Board of Adjustment
Hearing Agenda
Thursday, November 19, 2026
City Hall, 10:00 A.M.

A. Call to Order

B. Pledge of Allegiance

C. Approval of Agenda

D. Approval of Minutes

a) November 7, 2025

E. Swear in Witnesses

F. Old Business

None

G. New Business

1. <u>Appeal of an Administrative Decision- Case 2026-100</u>

Hearing Date: November 19, 2026
Appellant: Scott Teubner
Property Owner(s): Rodney Fowler & Scott Teubner
Property Location: 2800 George II Hwy. (NC 87)
Parcel Number(s): 1560011802
Parcel Acreage: 30.35
Zoning District: C-1
Adjacent Zoning: C-1, R-6 & CON

Request: Appeal of an Administrative Decision in response to a Notice of Violation issued on August 28, 2026

2. **Appeal of Administrative Decision Case 2026-200**

Hearing Date: November 19, 2026
Appellant: Scott Teubner
Property Owner(s): Rodney Fowler & Scott Teubner
Property Location: 2821 George II Hwy. & 3001 George II Hwy.
Parcel Number(s): 15600118 (subdivided and now 15600118 & 1560011805)
Parcel Acreage: 53.44 & 16.97
Zoning District: C-1 & C-1
Adjacent Zoning: C-1 & R-2

Request: Appeal of an Administrative Decision in response to a Notice of Violation issued on August 28, 2026

3. **Ad Hoc Board Meeting**

Schedule a follow-up meeting to approve the Minutes and Discussion on setting Ad Hoc Board meetings.

H. Adjourn

City of Boiling Spring Lakes
9 East Boiling Spring Road
Southport, NC 28461

BOARD OF ADJUSTMENT
APPEAL OF ADMINISTRATIVE DECISION
STAFF REPORT

Hearing Date:	November 19, 2026
Appellant:	Scott Teubner
Property Owner(s):	Rodney Fowler & Scott Teubner
Property Location:	2800 George II Hwy. (NC 87)
Parcel Number(s):	1560011802
Parcel Acreage:	30.35
Zoning District:	C-1
Adjacent Zoning:	C-1, R-6 & CON
Request:	Appeal of an Administrative Decision in response to a Notice of Violation issued on August 28, 2026

Summary

On September 25, 2026, Scott Teubner, property owner of parcel identification number 1560011802, submitted an application for an Appeal of an Administrative Decision. Mr. Teubner, hereby referred to as the appellant, wishes to appeal a Notice of Violation (NOV) issued on August 28, 2026, citing violation of Article 7, Section 7.29 of the City of Boiling Spring Lakes Unified Development Ordinance (UDO) for failure to submit required development plans within the required two-year period. Article 4, Section 4-4-1 of the City of Boiling Spring Lakes UDO permits a violator who has received a NOV to appeal the UDO administrator's determination that a violation has occurred to the Board of Adjustment.

Background

On August 21, 2024, Rodney Fowler submitted a tree removal permit application for parcel 1560011802 for the removal of trees >7.9" DBH. The application indicated no significant trees were proposed for removal. A tree survey spreadsheet accompanied the application.

Parcel 1560011802 is owned by Rodney Fowler and Scott Teubner. This is an approximately 30.35 acre parcel that is located on NC 87. The property was undeveloped at the time of application

submission, and remains undeveloped at this time. The property was not located within designated RCW habitat at the time of application submission.

After reviewing the application and tree survey spreadsheet, and upon payment of the tree removal permit fee, tree removal permit #TRMV-2024-184 was issued on August 22, 2024.

Relevant UDO Provisions

At the time of application submittal and permit issuance, the applicable ordinance provided as follows:

> **Section 7-29(D) Tree Preservation** For those properties not located in designated woodpecker habitat, and for properties within the woodpecker area that have secured written authorization from USFWS to proceed with tree removal, the following provisions of this section shall apply:
>
> **(1)** *Undeveloped parcels.* A parcel of land that does not contain a principal structure or dwelling. Any tree of up to and including 7.9" may be removed without a permit.
>
> a. On undeveloped parcels of twenty-five (25) acres or greater, where development is not yet subject to an approved site plan, a permit shall be issued for the removal of trees >7.9 inches DBH upon a finding of the following:
>
> i. If significant trees are proposed to be removed, the applicant shall submit with the application a survey indicating the species, size, and condition of the significant tree(s). Removal of significant trees shall be mitigated in accordance with section 7.29(E) unless the tree(s) is /are shown to be dead, dying, or severely damaged or diseased. Tree mitigation may occur at a future date, no later than twenty-four (24) months following issuance of a tree removal permit, and may be addressed and/or incorporated into a future site plan for the property to be submitted no less than twenty-four (24) months following issuance of a tree removal permit.
>
> 1. Tree protection for any retained tree(s) shall be in accordance with Section 7.36
>
> ii. No trees proposed for removal are located within required street yards and required bufferyards, unless the property owner agrees to submit a site plan for development of the property within twenty-four (24) months.

Permit #TRMV-2024-184 was issued on August 22, 2024 for the removal of trees >7.9" DBH. The permit specified that no significant trees shall be removed and that a street yard and perimeter bufferyards were required. The permit further specified that all trees within 30' of all property lines shall be retained.

The UDO allows for the removal of trees within required street yard and bufferyard areas, provided a site plan for development of the property is submitted within twenty-four (24) months of issuance of the tree removal permit. The permit was issued on August 22, 2024, establishing a deadline of August 22, 2026, for site plan submittal. Staff determined that, since August 22, 2026 fell on a Saturday, the due date for site plan submittal was August 24, 2026.

A digital copy of a major site plan application and preliminary concept sketch for parcels 15600118 and subject parcel 1560011802 was submitted by Jeff Theberge with McKim and Creed at 8:21 p.m. on August 24, 2026.

On August 25, 2026 the appellant submitted a cash payment of $500 to Maggie DellaBadia, Building Permit Technician, consistent with the City's adopted fee schedule, which establishes a $500 fee for the preliminary review of a major site plan.

At 9:12 a.m. on August 25, 2026 the UDO administrator advised Mr. Theberge that the submittal did not constitute a complete major site plan application under the UDO, that Appendix B of the UDO outlined all required information, and that the UDO also required 3 paper copies in addition to the digital copy.

At 9:27 am on August 25, 2026 Mr. Theberge replied, thanking staff for the feedback and advising he would discuss with the appellant and follow up shortly.

Staff received no additional communication from Mr. Theberge regarding the application submittal for the subject parcel.

Relevant UDO Provisions

Section 9-3-2 Application and submittal procedures.

A. Applicability and process. Minor site plans, major site plans, special use permit plans, and other site-specific plans shall be submitted in accordance with this section, except where specifically note. Upon determination by the UDO Administrator or his designee that an application is complete, the review process for the proposed project type shall be initiated.
B. Submittal requirements. Three (3) paper copies and one (1) digital copy of a minor site plan, major site plan, or special use permit plan shall be submitted for UDO administrator and technical review committee review. Five (5) paper copies and one (1) digital copy of major site plans and special use permit plans are required prior to review by the planning board/BOA. Information to be included on each plan type is included in appendix B.

Section 9-5 Major site plans.

Projects requiring major site plan approval:

A. Development whereby one (1) or more acres of land is disturbed;
B. Residential developments greater than four (4) units on a single lot;
C. Nonresidential developments greater than or equal to ten thousand (10,000) square feet of gross floor area; or
D. Any form of development not exempted from site plan review or reviewed as a minor site plan.

Section 9-5-1 Application requirements.

Applicants for major site plan approval shall submit all information required as specified in Appendix B, and any additional information needed to demonstrate and support compliance with the standards of evaluation. No application shall be accepted as complete unless accompanied by all required fees and all required submission information.

Appendix B – Submission requirements.

Section B.1 – Table of plan/plat requirements (Exhibit 10).

The site plan submitted identifies the proposed project on subject parcel 1560011802 as “Future Development Phase 2.” No description of the proposed development, intended use, buildings, structures, site improvements, or other proposed activities was provided. The specific Appendix B requirements that were not included with the site plan submission are highlighted in exhibit 10 (Appendix B).

On September 2, 2026 a refund request for $500.00 payable to the appellant was submitted to Finance.

A Notice of Violation was issued on August 28, 2026 identifying noncompliance with the tree removal permit issued pursuant to Section 7-29. This section establishes the requirement to submit a site plan for development of the property within twenty-four (24) months when significant trees are removed and/or when trees are removed from the required street yard and bufferyard areas. The UDO administrator’s determination was based on the removal of trees within the street yard and bufferyard areas, as documented through site inspection and aerial imagery, and the failure to submit a complete major site plan application in accordance with the UDO, including all required information and documentation as specified in Appendix B.

Relevant UDO Provisions

Section 7-31. Street yards.

(A) A street yard shall be provided when adjacent to a street right-of-way, with a minimum depth of fifty (50) percent of the required front or corner side yard as measured perpendicular to the street right-of-way, provided that no street yard in excess of fifteen (15) feet in depth shall be required.

Section 7-34 Bufferyards.

(5) Bufferyards shall range in width from ten (10) to sixty (60) feet. The following table illustrates the required bufferyard widths:

#1—CON

#2—R-6

#3—R-1, R-2, R-3, R-4, R-5

#4—C-1, C-2, C-C

#5—C-1A, O/I

#6—I-1

Bufferyard Width	Adjacent Property Zoning*					
Applicant Zoning	#1	#2	#3	#4	#5	#6
#1	0'	10'	10'	20'	20'	40'
#2	10'	0'	0'	20'	30'	40'
#3	10'	0'	0'	20'	30'	40'
#4	20'	20'	20'	0'	10'	20'
#5	20'	30'	30'	10'	0'	20'
#6	40'	40'	40'	20'	10'	0'

An Appeal of Administrative Decision was filed with the City Clerk on September 25, 2026. Pursuant to the Unified Development Ordinance (UDO), the filing of the appeal stays all further enforcement actions pending the Board of Adjustment's consideration of the appeal.

Relevant UDO Provisions

UDO Section 4-4-1 Appeals

An appeal from any final order or decision of the UDO administrator may be taken to the board of adjustment by the city, or by any person who has standing under NCGS 160D-1402. An appeal is taken by filing with the city clerk a written notice of appeal specifying the grounds therefor. A

notice of appeal shall be considered filed with the board of adjustment when delivered to the city clerk, who shall enter on it the date and time of filing.

The board of adjustment may reverse or affirm, wholly or partly, or may modify the order requirement, decision, or determination appealed from and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the case before it. To this end., the board shall have all the powers of the officer from whom the appeal is taken.

Signs Posted on Subject Site	**11/5/2026**
Adjacent Property Owner Letters Mailed	**11/6/2026**
Subject Property Owner Letters Mailed	**11/6/2026**

Attachments

1. Appeal Application and Justification (Exhibit A)
2. Zoning Map – Exhibit 1
3. Aerial Map 2024 – Exhibit 2
4. Aerial Map 2026 – Exhibit 3
5. Tree Removal Permit Application & Spreadsheet – Exhibit 4
6. Tree Removal Permit & Associated Documents – Exhibit 5
7. Notice of Violation – Exhibit 6
8. Email Correspondence Re: Site Plan Submittal – Exhibit 7
9. Major Site Plan Application – Exhibit 8
10. Preliminary Concept Sketch – Exhibit 9
11. UDO Appendix B – Section B.1 Table of plan/plat requirements – Exhibit 10
12. Excerpt from Planning Tracking Spreadsheet Re: Submittal for 15600118/1560011802 – Exhibit 11
13. Receipt & Refund Request – Exhibit 12
14. Site photos (taken by Rob Tursi on 11/6/2026) – Exhibit 13
15. GIS Owner Information – Parcel 1560011802 - Exhibit 14
16. General Warranty Deed – Exhibit 15
17. Board of Adjustment Appeal Worksheet – Exhibit 16

City of Boiling Spring Lakes
Code Enforcement
9 E. Boiling Spring Road
Southport, NC 28461
Phone 910-363-0025 / Fax 910-363-0029 / www.cityofbsl.org.

NOTICE OF VIOLATION

Date of Issue: 8/28/2026

Rodney Fowler
Scott Teubner
3225 S. College Rd., Ste. 223
Wilmington, NC 28405

Re: Case Number: RAC-2026-00203
Parcel Number: 1560011802

The City of Boiling Spring Lakes hereby issues this Notice of Violation to you, as the owners of the subject property, that you are in violation of the terms and conditions of Permit No. TRMV-2024-184, issued pursuant to Article 7, Section 7.29 of the City's Unified Development Ordinance. The deadline established for compliance with the permit has expired.

