.

Norwood Blanchard: I guess here for you board members remember I'm going to keep pulling you back to your definition right here, if staffs gone out and viewed it and has is given you the opinion that the dune that they have put their flag in is the closest one to the ocean with quote sufficient vegetation and height to all for protection, that's the issue for you. That's where the staff's discretion comes in and the staff's knowledge determines which one and staff's belief is the first one to offer sufficient protection. That's the example I was trying to give you there could be circumstances where you might actually have a taller amount of dirt out front for example if it didn't have any vegetation growing on top of it but you had one that was a foot lower or further back that had what are the hard bushes called out there the harder bushes that are more stable right the staff might make the determination hey we think this fits this fits the definition of what the first one that offers sufficient protection would be better than the other one. For us the question here today you have to be governed by the definition here and which one has sufficient vegetation, height, and configuration to offer protection.

McInturf: I'm the Newbie here, but I listened to the recording of the last meeting and then I ran off minutes and tried to get my head wrapped around this. I don't hear a lot of argument among any of us that the dune we're talking about is that thing that's pretty close to where they're wanting to build the house. Otherwise, we're going to build houses like you say out in the water, so if that's the view we're talking about then my only question is the consistency over time that was applied to marking that dune. Now the other houses are there 20 30 years in, dune's move, I get that so 20 30 years ago we might not have been looking at that same line as we're looking at in 2020 and therefore the logic of lining those houses up by code may not be as strong as if that



dune were in a different location. If we mark the dune right if we've applied a consistent manner a consistent survey however that's done if that stake is in the right place, then it's in the right place and we've got a code that addresses.

Norwood Blanchard: Again, the right place for you is bound to this definition, okay, and I would want to stress one thing the dune the frontal dune doesn't always mean the best frontal dune it means the frontal dune, means the first one with as we say sufficient vegetation, height, and configuration. I think staff is out there trying hard to fix which one that is because I have you come to the conclusion after going out there that the dunes closer to the water than the one that you've marked would not offer sufficient vegetation, height, and configuration.

Evans: I think it's clear, the dune is higher than any other dune and thicker.

Norwood Blanchard: I mean I'm not asking if it's the best, I'm trying to get you to tell us if it's the first one that offers sufficient vegetation, height, and configuration. That's the question for the board. Which one offers sufficient vegetation, height, and configuration that is what's the closest one to the ocean that meets those three prongs.

Caldwell: So, that would be our opinion?

Norwood Blanchard: Well, you've heard the staff's opinion that the one that they marked is the one that meets that definition. The applicant may come and offer their own evidence closer to the water offers sufficient vegetation, height, and configuration.

Caldwell: Well, how about if we all go out there and look at it?

Norwood Blanchard: You're not allowed to. You're sitting in a quasi-judicial capacity here, you got to go into the evidence that these folks have. That's one of the issues for us here, there are circumstances possibly where we could have differences of opinion about what the regulation means but you've also got evidence that you've got to consider. We've got some sworn testimony from staff here so after that I would suggest that you know it's the applicant and any other interested party would get to go.

Caldwell: But after we hear both sides, we as group cannot go out and look?

Norwood Blanchard: No, not on this one.

Caldwell: Okay, and why not on this one?





Norwood Blanchard: Because you're sitting as a unlike other types of land use decisions you got to come into this one with a blank slate. I don't mean that you have to throw out any knowledge you might have of any of this stuff, I'm talking about this particular situation.

Caldwell: But after we hear both sides, then what we must base it on is what both sides see?

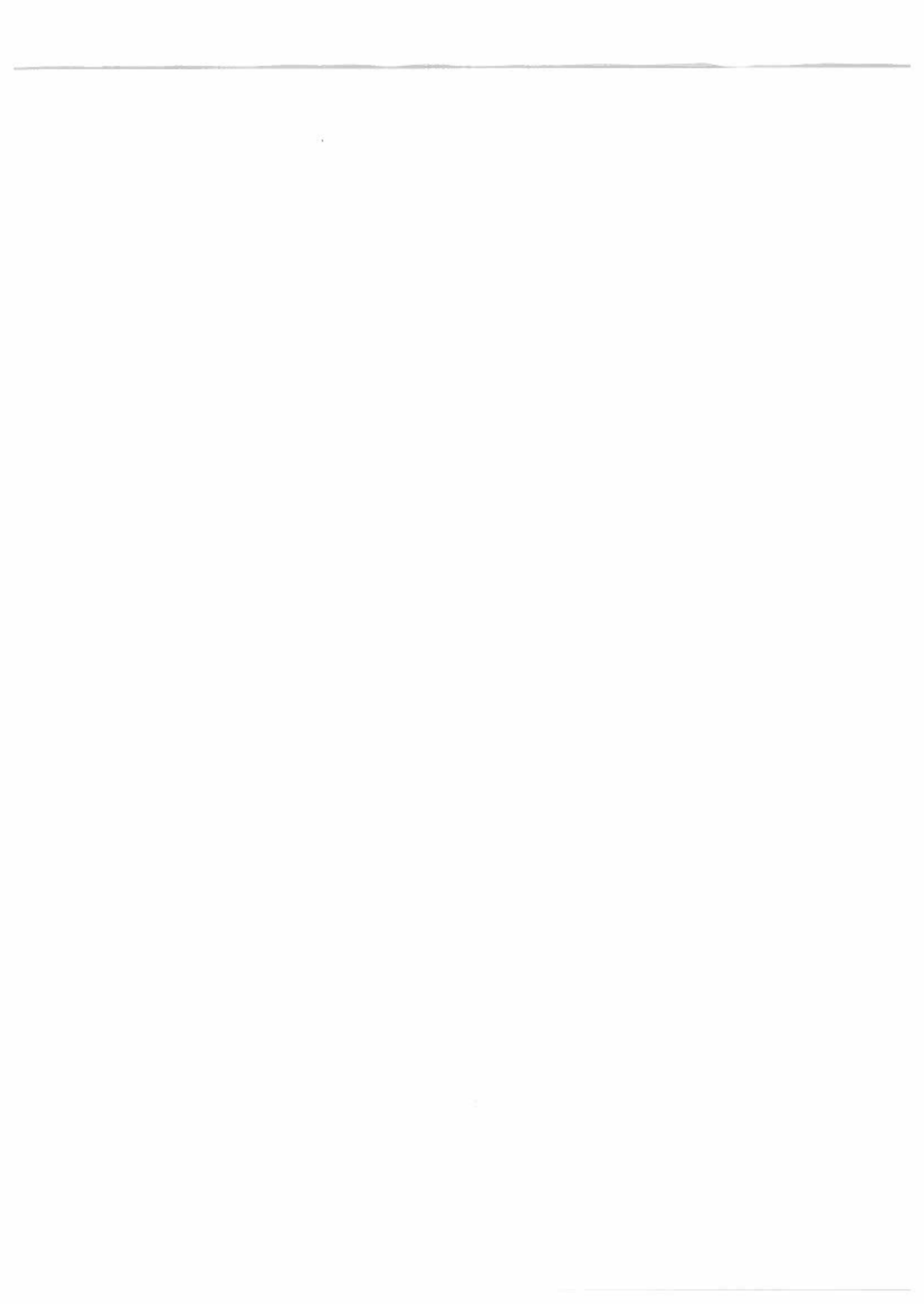
Norwood: You're going to make a fact you're going to find which one of these dunes if the applicant's urging for a different one than staff, you're going to find which one of these meets the definition in 9403a.

Caldwell: Okay, so Rhonda and Tim have theirs and we're going to hear from somebody else and then we have to choose.

Norwood Blanchard: That's going to be the question that you have for Tim is in your opinion is this the first mound of sand located landward of the ocean that has sufficient vegetation, height, and configuration to offer protection. That's the question that would be, Mr. Evans? Okay, he's nodding his head up. and the applicant obviously can offer their own testimony on that.

Griffin: Mr. Gadsden, do you want to speak now?

Gadsden: Yes, thank you very much for having us again, we appreciate it. I think you're probably all familiar with the case, I just wanted to offer some additional evidence and sort of reinforce some of the principles from last time. So, it has some slides, I hope you can all see them. This is an overhead view of our section of Holden Beach and to Mr. Blanchard's point and as is reflected in the ranks specifically 94.03. The frontal dune is the first mound of sand, sufficient vegetation, height, and configuration offer protection. There are seven dunes approximately between our propose home site and the water. So, I would submit to you that this is by the definition and the code that I'm talking about Item B, purpose of the frontal dune it is desirable to maintain a continuous frontal dune along with ocean front. To me this is the continuous frontal dune, it is the first mound of sand from the stable line of vegetation is just seawards actually of this line. Trust me, I'm familiar with the FEMA and Cama guidelines. You can see about halfway back from that yellow line to our proposed side this big section of shrubbery bush that's been there for years is stable vegetation. There's no way the dune near the street conferring the same level of protection as that one yellow line. So, it is our opinion that this is relevant language of your code, I can't find anything in the language, so we ought to just go by what the code says which is the first mounds of sand located in the ocean with sufficient vegetation, height, and configuration. I do want to re-emphasize what Mr. Blanchard said which is it doesn't have to be the highest, it's



just the first one. Now the one that we're building up we're supposed to build up against does have some sections of it there are 15 feet high and edging on 16 feet high. The one that I marked in yellow, close to the beach is 13.9 feet, it's very high. It's not 4 feet, it's not 5 feet, it's 14 feet. This is our home, this is our property, the yellow line represents where the toe was back in October 2020. This is our surveys to see that it lines it up with everything, this is the apparent position of what town officials have been calling town dune, superimposed to certain things that's official document now our neighbors have built their homes up to and apparently according to the survey sort of encroaching on that dune and it is not our intention to destroy the dune, to build on top of the dune, we recognize and want to comply with the spirit of the regulations, which is that we just want to build with our neighbors and enjoy the same privileges and sight lines. I don't think, to your point sir, doing that would harm anything. There's no building and a lot of our neighbors pose no danger or threat to property or to life because of how long our property is and so there's what we would have to do if we were complying with the plateau. It juts out significantly, that's all we want to do is this both and a line that connects the fronts of our homes. I just wanted to bring to your attention several specific insinuating factors that have some bearing on this, we do not believe that the town dune has shifted. If you look at the aerial photography, we had a drone take this picture so that is the Dune that we're really talking about today. You can see the seaward toe of that dune that the crest of it is continuous 1231, 1233, 1235, and our property. So, it hasn't moved in its entirety northward or toward the street there's a different view showing the same continuous hazard, the front part has some chance in fact drifting sand has piled up on our property behind the dune and this is the picture I really wanted to show you. So, what you can see here is obviously looking towards the ocean on our property where the star is the first the location of Maximum slope change. I'll highlight that definition for you and that's where you can see Mr. Carpenter's property 1233 it goes along, it's flat it's a little cutting green or something there and then also that goes up so that's what we believe to be the bottom of the toe of the dune. You can see on the right-hand side of our property there is some accumulated windblown sand and some shrubbery, that's about over 20 years or so. This does not sort of falsely elevate our property in that section, it doesn't represent part of the structural integrity of that dune that would protect property in the market. Again, we don't want to build on top of the dune, just edge up. These are our official plans. There are homes all over Holden Beach that have structures like this where you can see this yellow arrow is the is the bottom of slope of the dune but the porch in fact a third source living area extends up to encroaching the landward slope. I don't think this represents a danger to people at property at home which I think this is an appropriate way to build something There are other examples of people going behind me, maybe violating that. There's someone in 1209 who appears to have to go right through this, the stake marks the toe of the dune. So, I want to read these emails between 1233, Jeff it's a pleasure talking with you yesterday I'm following up and writing with Julie it's his wife point of view in their house plans before they agree that your house plans



should follow the envelope is created by lining up the back and front of Susan and Rick's house that's on 1237. The back in front of our house is 1233, it is our opinion this would create congruency in all points of view and therefore make a more pleasing way. We hope the city of Holden Beach grants you a building permit. Rick and Susan copied this email responded to all of us. Rick and I also compared with about a statement to help with the town approving. A concern we might have had was are we going to cause a problem for our neighbors by doing this. I do agree with you sir, the toe of the dune is highly subjected, and we should be using the location of maximum slow change. I think I read this new article as you and I pulled this out there's a considerable variation in how the Dune toe is defined, for example by manual inspection using vegetation lines the brought as a point of the maximum curvature on the profile however these methods can be ambiguous and be consistent. The second quote is from Hillary Stockton Dr Stockton who's the acting program coordinator for Coastal and Marine hazards the U.S geological facility design survey and she says, the toe of the dune should be calculated maximum cost of change. So, remember on our property, I submit to you that point is where that yellow star is and you can see if we were to imagine the contour of the dune there next to the Carpenter's house it's dune shaped more or less symmetrical. Then if you lower the right-hand side where our toe has been stayed, I believe that the Town has made an error in the statement, closer to the street it's not the point of national selections it's just where sand conformed. So, again that is our proposed plan in blue and red is what we would have to have to do should we not receive this. In summary I would love to ask the board to let common sense prevail and your interpretation of the town's ordinances we don't want to form anything or build one those neighbors' homes. We just want to build a similar sized home in a similar manner adjacent to the dunes as both of our neighbors.

