



TOWN OF HOLDEN BEACH
PLANNING & ZONING BOARD REGULAR MEETING
HOLDEN BEACH TOWN HALL – PUBLIC ASSEMBLY ROOM
Tuesday, September 27, 2022, 3:30 PM

PUBLIC COMMENTS: To hear comments on a proposed modification to Chapter 94 Section 94.03.

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes**
 - a. Minutes of August 23, 2022
- 4. Discussion and Possible Action on Ordinance 94.03 Frontal Dune Policy and Regulations**
- 5. Discussion of properties located on ocean boulevard between Swordfish & Sailfish Drive**
- 6. Comments**
- 7. Adjournment**

**TOWN OF HOLDEN BEACH
PLANNING & ZONING BOARD
AUGUST 23, 2022 – 3:30 P.M.**

The Planning & Zoning Board of the Town of Holden Beach met for their Regular Meeting on Tuesday, August 23, 2022 at 3:30 p.m. in the Town Hall Public Assembly. Present were Chair Pete Pallas; Vice Chair Greg Shue; Regular Member Wade Coleman, Sylvia Pate and John Cain; Alternate Members Mark Francis and Aldo Rovito; Planning Director Tim Evans; CZO Rhonda Wooten; Plan Reviewer Carey Redwine; Public Works Director Chris Clemmons; and Fire Chief Doug Todd.

CALL TO ORDER

The meeting was called to order at 3:33 p.m.

ROLL CALL

All members were present.

PUBLIC COMMENTS ON AGENA ITEMS

Planning Director Evans asked to amend the agenda and add item #8, lots situated off of OBW in the 800 & 900 block.

APPROVAL OF MINUTES

Vice Chair Shue made a motion to approve the minutes of June 22, 2021; seconded by Member Pate and approved by unanimous vote.

Member Cain made a motion to approve the minutes of July 27, 2021; seconded by Vice Chair Shue and approved by unanimous vote.

Member Pate made a motion to approve the minutes of June 28, 2022; seconded by Vice Chair Shue and approved by unanimous vote.

ELECTION OF CHAIR AND VICE CHAIR

Vice Chair Shue made a motion to nominate Pete Pallas as Chair; seconded by Member Pate and approved by unanimous vote.

Member Coleman made a motion to nominate Greg Shue as Vice Chair; seconded by Chair Pallas and approved by unanimous vote.

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE 94.03, FRONTAL DUNE POLICY AND REGULATIONS

Planning Director Evans stated that the frontal dune is the most substantial dune to protect the structure. The town has a frontal dune designation and CAMA has a frontal dune designation. There is a possibility that the CAMA frontal dune and the town's frontal dune may be the same or the town's frontal dune could be more landward.

Staff recommends option #5, of the 5 options, it does not allow the ordinance to be moved in the code book or be changed, but recommends some minor text changes.

Planning Director Evans stated that he is only aware of one person that has even asked for a walkway extension beyond what is allowed in the ordinance now. All of our rules and regulations get looked at by the CRS program. We have more restrictive regulations that protect our structures and are a primary part of the CRS point system for the town. This ordinance was written shortly after Hurricane Floyd.

Public Works Director Clemmons stated that he understands homeowners wanting to construct walkways further out but there is a lot more negatives than positives to let this happen. He started working here in the 90's, when the walkways were far out. It was a massive pile of debris field after a storm. As far as FEMA, back in the day anything that was on the beach strand contributed to the threshold that we had to meet for the county to qualify for FEMA assistance. All of that has changed now and everything that happens on that beach strand is not eligible to help get to that threshold. If we let them start extending the walkways all the way out that far it will be on the town to pay for the cost of cleaning it up. We will not be getting any reimbursements. This could also delay you from returning after a storm until the beach is cleaned up, with all the debris and lumber strung around. The massive structures floating around could cause damage to people's homes. If you look at the beach in the last 10 years, I don't think that anyone can say that were not making headway in keeping it the way that it is.

Fire Chief Doug Todd is present and Public Works Director Clemmons stated the emergency people for life saving measures cannot get on the beach if needed with debris strung everywhere.

Public Works Director Clemmons stated that there are so many negatives to allowing these walkways to extend back out. Years ago, he remembers having to chainsaw walkways so that a dredging project could occur because all the homeowners would not move them. As many people as we see on the beach in July, I can't imagine how tight it would be if they have less room to sit, if walkways are extended out further. I am highly opposed to extending the walkways. If we need trucks for cleanup, it is a whole lot more difficult to get trucks and approval for the hauling off and cleaning up of the debris. We are required to go through the county now.