Permit No. TRMV-2024-184 provided a two-year period within which the required development plans were to be submitted. That period has now expired and, as of the date of this Notice, the required plans have not been submitted. Accordingly, the violation remains outstanding, and the City is initiating enforcement proceedings for failure to comply with the requirements of the permit and the applicable provisions of the Unified Development Ordinance.

You are hereby notified that you have thirty (30) days from the date of service of this Notice of Violation to appeal the decision that a violation exists to the Board of Adjustment by filing with the City Clerk a written notice of appeal.

Regards,

Nicole Morgan
Development Services Director

Cc: Rob Tursi, Code Enforcement Officer

City of Boiling Spring Lakes
9 East Boiling Spring Road Boiling Spring Lakes, NC 28461
Phone ~ 910-363-0025 Fax ~ 910-363-0029 Web page ~ www.cityofbsl.org

Appeal of Administrative Decision Application

Parcel Number 1560011802 Property Address George II Hwy, Southport, NC 28461

~ Current Zoning ~

Residential: ☐ R-1 ☐ R-2 ☐ R-3 ☐ R-4 ☐ R-5 ☐ R-6

Commercial: ☑ C-1 ☐ C-1A ☐ Light Industrial

~ Property Information ~

Physical Address George II Hwy, Southport, NC 28461 Parcel ID # 1560011802

Property Size in Acres 30.35 Nearest Intersection Hwy 87 & Miller Rd

Property Owner Name Rodney Fowler & Scott Teubner

Mailing Address (if different) 3118 Sharon St, Hickory, NC 28601-8149

Phone _____ Email Address steubner50@gmail.com

~ Contact Information (if different) ~

Contact Name Amy C. Schaefer Phone 910-399-3447

Mailing Address PO Box 4548, Wilmington, NC 28406 Email amy@kpllawfirm.com

~ Nature of Appeal (if more space is needed, submit an addendum on a separate sheet) ~

See attached Exhibit A.

Property Owner Signature A. Scott Erik Date 9-25-26

Sworn and subscribed before me this 25 day of September, 20 26 Notary Seal

Notary Signature Tonya M. Raines Expiration Date 4-6-2030

TONYA M. RAINES NOTARY PUBLIC NEW HANOVER CO., NC

~Office Use Only~

Case Number	Date Received	Amount Paid	Date Paid	Received by

EXHIBIT A
Nature of Appeal

On August 22, 2024, the City of Boiling Spring Lakes issued the Owners Tree Removal Permit #TRMV-2024-184 ("Permit") for parcels 15600118 and 1560011802, see attached, pursuant to Section 7-29(D)(1)(a) of the Unified Development Ordinance ("UDO"). Section 7-29 of the UDO is referred to herein as the Tree Preservation Code. The Permit allows for clearing of trees in excess of 7.9 DBH but states as follows, "No significant trees shall be removed. Street yard & perimeter buffer required. All trees within 30' of all property lines shall be retained."

On August 28, 2026, the City of Boiling Spring Lakes issued Notices of Violation ("NOV") for the Permit and stated that the Permit provided a two year period within which development plans were to be provided and that as of the date of the NOV, the required development plans have not been submitted.

The NOV is incorrect on multiple points which are the basis for this appeal.

First, the Permit has been fully complied with, and no mitigation is required. As set forth below, the plain language of Section 7-29(D)(1)(a) does not impose a freestanding site plan filing requirement, and neither of the two conditions that could trigger such an obligation is present here. The NOV does not allege that "significant trees," as defined in Section 7-29(D)(2), or that any trees located within any required street yard or required bufferyard were removed.

Section 7-29(D)(1)(a) authorizes a permit for removal of trees exceeding 7.9 inches DBH "upon a finding" of two sub-provisions, (D)(1)(a)(i) and (D)(1)(a)(ii). Each sub-provision imposes a site plan obligation only if a specific factual predicate is met. Neither predicate is met on these facts. Section 7-29(D)(1)(a)(i), the significant tree provision was not triggered. Specifically, Section 7-29(D)(1)(a)(i) provides that "[i]f significant trees are proposed to be removed," the applicant must mitigate the removal under Section 7-29(E), and that mitigation "may be addressed and/or incorporated into a future site plan for the property to be submitted no less than twenty-four (24) months following issuance of a tree removal permit."

This provision is expressly conditional: it applies only "if significant trees are proposed to be removed." Because the condition precedent to subsection (i), removal of a significant tree, never occurred, the mitigation and site plan provisions of subsection (i) were never triggered.

Likewise, Section 7-29(D)(1)(a)(ii), the street yard, bufferyard provision was not triggered. Section 7-29(D)(1)(a)(ii) provides that a permit shall be issued where "[n]o trees proposed for removal are located within required street yards or required bufferyards, unless the property owner agrees to submit a site plan for development of the property within twenty-four (24) months."

By its terms, a site plan obligation under subsection (ii) arises only where the applicant proposes to remove trees located within a required street yard or bufferyard, in which case the property owner must agree, as a condition of the permit, to submit a site plan within twenty-four (24) months. The NOV does not allege that trees removed under the Permit were located within any required street yard or required bufferyard. Because the factual predicate to subsection (ii) was not

met, Client was never required to agree to submit a site plan as a condition of the Permit, and no such obligation exists.

Second, even if the Tree Perservation Code and Permit did require the Owners to submit a site plan for mitigation, this obligation was met and so no NOV should have issued.

On behalf of the Owners, McKim & Creed ("Applicant") submitted a site plan ("Site Plan") on August 24, 2026 to the City. The Site Plan was subsequently rejected on Tuesday, August 25, 2026 by an email from Nicole Morgan, Development Services Director (Exhibit B). The Notice of Violation ("NOV") was dated August 28, 2026. There was insufficient time between the rejection of the Site Plan and the NOV to make the requested revisions.

Under Section 9.3 of the City's UDO, submission occurs upon delivery of the application after which the UDO or his designee determines if the application is complete. The ordinance does not require a prior finding of completeness before an application is deemed submitted. The Owners met that requirement on Monday, August 24, 2026, and the City's own records confirm receipt on that date. That fact matters, because submission and completeness are not the same thing under the ordinance or under the broader framework of Chapter 160D. Submission is simply the act of delivering an application to the local government, which places the application in the queue for review. Completeness is a separate, substantive determination that comes after.

Where, as here, an application has been submitted but the City believes something in it is deficient, standard practice is for the City to notify the applicant of the specific deficiencies and give a reasonable opportunity to correct or supplement the submission, not that the application as void or move straight to enforcement. Here the City identified purported deficiencies in an email dated Tuesday, August 25, 2026, but issued the NOV only three days later, without setting a cure period or otherwise giving the Owners or Applicant a meaningful chance to respond before enforcement followed. Because Applicant's submission started the review process the ordinance contemplates, and because the City did not give Applicant reasonable time to supply the information it now says was missing, we believe the NOV issued on August 28, 2026 was premature, if the City even had the authority to issue one. Applicant remains willing and able to promptly provide whatever additional information the City reasonably needs to complete its review.

Section 7-29(D)(1)(a) does not impose a general, unconditional requirement that a site plan be filed within twenty-four (24) months of every tree removal permit issued under that subsection. Rather, subsections (i) and (ii) each condition a future site-plan obligation on a distinct factual trigger, removal of a significant tree, or removal of trees within a required street yard or bufferyard, and neither trigger is present here. Because no significant trees were removed and no trees were removed within a required street yard or bufferyard, Client has no obligation to file a site plan within twenty-four (24) months of the Permit, or at all, based on the Tree Protection Code and the issued Permit. In the alternative, if such site plan was required, the Owners met that obligation by filing an application with the twenty-four (24) month timeframe.

Finally, local governments in North Carolina must have specific authority from the General Assembly to enact tree removal ordinances; Boiling Spring Lakes has not been granted such authority.

Under North Carolina's zoning framework, a municipality's general planning and zoning authority under Chapter 160D permits it to regulate tree removal as part of the development approval process. A stand-alone ordinance that restricts tree removal on property that has not submitted for any development approval; however, falls outside that general grant and requires a specific local act from the General Assembly. More than thirty North Carolina municipalities and counties have obtained local acts granting them tree-protection authority beyond their general zoning power; Boiling Spring Lakes is not among them.

The City's Tree Protection Code confirms that mitigation may occur "as part of the development process." Notwithstanding that limitation, the City has applied the Code to prohibit removal of any tree greater than 7.9 inches DBH anywhere within the City, regardless of whether the property owner has any current intent to develop. That application exceeds the authority the Code's own terms describe and exceeds the authority Chapter 160D confers, because it regulates tree removal independent of, rather than as part of, the development approval process.

Based on the above facts and legal arguments, we respectfully request the NOV be rescinded.

CITY OF BOILING SPRING LAKES
TREE REMOVAL PERMIT # TRMV-2024-184

Issuance Date: 8/22/2024

Zoning District: C-1

Is this property located in a flood zone? Yes ____ No X

Parcel/Lot Number(s): 1560011802

Site Address: 2800 George II Hwy., Southport, NC 28461

Property Owner(s):

Name: Rodney Fowler

Scott Tuebner

Applicant(s):

Name: Rodney Fowler

Name: Scott Tuebner

Proposed Use of Work: CLEARING

USFWS Habitat Color: GREEN

This permit is for the removal of Trees >7.9" DBH

NO SIGNIFICANT TREES SHALL BE REMOVED. STREET YARD & PERIMETER BUFFER

REQUIRED. ALL TREES WITHIN 30' OF ALL PROPERTY LINES SHALL BE RETAINED.

This permit expires one (1) year from date of issue

Nicole Morgan, Asst. City Manager

Planning & Zoning Administrator

8/22/2024

Date

CITY OF BOILING SPRING LAKES
TREE REMOVAL PERMIT # TRMV-2024-184

Issuance Date: 8/22/2024 Zoning District: C-1

Is this property located in a flood zone? Yes ____ No X

Parcel/Lot Number(s): 15600118

Site Address: 2821 George II Hwy., Southport, NC 28461

Property Owner(s):

Name: Rodney Fowler

Scott Tuebner

Applicant(s):

Name: Rodney Fowler

Name: Scott Tuebner

Proposed Use of Work: CLEARING

USFWS Habitat Color: GREEN

This permit is for the removal of Trees >7.9" DBH

NO SIGNIFICANT TREES SHALL BE REMOVED. STREET YARD & PERIMETER BUFFER REQUIRED. ALL TREES WITHIN 30' OF ALL PROPERTY LINES SHALL BE RETAINED.