Ms. Gadsden: Lastly, if you agree with the interpretation that the dune that's 13.9 feet closest to the ocean is the frontal dune, that's what we have interpreted when we purchase the property, we support that. If you would agree that Tim and Rhondas statement that the dune that's 16 feet high for you to look at the street side and note that we don't believe that's the correct toe of the dune in that circumstance. That is our summary.

Evans: Okay, can you leave that up because I want you to go back and start with this slide where it showed the home with the survey stake. This house, that's the one I was talking about, we went out and staked the frontal dune, they disagreed with us about the frontal dune. So, they went out and got a surveyor who came back who brought us the same type of topo map like this one that clearly showed that the dune that's right up underneath the arrow there, that was the frontal dune by showing that it was the one that was most substantially there to protect the structure. Our ordinances are clear, it says that the town's frontal dune may be different than the town's Cama dune. I'll say it again, we've had it we had another attorney who helped us write that who said that we are not bound by Cama's definition when it comes to determining



what the town frontal dune is. The town's Authority in that ordinance to determine what the frontal dune is. We also have numerous ordinances to keep in mind that give exceptions to when the town's frontal dune is not the same as the Camas frontal dune clearly showing in numerous locations inside the ordinance that the two are not the same. They are not defined as the same because one of them relies strictly on the Camas rule and Camas lpo to determine and the other is by the town's designee. Now if we're opening a hole here when we start determining that the largest dune between there and the ocean, the one that's the widest, the tallest, the biggest, is not the town's frontal dune. All those dunes from there to the ocean are Cama's dunes, there Cama's frontal dunes. They are not the interpretation of this office, they've not been the interpretation of this office prior to me at any point in time that those were the towns frontal dunes. The town's frontal dune is designated as the one which will best protect the structure. That means it's got to have the best height, the best girth, the best everything, it is not determined by where it is located inside that dune system.

Wooten: Where the current homes are verifies where we located.

Evans: That's right and so it is hard, many times to determine exactly where the toe of that frontal dune is and if a person thinks that is not the dune that should be considered the town's frontal dune, then they can get a survey to prove to us. If they don't want to agree that it's the Camas frontal dune, they can appeal it to Cama. The towns frontal dune alone is here it's not there and so whenever we start looking at the past and the future to try to determine where the toe of the frontal dune is we will never have any consistency because the dune constantly moves so we must mark where the here and now is. The other thing is that when these houses are built, they themselves start collecting sand, they start collecting sand so whenever you see a house that has a dune up to the back of it many of these dunes along the islands will build a wall to keep the sand from building up underneath to the back side of their homes. So, we probably don't have a real clear idea of the house on the Left exactly where that dune was at when it was built at that time it may have grown just like this dune did. Now as far as that dune and its location we didn't just we marked that Dune numerous times over years, people were going to buy that lot time after time again. We went out and marked it time after time and every time we marked it, we were consistent, we were completely consistent. We were not inconsistent talking that dune ever and we tried to do it in what we believe, or we do it with knowledge that what we're doing is protecting, not only the structure but those structures on either side because that's part of our ordinance the fit in our job to make the community more resilient. Now, I'm not arguing that some of the things he's saying is not correct what I am arguing is that give staff a task to do it and we do it and we've been consistently doing it we have to tell you what our policy is in order for you to make us believe that it should be something different then that's the consistency, the consistency is that yes he showed you a picture of one where the dune probably stopped and we have several of those where you have this big old dune and then another. Guess





what, it's the next one or we have a dune that's sitting right there and it may not be tall but doesn't have any depth, do you follow what I'm saying? Or it may be deep and not tall and the next one may be tall and have some depth and so we must determine which one of those is the one that is best served to protect that structure under the town's ordinance. So, I would say that it is a shame that someone can't build what they want to build but at the same time it's a risk you take, especially when you already know what the toe of the frontal dunes has been marked. I mean I think he's the one that had the survey done we marked it I don't know what the answer is here, I don't know I would hate to think that we're going to start moving stakes after all these years on a survey that was done months before the lock and fall.

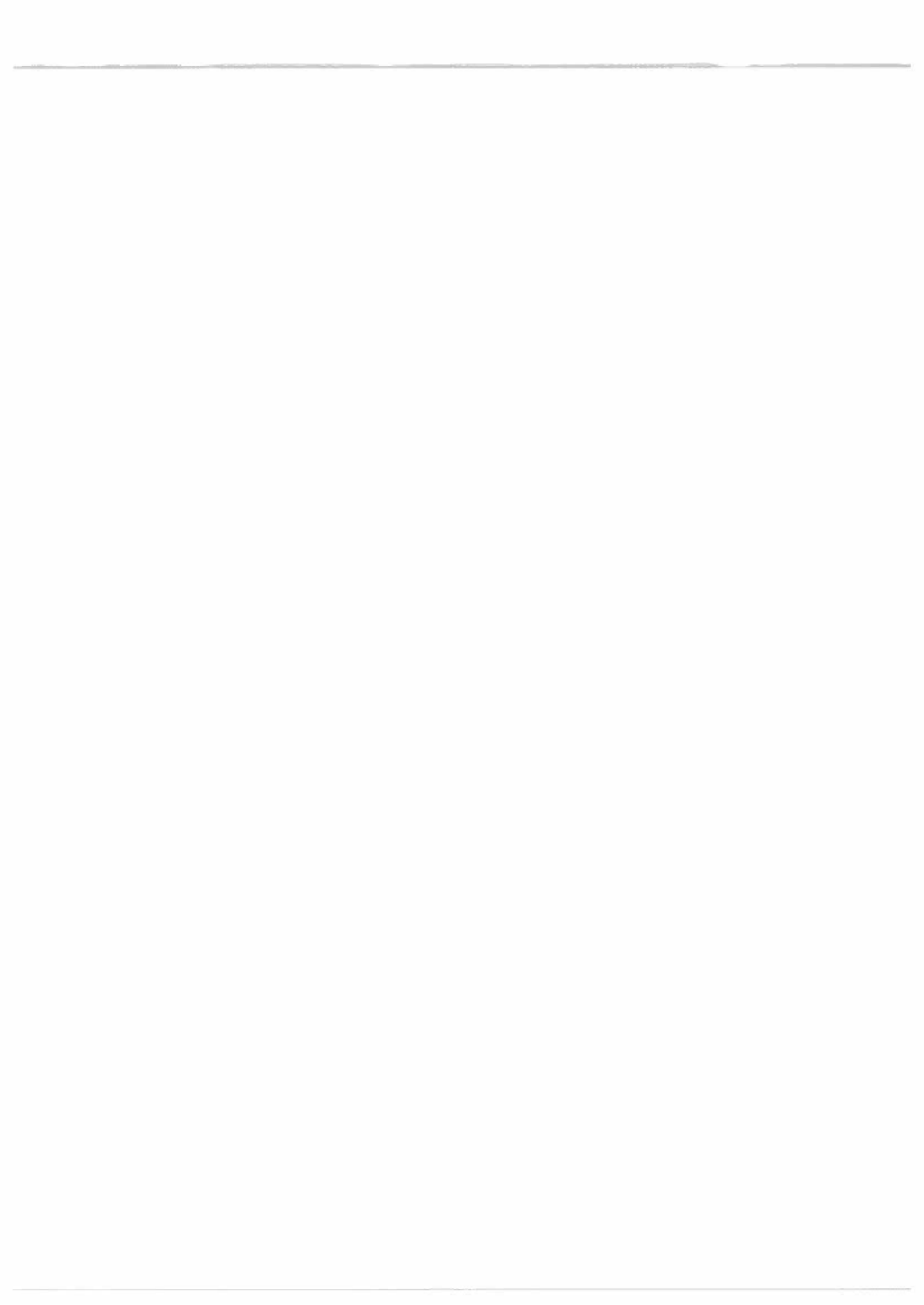
Norwood Blanchard: I was going to say board members, I'm going to caution you are bound by the way the statute is written here. Make your determination of which one is the first mound of sand, that offers sufficient vegetation, height, and configuration to offer protection. Again, I want to stress that the staff I think has been very clear that the one that's marked is the best one, offers the best protection, but the question for us is a slightly different question and it may come with the same answer. If you've determined that the dune out front is not the first mound of sand located landward of the ocean with sufficient vegetation, height, and configuration to offer protection, promotion, storms. You could find an inward one, but your definition is what your definition is it's not it doesn't contain the word best protection it's the first one that's sufficient. That's I think what you're having to look for here today and you've heard evidence about the staff, they've had a consistent interpretation of how it should be done, but here today you're bound to follow up what the regulation is on this one and that's the first one that's located landward of the ocean beach with sufficient vegetation, height, configuration. Now I can tell you that the staff the way they've done it if you change the definition and the statute to say that offers the best protection it would make things a whole lot clearer going forward on this but your task here is to determine which one is the first mound of sand located landward of the ocean beach with sufficient vegetation, height, and configuration to offer protection.

Lahren: Are we permitted to request with the other house that inspector Evans just mentioned to get another surveyor or somebody who is credentialed somebody else to come out, Mr. Gadsden would you agree approve of that if there was somebody else come out to assess where the toe of the dune was.

Ms. Gadsden: You mean to measure the height of the dune? It was 13.95 feet.

Lahren: Because none of us up here other than listening to the evidence is credentialed to assess what where the toe of the dune.

Mr. Gadsden: Correct, I agree, and I think this tells me out there are two questions. One is do we believe that the dune we're looking at in this picture is the frontal dune in section 94.03 and my



contention has always been from the beginning there it's not now of course we're not going to build a house close to the water that's ridiculous they wouldn't do that. But the regulations say about a foot difference you can see the vegetation halfway to the water that hasn't moved in 20 years those are that's solid protection from the ocean. By the town's ordinances what we're looking at here close to our proposed home is not the frontal dune. Okay, that's our question now, if you decide that I'm wrong this is the frontal dune then I think the next question is do we think the toe is appropriate again I say no I think the toe is with as the most logical definition the ones been put forward by the USGS point the location of maximum slope change. Versus a very broad gradual slope. So, again I think that we're just asking to consider what Mr. Blanchard is rightly pointing out in his true language of the legislation and then also hopefully you know, think about what that would mean to us in terms of being able to build.

Norwood Blanchard: To make sure we're both all considering the same questions here, you've got your challenge in both the determination as to where the frontal dune is and where the toe it is.

Evans: I don't know because he talked about his interpretation, how many toes of dunes have you marked?

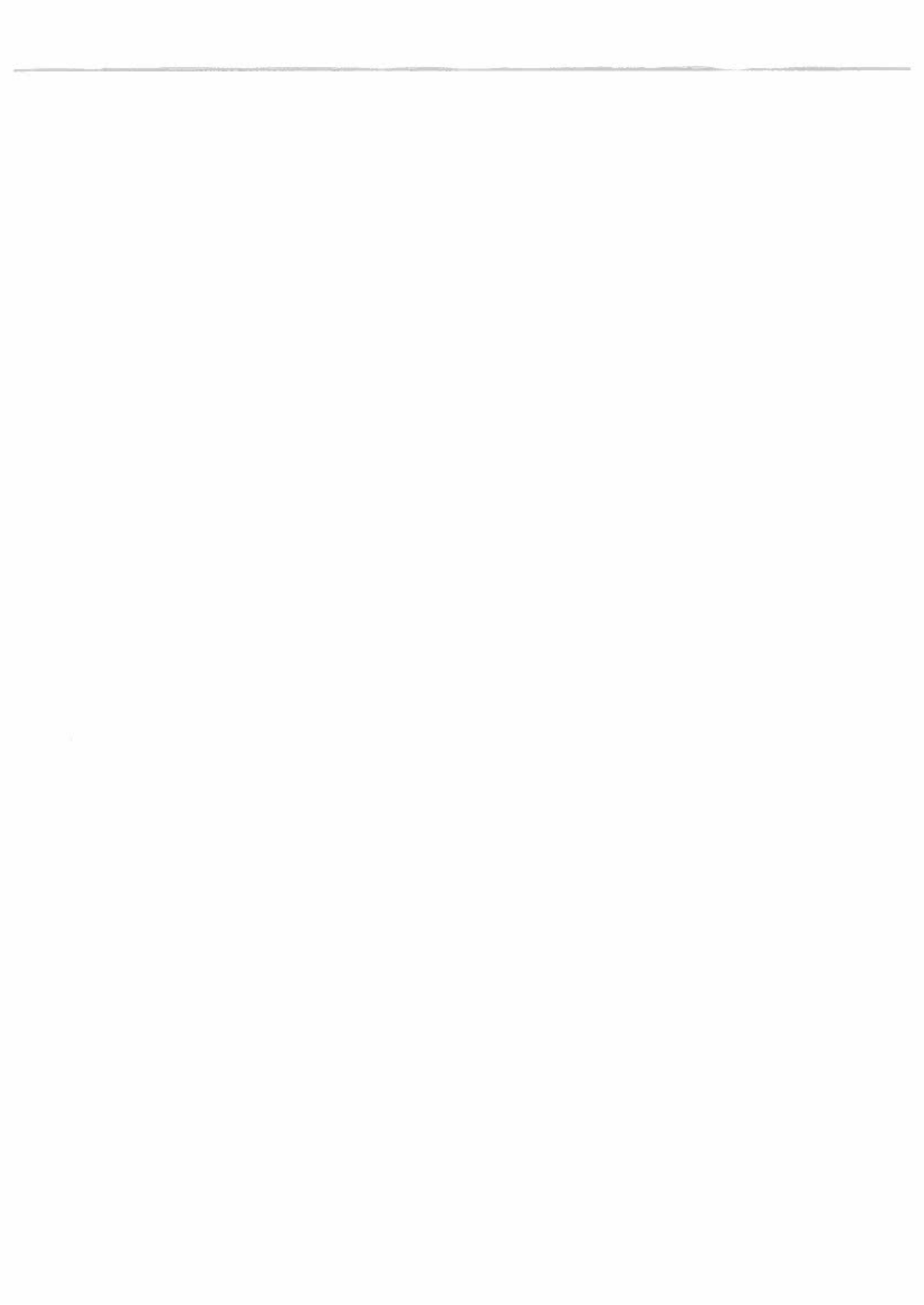
Gadsden: Zero.