Planning Director Evans stated that the rules do not state that the property owners cannot walk over their dune. The exception that was written for the west end of the beach was to get the property owners over the water area. Option #5 is the recommendation from the staff.

The Planning Board discussed the item and options.

Vice Chair Shue made a motion for option #5 to be presented for public comments; seconded by Chair Pallas and approved by unanimous vote.

LOTS SITUATED OFF OF OBW 800-900 BLOCK

Planning Director Evans stated that if some of these houses want to do improvements, we may have a problem based on where the property lines and street are located. This has caused some of these homes to be nonconforming and forced them to go before the Board of Adjustment for variance. The right-of-way is not the same within some of those areas.

Chair Pallas made a motion for Planning Director Evans to put together information on this item and bring it back to the Planning Board to review; seconded by Member Coleman and approved by unanimous vote.

COMMENTS

Property owner Ann Arnold, 124 Salisbury Street, wanted clarification on what the walkways can be constructed to, is it for 300 feet only. Planning Director Evans stated that the ordinance is the same.

Planning Director Evans stated that when you rent a home you are the owner at that time.

ADJOURNMENT

Chair Pallas made a motion to adjourn at 4:16 PM.; seconded by Vice Chair Shue and approved by unanimous vote.

Option 5

Staff recommended changes to remain 94.03

Staff Input: Assistant Town Manager Christy Ferguson, Development Service Officer, Rhonda Wooten, Planning and Inspections Director Timothy D. Evans, Public Works Director, Chris Clemmons

(2) Frontal Dune Policy and Restrictions:

(a) Whenever property owners elect to construct a walkway across the frontal dune on their property, to provide pedestrian access to the beach strand, the following specifications shall apply. (Note: the same criteria applies when property owners seek to apply for town approval of an encroachment agreement to construct a walkway over public property adjacent to their residence.)

1. The walkway shall be constructed only of building materials approved by the ~~N.C. State Building Code~~ North Carolina Residential Building Code. The walking passageway shall be no wider than four feet. The underside of the walkway across the frontal dune shall be a minimum of 18 inches and a maximum of 36 inches above the crest of the sand. Exception: Town owned CAMA accessways may utilize a 6-foot walkway.

2. The first step down to the beach strand shall be placed no farther seaward than the beginning of the downward slope of the dune. ~~or the existing line of escarpment determined by averaging the downward slope of escarpment line for the property in question and those properties directly adjacent.~~

3. Steps shall be of open tread construction with a maximum riser height of 8.25 inches and a minimum tread depth of 9.00 inches and shall meet the requirements of the ~~N.C. State Building Code~~ North Carolina Residential Building Code.

4. In accordance with N.C. State Division of Coastal Management's enforcement of the Coastal Area Management Act (CAMA), the walkway access to the beach strand over the frontal dune shall be conclusively presumed to entail negligible alteration of the dune. ~~The walkway shall be raised on posts or pilings a minimum of two feet and a maximum of five feet depth into the dune.~~ In no case shall the walkway be permitted if it will, in the opinion of the Local CAMA Permit Officer, diminish the dune's capacity as a protective barrier against flooding and erosion.

5. Except for handicap ramps, steps from the walkway to the beach strand shall be placed only perpendicular to the frontal dune line.

6. No structure other than ~~the one~~ four-foot-wide wooden walkway shall be located south of the landward toe of the frontal dune. This applies to decks, gazebos, sitting areas and other additions that a property owner may desire to make to the allowed walkway. Structures (other than the ~~one~~ four-foot walkway) that exist when this section is adopted may remain in place temporarily; however, all such structures must be removed no later than December 31, 2003, in order to be in compliance with this section. A building permit is required if there are any repairs needed to walkway load bearing surfaces, such as supporting posts. Adding additional lengths to supporting posts shall constitute a repair. Exception: Town owned CAMA accessways may utilize a 6-foot walkway. Exception: Property owners with lots that have more than 300 feet from the seaward toe of the frontal dune to the last line of natural stable vegetation, as determined by the local CAMA officer, may install a single walkway with a maximum width of four feet; the walkway shall be a minimum of three feet high with a maximum height not to exceed four feet; and shall terminate at the last line of natural stable vegetation. Walkways shall be permitted and built-in accordance with all federal, state, and local building requirements.

(b) Showers shall not be located on walkways over the dune south of its landward toe. Shower runoff must not drain onto any portion of the frontal dune or south of the landward toe.

(c) In those instances where a residence or other structure is located directly adjacent to the frontal dune, stormwater runoff from roofs shall be controlled by the property owner so as not to erode sand on any portion of the frontal dune.



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