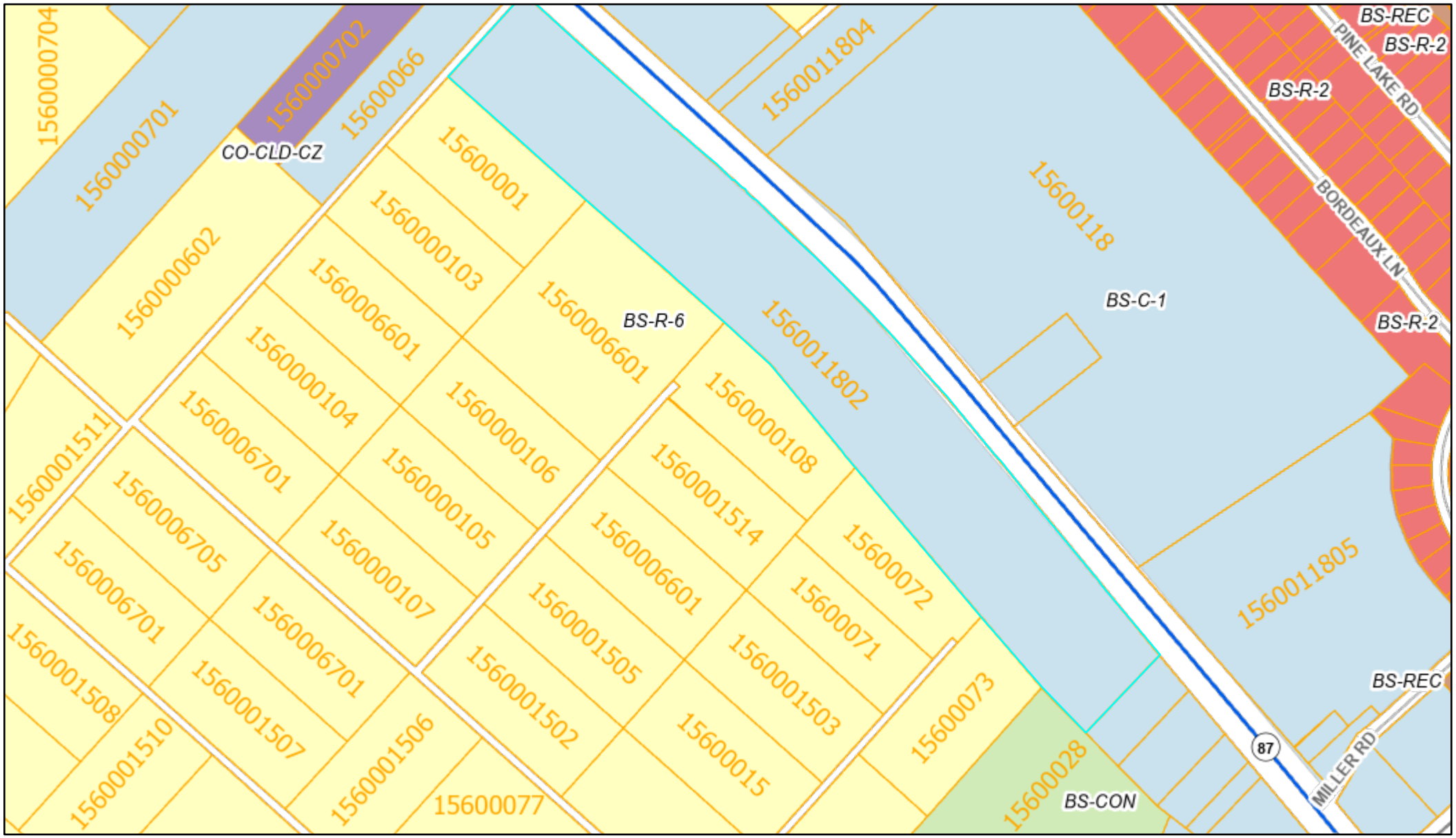
This permit expires one (1) year from date of issue

Nicole Morgan, Asst. City Manager — 8/22/2024

Planning & Zoning Administrator — Date

EXHIBIT 1

ArcGIS Web Map



11/9/2026, 8:28:57 AM

1:6,874

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

Addresses
Roads
NC Hwy
State Road
Minor
Parcels
Zoning
BS-C-1
BS-CON
BS-R-1
BS-R-2
BS-R-6
BS-REC
CO-CLD-CZ
County Boundary
County

EXHIBIT 2

ArcGIS Web Map



11/6/2026, 4:47:50 PM

1:5,939

0 0.04 0.08 0.16 mi

0 0.05 0.1 0.2 km

Addresses

Roads

NC Hwy

Minor

Parcels

County Boundary

PICTOMETRY 2024

Red: Red

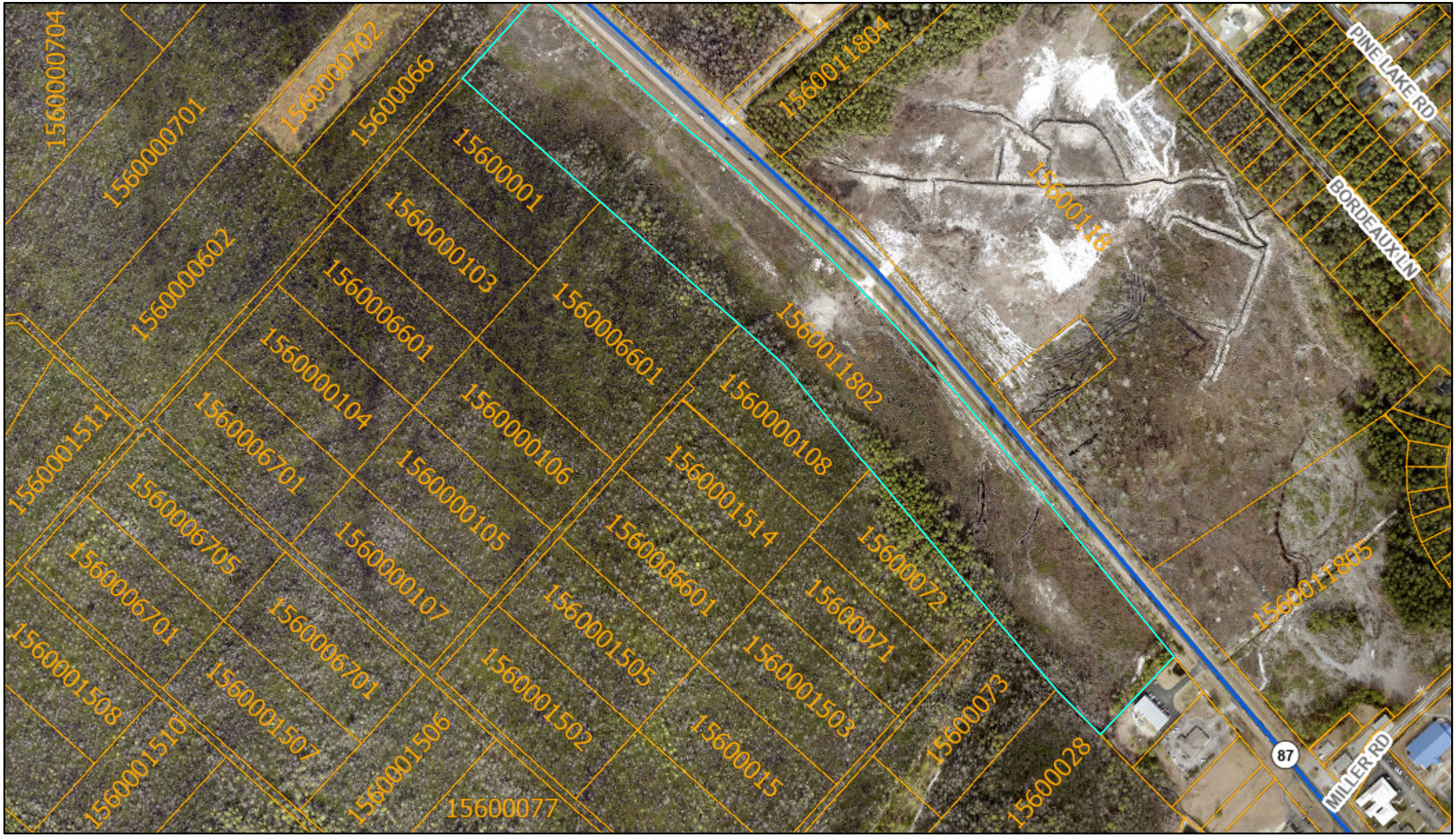
Green: Green

Blue: Blue

County

EXHIBIT 3

ArcGIS Web Map



11/9/2026, 8:25:22 AM

1:6,874

0 0.05 0.1 0.2 mi

0 0.07 0.15 0.3 km

Addresses
State Road
County Boundary
Roads
Minor
County
NC Hwy
Parcels

EXHIBIT 4

City of Boiling Spring Lakes
Tree Removal Permit

Reference # TRMV-2024-184
Application Date: 8/21/2024 9:45:00 PM

Property Location: 2800 GEORGE II HWY
Zoning: C1
Parcel # 1560011802

Applicant Information:
Name: Rodney Fowler
Address: 7516 Myrtle Grove Road Wilmington NC 28409
Phone # (843) 532-1922 **Email:** ecdrilling@aol.com

Property Owner Information:
Name: RODNEY FOWLER SCOTT TEUBNER
Address: 3225 S COLLEGE RD STE 223 WILMINGTON, NC 28405
Phone # (843) 532-1922 **Email:** ecdrilling@aol.com

Contractor Information:
Name: Coastal Transmission
Phone # (843) 532-1922 **Email:** ecdrilling@aol.com

Tree Removal Plan:
Is this Request for New Construction or Existing Development? New Construction
Is the Subject Property Located in a RCW Classification Zone? Yes
Green: Yes
Blue: No
Red: No
Are you requesting the removal of any trees 8" DBH or larger: Yes
Total Number of Pine Trees 8" DBH or Larger to be removed:
Total Number of Non-Pines 8" DBH or Larger to be removed:
Are trees proposed for removal flagged? Yes
Planned Date of Action: 08/21/2024
Reason for removal: New Construction

Significant Trees Proposed for Removal:
Are you requesting the removal of any significant trees? No

Species	Quantity	Size

For New Construction:

Are house, septic & driveway marked? No
Have you submitted a Tree Survey? Yes
Have you submitted a Basal Area Spreadsheet, or a Letter from U.S. Fish & Wildlife?

For Existing Development:
Have you Submitted a Letter from U.S. Fish & Wildlife? (request will not be processed until received):

Fee Schedule:

Fee Description	Fee
Administrative Fee	$30.00
Tree Removal (For Existing Development)	$25.00
Clearing (For New Construction)	$25.00
Re-inspection Fee	$25.00

Administrative Fee: $30.00
Application Fee: $25.00
Other Fees: $0.00
Balance Remaining: $0.00

Acknowledgement:
By choosing **YES** you authorize The City of Boiling Spring Lakes Zoning Department to access your property to inspect the proposed trees to be removed for this Tree Removal Permit.

For New Construction:
• You must provide a Tree Survey, showing the location of the structures, the location, size and species of trees being requested to remove.
• If you are proposing to remove Pine Trees 8" DBH or larger, and the subject property is in the blue or red zone, you must also submit a Basal Area Spreadsheet, or a Letter from U.S. Fish & Wildlife (Request will not be processed until received)

For Existing Development:
• If you are proposing to remove Pine Trees 8" DBH or larger, and the subject property is in the blue or red zone, you must submit a Letter from U.S. Fish & Wildlife (Request will not be processed until received)

IMPORTANT ~ THIS APPLICATION MUST BE APPROVED BY THE CODE ENFORCEMENT OFFICER AND A PERMIT ISSUED **BEFORE** TREES ARE REMOVED

Developed Parcel: A parcel of land containing a principal structure or dwelling.
Less than eight (8) inches in diameter (circumference of 25 inches) ~ Any tree may be removed at any time without a permit.

Undeveloped Parcel: A parcel of land that does not contain a principal structure or dwelling
Six (6) inches in diameter (circumference of 19 inches) and greater ~ Any tree requires a permit from the Code Enforcement office.

Measuring a tree: This measurement is taken at four and one half (4 1/2) feet above ground level.

Diameter ~ Measure around tree and divide by 3.14 or **Circumference** ~ Measurement around tree

US Fish and Wildlife Restrictions: Woodpecker's ~ All property owners must first check the U.S. Fish and Wildlife parcel list to determine if your property is in a Red-Cockaded Woodpecker zone. The parcel list may be found at:
https://www.cityofbsl.org/planning-zoning-department/red-cockaded-woodpecker-rcw-information-protocol

If your parcel number is on the list, you must contact USFWS and follow the procedures set forth by them. Contact (919) 856-4520 EXT. 28 or email: john_hammond@fws.gov Include the parcel number, physical address, reason for removal request and number of trees to be removed. A city permit is required in addition to USFWS approval.

Trees requested to be removed must be flagged with ribbon prior to inspection

To obtain a permit, this application must be completed and submitted. Upon inspection and approval, a permit will be issued.

All work will comply with US Fish & Wildlife Service, State, Federal & local laws, ordinances & regulations.

EXHIBIT 4

PLEASE COMPLETE THE HIGHLIGHTED FIELDS ONLY

Lot # BSL NC 87

Tax Parcel ID 1560011802

Acreage 30.35

Amount of BA to Remain on Lot if Based on 40 sq. ft/acre: 0

1 Inch Tree Classes	*Square Feet of Basal Area	Number of Trees on Lot	BA on Lot per Size Class	Number of Trees Removed	Amount of BA Removed
8.0 - 8.9	0.3894	345	0		0
9.0 - 9.9	0.4871	315	0		0
10.0 - 10.9	0.5956	320	0		0
11.0 - 11.9	0.7151	200	0		0
12.0 - 12.9	0.8454	115	0		0
13.0 - 13.9	0.9867	215	0		0
14.0 - 14.9	1.1388	185	0		0
15.0 - 15.9	1.3019	185	0		0
16.0 - 16.9	1.4759	200	0		0
17.0 - 17.9	1.6608	125	0		0
18.0 - 18.9	1.8566	110	0		0
19.0 - 19.9	2.0633	73	0		0
20.0 - 20.9	2.2809	28	0		0
21.0 - 21.9	2.5095	19	0		0
22.0 - 22.9	2.7489		0		0
23.0 - 23.9	2.993		0		0
24.0 - 24.9	3.2605		0		0
25.0 - 25.9	3.5327		0		0
26+	3.687		0		0
Totals		2,435 · 0	**0**	**0**	**0**

BA to retain for 40 sq. ft/acre	**0**
Total BA on Lot	0
Surplus BA on Lot	0
Total BA to be Removed	**0**
Post Project BA	**0**

* Square feet of Basal Area per stem calculated at the midpoint.