Evans: How many toes of dunes have you marked Rhonda?

Wooten: Hundreds.

Evans: I'm right there with her, I've probably marked 600. So, who would be more qualified to interpret where the toe of that dune is at?

Gadsden: I would respond to that by saying I'd love to remind everyone in this room that according to the guidelines for how the board adjustments, quote: should give due consideration to the professional judgment of the zoning administrator taking into account because of her training and experience but the question of what the ordinance means is the questions of law, which the board must make his own decision with that. The ordinance means is a question for support decision and is welcome to impress upon you all manner dangers and hazards that would occur if you were to grant us this appeal, I reject that I think he's scared wandering and I don't think he's being fair. I think he's trying to obscure these, with all due respect.



McInturf: I think you've summarized the two questions really well and I could expect my question of consistency and how we've gone about marking these dunes over the years if we were to accept the argument that the dune we're looking at there is not the dune that we need to consider, then the dune we would consider would be 40 50 60 feet out a little further if that's the case why are there no houses sitting out there? I think we've historically used that dune as measure and as long as that stake would be put in the same hole no matter how those measures taken place. I would hate to open a door up with the definition of that law by putting a house out there 40 60 more feet you know to the front. If we can move that stake, I'm all for it.

Griffin: okay are we ready to vote?

Roberts: I still have a couple of questions about consistency. If that has been the toe of the dunes for eons how come, there are so many exceptions to that rule in the photographs?

Evans: what exceptions?

Roberts: The pictures that he showed.

Evans: those weren't exceptions. That's not our stake, that's a surveyor's stake. And as far as consistency goes, if you want to know about consistency other than that one that he points to we've never had anyone else ever appeal decision of where we marked the toe of the dune.

Griffin: Okay, any other questions?

Roberts: I have a concern or a comment anyway, it appears to me that we're being asked to give permission to violate an ordinance of the town. Are we being asked to?

Norwood Blanchard: You're being asked to determine what frontal dune here what it means in this one circumstance whether it means you know A or B and I think staff has been abundantly clear on it that they're about what way they've construed. I don't know if it's come up to this board before or not for an interpretation of what that means, I was going to say but I do want to stress that the applicant did raise a point about and for you know you are the ones tasked with making kind of a de novo review on your own of what that language means but the language itself doesn't mention best it in fact does say the first one. So, you need to look at the pictures and the evidence that you've got today and ask yourself if I came from Black Mountain for example here and somebody asked me what's the first mound of sand located landward of the ocean beach with sufficient vegetation, height, and configuration to offer protection from ocean



storms. You got to pick it out and the two options you've been given today on this have been this line right here or I believe it would be about in there somewhere.

Evans: I have a question; we keep presenting this who determined that yellow line is the CAMA frontal dune? We keep that evidence; I want to know who determined it because I got a CAMA officer sitting right here.

Norwood Blanchard: Right, I was getting ready to say, I think that's the testimony that's not right and now let's be clear, that's just the testimony.

Evans: It could be the one farther back. I hate to do this, I really do, but I've argued the difference between best and provide. The ordinances provide the best it says provides. So, if the first one doesn't provide sufficient then it's actually the one that does.

Caldwell: I want to be clear, a vote for, for says what and a vote against says what.

Griffin: A vote against is against the appeal.

Evans: If y'all decide that our interpretation of the frontal dune, or where we put our stakes is wrong, who's going to stake it?

Norwood Blanchard: Well, in that instance staff would be sent back to do it in line with the Board of Adjustments direction on it. The Board of Adjustment is the body that's somebody's got to make the decision beyond the Board of Adjustment it goes to Superior Court, but one of those who's entitled to review staff's decision is the one that gets to determine where those things are. Whether the applicant likes it, whether staff likes it, they'll give you a description of which construction of this language in the town's code what it means. Does it mean this one or another one and apparently you have two different proposals here, the applicant is I understand it correctly I just want to make sure we're clear for the board applicant your contention is it's that area that's in yellow and staff's contention the language means the area that is I think it's inland. Slightly closer to the road I should say than in line with these two houses. That's what the board must decide, which one of those two lines represents the first mounds of sand located landward of the ocean beach with sufficient vegetation, height, and configuration to offer protection from ocean storms.

Griffin: Okay, are we ready?

**Motion to approve the appeal was denied.**





Case No. 07-22: To request a variance from the Holden Beach Code of Ordinance Chapter 157, Section 157.080 (fences). To construct an 8-foot-tall fence measured from grade in the side and rear yard. This request is for 222 Ocean Boulevard East

**Vice Chairperson Richard Griffin swore in Jerry Fairchild and Tim Evans**

Arnold: First, let's hear from the property owner.

Fairchild: My name is Jerry Fairchild and I live at 222 Ocean Boulevard East; it happens to fall right in between two public parking areas. We are requesting today for approval and consideration to build an 8 foot fence for privacy.

Griffin: Question, do you currently have a fence?

Fairchild: We do, it's only a six-foot-tall fence.

Griffin: Is it like a vinyl fence?

Fairchild: No, it's a wood fence.

Griffin: Okay, you think the two extra feet will help?

Fairchild: Absolutely, you know for the most part there's very considerable people here on the island when it comes to the public parking. That's not always a hundred percent and for that reason we would like to add additional privacy. I mean we've had people get up in the back of pickup trucks and you know, hey that's a nice pool can we jump in?

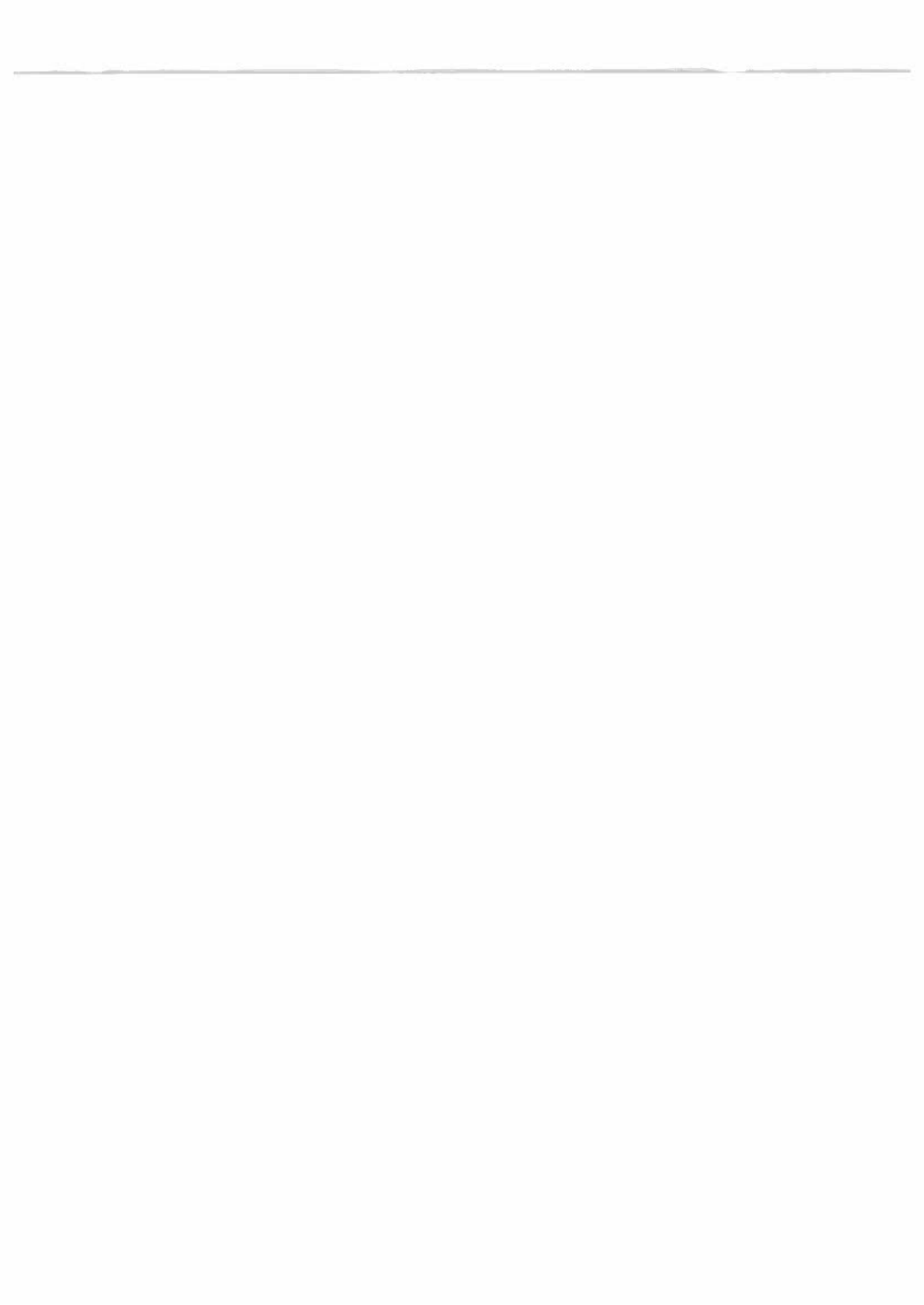
Lahren: You said you recently just built the house or purchased the house?

Fairchild: I built it.

Lahren: Okay you built it. Was it prior to the town's consideration of public parking?

Fairchild: No, the parking was there.

Lahren: So, you were fully knowledgeable at the time that the parking was there, and you knew the ordinance was six feet?



Fairchild: Yes ma'am.

McInturf: Is the fence that's there now a new fence?

Fairchild: Yes.

McInturf: Okay, so you've constructed what's there now?

Fairchild: Yes.

McInturf: You need to go up two more feet, that's what your request is?

Fairchild: Yes.

Fairchild: And again, this public parking is on both sides.

Roberts: You're just asking for the high fence on one side or both sides?

Fairchild: On both sides. Thanks for any consideration.

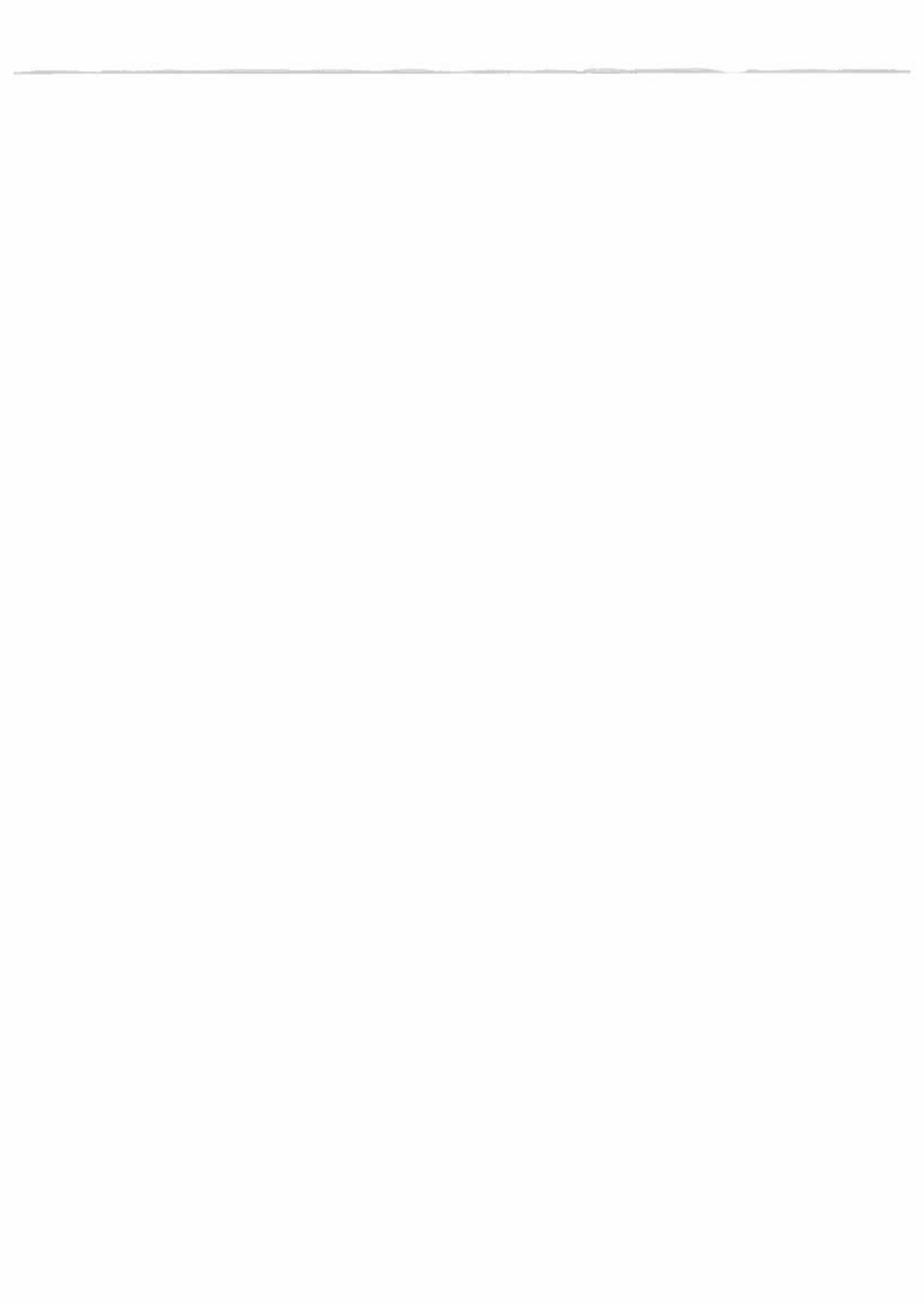
Arnold: Any other questions or comments from our board members?

