

# NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE  
 230 Government Center Drive, Suite 110  
 Wilmington, North Carolina  
 Telephone (910) 798-7165  
 FAX (910) 798-7053  
 planningdevelopment.nhcgov.com



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NOV 27 2017

NEW HANOVER COUNTY  
 PLANNING & ZONING

## APPEAL Application

Applicant/Agent Information		Property Owner(s) If different than Applicant/Agent	
Name MARY ANN WALTON		Owner Name Mark S. Roseman	
Company —		Owner Name 2	
Mailing Address 7807 Beachcomber Court		Mailing Address 7810 Beachcomber Court	
City, State, Zip Wilmington, NC 28411		City, State, Zip Wilmington, NC. 28411	
Phone (910) 686-5774		Phone ?	
Email waltonmaryann@gmail.com		Email ?	
Subject Property Information			
Address/Location 7810 Beachcomber Court, Wilmington, NC 28411			
Parcel Identification Number(s) Plat 48 Page 33-34 & Plat 62 Page 1-2			
Total Parcel(s) Acreage			
Existing Zoning and Use(s)			
Application Tracking Information		(Staff Only)	
Case Number 2BA-922	Date/Time received: 11/27/2017 - 3:00pm	Received by: 3:00 PM / D. Brown	

## APPEAL NARRATIVE

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Action being appealed:  Decision or Interpretation     Notice of Violation

NOV 27 2017

Date of decision/violation being appealed: 10/25/2017

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In the below space, please provide a narrative of the application including any evidence that proves the decision should be reversed or modified by the Zoning Board of Adjustment. (Additional pages may be attached to the application if necessary)

On September 07, 2017, New Hanover County Planning staff, in consultation with legal staff, REJECTED a request from Mark Roseman, to construct in his woods, "a 8 foot wall" along the entire length of my front yard & flush with my property line. This initial request from MR. Roseman was denied because this fence/wall would be located on an access easement, located on his property, & as prohibited in the Subdivision Ordinance.

Sometime after this decision was sent to Mr. Roseman, he reportedly presented a counter-proposal, asking if he moved this 5 foot easement could he then build his wall. Of significant note, MR. Roseman has already put his paved

## APPLICATION REQUIREMENTS

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". Staff will not process an application for further review until it is determined to be complete.

Required Information	Applicant Initial	Staff Initial
1 Complete Appeal application		
2 Application fee - \$400		
3 Any Supporting Documentation		
4 1 hard copy of ALL documents. Additional hard copies may be required by staff depending on the size of the document/site plan.		
5 1 PDF digital copy of ALL documents AND plans on a Compact Disk (CD).		

## ACKNOWLEDGEMENT AND SIGNATURES

By my signature below, I understand and accept all of the conditions, limitations and obligations of the appeal application for which I am applying. I understand that I have the burden of proving why the decision which is being appealed should be reversed or modified. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and commitments; and
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.

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Signature of Property Owner(s)

*Mary Ann Walton*

Signature of Applicant/Agent

Print Name(s)

MARY ANN WALTON

Print Name(s)

**NOTE:** Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

**\*The land owner or their attorney must be present for the case at the public hearing.**

For Staff Only

Application Comments

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Applicant: Mary Ann Walton

NEW HAMPSHIRE COUNTY  
PLANNING & ZONING

driveway over this same 5 foot easement. On October 25, 2017, I was informed by County staff that they had REVERSED their previous decision & rationalized that, if the easement ~~was~~ <sup>was</sup> moved they couldn't prevent Mr. Roseman from building his wall. About two days later, I have a 8 foot wall approximately 150-200 feet off of my front porch. In addition, I learned that Mr. Roseman had reportedly informed another homeowner, that the 5 foot access easement had been illegally moved to my side of the property line.

I'm Contesting this Decision on the Following:

- I. Violation of Subdivision Ordinance
  - (A). Obstruction of a dedicated access easement
  - (B). failure to ensure that mandated access easements must provide, "FREE & EASY" ingress & egress from Common Areas -
- II. Unauthorized Changes to Plat Maps
  - (A) County's failure to recognize the legal status of mandated Homeowners Association! DECLARATION of Covenants.

**CASH RECEIPT**

TRANSACTION CODE	CR	AGENCY	CASH RECEIPT #	179835	TRANSACTION DATE	M M D Y Y	ACCOUNTING PERIOD	M M Y Y	BUDGET FY	PAGE 1 OF 1
ACTION		BANK ACCOUNT		OFFSET CASH ACCOUNT		COMMENTS				
ORIGINAL ENTRY (E) <input type="checkbox"/> ADJUSTMENT (M) <input type="checkbox"/>										

DESCRIPTION:	AMOUNT	INT. IND.	IND. IND.
01 11050000 ZBA (Appeal) Application Fee 400.00 2BA-922	400		
DESCRIPTION:			
DESCRIPTION:			
DESCRIPTION:			
DESCRIPTION:			
DESCRIPTION:			
DESCRIPTION:			
DESCRIPTION:	400.00		

RECEIVED FROM MARY ANN WATSON  
 FOR: Zoning Board of Adjustment Application Fee (Appeal) 7810 Beach Comber County Why NC

TOTAL AMOUNT \$ 400.00

PREPARED BY NAME	<u>Denise Brown</u>	TITLE	<u>Admin. Supp Tech</u>	DATE	<u>11/27/2017</u>
RECEIVED BY NAME		TITLE		DATE	
ENTERED BY NAME		TITLE		DATE	

NEW HANOVER COUNTY  CASH  CHECK, # 1319 CASH RECEIPT NUMBER 179835