Maybe Thursday afternoon

Set-up

Rodney Fowler
843 532 1922

Scott Teubner
828 404 8313

EXHIBIT 5

CITY OF BOILING SPRING LAKES
TREE REMOVAL PERMIT # TRMV-2024-184

Issuance Date: 8/22/2024

Zoning District: C-1

Is this property located in a flood zone? Yes ____ No X

Parcel/Lot Number(s): 1560011802

Site Address: 2800 George II Hwy., Southport, NC 28461

Property Owner(s):

Name: Rodney Fowler

Scott Tuebner

Applicant(s):

Name: Rodney Fowler

Name: Scott Tuebner

Proposed Use of Work: CLEARING

USFWS Habitat Color: GREEN

This permit is for the removal of Trees >7.9" DBH

NO SIGNIFICANT TREES SHALL BE REMOVED. STREET YARD & PERIMETER BUFFER

REQUIRED. ALL TREES WITHIN 30' OF ALL PROPERTY LINES SHALL BE RETAINED.

This permit expires one (1) year from date of issue

Ni coleMorgan, Asst. City Manager

Planning & Zoning Administrator

8/22/2024

Date

EXHIBIT 5

From: Suzanne Price
To: Nicole Morgan
Subject: FW: clearing permits
Date: Monday, November 9, 2026 2:37:03 PM
Attachments: Clearing permit 15600118 2821 George II Hwy.pdf
clearing permit-1560011802 2800 George II HWY.pdf

From: Suzanne Price
Sent: Thursday, August 22, 2024 1:42 PM
To: ECDrilling@aol.com
Subject: clearing permits

Attached are the clearing permits for 2800 and 2821 George II HWY.

Suzanne Price
Zoning Technician
Planning and Zoning Department
sprice@cityofbsl.org
910.363.0096

EXHIBIT 5

Sept 4, 2024

RE: Parcel 15600118 addressed 2821 George II Highway and Parcel 1560011802 addressed 2800 George II Highway.

According the City of Boiling Spring Lakes Unified Development Ordinance Article 7, section 7.29 :

(D) For those properties not located in designated Red Cockaded Woodpecker habitat, and for properties within the woodpecker area that have secured written authorization from USFWS to proceed with tree removal, the following provisions of this section shall apply:

(1) Undeveloped Parcels. A parcel of land that does not contain a principal structure or dwelling. Any tree with a DBH of up to and including 7.9 inches may be removed without a permit.

a. On undeveloped parcels of 25 acres of greater, where development is not yet subject to an approved site plan, a permit shall be issued for the removal of trees >7.9 inches DBH upon a finding of the following:

i. If significant trees are proposed to be removed, the applicant shall submit with the application, a survey indicating the species, size, and condition of the significant tree(s). Removal of significant trees shall be mitigated in accordance with Section 7.29(E), unless the tree(s) is/are shown to be dead, dying, or severely damaged or diseased. Tree mitigation may occur at a future date, no later than 24 months following issuance of a tree removal permit, and may be addressed and/or incorporated into a future site plan for the property to be submitted no less than 24 months following issuance of a tree removal permit.

1. Tree protection for any retained tree(s) shall be in accordance with Section 7.36.

ii. No trees proposed for removal are located within required street yards or required bufferyards, unless the property owner agrees to submit a site plan for development of the property within twenty-four (24) months.

Also as stated on the Clearing Permit TRMV-2024-184 issued for both parcels NO SIGNIFCANT TREES SHALL BE REMOVED. STREET YARD & PERMITER BUFFER REQUIRED. ALL TREES WITHIN 30' OF ALL PROPERTY LINES SHALL BE RETAINED.

If development plans are not submitted within 24 months civil penalties will be imposed.

Rodney Fowler _____

Scott Tuebner _____

Sept 4, 2024

EXHIBIT 5

Ordinance # 2024-11

CITY OF BOILING SPRING LAKES

Ordinance to Amend Article 7, Section 7.29 of the City's Unified Development Ordinance

WHEREAS, the City has enacted a Unified Development Ordinance that controls land development within both the City's incorporated areas and within its extraterritorial area; and

WHEREAS, in order to promote the public health, safety and general welfare, and to promote the best interests of the City and community, it is necessary from time to time for the City's Board of Commissioners to consider appropriate revisions, modifications and additions to the City's Unified Development Ordinance; and

WHEREAS, a request has been made to update provisions for tree removal on undeveloped parcels; and

WHEREAS, the Planning Board voted 4 to 1 to recommend the Board of Commissioners approve the proposed amendment at their July 19, 2024 meeting; and

WHEREAS, pursuant to N.C. General Statutes and City Ordinances, a public hearing, properly noticed, was held on August 6, 2024, where public comment was heard and considered by the Board of Commissioners regarding this issue; and

WHEREAS, the Board of Commissioners hereby finds this proposed text amendment to the City's Unified Development Ordinance is (i) consistent with the City's comprehensive plan (2017 Land Use Plan), City Land Use Compatibility Goals to encourage and facilitate high quality commercial development along NC 87, expand the range of goods and services available to City residents and Land Use Compatibility Statement that the City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, and dimensional standards, and (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Boiling Spring Lakes.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Boiling Spring Lakes that Article 7 of the City's Unified Development Ordinance is hereby amended as listed below (stricken text is to be deleted, underlined text is to be added):

Section 7.29 Tree Preservation

(D) For those properties not located in designated Red Cockaded Woodpecker habitat, and for properties within the woodpecker area that have secured written authorization from USFWS to proceed with tree removal, the following provisions of this section shall apply:

(1) Undeveloped Parcels. A parcel of land that does not contain a principal structure or dwelling. Any tree with a DBH of up to and including 7.9 inches may be removed without a permit.

a. On undeveloped parcels of 25 acres of greater, where development is not yet subject to an approved site plan, a permit shall be issued for the removal of trees >7.9 inches DBH upon a finding of the following:

i. If significant trees are proposed to be removed, the applicant shall submit with the application, a survey indicating the species, size, and condition of the significant tree(s). Removal of significant trees shall be mitigated in accordance with Section 7.29(E), unless the tree(s) is/are shown to be dead, dying, or severely damaged or diseased. Tree mitigation may occur at a future date, no later than 24 months following issuance of a tree removal permit, and may be addressed and/or incorporated into a future site plan for the property to be submitted no less than 24 months following issuance of a tree removal permit.

1. Tree protection for any retained tree(s) shall be in accordance with Section 7.36.

ii. No trees proposed for removal are located within required street yards or required bufferyards, unless the property owner agrees to submit a site plan for development of the property within twenty-four (24) months.

This Ordinance shall be in full force and effect at the time of its adoption.

Adopted this 6th day of August 2024.

Jeff Winecoff, Mayor

ATTEST:

Nancy Sims, City Clerk

CITY OF BOILING SPRING LAKES
OFFICIAL SEAL
NORTH CAROLINA

City of Boiling Spring Lakes
9 East Boiling Spring Road
Southport, NC 28461

STAFF REPORT

Agenda Date:

August 6, 2024

Title:

Ordinance to Amend Article 7; Section 7.29 of the City's Unified Development Ordinance

Department:

Planning & Zoning

Background:

This is a citizen initiated request to amend Article 7, Section 7.29 of the Unified Development Ordinance to update provisions for tree removal on undeveloped parcels. At their meeting on July 19, 2024 the Planning Board voted 4 to 1 to recommend approval of the proposed amendment.

Financial Impact:

No financial impact.

Attachment(s):

Proposed amendment: Article 7; Section 7.29
Ordinance to amend Article 7; Section 7.29 of the City's Unified Development Ordinance

Proposed Amendment:

Amend Article 7 of the Unified Development Ordinance as follows (stricken text is to be deleted, underlined text is to be added):

Section 7.29 Tree Preservation

(D) For those properties not located in designated Red Cockaded Woodpecker habitat, and for properties within the woodpecker area that have secured written authorization from USFWS to proceed with tree removal, the following provisions of this section shall apply:

(1) Undeveloped Parcels. A parcel of land that does not contain a principal structure or dwelling. Any tree with a DBH of up to and including 7.9 inches may be removed without a permit.

a. On undeveloped parcels of 25 acres of greater, where development is not yet subject to an approved site plan, a permit shall be issued for the removal of trees >7.9 inches DBH upon a finding of the following:

i. If significant trees are proposed to be removed, the applicant shall submit with the application, a survey indicating the species, size, and condition of the significant tree(s). Removal of significant trees shall be mitigated in accordance with Section 7.29(E), unless the tree(s) is/are shown to be dead, dying, or severely damaged or diseased. Tree mitigation may occur at a future date, no later than 24 months following issuance of a tree removal permit, and may be addressed and/or incorporated into a future site plan for the property to be submitted no less than 24 months following issuance of a tree removal permit.

1. Tree protection for any retained tree(s) shall be in accordance with Section 7.36.

ii. No trees proposed for removal are located within required street yards or required bufferyards, unless the property owner agrees to submit a site plan for development of the property within twenty-four (24) months.

PLANNING BOARD ACTION

(A) __X__The Planning Board hereby recommends approval of the proposed amendments to the Unified Development Ordinance and finds that it (i) is consistent with the City's comprehensive plan (2017 Land Use Plan) City Land Use Compatibility Goals to encourage and facilitate high quality commercial development along NC 87, expand the range of goods and services available to City residents and Land Use Compatibility Statement that the City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, and dimensional standards, and (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Boiling Spring Lakes.

(B) _____The Planning Board hereby recommends denial of the proposed amendment to the Unified Development Ordinance and finds that (i) it is not consistent with the City's comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City for the following reasons: _____ and/or (ii) it is not in the public interests for the following reasons: _____

Motion to Recommend Approval (A) __4__ Motion to Recommend Denial (B) __1__

BOARD OF COMMISSIONERS ACTION

(A) _____The Board of Commissioners hereby recommends approval of the proposed amendments to the Unified Development Ordinance and finds that it (i) is consistent with the City's comprehensive plan (2017 Land Use Plan) City Land Use Compatibility Goals to encourage and facilitate high quality commercial development along NC 87, expand the range of goods and services available to City residents and Land Use Compatibility Statement that the City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, and dimensional standards, and (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Boiling Spring Lakes.

(B) _____The Board of Commissioners hereby recommends denial of the proposed amendment to the Unified Development Ordinance and finds that (i) it is not consistent with the City's comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City for the following reasons: _____ and/or (ii) it is not in the public interests for the following reasons: _____

Motion to Recommend Approval (A) _____ Motion to Recommend Denial (B) _____

EXHIBIT 6

City of Boiling Spring Lakes
Code Enforcement
9 E. Boiling Spring Road
Southport, NC 28461
Phone 910-363-0025 / Fax 910-363-0029 / www.cityofbsl.org.

NOTICE OF VIOLATION

Date of Issue: 8/28/2026

Rodney Fowler
Scott Teubner
3225 S. College Rd., Ste. 223
Wilmington, NC 28405

Re: Case Number: RAC-2026-00203
Parcel Number: 1560011802

The City of Boiling Spring Lakes hereby issues this Notice of Violation to you, as the owners of the subject property, that you are in violation of the terms and conditions of Permit No. TRMV-2024-184, issued pursuant to Article 7, Section 7.29 of the City's Unified Development Ordinance. The deadline established for compliance with the permit has expired.

Permit No. TRMV-2024-184 provided a two-year period within which the required development plans were to be submitted. That period has now expired and, as of the date of this Notice, the required plans have not been submitted. Accordingly, the violation remains outstanding, and the City is initiating enforcement proceedings for failure to comply with the requirements of the permit and the applicable provisions of the Unified Development Ordinance.

You are hereby notified that you have thirty (30) days from the date of service of this Notice of Violation to appeal the decision that a violation exists to the Board of Adjustment by filing with the City Clerk a written notice of appeal.