Arnold: I have one, I think your fence that is there already has the fence members that would the two feet to be added, perpendicular parts. All right, there's nothing else, Tim?

Evans: The only thing I can say is that I'm not sure that we had already approved parking prior to him starting his permit application. I'm not sure that's true.

Fairchild: Paid parking, you're right.

Evans: I think that if we were still in the process of trying to decide whether he was going to have it or not the other thing is that if this was a commercial piece of property where they were going to have parking and stuff that the commercial activity would then require some type of buffer between there and a residential property. I think that allowing for two more feet and that fence would be in the scheme of things what's supposed to be allowed. I also do think that it will create or keep from creating a situation and the public hindering their ability to use the property without interference to allow him to have the extension. Staff do not have a problem based on



the fact that we understand the environment is going to be a little different between two rows that now allow parking.

Arnold: We will now apply our three questions and vote.

**Motion to approve the variance was approved unanimously.**

**OLD BUSINESS**

No old business.

**NEW BUSINESS**

No new business.

**ADJOURNMENT 4:48 P.M.**



TOWN OF HOLDEN BEACH

BOARD OF ADJUSTMENT

Application No. \_\_\_\_\_

Date \_\_\_\_\_

Permit Fee: 175.00

Receipt # \_\_\_\_\_

GENERAL APPLICATION FORM

Permit or Relief Requested: \_\_\_\_\_ Appeal \_\_\_\_\_ Variance \_\_\_\_\_ Special Use Permit \_\_\_\_\_

Applicant Aaron Moffatt Owner AARON Moffatt

Address 591 OBW Address 591 OBW

Supply NL 28462 Supply NL 28462

Telephone 704 614 0471 Telephone 704 614 0471

Legal relationship of applicant to property owner self

Purpose of permit Approval to move house to 139 TARPON

Property location 591 Ocean Blvd W

Tax map 246CED22 (Street Address) Block L45 Lot 46 860

Lot size 50x100 square feet 13060 Zoning District R1

No. of buildings to remain 0 Gross floor area to remain 0

No. of buildings proposed N/A Gross floor area of proposed buildings N/A

Total square footage of land to be disturbed 1605 square feet

Estimated cost of project \$ 25,000

The following documents are attached to and a part of this application: (Plot plan, building permit application, drawings, surveys, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_ Signature of Applicant A. Moffatt





Application No. \_\_\_\_\_

TOWN OF HOLDEN BEACH  
APPLICATION FOR A VARIANCE

Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

TO THE HOLDEN BEACH ZONING BOARD OF ADJUSTMENT:

I, Ann Moffat, hereby petition the Zoning Board of Adjustment for a VARIANCE from the literal provisions of the Holden Beach Code of Ordinances because, under the interpretation given to me by the Zoning Enforcement Officer, I am prohibited from using the parcel of land described in the attached form (General Application Form) in a manner shown by the plot plan attached to that form. I request a variance from the following provisions of the ordinance (cite paragraph numbers):

59) OBW 50012 NR 28462  
so that the above-mentioned property can be used in a manner indicated by the plot plan attached to the General Application form or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein: (If a variance is requested for a limited time only, specify duration requested.)

Removal of Property

Factors Relevant to the Issuance of a Variance

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions before it may issue a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; (b) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and (c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. The courts have developed three rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

(1) If he complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

Deny of this will result in Demo of current Home

(2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance, if granted, runs with the land.)

WANT TO MOVE HOUSE TO 139  
TARPON DR

(3) The hardship is not the result of the applicant's own actions.

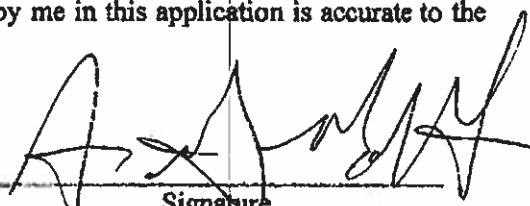
NOT A HARDSHIP JUST NOT WANTING  
TO DEMOLISH GOOD HOME.

b. the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

ONLY MOVING HOUSE TO OTHER LOT  
to build new.

c. The granting of the variance secures the public safety and welfare and does substantial justice. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

  
Signature

Permit Number \_\_\_\_\_

Ocean Hazard \_\_\_\_\_ Estuarine Shoreline \_\_\_\_\_ ORW Shoreline \_\_\_\_\_ Public Trust Shoreline \_\_\_\_\_ Other \_\_\_\_\_  
*(For applicant use only)*

**GENERAL INFORMATION**

**LAND OWNER - MAILING ADDRESS**

Name: Aaron G & Helen M Moffat  
Address: 1441 Cortland Rd W  
City: Charlotte State: NC Zip: 28209 Phone: 704 614 0471  
E-mail: agnmoffat@hotmail.com

**AUTHORIZED AGENT**

Name: Vine Construction Inc / owner  
Address: 1441 Cortland Rd W  
City: Charlotte State: NC Zip: 28209 Phone: 704 614 0471  
E-mail: agnmoffat@hotmail.com

LOCATION OF PROJECT: (Address, street name and/or directions to site, name of the adjacent waterbody)  
139 Tarpon Dr/Canal NO 5

**DESCRIPTION OF PROJECT:** (List all proposed construction and land disturbance including ponds, fill, grade, concrete driveway, gravel driveway, elevator/lift, Artificial Turf NOI allowed in 30 ft buffer)  
Single Family Residence / In-law Home

SIZE OF LOT/PARCEL: 4991 square feet 0.11 acres

PROPOSED USE: Residential  (Single-family)  Multi-family  Commercial/Industrial  Other

COMPLEE EITHER (1) OR (2) BELOW (Contact your Local Permit Officer if you are not sure which AEC applies to your property):  
(1) **ON-ANALYZARD AEC:** TOTAL FEEDBACK AREAS OF PROPOSED STRUCTURE: N/A square feet includes air conditioned living space, parking, elevated above ground level, non-conditioned space elevated above ground level but excluding non-hard bearing attic space

(2) **COASTAL SHORELINE AEC:** SIZE OF BUILDING (FOOTPRINT) AND OTHER IMPROVEMENTS OR OTHER IMPROVEMENTS: 2006 square feet includes the area of the foundation of all buildings, driveways, covered decks, concrete or masonry patios, etc. that are within the applicable AEC. Attach your calculations with the project drawing.

**STATE STORMWATER MANAGEMENT PERMIT:** Is the project located in an area subject to a State Stormwater Management Permit issued by the NC Division of Energy, Mineral and Natural Resources (DEMNR)?  
YES  NO

If yes, list the total built upon area (impervious surface) allowed for your lot or parcel: \_\_\_\_\_ square feet

**OTHER PERMITS MAY BE REQUIRED:** The activity you are planning may require permits other than the CAMA minor development permit, including, but not limited to: Drinking Water Well, Septic Tank (or other sanitary waste treatment system), Building, Electrical, Plumbing, Heating and Air Conditioning, Installation and Energy Conservation, PIA Certification, Sand Dune, Sediment Control, Subdivision Approval, Mobile Home Park Approval, Highway Connection, and others. Check with your Local Permit Officer for more information.

**STATEMENT OF OWNERSHIP:**

I, the undersigned, an applicant for a CAMA minor development permit, being either the owner of property in an AEC or a person authorized to act as an agent for purposes of applying for a CAMA minor development permit, certify that the person listed as landowner on this application has a significant interest in the real property described therein. This interest can be described as: (check one)

XX an owner or record title, Title is vested in name of Aaron G & Helen M Moffat  
see Deed Book 4608 page 836 in the Brunswick County Registry of Deeds  
Charlotte, NC 28209 ; probate was in \_\_\_\_\_ County

If other interest, such as written contract or lease, explain below or use a separate sheet & attach to this application.

**NOTIFICATION OF ADJACENT RIPARIAN PROPERTY OWNERS:**

I furthermore certify that the following persons are owners of properties adjoining this property. I affirm that I have given ACTUAL NOTICE to each of them concerning my intent to develop this property and to apply for a CAMA permit.

- (1) Stephen & Kimberly Kimbrough 9119 Searnill Rd Charlotte NC 28278 (Name) (Address)
- (2) Patrick H & Emily Walker 113 Ronsard Ln Cary NC 27511
- (3) \_\_\_\_\_
- (4) \_\_\_\_\_

**ACKNOWLEDGEMENTS:**

I, the undersigned, acknowledge that the land owner is aware that the proposed development is planned for an area which may be susceptible to erosion and/or flooding. I acknowledge that the Local Permit Officer has explained to me the particular hazards associated with this lot. This explanation was accompanied by recommendations concerning stabilization and floodproofing techniques.

I furthermore certify that I am authorized to grant, and do in fact grant, permission to Division of Coastal Management staff, the Local Permit Officer and their agents to enter on the aforementioned lands in connection with evaluating information related to this permit application.

This the 10th day of July, 2023

\_\_\_\_\_  
I, undersigned or person authorized to act as his/her agent for purpose of filing a CAMA permit application.

This application includes: general information (this form), a site drawing as described on the back of this application, the ownership statement, the Ocean Hazard AEC Notice where necessary, a check for \$100.00 made payable to the locality, and any information as may be provided orally by the applicant. The details of the application as described by these matters are incorporated without reference in any permit which may be issued. Deviation from these details will constitute a violation of any permit. Any person developing in an AEC without permit is subject to civil, criminal and administrative action.



TOWN OF HOLDEN BEACH ZONING PERMIT APPLICATION

ALL SECTIONS MUST BE COMPLETED, IF NOT APPLICABLE WRITE N/A

Section 1: Basic Data

Name: Aaron G. McFat Telephone #: 704 614 0471

Holden Beach Property Address: 139 Tarpon Dr.

Permanent Mailing Address (print same if local address above applies):

Street Address: 1441 Cortland Rd W

City/State/Zip Code: Charlotte NC 28209

Contractor Who Will Perform the Work: Vine Construction Inc

Contact Person: Aaron Telephone #: 704 614 0471

Address: 1441 Cortland Rd W Charlotte NC 28209

Section 2: Specific Criteria Required to Support Application Approval

Type of Structure:

New: x Alteration: Repair: Relocate: x Driveway: Fence:

Other:

from 591 080

Property Use:

Single Family: x Two Family: Apartment: Duplex: Townhouse: Other:

Total Gross Floor Area of Structure: 2064.58 Ft.

Required Setbacks in Feet- Front: 25' Rear: 25' Side: 5'

Platted Area in Square Feet: 4991 Usable Area in Square Feet per Survey:

Flood Zone (AE, VE, X): Base Flood: AE Elevation: 12'

Design Flood Elevation (DFE): 14'

Highest Point of Structure Above Mean Sea Level: 43'

Type of Driveway Material: Grass Driveway Area (in square feet):

Lowest Original Grade Elevation Below Building in Feet: N/A

Proposed Finished Grade in feet as shown on Fill Plan if Fill is to Placed on Lot: N/A

Is Fill Material being Proposed on the Lot? Yes: No: x If Yes, Depth of Fill:

Proposed Concrete Slab Elevation as Shown on Stormwater Plan: N/A

Proposed Concrete Slab Elevation as Shown on Construction Plans: N/A

How Many Bedrooms will the/does the Structure have? 4

Lowest Horizontal Structural Member: N/A

Certification to be Completed by Applicant:

I certify that any construction, alteration, repair or replacement of building and/or use of land shall be carried out in accordance with the information and Zoning Permit criteria listed above.

[Signature] Lori Howard

Authorized Signature

Printed Name

Date

7/10/23

Section 3: To Be Completed by Town of Holden Beach Zoning Official

CAMA Permit Required? Yes: No: Stormwater Permit Required? Yes: No:

Zoning District Determination for Property: Residential District (R1 Zone)

Residential District (R2 Zone) Commercial District (C Zone)

Zoning Official Approval Signature: Date:

RECEIVED JUL 17 2023

This permit expires 1 year from the date of issuance if construction has not begun. This form replaces all previous forms.

VE & AE Zones  
Application

Town of Holden Beach  
Floodplain Development Permit Application

Date: 7/10/23

Location of Property: 139 Tarpon Dr.

Type of Development:  
Residential Construction  Nonresidential Construction  Addition  Renovation   
Other (specify) \_\_\_\_\_

Size of Development: 2604

FIRM Data: Map Panel No. 0500 Suffix K Map Panel Date 8-28-18  
Flood Zone AE (Enter zone & not y/n) (see survey for information)

Development Standards Data:

On Holden Beach the Policy is that all structures constructed in a V or A Zone shall meet FEMA requirements for both zones.

1. Base flood elevation (BFE) per FIRM at development site 12'
2. Regulatory flood protection elevation must be at or above the bottom of the lowest supporting horizontal member plus 2 feet and all attendant utilities to include but not limited to, all heating, air conditioning and electrical equipment.
3. V-Zone Certification is required prior to a C.O. being issued by the Building Inspector for all structures within all V-Zones and A-Zones.
4. All walls constructed below base flood elevation shall be constructed with break a way walls and have flood vents in accordance with FEMA's technical bulletins for V- Zones and A-Zones.
5. ALL areas below the base flood elevation plus 2 feet are permitted to be used only for parking vehicles, building access, or storage based on FEMA regulations and Holden Beach Ordinance.  
When signing below you the property owner and agent agree to these regulations.
6. Total area of openings required are a minimum of two openings having a net area of not less than one square inch for every square foot of enclosed area below base floor elevation. Garage doors cannot be used to satisfy this requirement.  
\*The bottom of all required openings must be no higher than 12" above Grade.  
\*The vents must be installed in at least two walls of the enclosure.

Applicant acknowledgment: I, the undersigned, understand that the issuance of a floodplain development permit is contingent upon the above information being correct and that the plans and supporting data have been or shall be provided as required. I also understand that prior to occupancy of the structure being permitted, an elevation certificate signed by a professional engineer or registered land surveyor must be on file with the Town of Holden Beach Building Department indicating the "as built" elevations in relation to mean sea level (MSL).



Print or Type Name of Property Owner  
Kevin S. Moffat  
Signature of Property Owner & Date  
[Signature] 7/10/23  
Address & Telephone Number  
1441 Coftland Rd W  
Charlotte NC 28209  
704.614.0471

Print or Type Name of Agent  
LOKI Howard Agent  
Signature of Agent & Date  
[Signature]  
Address & Telephone Number  
2240 Harbor Ridge Dr.  
BOULDER NC 28723  
910.880.1655

Floodplain Manager \_\_\_\_\_

**N.C. DIVISION OF COASTAL  
ADJACENT RIPARIAN PROPERTY OWNER  
CERTIFIED MAIL, RETURN RECEIPT RECEIPT**

Patrick H & Emily V Walker  
Name of Adjacent Riparian Property Owner  
113 Ronsard Ln  
Address  
Cary NC 27511  
City, State Zip

To Whom It May Concern:

This correspondence is to notify you as a riparian property owner that you are applying for a CAMA Minor permit to Move Single Family Residence to Property on my property at 139 Tarpon Dr. Holden Beach in Brunswick County, which is adjacent to your property. A copy of the application and project drawing is attached/enclosed for your review.

If you have no objections to the proposed activity, please mark the appropriate statement below and return it to me as soon as possible. If no comments are received within 10 days of receipt of this notice, it will be considered that you have no comments or objections regarding this project.

If you have objections or comments, please mark the appropriate statement below and send your correspondence to: (Janna Pigott, Town of Holden Beach, 110 Rothschild Street, Holden Beach NC 28462)

If you have any questions about the project, please do not hesitate to contact me at my address/number listed below, or contact (Janna Pigott) at (910-842-6080), or by email at: (janna@hbtownhall.com).

Sincerely,

Aaron Moffat  
Property Owner's Name

704 614 0471  
Telephone Number

1441 Cortland Rd W Charlotte NC 28209  
Address City State Zip

I have no objection to the project described in this correspondence.  
 I have objection(s) to the project described in this correspondence.

Patrick Walker  
Adjacent Riparian Signature

7/14/23

Date

Patrick Walker  
Print or Type Name

919-619-2952

Telephone Number

113 Ronsard Ln Cary NC 27511  
Address City State Zip

U.S. Postal Service™ <b>CERTIFIED MAIL® RECEIPT</b> Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Certified Mail Fee \$4.50	\$3.55
Extra Services & Fees (check box, add fees by amount)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage \$1.65	
Total Postage and Fees \$5.55	
Sent To <u>Walker</u>	
Street and Apt. No., or PO Box No. <u>113 Ronsard Ln</u>	
City, State, ZIP+4® <u>Cary NC 27511</u>	
PS Form 3800, April 2015 PSN 7530-02-000-9017 See Reverse for Instructions	

**RECEIVED**  
JUL 17 2023

N.C. DIVISION OF COASTAL  
ADJACENT RIPARIAN PROPERTY OWNER  
CERTIFIED MAIL, RETURN RECEIPT RECEIPT

Stephen & Kimberly Kimbrough  
Name of Adjacent Riparian Property Owner  
919 Seamil Rd.  
Address  
Charlotte NC 28273  
City, State Zip

To Whom It May Concern:

This correspondence is to notify you as a riparian property owner that I am applying for a CAMA minor permit to  
move single family residence to property  
on my property at 129 Tarpon Dr. Holden Beach  
in Brunswick County, which is adjacent to your property. A copy of the application and project drawing is attached/enclosed for your review.

If you have no objections to the proposed activity, please mark the appropriate statement below and return it to me as soon as possible. If no comments are received within 10 days of receipt of this notice, it will be considered that you have no comments or objections regarding this project.

If you have objections or comments, please mark the appropriate statement below and send your correspondence to: (Janna Pigott, Town of Holden Beach, 110 Rothschild Street, Holden Beach NC 28462)

If you have any questions about the project, please do not hesitate to contact me at my address/number listed below, or contact (Janna Pigott) at (910-842-6080), or by email at: (janna@hbtownhall.com).

Sincerely,

Arion Moffat  
Property Owner's Name

704 614 0471  
Telephone Number

1441 Costland Rdw Charlotte NC 28209  
Address City State Zip

I have no objection to the project described in this correspondence.  
 I have objection(s) to the project described in this correspondence.

RECEIVED  
JUL 17 2023

Styl C. Kuhl  
Adjacent Riparian Signature

7/14/23  
Date

Stephen C. Kimbrough  
Print or Type Name

704-792-7388  
Telephone Number

919 Seamil Rd Charlotte NC 28273  
Address City State Zip

U.S. Postal Service  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee	\$4.50
Postage	\$0.50
Total Postage and Fees	\$5.00

PS Form 3800, April 2012 (PSN 7530-02-000-9000) See Reverse for Instructions

9244 9844 7486 7000 0001 1770 7021



Locality \_\_\_\_\_ Permit Number \_\_\_\_\_  
Ocean Hazard \_\_\_\_\_ Summer Shoreline \_\_\_\_\_ ORW Shoreline \_\_\_\_\_ Public Trust Shoreline \_\_\_\_\_ Other \_\_\_\_\_  
*(For official use only)*

**GENERAL INFORMATION**

**LAND OWNER - MAILING ADDRESS**

Name **Aaron G & Helen M Moffat**  
Address **1441 Cortland Rd W**  
City **Charlotte** State **NC** Zip **28209** Phone **704 614 0471**  
Email **agmoffat@hotmail.com**

**ATTORNEY/AGENT**

Name **Vine Construction Inc / LOUVER**  
Address **1441 Cortland Rd W**  
City **Charlotte** State **NC** Zip **28209** Phone **704 614 0471**  
Email **agmoffat@hotmail.com**

LOCATION OF PROJECT: (Address, street name, and/or directions to site, name of the adjacent waterbody.)  
**591 Ocean Blvd W/Ocean Front**

DESCRIPTION OF PROJECT: (List all proposed construction and land disturbance including pools, fill/grade, concrete driveways, gravel driveway, elevator lift. Artificial Turf NOT allowed in 30 ft buffer.)  
**Single Family Residence**

SIZE OF LOT/PARCEL: **12,984** square feet **0.30** acres  
PROPOSED USE: Residential  (Single-family)  Multi-family  Commercial/Industrial  Other

COMPLETE EITHER (1) OR (2) BELOW: (Contact your Local Permit Officer if you are not sure which AEC applies to your project):  
(1) OCEAN HAZARD AEC: TOTAL TIDAL FOOTING AREA OF PROPOSED STRUCTURE: **2324** square feet (include air conditioned living space, parking, elevated above ground level, non-conditioned space elevated above ground level but excluding non-level-bearing attic space)

(2) COASTAL SHORELINE AEC: SIZE OF BUILDING FOOTPRINT AND OTHER IMPROVEMENTS OR BUILT UPON SURFACES: **N/A** square feet (includes the area of the foundation of all buildings, driveways, covered decks, concrete or masonry patios, etc. that are within the applicable AEC. Attach your calculations with the project drawings.)

STATE STORMWATER MANAGEMENT PERMIT: Is the project located in an area subject to a State Stormwater Management Permit issued by the NC Dept. of Energy, Mineral and Natural Resources (DEM/R)?  
YES  NO

FOOTING: (Is the total built upon all improvements surface allowed for your lot or parcel) \_\_\_\_\_ square feet

**OTHER PERMITS MAY BE REQUIRED.** The activity you are planning may require permits other than the CAMA minor development permit, including, but not limited to: Drinking Water Well, Septic Tank (or other sanitary waste treatment system), Building, Electrical, Plumbing, Heating and Air Conditioning, Insulation and Energy Conservation, HMA Certification, Sand Dune, Sediment Control, Subdivision Approval, Mobile Home Park Approval, Highway Connection, and others. Check with your Local Permit Officer for more information.

**STATEMENT OF OWNERSHIP:**

I, the undersigned, am applicant for a CAMA minor development permit, being either the owner of property in an AEC or a person authorized to act as an agent for purposes of applying for a CAMA minor development permit, certify that the person listed as undersigned on this application has a significant interest in the real property described herein. This interest can be described as: (check one)

XX, an owner or record title. Title is vested in name of **Aaron G & Helen M Moffat**  
see Deed Book **4404** page **236** in the Brunswick County Registry of Deeds.

an owner by virtue of inheritance. Applicant is an heir to the estate of \_\_\_\_\_ probable was in \_\_\_\_\_ County.

other interest, such as written contract or lease, explain below or use a separate sheet & attach to this application. (County)

**NOTIFICATION OF ADJACENT RIPARIAN PROPERTY OWNERS:**  
I further certify that the following persons are owners of properties adjoining this property. I affirm that I have given ACTUAL NOTICE to each of them concerning my intent to develop this property and to apply for a CAMA permit.

- (Name) **(1) Shalom Yall LLC 15626 Ranchla Dr Dallas TX 75248** (Address)
- (2) Ocean Blvd Investments LLC 15 Yorkshire St Asheville NC 28803**
- (3) \_\_\_\_\_**
- (4) \_\_\_\_\_**

**ACKNOWLEDGEMENTS:**

I, the undersigned, acknowledge that the land owner is aware that the proposed development is planned for an area which may be susceptible to erosion and/or flooding. I acknowledge that the Local Permit Officer has explained to me the particular hazard problems associated with this lot. This explanation was accompanied by recommendations concerning stabilization and floodproofing techniques.

I further certify that I am authorized to grant, and do in fact grant, permission to Division of Coastal Management staff, the Local Permit Officer, and their agents to enter on the aforementioned lands in connection with evaluating information related to this permit application.

This the **15th** day of **July**, 20**23**  
I, the undersigned, authorize to act as his/her agent for purpose of filing a CAMA permit application.

This application includes general information (this form), a site drawing as described on the back of this application, the undersigned's statement, the Ocean Hazard AEC Notice where necessary, a check for \$100.00 made payable to the locality, and any permit. Any person developing in an AEC without permit is subject to civil, criminal and administrative action.



**N.C. DIVISION OF COASTAL  
ADJACENT RIPARIAN PROPERTY OWNER  
CERTIFIED MAIL, RETURN RECEIPT REC**

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only**

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Dallas, TX 75248

Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fees as appropriate)	\$3.55
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.66
Total Postage and Fees	\$8.56

0453  
07  
Postmark  
Here  
07/11/2023

Sent To Shalom  
Street and Apt. No., or P.O. Box No. 15626 Ranchita Dr.  
City, State, ZIP+4® Dallas, TX 75248

7021 1970 0001 7486 4421

Shalom Y'all LLC  
Name of Adjacent Riparian Property Owner  
15626 Ranchita Dr.  
Address  
Dallas, TX 75248  
City, State Zip

To Whom It May Concern:

This correspondence is to notify you as a riparian property owner th

Build a Single Family Residence

on my property at 591 Ocean Blvd W Holden Beach  
in Brunswick County, which is adjacent to your property. A copy of the application and project drawing is attached/enclosed for your review.

If you have no objections to the proposed activity, please mark the appropriate statement below and return it to me as soon as possible. If no comments are received within 10 days of receipt of this notice, it will be considered that you have no comments or objections regarding this project.

If you have objections or comments, please mark the appropriate statement below and send your correspondence to: (Janna Pigott, Town of Holden Beach, 110 Rothschild Street, Holden Beach NC 28462)

If you have any questions about the project, please do not hesitate to contact me at my address/number listed below, or contact (Janna Pigott) at (910-842-6080), or by email at: ([janna@hbtownhall.com](mailto:janna@hbtownhall.com)).