Regards,

Nicole Morgan
Development Services Director

Cc: Rob Tursi, Code Enforcement Officer

EXHIBIT 6

City of Boiling Spring Lakes
Code Enforcement
9 E. Boiling Spring Road
Southport, NC 28461
Phone 910-363-0025 / Fax 910-363-0029 / www.cityofbsl.org.

NOTICE OF VIOLATION

Date of Issue: 8/28/2026

Rodney Fowler
Scott Teubner
3118 Sharon St.
Hickory, NC 28601

Re: Case Number: RAC-2026-00203
Parcel Number: 1560011802

The City of Boiling Spring Lakes hereby issues this Notice of Violation to you, as the owners of the subject property, that you are in violation of the terms and conditions of Permit No. TRMV-2024-184, issued pursuant to Article 7, Section 7.29 of the City's Unified Development Ordinance. The deadline established for compliance with the permit has expired.

Permit No. TRMV-2024-184 provided a two-year period within which the required development plans were to be submitted. That period has now expired and, as of the date of this Notice, the required plans have not been submitted. Accordingly, the violation remains outstanding, and the City is initiating enforcement proceedings for failure to comply with the requirements of the permit and the applicable provisions of the Unified Development Ordinance.

You are hereby notified that you have thirty (30) days from the date of service of this Notice of Violation to appeal the decision that a violation exists to the Board of Adjustment by filing with the City Clerk a written notice of appeal.

Regards,

Nicole Morgan
Development Services Director

Cc: Rob Tursi, Code Enforcement Officer

EXHIBIT 7

From: Jeff Theberge
To: Nicole Morgan
Cc: Scott Teubner; Ethan Crowder; Adam Williams; Mary Catherine Santos
Subject: RE: Boiling Springs Lake - Mixed Use Development
Date: Tuesday, August 25, 2026 9:27:08 AM

Be Advised: This email originated from outside of the City of Boiling Spring Lakes, NC

Good morning Nicole,

Thank you for the feedback. We will discuss with Scott and I will follow up shortly.

Jeff Theberge, PE
Senior Project Engineer
O 910.343.1048 **x**1458 | **M** 910.233.6933
JTheberge@mckimcreed.com | www.mckimcreed.com

From: Nicole Morgan <nmorgan@cityofbsl.org>
Sent: Tuesday, August 25, 2026 9:12 AM
To: Jeff Theberge <JTheberge@mckimcreed.com>
Cc: Scott Teubner <steubner50@gmail.com>; Ethan Crowder <ECrowder@mckimcreed.com>; Adam Williams <AJWilliams@mckimcreed.com>; Mary Catherine Santos <MSantos@mckimcreed.com>
Subject: RE: Boiling Springs Lake - Mixed Use Development

Good morning Jeff,

The attached concept sketch does not constitute a complete Major Site Plan application under the UDO. Section 9-5-1 of the UDO provides that all required submission information be provided before an application can be accepted as complete. Appendix B of the UDO identifies the required submittal information for Major Site Plan review, which includes additional information and plans (grading and drainage, stormwater, utilities, overall site plan, etc.). The UDO also requires 3 paper copies and 1 digital copy of the plans.

If this project is to proceed through the Major Site Plan review process, the required submission information and plans will be necessary for the application to be accepted as complete and distributed to the TRC for review.

Regards,

Nicole Morgan
Development Services Director
City of Boiling Spring Lakes
9 E. Boiling Spring Rd.
Southport, NC 28461
(910) 363-0025

From: Jeff Theberge <JTheberge@mckimcreed.com>
Sent: Monday, August 24, 2026 8:21 PM
To: Nicole Morgan <nmorgan@cityofbsl.org>
Cc: Scott Teubner <steubner50@gmail.com>; Ethan Crowder <ECrowder@mckimcreed.com>; Adam Williams <AJWilliams@mckimcreed.com>; Mary Catherine Santos <MSantos@mckimcreed.com>
Subject: Boiling Springs Lake - Mixed Use Development

Be Advised: This email originated from outside of the City of Boiling Spring Lakes, NC

Good evening Nicole,

Attached is our Site Application and Site Plan Submittal for the Boiling Springs Lake – Mixed Use Commercial development located at 2920 George II Hwy SE. Once you have an opportunity to review, please let me know if you need any additional information.

Thank you,

Jeff Theberge, PE
Senior Project Engineer
O 910.343.1048 **x**1458 | **M** 910.233.6933
JTheberge@mckimcreed.com | www.mckimcreed.com
929 North Front Street, Suite 800, Wilmington, NC 28401

Disclaimer

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this e-mail in error please notify the system manager. Please note that any views or opinions presented in this e-mail are solely those of the author and do not necessarily represent those of the company. Finally, the recipient should check this e-mail and any attachments for the presence of viruses. The company accepts no liability for any damage caused by any virus transmitted by this e-mail.

Disclaimer

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EXHIBIT 8

City of Boiling Spring Lakes
9 East Boiling Spring Road Boiling Spring Lakes, NC 28461
Phone ~ 910-363-0025 Fax ~ 910-363-0029 www.cityofbsl.org

Major Site Plan Application

Project Name: Boiling Springs Lake - Mix Property Owner(s): Scott Teubner

Authorized Agent: Jeff Theberge Telephone: 910-233-6933

Email: jtheberge@mckimcreed.com

Project Address: 2920 George II Hwy SE

Zoning District: C1 Parcel #: 15600118/1560011802

Proposed Use: Mixed Use Commercial

Project

The proposed project consists of a mixed-use development within the Town of Boiling Spring Lakes, North Carolina. The development is intended to provide a complementary mix of commercial and/or office uses with residential components, supported by associated parking, internal access drives, pedestrian connections, landscaping, stormwater management, utilities, and other site improvements. The project will be designed to integrate with the surrounding community and existing roadway network while complying with applicable Town development standards, zoning requirements, and site design regulations.

Signature of Owner/Authorized Agent: Jeff Theberge Digitally signed by Jeff Theberge DN: CN=Jeff Theberge, OU=Users, OU=Wilmington, OU=Offices, DC=mckimcreed, DC=com Date: 2026.08.24 16:13:02-04'00'

Site plan procedures are outlined in Article 9, Section 9.3 of the City's Unified Development Ordinance (UDO). The site plan shall be submitted in accordance, and shall meet all plat requirements, as outlined in Appendix B of the UDO. Notes placed on the site plan may suffice for items that are unable to be shown geographically, or are not applicable to this application. No application shall be accepted as complete unless accompanied by all required fees and all required submission information.

Commercial Site Plan Review Fee at Preliminary & Final = $500.00

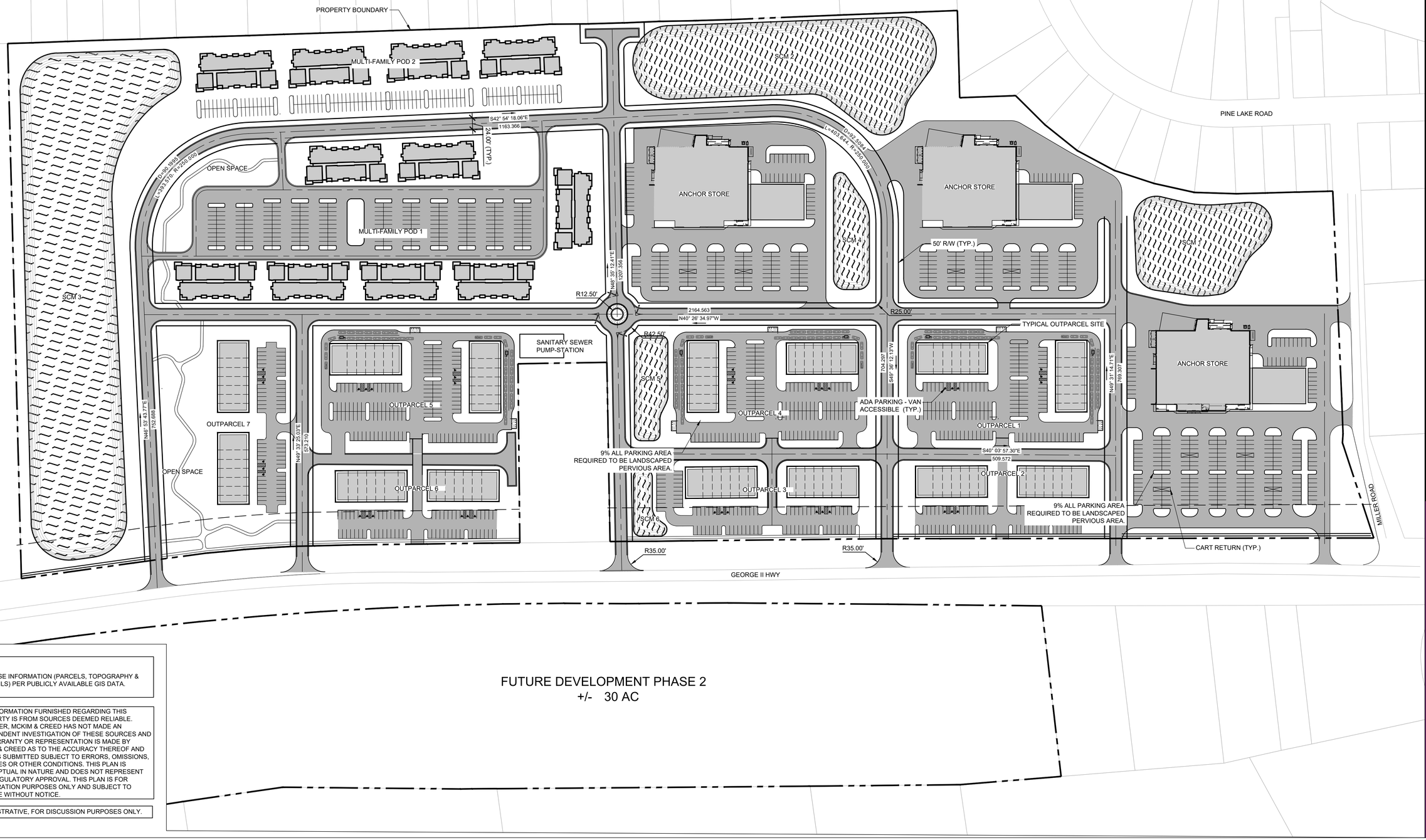
Staff Use Only:

Project #: 2026-8-002 Date Submitted: 8/24/26 8:21 pm

Amount Due: Preliminary & Final _____ Received by: M. DellaBadia

Amount Paid: $500 Date Paid: 8/25/2026

EXHIBIT 9



FUTURE DEVELOPMENT PHASE 2
+/- 30 AC

NOTES:

1. BASE INFORMATION (PARCELS, TOPOGRAPHY & SOILS) PER PUBLICLY AVAILABLE GIS DATA.

ALL INFORMATION FURNISHED REGARDING THIS PROPERTY IS FROM SOURCES DEEMED RELIABLE. HOWEVER, MCKIM & CREED HAS NOT MADE AN INDEPENDENT INVESTIGATION OF THESE SOURCES AND NO WARRANTY OR REPRESENTATION IS MADE BY MCKIM & CREED AS TO THE ACCURACY THEREOF AND SAME IS SUBMITTED SUBJECT TO ERRORS, OMISSIONS, CHANGES OR OTHER CONDITIONS. THIS PLAN IS CONCEPTUAL IN NATURE AND DOES NOT REPRESENT ANY REGULATORY APPROVAL. THIS PLAN IS FOR ILLUSTRATION PURPOSES ONLY AND SUBJECT TO CHANGE WITHOUT NOTICE.

ILLUSTRATIVE, FOR DISCUSSION PURPOSES ONLY.

PRELIMINARY CONCEPT SKETCH

BOILING SPRING LAKES
COMMERCIAL DEVELOPMENT
BOILING SPRING LAKES, NC

MCKIM&CREED
243 North Front Street
Wilmington, North Carolina 28401
Tele: (910) 343-1048 | Fax: (910) 251-8282
www.mckimcreed.com

All information furnished regarding this property is from sources deemed reliable. However, McKim & Creed has not made an independent investigation of these sources and no warranty or representation is made by McKim & Creed as to the accuracy thereof and same is submitted subject to errors, omissions, land plan changes, or other conditions. This land plan is conceptual in nature and does not represent any regulatory approval. This plan is for illustration purposes only, subject to change without notice. No guarantee can be made that development of the acreage will proceed as described.