Sincerely,

Aaron G. Moffat  
Property Owner's Name

704-614-0471  
Telephone Number

1441 Costland Rd W Charlotte NC 28209

Address City State Zip

I have no objection to the project described in this correspondence.  
 I have objection(s) to the project described in this correspondence.

Nehemia Gordon  
Adjacent Riparian Signature

July 17, 2023

Date

Nehemia Gordon for Shalom Y'all LLC

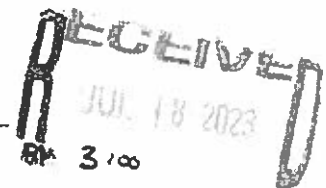
910-880-4700

Print or Type Name

Telephone Number

15626 Ranchita Dr. Dallas TX 75248

Address City State Zip



**N.C. DIVISION OF COASTAL  
ADJACENT RIPARIAN PROPERTY OWNER NOTICE  
CERTIFIED MAIL, RETURN RECEIPT REQUIRED**

Ocean Blvd Investments LLC  
Name of Adjacent Riparian Property Owner  
15 Yorkshire St.  
Address  
Asheville, NC 28803  
City, State Zip

To Whom It May Concern:

This correspondence is to notify you as a riparian property owner that I am Build a Single Family Residence  
on my property at 591 Ocean Blvd W Holden Beach  
in Brunswick County, which is adjacent to your property. A copy of the application and project drawing is attached/enclosed for your review.

If you have no objections to the proposed activity, please mark the appropriate statement below and return it to me as soon as possible. If no comments are received within 10 days of receipt of this notice, it will be considered that you have no comments or objections regarding this project.

If you have objections or comments, please mark the appropriate statement below and send your correspondence to: (Janna Pigott, Town of Holden Beach, 110 Rothschild Street, Holden Beach NC 28462)

If you have any questions about the project, please do not hesitate to contact me at my address/number listed below, or contact (Janna Pigott) at (910-842-6080), or by email at: (janna@hbtownhall.com).

Sincerely,

Aaron G. Moffat  
Property Owner's Name

704 614 0471  
Telephone Number

1441 Cotland Rdw Charlotte NC 28209  
Address City State Zip

I have no objection to the project described in this correspondence.  
 I have objection(s) to the project described in this correspondence.

WJ Ohm  
Adjacent Riparian Signature

7-15-23  
Date

William Claiborne  
Print or Type Name

828 274 9440  
Telephone Number

15 Yorkshire St. Asheville NC 28803  
Address City State Zip

**U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only**

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Asheville, NC 28803

Certified Mail Fee \$4.35  
Extra Services & Fees (check box, add fees)  
 Return Receipt (hardcopy) \$0.00  
 Return Receipt (electronic) \$0.00  
 Certified Mail Restricted Delivery \$0.00  
 Adult Signature Required \$0.00  
 Adult Signature Restricted Delivery \$0.00

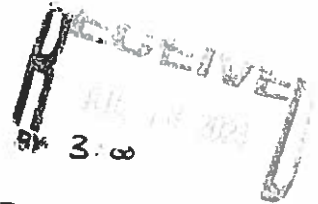
Postage \$0.66

Total Postage and Fees \$5.01

Sent to Ocean Blvd Invest.  
15 Yorkshire St.  
City, State, ZIP+4® Asheville NC 28803

PS Form 3800, April 2015 PSN 7530-02-000-9000 See Reverse for Instructions

7021 1970 0001 7486 4414



VE & AE Zones  
Application

Town of Holden Beach  
Floodplain Development Permit Application

Date: 7/10/23

Location of Property: 591 Ocean Blvd W

Type of Development:

Residential Construction  Nonresidential Construction  Addition  Renovation

Size of Development: 2324 sq ft

FIRM Data: Map Panel No. 0560 Suffix K Map Panel Date 8/23/18  
Flood Zone \_\_\_\_\_ (Enter zone & not y/n) (see survey for information)

Development Standards Data:

On Holden Beach the Policy is that all structures constructed in a V or A Zone shall meet FEMA requirements for both zones.

1. Base flood elevation (BFE) per FIRM at development site 11'
2. Regulatory flood protection elevation must be at or above the bottom of the lowest supporting horizontal member plus 2 feet and all attendant utilities to include but not limited to, all heating, air conditioning and electrical equipment.
3. V-Zone Certification is required prior to a C.O. being issued by the Building Inspector for all structures within all V-Zones and A-Zones.
4. All walls constructed below base flood elevation shall be constructed with break a way walls and have flood vents in accordance with FEMA's technical bulletin for V-Zones and A-Zones.
5. ALL areas below the base flood elevation plus 2 feet are permitted to be used only for parking vehicles, building access, or storage based on FEMA regulations and Holden Beach Ordinance.  
When signing below you the property owner and agent agree to these regulations.
6. Total area of openings required are a minimum of two openings having a net area of not less than one square inch for every square foot of enclosed area below base floor elevation. Garage doors cannot be used to satisfy this requirement.  
\*The bottom of all required openings must be no higher than 12" above Grade.  
\*The vents must be installed in at least two walls of the enclosure.

Applicant acknowledgment: I, the undersigned, understand that the issuance of a floodplain development permit is contingent upon the above information being correct and that the plans and supporting data have been or shall be provided as required. I also understand that prior to occupancy of the structure being permitted, an elevation certificate signed by a professional engineer or registered land surveyor must be on file with the Town of Holden Beach Building Department indicating the "as built" elevations in relation to mean sea level (MSL).

Print or Type Name of Property Owner  
Aaron G. McFadden  
Signature of Property Owner & Date  
[Signature] 7/10/23  
Address & Telephone Number  
1441 Colford Rd W  
Charlotte NC 28209  
7646140471

Print or Type Name of Agent  
Lori Anderson Agent 7/10/23  
Signature of Agent & Date  
[Signature]  
Address & Telephone Number  
2240 Harbor Ridge Dr.  
Bolivia NC 28422  
910.880.1655

Floodplain Manager \_\_\_\_\_

RECEIVED  
JUL 18 2023  
3:00



# TOWN OF HOLDEN BEACH ZONING PERMIT APPLICATION

ALL SECTIONS MUST BE COMPLETED. IF NOT APPLICABLE WRITE N/A

## Section 1: Basic Data

Name: Aaron G. Moffat Telephone #: 704 614-0471  
Holden Beach Property Address: 391 Ocean Blvd W  
Permanent Mailing Address (print same if local address above applies):  
Street Address: 1441 Cortland Rd W  
City/State/Zip Code: Charlotte NC 28209  
Contractor Who Will Perform the Work: Vine Construction Inc.  
Contact Person: Aaron Moffat Telephone #: 704 614 0471  
Address: 1441 Cortland Rd W Charlotte NC 28209

## Section 2: Specific Criteria Required to Support Application Approval

Type of Structure:

New:  Alteration:  Repair:  Relocate:  Driveway:  Fence:

Other: \_\_\_\_\_

Property Use:

Single Family:  Two Family:  Apartment:  Duplex:  Townhouse:  Other:

Total Gross Floor Area of Structure: 2324 sq. Ft.

Required Setbacks in Feet- Front: 25' Rear: 25' Side: 5'

Platted Area in Square Feet: 12984 Usable Area in Square Feet per Survey: \_\_\_\_\_

Flood Zone (AE, VE, X): Base Flood: AE Elevation: 11'

Design Flood Elevation (DFE): \_\_\_\_\_ 13'

Highest Point of Structure Above Mean Sea Level: 42'

Type of Driveway Material: Gravel Driveway Area (in square feet): Existing

Lowest Original Grade Elevation Below Building in Feet: N/A

Proposed Finished Grade in feet as shown on Fill Plan if Fill is to Placed on Lot: N/A

Is Fill Material being Proposed on the Lot? Yes:  No:  If Yes, Depth of Fill: \_\_\_\_\_

Proposed Concrete Slab Elevation as Shown on Stormwater Plan: N/A

Proposed Concrete Slab Elevation as Shown on Construction Plans: N/A

How Many Bedrooms will the/does the Structure have? 4

Lowest Horizontal Structural Member: N/A

## Certification to be Completed by Applicant:

"I certify that any construction, alteration, repair or replacement of building and/or use of land shall be carried out in accordance with the information and Zoning Permit criteria listed above."

Lori Howard Agent

Lori Howard Agent

7/10/23

Authorized Signature

Printed Name

Date

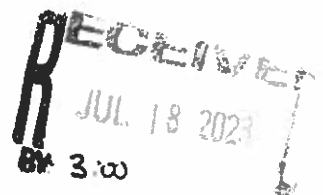
## Section 3: To Be Completed by Town of Holden Beach Zoning Official

CAMA Permit Required? Yes:  No:  Stormwater Permit Required? Yes:  No:

Zoning District Determination for Property: Residential District (R1 Zone)

Residential District (R2 Zone) Commercial District (C Zone)

Zoning Official Approval Signature: \_\_\_\_\_ Date: \_\_\_\_\_



This permit expires 1 year from the date of issuance if construction has not begun. This form replaces all previous forms.

## OCEAN HAZARD AEC NOTICE

Project is in an: X Ocean Erodible Area        Inlet Hazard Area

Property Owner: Aaron G & Helen M McFay

Property Address: 591 Ocean Blvd W

Date Lot Was Platted: 3/1952

Call Brunswick County GIS for this information at 910-253-2300.

This notice is intended to make you, the applicant, aware of the special risks and conditions associated with development in this area, which is subject to natural hazards such as storms, erosion and currents. The rules of the Coastal Resources Commission require that you receive an AEC Hazard Notice and acknowledge that notice in writing before a permit for development can be issued.

The Commission's rules on building standards, oceanfront setbacks and dune alterations are designed to minimize, but not eliminate, property loss from hazards. By granting permits, the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development. Permits issued in the Ocean Hazard Area of Environmental Concern include the condition that structures be relocated or dismantled if they become imminently threatened by changes in shoreline configuration. The structure(s) must be relocated or dismantled within two (2) years of becoming imminently threatened, and in any case upon its collapse or subsidence.

The best available information, as accepted by the Coastal Resources Commission, indicates that the annual long-term average ocean erosion rate for the area where your property is located is \_\_\_\_\_ feet per year.

The rate was established by careful analysis of aerial photographs of the coastline taken over the past 50 years.

Studies also indicate that the shoreline could move as much as \_\_\_\_\_ feet landward in a major storm.

The flood waters in a major storm are predicted to be about \_\_\_\_\_ feet deep in this area.

Preferred oceanfront protection measures are beach equipment and relocation of threatened structures. Hard erosion control structures such as bulkheads, seawalls, revetments, groins, jetties and breakwaters are prohibited. Temporary sand bags may be authorized under certain conditions.

The applicant must acknowledge this information and requirements by signing this notice in the space below. Without the proper signature, the application will not be complete.

Aaron G. McFay 7/10/23  
Property Owner Signature Date

**SPECIAL NOTE:** This hazard notice is required for development in areas subject to sudden and massive storms and erosion. Permits issued for development in this area expire on December 31 of the third year following the year in which the permit was issued. Shortly before work begins on the project site, the Local Permit Officer must be contacted to determine the vegetation line and setback distance at your site. If the property has seen little change since the time of permit issuance, and the proposed development can still meet the setback requirement, the LPO will inform you that you may begin work. Substantial progress on the project must be made within 60 days of this setback determination, or the setback must be re-measured. Also, the occurrence of a major shoreline change as the result of a storm within the 60-day period will necessitate re-measurement of the setback. It is important that you check with the LPO before the permit expires for official approval to continue the work after the permit has expired. Generally, if foundation pilings have been placed and substantial progress is continuing, permit renewal can be authorized. It is unlawful to continue work after permit expiration.

For more information, contact:

Janna Pigott

Local Permit Officer

TOWN OF HOLDEN BEACH  
Address 110 ROTHSCHILD STREET  
HOLDEN BEACH, NC 28462

Locality

910-842-6080  
Phone Number

RECEIVED  
JUL 19 2023  
3:00

Revised May 2010



## Application for Removing /Demolishing Building

Permit #: \_\_\_\_\_ Beach Address: 591 OBW  
 Parcel #: 246 CE 022 Lot #: 45946 Subdivision: WE Robinson  
 Type of Building: House  Commercial \_\_\_\_\_  
 Name of Owner: Aaron G. Moffat Telephone #: 7046140471  
 Permanent Mailing Address: 1441 Cortland Rd w Charlotte NC 28209  
 Appraised or Tax Value of Building: \$ \_\_\_\_\_  
 Building Shall be: Relocated  Demolished \_\_\_\_\_

**If Relocated:**

1. \_\_\_\_\_ Off Beach

Street address where structure is being relocated to \_\_\_\_\_

State \_\_\_\_\_ County \_\_\_\_\_

2.  On Beach (inside town limits)

Street address where structure is being relocated to 139 Tarpon Dr.

Lot Number 259 Subdivision Harbor Aves

An approval by the Board of Adjustments for the building to be permanently relocated inside Town limits and approved drawings must be attached to this application.

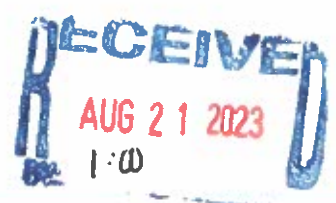
This permit application serves as notice that in accordance with Town Code 151.40, in part, the Permittee must adhere to the following:

**SITE CLEAN UP:** "When structures are removed from the Ocean Hazard AEC all concrete, pilings, septic tanks, walkways, decks and any erosion control structures including sandbags/bulkheads shall be removed by the owner within thirty (30) days of official notification by the Town. The disturbed area shall be grassed or seeded to prevent loss of soil or sand from winds."

**Additional requirements:** Septic tank must be pumped before being removed.

The construction site must be kept clean, safe and free of unusual hazards and presentable at all times. Trash or debris shall not be allowed to blow or otherwise become scattered onto adjacent or nearby property, roads, marshes or other areas. A STOP WORK ORDER WILL BE ISSUED FOR VIOLATIONS.

Mover: Charles Milligan Phone #: 910-653-2272  
 Mover's Address: 1530 SWAMP FOX HWY E TARPON CITY NC 28461  
 License #: 031 Worker's Comp. #: 4759P68  
 Mover's Signature: Charles Milligan Date: Aug 22-23  
 Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Permit Processing DATA (to be completed by Town Staff)**

Building Inspector's Signature: <u>T. Kelly</u>
Approval Date: <u>8-29-2023</u>
Total Collected: _____
Date Collected: _____
Receipt #: _____

FEES	
House Moving Permit	
Moved Within Jurisdiction	\$500.00
Moved Outside Jurisdiction	\$75.00
Security Deposit	\$1000.00
Bridge Fee	\$100.00
Demolition Permit Fee	\$75.00
Demolition Deposit	\$200.00



**Janna Pigott**

---

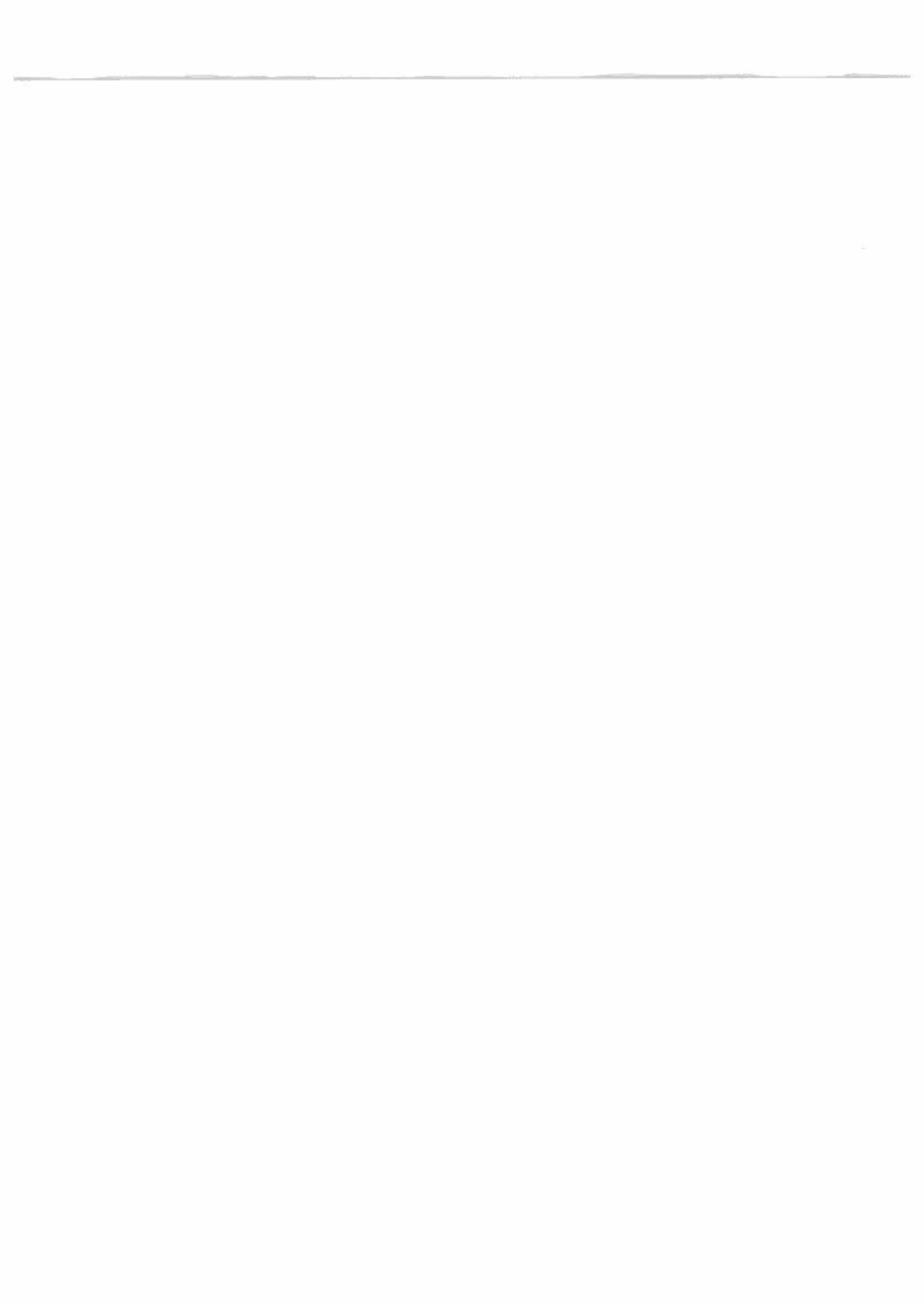
**From:** janna pigott <jannapigott@yahoo.com>  
**Sent:** Tuesday, August 22, 2023 1:13 PM  
**To:** Janna Pigott  
**Subject:** 591 OBW







Sent from my iPhone









TOWN OF HOLDEN BEACH

BOARD OF ADJUSTMENT

Application No. \_\_\_\_\_

Date 8/22/23

Permit Fee 175.00

Receipt # \_\_\_\_\_

GENERAL APPLICATION FORM

Permit or Relief Requested: \_\_\_\_\_ Appeal  Variance \_\_\_\_\_ Special Use Permit \_\_\_\_\_

Applicant Nanette Almeida Owner Nanette Almeida

Address 1167 Brunswick Ave W Address 1167 Brunswick Ave W  
Holden Beach NC 28462 Holden Beach NC 28462

Telephone 910-209-2580 Telephone 910-209-2580

Legal relationship of applicant to property owner owner

Purpose of permit outdoor elevator/lift

Property location 1167 Brunswick Ave W Holden Beach, NC  
(Street Address)

Tax map \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Lot size \_\_\_\_\_ square feet \_\_\_\_\_ Zoning District \_\_\_\_\_

No. of buildings to remain \_\_\_\_\_ Gross floor area to remain \_\_\_\_\_

No. of buildings proposed \_\_\_\_\_ Gross floor area of proposed buildings \_\_\_\_\_

Total square footage of land to be disturbed \_\_\_\_\_ square feet

Estimated cost of project \$ \_\_\_\_\_

The following documents are attached to and a part of this application: (Plot plan, building permit application, drawings, surveys, etc.)

~~Land Survey~~ Permit Application Lift Drawing  
Business Card

Date 8/22/23 Signature of Applicant Nanette Almeida



Application No. \_\_\_\_\_

TOWN OF HOLDEN BEACH  
APPLICATION FOR A VARIANCE

Month August Day 22 Year 2023

TO THE HOLDEN BEACH ZONING BOARD OF ADJUSTMENT:

I, Nanette Almeida, hereby petition the Zoning Board of Adjustment for a VARIANCE from the literal provisions of the Holden Beach Code of Ordinances because, under the interpretation given to me by the Zoning Enforcement Officer, I am prohibited from using the parcel of land described in the attached form (General Application Form) in a manner shown by the plot plan attached to that form. I request a variance from the following provisions of the ordinance (cite paragraph numbers): 157.032 - Lot Boundary Modification so that the above-mentioned property can be used in a manner indicated by the plot plan attached to the General Application form or, if the plot plan does not adequately reveal the nature of the variance, as more fully described herein: (If a variance is requested for a limited time only, specify duration requested.)

---

Factors Relevant to the Issuance of a Variance

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under the state enabling act, the Board is required to reach three conclusions before it may issue a variance: (a) that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance; (b) that the variance is in harmony with the general purposes and intent of the ordinance and preserves its spirit; and (c) that in granting the variance, the public safety and welfare have been assured and substantial justice has been done. In the spaces provided below, indicate the facts that you intend to show and the arguments that you intend to make to convince the Board that it can properly reach these three required conclusions.

a. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance. The courts have developed three rules to determine whether in a particular situation "practical difficulties or unnecessary hardships" exist. State facts and arguments in support of each of the following:

(1) If he complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

---

---



(2) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Note: Hardships suffered by the applicant in common with his neighbors do not justify a variance. Also, unique personal or family hardships are irrelevant, since a variance, if granted, runs with the land.)

In July of 2022, I called Home Elevator Lift Products in Sunset Beach to inquire about an outdoor lift. They put me in touch with Chris Robinson at Sunset Lifts. I paid for + had installed the outdoor lift. I asked him several times if he needed a permit, to which he replied no. It wasn't until after it was installed that I went to the town hall to ask

(3) The hardship is not the result of the applicant's own actions.

As soon as I realized a permit was needed, I called Sunset Lifts, told them, but they did not respond, so I went about obtaining the permit myself.

b. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit. (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

Instead of a 5 ft variance with the property border there is only 3 ft.

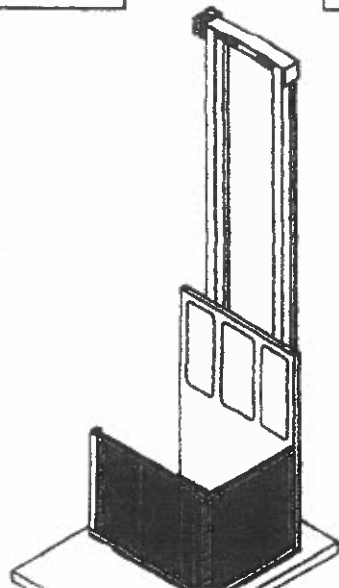
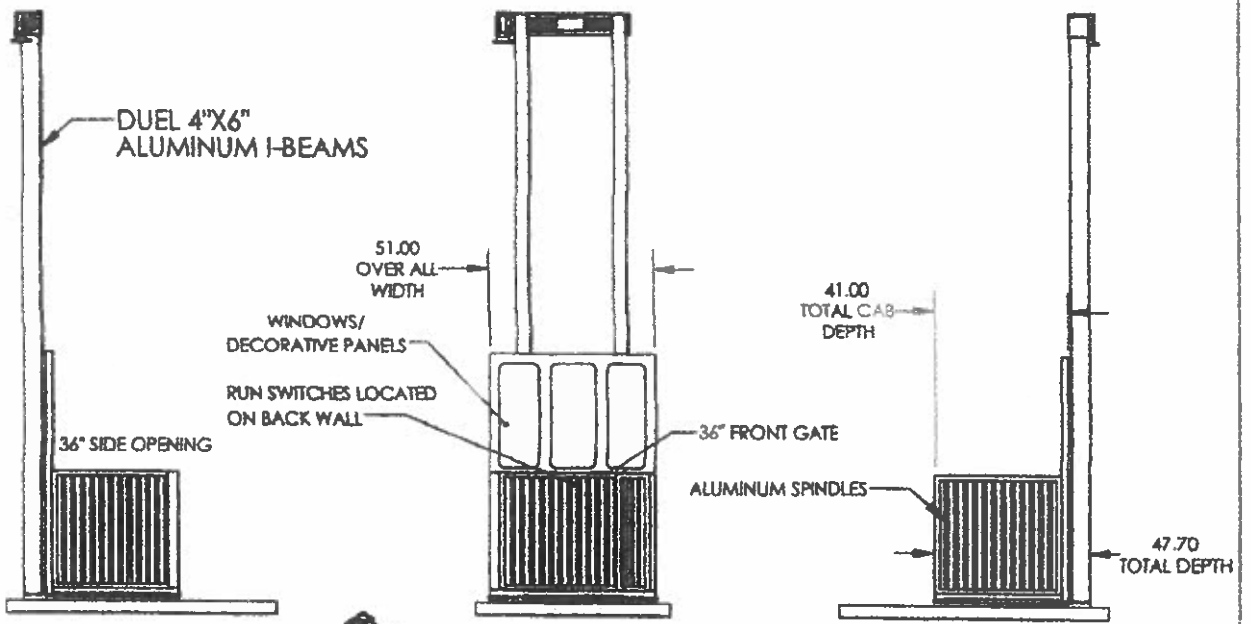
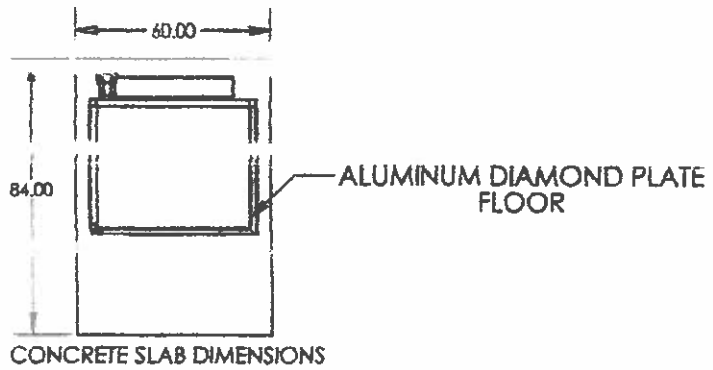
c. The granting of the variance secures the public safety and welfare and does substantial justice. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information and belief.