NORTH

SCALE: 1" = 100'
0 50 100 200

DATE: 08.24.2026

PROPERTY BOUNDARY

STORM PIPE (TYP.)

SCM 1

SCM 2

SCM 3

SCM 4

SCM 5

8" GRAVITY SEWER (TYP.)

8" WATER MAIN (TYP.)

PUMP STATION

FORCEMAIN

CONNECT TO EXISTING

CONNECT TO EXISTING

CONNECT TO EXISTING

NOTES:

1. BASE INFORMATION (PARCELS, TOPOGRAPHY & SOILS) PER PUBLICLY AVAILABLE GIS DATA.

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ILLUSTRATIVE, FOR DISCUSSION PURPOSES ONLY.

MCKIM&CREED

243 North Front Street
Wilmington, North Carolina 28401
Tele: (910) 343-1048 | Fax: (910) 251-8282
www.mckimcreed.com

All information furnished regarding this property is from sources deemed reliable. However, McKim & Creed has not made an independent investigation of these sources and no warranty or representation is made by McKim & Creed as to the accuracy thereof and same is submitted subject to errors, omissions, land plan changes, or other conditions. This land plan is conceptual in nature and does not represent any regulatory approval. This plan is for illustration purposes only, subject to change without notice. For discussion purposes only. No guarantee can be made that development of the acreage will proceed as described.

PRELIMINARY CONCEPT SKETCH

NORTH

SCALE: 1" = 100'
0 50 100 200

DATE: 08.24.2026

BOILING SPRING LAKES
COMMERCIAL DEVELOPMENT
BOILING SPRING LAKES, NC

EXHIBIT 10 - HIGHLIGHTED INFORMATION REQUIRED NOT INCLUDED

Section B.1 - Table of plan/plat requirements

Information Required	Landscape Plan	Minor Site Plan	Major Site Plan	Preliminary Plat	Major Final Plat	Minor Final Plat	Master Development Plan
Proposed or approved name of development, project, subdivision, and/or phase.	✓✓	✓	✓	✓	✓	✓	✓
Location, including township, county, and state.	✓	✓	✓	✓	✓	✓	
Developer/applicant name(s), including mailing address(es) and telephone number(s).	✓	✓	✓	✓			✓
Property owner name(s), including mailing address(es) and telephone number(s).	✓	✓	✓	✓			✓
Name(s) of person(s) or firm(s) preparing the plat/plan, including mailing address(es) and	✓	✓	✓	✓	✓	✓	✓
Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable)	✓	✓	✓	✓	✓	✓	✓
Date of plat/plan preparation and of surveys.	✓	✓	✓	✓	✓	✓	✓
North arrow and orientation.	✓	✓	✓	✓	✓	✓	✓
Map scale, denoted graphically and numerically.	✓1	✓1	✓1	✓2	✓3	✓3	✓
Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.		✓	✓	✓	✓	✓	✓

Exact existing and proposed or pending property boundary lines by bearings and distances and the location of intersecting boundary lines of adjacent lands.				✓	✓	✓	
Approximate existing and proposed property boundary lines of the site and adjacent lands.							✓
Tax parcel numbers of all existing tracts comprising the site and adjacent tracts.	✓	✓	✓	✓			✓
Names of owners of adjacent tracts, including applicable book and page numbers.		✓	✓	✓	✓	✓	✓
Names and boundaries of adjacent subdivisions of record or under review.		✓	✓	✓			✓
Total acreage of all tracts comprising the plan or plat and adjacent tracts.		✓	✓	✓			✓
Current zoning of site and adjacent tracts.	✓	✓	✓	✓			✓
Boundaries of any proposed or pending zoning districts on site. Boundaries must be described by bearing and distance where they do not follow described boundaries.		✓	✓	✓			✓
Boundaries of municipal limits, extraterritorial jurisdiction limits, and township limits.	✓	✓	✓	✓	✓	✓	✓
Proposed lot lines, lot and block numbers, and approximate dimensions.				✓			
Lots numbered consecutively throughout the subdivision.					✓	✓	

Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.		✓	✓	✓	✓	✓	
Accurate locations and descriptions of all monuments, markets, and control points in accordance with N.C.G.S. 39-32.1, 39-32.2, 39-32.3, and 39-32.4				✓	✓	✓	
Location, dimensions, density, and description of proposed land use(s) on each tract or parcel, including single-family residential, multi-family residential, commercial, office, institutional, industrial, and recreational. Recreational uses shall specify type and future ownership.	✓	✓	✓				✓
Location and dimensions of existing and proposed buildings or structures on the site and all adjacent tracts, including existing buildings or structures to be removed. Total number of stories of all multi-story buildings and height of all building must be indicated.	✓	✓	✓				✓
Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.		✓	✓	✓	✓	✓	
Location of roads appearing on officially adopted plans.				✓	✓		✓
Total square footage of existing and proposed impervious surfaces.	✓	✓	✓	✓			
Names, cross sections, approximate grades, and pavement widths of proposed road rights-of-way, including design engineering data for all corners and curves.		✓	✓	✓			

Type of street dedication, either public or private.		✓	✓	✓	✓	✓	✓4
Where any street is to be dedicated to the public but has not yet been accepted into the local or state street system before lots are sold, a statement explaining the status of the street shall appear on the plat.					✓	✓	
Location, direction, dimensions, and description of existing driveways and private roads.		✓	✓	✓	✓	✓	✓4
Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.	✓	✓	✓				
Designation of curb and gutter or non-curb within internal parking areas and along adjacent streets and right-of-ways, including curb and gutter plans.		✓	✓	✓			✓
Location and dimensions of existing and proposed sidewalks and accessible access ways.	✓	✓	✓		✓	✓	
Location and dimensions of existing and proposed pedestrian and/or bicycle paths, riding trails, cart paths, etc.	✓	✓	✓	✓			✓
Location and dimensions of existing and proposed bridges.	✓	✓	✓	✓			✓
Location and dimensions of all trash containers and required screening.	✓	✓	✓				
FEMA-designated flood hazard areas, including flood zone designations and map panels.	✓	✓	✓	✓	✓	✓	✓
Location and description of areas of environmental concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.	✓	✓	✓	✓	✓	✓	✓

Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.	✓	✓	✓	✓			
Topographic information showing vertical contour every two (2) feet.	✓		✓	✓			
Water courses and water bodies, including rivers, streams, creeks, ponds, and lakes.	✓	✓	✓	✓	✓	✓	✓
Location and dimensions of natural buffers.	✓	✓	✓	✓			✓
Location, dimensions, and description of all areas to be dedicated to the public or to a property owners association.		✓	✓	✓	✓	✓	
Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.		✓	✓	✓			
Location and size of stormwater basins or other comparable stormwater management mechanisms.	✓	✓	✓	✓			✓
Location and setback of minimum building setback lines.		✓	✓	✓	✓	✓	
Total number and type of dwelling units, by development phase.		✓	✓	✓	✓	✓	✓5
Total number of lots proposed and acreage of smallest lot.		✓	✓	✓	✓	✓	✓5
Residential density, in units per acre.		✓	✓	✓	✓	✓	✓5
Total floor area for each type of use.		✓	✓	✓			✓5
Total area in passive open space.		✓	✓	✓	✓	✓	✓5
Total area in developed active recreational open space.		✓	✓	✓	✓	✓	✓5

Total number of off-street parking and loading spaces, including handicapped parking spaces.		✓	✓	✓			
A note placed on the plan stating: "Any deviation in this plan shall require approval of the proper approving body."	✓	✓	✓	✓			
A Traffic Impact Analysis, in accordance with Section 7.17, where applicable, shall accompany the plan or plat.		✓	✓	✓			
A copy of an approved NCDOT driveway permit for any street or driveway proposed to intersect with a state-maintained road or any street or driveway that requires amendment to an existing driveway permit.		✓	✓	✓			
A copy of a sedimentation and erosion control plan submitted to NCDEQ which complies with NCGS 113A, Article 4 where land disturbing activity exceeds one acre.			✓	✓	✓		
A copy of any proposed deed or master restrictions, proposed articles of incorporation and by-laws of property owners association, or any other similar covenant. Such restrictions are mandatory where private recreation areas, open spaces, roads, or other amenities are established.				✓	✓	✓	
All certifications required by Appendix B, Section B.2				✓	✓	✓	✓
Any other information considered pertinent by the applicant, UDO Administrator, TRC, Staff, Planning Board, or Board of Commissioners.	✓	✓	✓	✓			✓
Digital data of all graphical submissions, including plats, site plans, landscaping plans, utility plans, lighting plans, stormwater plans, master plans, etc. in one or more of the following formats: AutoCAD .DWG or DXF versions 12.x through 18.x; MicroStation DGN versions 5.x through 8.x.; ESRI .SHP, MDB, or GDB.	✓	✓	✓	✓	✓	✓	✓

Detailed utility plans, including water, sewer, and stormwater, and showing connections to existing systems or plans for individual water supply systems and sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, gate valves, utility and maintenance easements, and daily estimated sewer flow figures. (NOTE: Type of construction materials and brand of appurtenances will require approval from the City of Boiling Spring Lakes/ Brunswick County Utilities) Plans shall include profiles based on mean sea level datum for gravity sanitary and storm sewers. (NOTE: Detailed plans may be submitted after site plan or preliminary plat are approved and must be approved by the City prior to the issuance of building permits or approval of a final		✓	✓	✓		✓	
A note indicating providers of natural gas, telephone, cable television, and electric service.				✓	✓	✓	
Architectural drawings (including, but not limited to, floor plan, roof plan, and exterior building elevations)		✓	✓				
Locations, dimensions, and size of required buffers, street yards, foundation planting, screening, and internal parking lot planting areas.	✓	✓	✓				
Location, species, and size of all significant trees pursuant to Section 7.29	✓	✓	✓	✓			
Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.	✓	✓	✓	✓			
Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.	✓	✓	✓				

Approximate locations and species of all existing trees at least 8" DBH. The canopy drip line of those trees shall be delineated. If groves of protected trees exist that will not be removed or disturbed, it is permitted to label the grove as such on the map, stating the approximate number of protected trees and species mix, without specifying data on each individual tree.	✓	✓	✓	✓			
Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.	✓	✓	✓	✓			
Location and extent of any Venus flytraps, pitcher plants, and sundews.	✓	✓	✓	✓			
Note on plan stating "Any removal of Venus Flytraps, pitcher plants, and sundews shall comply with NCGS 14-129.3, including landowner permission, as well as all other applicable federal, state, and local laws. Prior to any land disturbing activity a qualified conservation organization will be contacted to coordinate the potential rescue and relocation of Venus flytrap, pitcher plant, and sundew populations identified on the site."	✓	✓	✓	✓			

[1] 1' to 50' or less.

[2] ;hg;1′′ to 100′′ if any lot is less than 5 acres; 1′′ to 200′′ if all lots are 5 acres or more.

[3] ;hg;Pursuant to NCGS 47-30.

[4] ;hg;Roads only.

[5] ;hg;Approximate numbers acceptable.

(Ord. No. 2026-11, 7-7-2026)

EXHIBIT 11

	CITY OF BOILING SPRING LAKES PLANNING DEPT.											
	Project Submittals											
Project/Case Number	Date Received	App Type Submitted	Name of Proposed Development	Parcel	Address	Contact	Owner	Preliminary Review Fee Amount	Date Paid	Final Review Fee Amount	Date Paid	Status
2026-8-002	8.25.2026	Major Site Plan	Mixed Use Commercial & Multifamily	1560011805 / 15600118	George II Hwy	McKim & Creed	Scott Teubner	$500 paid cash by S. Teubner to Maggie	8.25.2026			Advised engineer 8.25.2026 that concept sketch submittal does not consitute a complete major site plan application submittal. See Development folder under "Teubner." A refund of $500 will be due S. Teubner if complete application not submitted. Teubner stated on 9.2.2026 plans will not be ready until at least March/April next yr. Refund request submitted by S.P. 9/2/2026

EXHIBIT 12

City of Boiling Spring Lakes
9 East Boiling Spring Road
Boiling Spring Lakes, NC 28461
City Hall ~ 910-363-0025 Fax ~ 910-363-0029
Planning, Zoning, Inspections and Code Enforcement ~ 910-294-0996

~ Receipt ~

Date: 8/25/2024

Payment Received from: Scott Teubner

Address: George II Hwy

For: Major Site Application

Department: Zoning

Tender Type : Cash ✓ **Check** ____ **Check #** ____ **Payment Amount: $** 500

Received by: M. Della Badre

Notes:

(Internal)

Please make a copy for customer.

Keep original to include with deposit.

Fill in pay codes on back.

EXHIBIT 12

City of Boiling Spring Lakes

Check Request Form

Date: 9.2.2026

Make Check Payable To: Scott Teubner

Mail to: 1051 South Shore, Southport, NC 28461

Amount: 500.00

Purpose: Refund

Code to: 10-360-10

Mail x **Hold** ____ **Call when ready:** _____
Telephone #

Department Head Signature: [signature]

City Manager Signature: _____

Date: 9/2/2026

Revised 10-23-06

To BS 9.2.2026

EXHIBIT 13

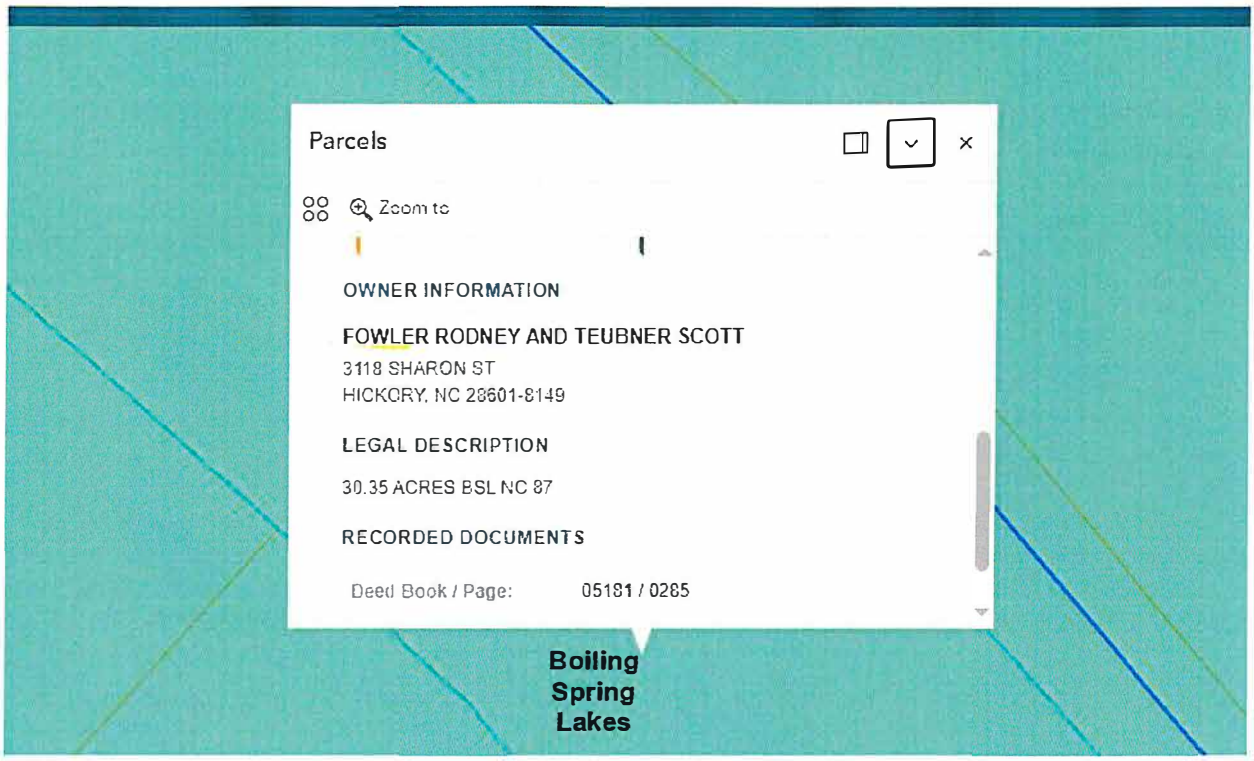




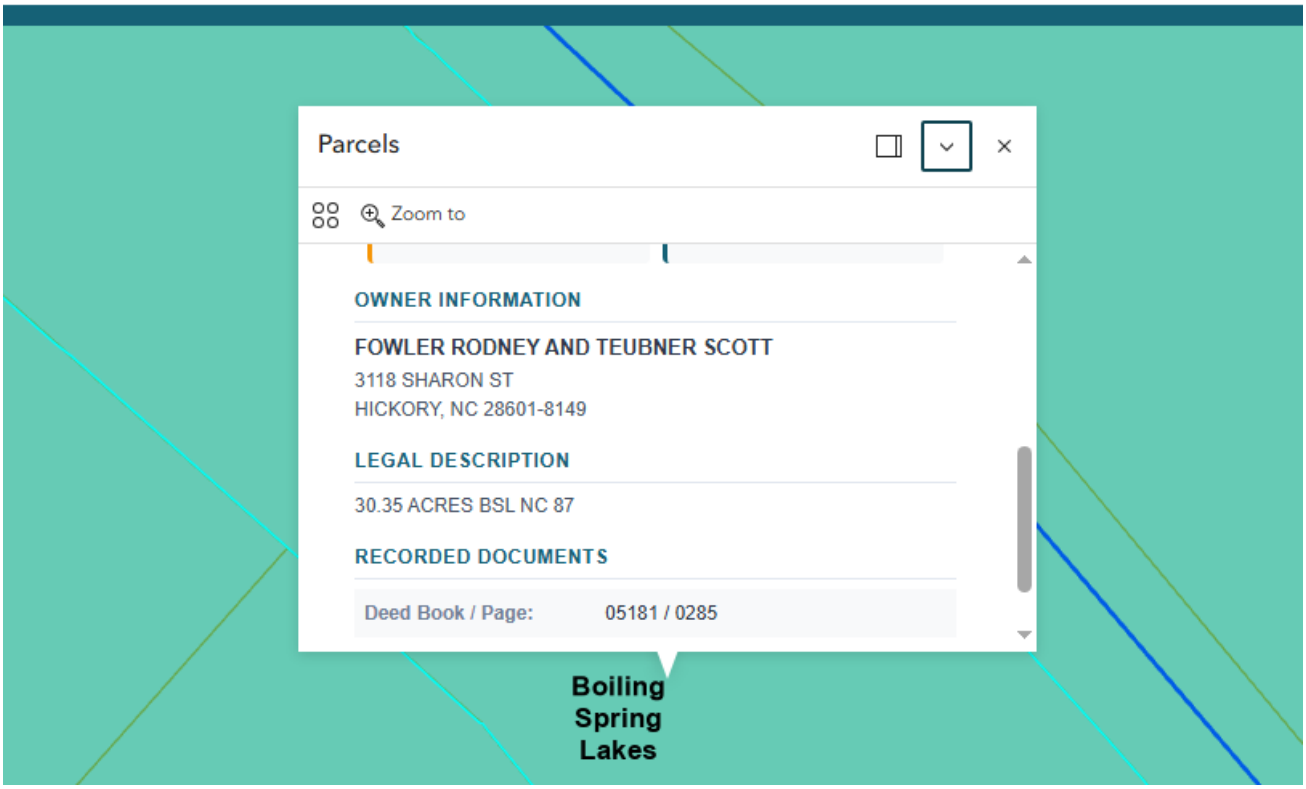


EXHIBIT 14

Brunswick County GIS Data Viewer



Brunswick County GIS Data Viewer



BOOK:5181 PAGE:285
Brenda M. Clemmons, Brunswick County, NC Register of Deeds
05/22/2024 12:14:35.000
Page 1 of 5
E

Brenda M. Clemmons, Brunswick County, NC Register of Deeds
05/22/2024 12:14:35.000 NC REVENUE STAMP: $2150.00

EXHIBIT 15

NORTH CAROLINA GENERAL WARRANTY DEED

NO OPINION ON TITLE REQUESTED OR RENDERED

Excise Tax: $ 2,150.00 Parcel No. 15600118 & 11802

Prepared by: Ryan W. Johnson, a licensed NC attorney, P.O. Box 10685, Southport, NC 28461
Delinquent taxes, if any, to be paid by the closing attorney to the Brunswick County Revenue Office upon disbursement of the closing proceeds.

69.92 Acres and 30.35 Acres George II Hwy, BSL

This Deed is made this _____ day of May 2024 by and between

GRANTOR	GRANTEE
BSLNC, Inc. **A Texas Corporation** **P.O. Box 5396** **Austin, TX 78763**	**Rodney Fowler, married,** **a ½ undivided interest** **And** **Scott Teubner, married,** **a ½ undivided interest** 3225 S. College Rd- Ste. 223 Wilmington, NC 28405

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.
The Grantor represents that this property is ____ / is not __X__ their primary residence.

WITNESSETH, that, Grantor, in consideration of Ten and No/100 ($10.00) Dollars and other good and valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, by these presents, does give, grant, bargain, sell and convey unto the said Grantee, and Grantee's heirs, successors, and assigns, forever, in fee simple, all that certain lot or parcel of land located in the County of Brunswick, State of North Carolina, and more particularly described as follows:

Submitted electronically by Geddings Kleva, PLLC in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Brunswick County Register of Deeds.

See Exhibit A attached hereto.

Grantor acquired property by deed recorded in Book 4815 at Page 583 and Book 4778 at Page 1254 of the Brunswick County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances, thereto belonging, to the said Grantee and said Grantee's heirs, successors, and assigns, forever, in fee simple; and the Grantor, for itself, its successors and assigns, does covenant with the said Grantee and said Grantee's heirs, successors and assigns, that Grantor is seized of the premises in fee simple, and has the right to convey the same in the estate aforesaid, that title is marketable and free and clear of all encumbrances, except as herein stated, and that Grantor hereby will warrant and defend the title against the lawful claims of all persons whomsoever, except for the exceptions herein stated.

Title to the property hereinabove is subject to the following exceptions:

1. Ad valorem taxes for current and subsequent years.
2. Easements for utilities and rights of way in the chain of title.
3. Restrictive covenants of record.

(Signatures and notarial acknowledgments on following pages)

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

BSLNC, Inc.

_____(SEAL)
By: David A. Buttross, II, President

STATE OF Texas
COUNTY OF Travis

I, Aura Collins, a Notary Public for said state and county, do hereby certify that **David A. Buttross, II, President of BSLNC, Inc.** personally appeared before me this day and having the due authority of the corporation has acknowledged the execution of the foregoing instrument on behalf of the corporation.

WITNESS my hand and official seal or stamp, this 20 day of May 2024.

Official Seal

Aura Collins
NOTARY PUBLIC
My Commission Expires: 08-27-2026

AURA COLLINS
Notary Public, State of Texas
Comm. Expires 08-27-2026
Notary ID 128346495

EXHIBIT A

Tract 1:
Parcel #15600118

Beginning at a point in the eastern right of way of N.C. Hwy 87 said beginning point being 526.87' from the northern right of way of East Boiling Spring Road, said beginning point also being the S.W. property corner of the "B.S.L. Rescue Squad" Deed Book 1337 Page 1226, from beginning point so located running thence with the eastern right of way of N.C. Hwy 87 N-38-50-29-W 1,522.23' to a point being the S.E. property corner of the "Board of Missions of NC Methodist Annual Conference" Deed Book 176, Page 507, thence leaving the eastern right of way of N.C. Hwy 87 and running with the property line of Deed Book 176 Page 507 N-54-15-E 400' to a point being the N.E. property corner of said deed, thence running with the property line of said deed N-35-45-W 200' to a point also being the N.W. property corner of said deed, thence running with the property line of said deed S-54-15-W 400' to a point in the eastern right of way of N.C. Hwy 87 said point also being the S.W. property corner of said deed, thence leaving the property line of said deed and with the eastern right of way of N.C. Hwy 87 N-41-05-11-W 1, 320.65' to a point in the southern right of way of Drayton Road, thence leaving the eastern right of way of N.C. Hwy 87 and running with the southern right of way of Drayton Road N-50-50-E 1,216.88' to a point in the southern property line of Section 7, Part 3, Boiling Spring Lakes, Plat H/350, thence leaving the southern right of way of Drayton Road and with the southern property line of Section 7, Part 3, Boiling Spring Lakes, Plat H/350 S-39-10-15-E 2,332.80' to a point in the western property line of Pine Lake Section, Boiling Spring Lakes, Plat H/352, said point also being the S.E. property corner of Lot 672, Section 7, Part 3, Boiling Spring Lakes, Plat H/350, thence leaving the southern property line of Section 7, Part 3, Boiling Spring Lakes, Plat H/350 and running with the southern property line of Pine Lakes Section, Boiling Spring Lakes, Plat H/352 the following courses and distances S-50-50-W 192.37' S-39-10-E 126.91', S-08-50-W 92.78', S-00-07-W 92.78', S-08-37-E 92.78', S-17-21-E 92.78', S-26-05-E 92.78', S-34-48-E 92.78', S-39-10-E 215' to a point in the southern property line of Lot 6, Pine Lake Section, Boiling Spring Lakes, Plat H/352 said point also being in the western right of way of Miller Road, thence leaving the southern property line of said lot and with the western right of way of Miller Road S-50-5-44-W 457.57' to a point being the N.E. property corner of the "B.S.L. Fire Dept.". Thence leaving the western right of way of Miller Road and with the property line of the "B.S.L. Fire Dept." N-39-10-W 40' to a point also being the N.W. property corner of the "B.S.L. Fire Dept.", thence with the property line of the "B.S.L Fire Dept." S-50-50-W 109.92' to a point also being the N.E. property corner of the "B.S.L, Rescue Squad" thence with the property line of the 'B.S.L. Rescue Squad" N-39-10-W 75' to a point said point also being the N.W. property corner of the "B.S.L. Rescue Squad" Deed Book 1337 Page 1226, thence with the property line of said deed S-50-50-W 196.11' to the point of beginning, containing 77.23 acres more or less.