  
Signature



Attachment #1



### HOME ELEVATOR AND LIFT PRODUCTS

TOLERANCES:  
 FRACTIONAL +/- .06  
 ANGULAR: MACH +/- 1/2 DEG  
 BEND +/- 2 DEG  
 ONE PLACE DECIMAL +/- .032  
 TWO PLACE DECIMAL +/- .010  
 THREE PLACE DECIMAL +/- .005

PART NO. 0001

TITLE: OUTDOOR LIFT

MATL: ALUMINUM

DATE: 4/29/2022

REV: A





**TECHNICAL DATA:**

PLATFORM SIZE: 36"X48"

RATED LOAD: 750lbs maximum

POWER SOURCE: Check all local electric codes for wiring requirements if a GFI outlet is required use a 120V, 15A, 60Hz single phase circuit. National Electrical Code requires a GFI be used on all outdoor applications.

DRIVE: 1HP motor, 1750 rpm, 24 VDC.

CONTROLS: 24 VDC relay control with 60A circuit breaker and disconnects.

EMERGENCY STOP SWITCH: Red, sealed, push to stop, pull to reset.

SPEED: 10 ft/min maximum.

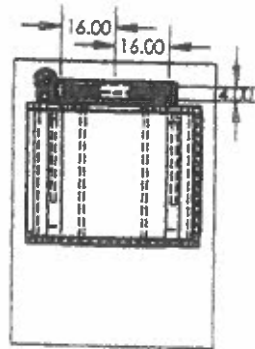
UNDER CARRIAGE SAFETY: Aluminum formed and fabricated safety pan with limit switches. Continuous pressure safety switch.

LIMIT SWITCHES: Adjustable upper and lower limit switches and upper final limit switch.

**PERFORMANCE STANDARDS**

- ASME A18.1-2017 (sec.5) safety standards for platform lifts and stairway chairlifts.
- CSA B355-19 lifts for persons with physical disabilities.
- CSA B44.1-19/ASME A17.5-2019 elevator and escalator electrical equipment.
- NFPA 70-2017 national electrical code

**ANCHOR POINT LOCATIONS**



**TECH SPECS:**

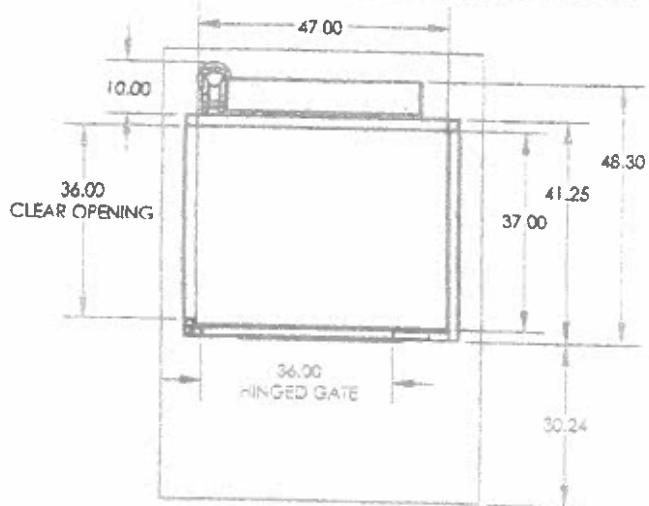
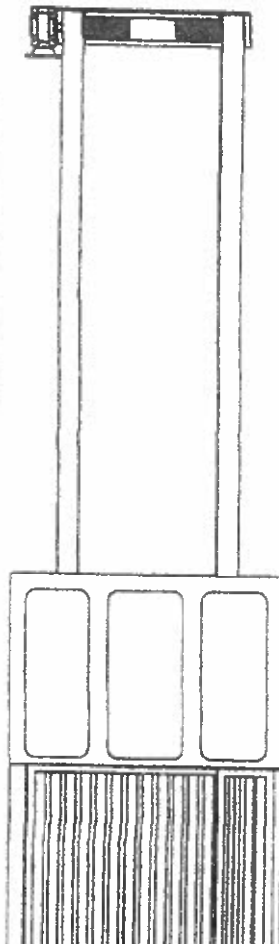
SLAB: 4" thick, 3500 psi minimum compressive strength, reinforced concrete slab. Refer to technical drawings for slab dimensions.  
 FLOOR ATTACHMENT: base of lift must be fastened to the concrete slab using 3/8" x 2-1/2" long concrete anchors following manufacturer's guidelines.  
 HOUSING ATTACHMENT: Fasten lift to vertical wall of house with supplied triangle brace and lag bolts.

80"  
MINIMUM  
OVERHEAD  
CLEARANCE

UPPER  
LANDING  
GATE

120"  
FLOOR  
TO  
FLOOR

CALL/SEND WITH  
ROCKER SWITCH  
CONTROL



**HOME ELEVATOR AND LIFT PRODUCTS**

TOLERANCES:  
 FRACTIONAL +/- .06  
 ANGULAR: MACH +/- 1/2 DEG  
 BEND +/- 2 DEG  
 ONE PLACE DECIMAL +/- .032  
 TWO PLACE DECIMAL +/- .010  
 THREE PLACE DECIMAL +/- .005

PART NO. 0001

TITLE: OUTDOOR LIFT

MATL: ALUMINUM

DATE: 4/29/2022 REV: A





# Sunset Lifts

Chris Robinson owner  
SunsetLifts@gmail.com  
SunsetLifts.com  
(910)-209-4885



Brought to town hall on  
6/9/23



TOWN OF HOLDEN BEACH  
BUILDING PERMIT APPLICATION

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*All information on this application must be filled out completely. Information that does not apply may  
n/a. Incomplete applications shall be returned without being processed.

A zoning permit application must be submitted prior to or at the same time as the application.

**PROPERTY OWNER INFORMATION:**

Name: NANCIE + CARLOS ALMEIDA  
Holden Beach Property Address: 107 BARNWICK AVE W  
Lot Number: \_\_\_\_\_ Subdivision: \_\_\_\_\_  
Permanent Mailing Address:  
Street Address: 3701 ASPEN VIEW PI  
City/State/Zip: RICHMOND, VA 23133  
Home Phone: \_\_\_\_\_ Beach House Phone: \_\_\_\_\_  
Cellular Phone: 910-209-2580 Fax: \_\_\_\_\_  
Email: 910-209-2580

**CONTRACTOR INFORMATION:**

Business Name: Sunset Lifts Qualifier: \_\_\_\_\_  
Mailing Address:  
Street Address: BEACH VIEW DR  
City/State/Zip: BELLEVILLE, NC  
Phone: 910-207-4885 Cellular Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_ Email: SunsetLifts@gmail.com  
N.C. State Contractor's License Number: \_\_\_\_\_  
Workman's Compensation Number (Attach Copy): \_\_\_\_\_  
Current Holden Beach Privilege License Number Yes \_\_\_\_\_ No \_\_\_\_\_  
Contact Person: Chris Robinson  
Phone: 910-207-4885 Cellular Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_ Email: SunsetLifts@gmail.com

**ZONING:** (check one)

Residential (R-1 Zone) \_\_\_\_\_ Residential (R-2 Zone) \_\_\_\_\_ Commercial (C-1 Zone) \_\_\_\_\_

**FLOOD PLAIN INFORMATION:**

Flood Zone Designation (X, AE, VE) AE Base Flood Elevation \_\_\_\_\_

**WORK CLASSIFICATION AND VALUE:** (check one)

New \_\_\_\_\_ Addition Outdoor Electrical Repair \_\_\_\_\_  
\$ \_\_\_\_\_ \$ 13,500.00 \$ \_\_\_\_\_

List all repairs in detail  
on second page.

**PROPERTY USE:** (check one)



Commercial \_\_\_\_\_ Other \_\_\_\_\_ Description \_\_\_\_\_

**ACCESSORY CONSTRUCTION:** (check one)

Boatlift \_\_\_\_\_ Dock \_\_\_\_\_ Bulkhead \_\_\_\_\_ Specify Use: \_\_\_\_\_

Driveway \_\_\_\_\_ Square Feet \_\_\_\_\_ Specify type of material used for driveway \_\_\_\_\_ Value: \_\_\_\_\_

**SUPPLEMENTAL INFORMATION:** (for proposed work only)

Ground Level

Open Concrete Area Under Home: \_\_\_\_\_ sf

Enclosed Unheated: \_\_\_\_\_ sf

Enclosed Heated: \_\_\_\_\_ sf

Floor 1

Enclosed Heated: \_\_\_\_\_ sf

Enclosed Unheated: \_\_\_\_\_ sf

Open Deck: \_\_\_\_\_ sf

Covered Deck: \_\_\_\_\_ sf

Floor 2

Enclosed Heated: \_\_\_\_\_ sf

Enclosed Unheated: \_\_\_\_\_ sf

Open Deck: \_\_\_\_\_ sf

Covered Deck: \_\_\_\_\_ sf

**NUMBER OF:**

Bedrooms \_\_\_\_\_

Baths \_\_\_\_\_

Kitchens \_\_\_\_\_

**CAMA INFORMATION:**

Has a minor CAMA permit been issued: yes \_\_\_\_\_ no \_\_\_\_\_ If yes, permit number \_\_\_\_\_  
If no, has a CAMA exemption been issued: yes \_\_\_\_\_ no \_\_\_\_\_

**DESCRIPTION OF PROPOSED WORK:** (add additional sheets as necessary)

INDOOR OUTDOOR HOME ELAVATOR LIFT SEE  
Attachment #1 - #2

**Subcontractors must be listed Here:**

Electrician \_\_\_\_\_ License# \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

Signature \_\_\_\_\_  
Mechanical \_\_\_\_\_ License# \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

Signature \_\_\_\_\_  
Plumbing \_\_\_\_\_ License \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

Signature \_\_\_\_\_





I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions, laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

This permit becomes null and void if work or construction authorized is not commenced within six months, or if construction or work is suspended or abandoned for a period of one year at any time after work is commenced.

Nanette Almeida 6-8-23  
Owner/Agent Signature Date

Nanette Almeida  
Printed Name

**PERMIT APPROVAL:**

\_\_\_\_\_  
Building Inspector Date



APPENDIX D

AFFIDAVIT OF WORKER'S COMPENSTATION COVERAGE  
N.C.G.S §87-14

The undersigned applicant for construction on Parcel # \_\_\_\_\_ being to:

Contractor

Owner

Officer/Agent of the Contractor

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 worker's compensation insurance to cover them,

\_\_\_\_\_ has/have one or more subcontractor(s) and have obtained worker's compensation insurance to cover them,

\_\_\_\_\_ has/have one or more subcontractor(s) who has/have their own policy of worker's compensation covering themselves,

\_\_\_\_\_ 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 at any time during the permitted work from any person, firm or corporation carrying out the work

Company Name : \_\_\_\_\_

Signed : \_\_\_\_\_

Print : \_\_\_\_\_

Title : \_\_\_\_\_

Date: \_\_\_\_\_



VE & AE Zones  
Application

Town of Holden Beach  
Floodplain Development Permit Application

Date: 6-8-23

Location of Property: 167 BRIDWICK AVE W

Type of Development:

Residential Construction       Nonresidential Construction       Addition       Renovation  
 Other (specify) \_\_\_\_\_

Size of Development: \_\_\_\_\_

FIRM Data: Map Panel No. \_\_\_\_\_ Suffix \_\_\_\_\_ Map Panel Date \_\_\_\_\_  
Flood Zone \_\_\_\_\_ (Enter zone & not y/n) (see survey for information)

Development Standards Data:

On Holden Beach the Policy is that all structures constructed in a V or A Zone shall meet FEMA requirements for both zones

1. Base flood elevation (BFE) per FIRM at development site \_\_\_\_\_
2. Regulatory flood protection elevation must be at or above the bottom of the lowest supporting horizontal member plus 2 feet and all attendant utilities to include but not limited to, all heating, air conditioning and electrical equipment
3. V-Zone Certification is required prior to a CO being issued by the Building Inspector for all structures within a V-Zones and A-Zones
4. All walls constructed below base flood elevation shall be constructed with break a way walls and have flood vents in accordance with FEMA's technical bulletins for V-Zones and A-Zones
5. ALL areas below the base flood elevation plus 2 feet are permitted to be used only for parking vehicles, building access, or storage based on FEMA regulations and Holden Beach Ordinance.  
When signing below you the property owner and agent agree to these regulations
6. Total area of openings required are a minimum of two openings having a net area of not less than one square inch for every square foot of enclosed area below base floor elevation. Garage doors cannot be used to satisfy this requirement.  
\*The bottom of all required openings must be no higher than 12" above Grade  
\*The vents must be installed in at least two walls of the enclosure

Applicant acknowledgment: I, the undersigned, understand that the issuance of a floodplain development permit is contingent upon the above information being correct and that the plans and supporting data have been or shall be provided as required. I also understand that prior to occupancy of the structure being permitted, an elevation certificate signed by a professional engineer or registered land surveyor must be on file with the Town of Holden Beach Building Department indicating the "as built" elevations in relation to mean sea level (MSL).

Print or Type Name of Property Owner

Print or Type Name of Agent

Signature of Property Owner & Date

Signature of Agent & Date

Address & Telephone Number

Address & Telephone Number

Floodplain Manager \_\_\_\_\_