Tract 2:
Parcel #: 1560011802

Beginning at a point in the western right of way of NC Hwy 87 said beginning point being located N-37-21-18-W 850' from the intersection of the western right of way of Garage Road and the western right of way of NC Hwy 87, said beginning point also being the N.W. property corner of Deed Book 2600 Page 197, from said beginning point and with the western property line of Deed Book 2600 Page 197 so located running thence S-47-18-08-W 385.74' to a point, thence leaving the western property line of said deed N-42-35-34-W 260.34' to a point being the N.E. property corner of Lot 96, Section 25W, Part 2, Plat G/118, thence with the eastern property line of Section 25W, Part 2, Plat G/118 the following courses and distances N-42-35-34-W 332.80', N-37-15-09-W 696.02', N-42-10-37-W 1,351.41', N-44-47-50-W 660' to a point being the N.E. property corner of Lot 76, Section 25W, Part 2, Boiling Spring Lakes, Plat G/118, thence leaving the eastern property line of Section 25W, Part 2, Boiling Spring Lakes N-45-12-10-E 400' to a point in the western right of way of NC Hwy 87, thence with the western right of way of NC Hwy 87 3,316' +/- to the point of beginning, containing 30.35 acres, more or less.

EXHIBIT 16

CITY OF BOILING SPRING LAKES
ORDER REGARDING APPEAL OF ADMINISTRATIVE DECISION

The Board of Adjustment for the City of Boiling Spring Lakes, having held a public hearing on November 19, 2026 to consider **Application Number 2026-100APP** submitted by Amy Schaefer on behalf of Scott Teubner, (appellant), an appeal of administrative decision relating to:

Notice of Violation of Section 7.29 of the City's Unified Development Ordinance, issued August 28, 2026

Insofar as the appeal concerns the UDO Administrator's issuance of a Notice of Violation alleging a violation of the City of Boiling Spring Lakes Unified Development Ordinance (UDO), and the Appellant contends that no violation exists, having heard all the evidence and arguments presented at the hearing, the Board of Adjustment makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

1. There was substantial evidence in the record to show the following FACT(S):

_____
_____
_____
_____
_____

2. The Board considered the following Unified Development Ordinance (UDO) Section(s):

_____
_____
_____
_____
_____

3. Given the facts of the Section(s) of the UDO considered, the Board concludes that the UDO Administrator's decision is hereby:

_____ **AFFIRMED**
_____ **REVERSED**
_____ **OTHER**

EXHIBIT 16

THEREFORE, IT IS ORDERED that the decision of the UDO Administrator is hereby:

_____ **AFFIRMED**
_____ **REVERSED**
_____ **OTHER**

Ordered this the 19th day of November, 2026

_____
Lisa Mastin, Chair

_____
Clerk

City of Boiling Spring Lakes
9 East Boiling Spring Road
Southport, NC 28461

BOARD OF ADJUSTMENT
APPEAL OF ADMINISTRATIVE DECISION
STAFF REPORT

Hearing Date:	November 19, 2026
Appellant:	Scott Teubner
Property Owner(s):	Rodney Fowler & Scott Teubner
Property Location:	2821 George II Hwy. & 3001 George II Hwy.
Parcel Number(s):	15600118 (subdivided and now 15600118 & 1560011805)
Parcel Acreage:	53.44 & 16.97
Zoning District:	C-1 & C-1
Adjacent Zoning:	C-1 & R-2
Request:	Appeal of an Administrative Decision in response to a Notice of Violation issued on August 28, 2026

Summary

On September 25, 2026, Scott Teubner, property owner of parcel identification number 15600118 and 1560011805, submitted an application for an Appeal of an Administrative Decision. Mr. Teubner, hereby referred to as the appellant, wishes to appeal a Notice of Violation (NOV) issued on August 28, 2026, citing violation of Article 7, Section 7.29 of the City of Boiling Spring Lakes Unified Development Ordinance (UDO) for failure to submit required development plans within the required two-year period. Article 4, Section 4-4-1 of the City of Boiling Spring Lakes UDO permits a violator who has received a NOV to appeal the UDO administrator's determination that a violation has occurred to the Board of Adjustment.

Background

On August 21, 2024, Rodney Fowler submitted a tree removal permit application for parcel 15600118 for the removal of trees >7.9" DBH. The application indicated no significant trees were proposed for removal. A tree survey spreadsheet accompanied the application.

At the time the tree removal application was submitted the subject property consisted of a single parcel (parcel 15600118), encompassing approximately 70.41 acres. Subsequently, the property was subdivided into two parcels: parcel 15600118, consisting of approximately 53.44 acres, and

parcel 1560011805, consisting of approximately 16.97 acres. The property was undeveloped at the time of application submission and remains undeveloped at this time. The property was not located within designated RCW habitat at the time of application submission.

After reviewing the application and tree survey spreadsheet, and upon payment of the tree removal permit fee, tree removal permit #TRMV-2024-184 was issued on August 22, 2024.

Relevant UDO Provisions

At the time of application submittal and permit issuance, the applicable ordinance provided as follows:

> **Section 7-29(D) Tree Preservation** For those properties not located in designated woodpecker habitat, and for properties within the woodpecker area that have secured written authorization from USFWS to proceed with tree removal, the following provisions of this section shall apply:
>
> **(1)** *Undeveloped parcels.* A parcel of land that does not contain a principal structure or dwelling. Any tree of up to and including 7.9" may be removed without a permit.
>
> a. On undeveloped parcels of twenty-five (25) acres or greater, where development is not yet subject to an approved site plan, a permit shall be issued for the removal of trees >7.9 inches DBH upon a finding of the following:
>
> i. If significant trees are proposed to be removed, the applicant shall submit with the application a survey indicating the species, size, and condition of the significant tree(s). Removal of significant trees shall be mitigated in accordance with section 7.29(E) unless the tree(s) is /are shown to be dead, dying, or severely damaged or diseased. Tree mitigation may occur at a future date, no later than twenty-four (24) months following issuance of a tree removal permit, and may be addressed and/or incorporated into a future site plan for the property to be submitted no less than twenty-four (24) months following issuance of a tree removal permit.
>
> 1. Tree protection for any retained tree(s) shall be in accordance with Section 7.36
>
> ii. No trees proposed for removal are located within required street yards and required bufferyards, unless the property owner agrees to submit a site plan for development of the property within twenty-four (24) months.

Permit #TRMV-2024-184 was issued on August 22, 2024 for the removal of trees >7.9" DBH. The permit specified that no significant trees shall be removed and that a street yard and perimeter bufferyards were required. The permit further specified that all trees within 30' of all property lines shall be retained.

The UDO allows for the removal of trees within required street yard and bufferyard areas, provided a site plan for development of the property is submitted within twenty-four (24) months of issuance of the tree removal permit. The permit was issued on August 22, 2024, establishing a deadline of August 22, 2026, for site plan submittal. Staff determined that, since August 22, 2026 fell on a Saturday, the due date for site plan submittal was August 24, 2026.

A digital copy of a major site plan application and a preliminary concept sketch for parcel 1560011802 and subject parcel 15600118 was submitted by Jeff Theberge with McKim and Creed at 8:21 p.m. on August 24, 2026. Although the major site plan application did not indicate that it included subject parcel 1560011805, which is the now approximately 16.97-acre parcel that was subdivided from parcel 15600118 back on September 29, 2025, the accompanying plan, entitled "preliminary concept sketch," included both parcel 15600118 and the adjacent parcel 1560011805.

On August 25, 2026 the appellant submitted a cash payment of $500 to Maggie DellaBadia, Building Permit Technician, consistent with the City's adopted fee schedule, which establishes a $500 fee for the preliminary review of a major site plan.

At 9:12 a.m. on August 25, 2026 the UDO administrator advised Mr. Theberge that the submittal did not constitute a complete major site plan application under the UDO, that Appendix B of the UDO outlined all required information, and that the UDO also required 3 paper copies in addition to the digital copy.

At 9:27 am on August 25, 2026 Mr. Theberge replied, thanking staff for the feedback and advising he would discuss with the appellant and follow up shortly.

Staff received no additional communication from Mr. Theberge regarding the application submittal for the subject parcels.

Relevant UDO Provisions

Section 9-3-2 Application and submittal procedures.

A. Applicability and process. Minor site plans, major site plans, special use permit plans, and other site-specific plans shall be submitted in accordance with this section, except where specifically note. Upon determination by the UDO Administrator or his designee that an application is complete, the review process for the proposed project type shall be initiated.

B. Submittal requirements. Three (3) paper copies and one (1) digital copy of a minor site plan, major site plan, or special use permit plan shall be submitted for UDO administrator and technical review committee review. Five (5) paper copies and one (1) digital copy of major site plans and special use permit plans are required prior to review by the planning board/BOA. Information to be included on each plan type is included in appendix B.

Section 9-5 Major site plans.

Projects requiring major site plan approval:

A. Development whereby one (1) or more acres of land is disturbed;
B. Residential developments greater than four (4) units on a single lot;
C. Nonresidential developments greater than or equal to ten thousand (10,000) square feet of gross floor area; or
D. Any form of development not exempted from site plan review or reviewed as a minor site plan.

Section 9-5-1 Application requirements.

Applicants for major site plan approval shall submit all information required as specified in appendix B, and any additional information needed to demonstrate and support compliance with the standards of evaluation. No application shall be accepted as complete unless accompanied by all required fees and all required submission information.

Appendix B – Submission requirements.

Section B.1 – Table of plan/plat requirements (Exhibit 10).

The site plan submitted includes information pertaining to subject parcels 15600118 and 1560011805. The site plan does not include all information as required by Appendix B of the UDO. The specific Appendix B requirements that were not included with the site plan submission are highlighted in exhibit 10 (Appendix B).

On September 2, 2026 a refund request for $500 payable to the appellant was submitted to Finance.

A Notice of Violation was issued on August 28, 2026 identifying noncompliance with the tree removal permit issued pursuant to Section 7-29. This section establishes the requirement to submit a site plan for development of the property within twenty-four (24) months when significant trees are removed and/or when trees are removed from the required street yard and bufferyard areas. The UDO administrator's determination was based on the removal of trees within the street yard and bufferyard areas, as documented through site inspection and aerial imagery, and the failure to submit a complete major site plan application in accordance with the UDO, including all required information and documentation as specified in Appendix B.

Relevant UDO Provisions

Section 7-31. Street yards.

(A) A street yard shall be provided when adjacent to a street right-of-way, with a minimum depth of fifty (50) percent of the required front or corner side yard as measured perpendicular to the street right-of-way, provided that no street yard in excess of fifteen (15) feet in depth shall be required.

Section 7-34 Bufferyards.

(5) Bufferyards shall range in width from ten (10) to sixty (60) feet. The following table illustrates the required bufferyard widths:

#1—CON

#2—R-6

#3—R-1, R-2, R-3, R-4, R-5

#4—C-1, C-2, C-C

#5—C-1A, O/I

#6—I-1

Bufferyard Width	Adjacent Property Zoning*					
Applicant Zoning	#1	#2	#3	#4	#5	#6
#1	0'	10'	10'	20'	20'	40'
#2	10'	0'	0'	20'	30'	40'
#3	10'	0'	0'	20'	30'	40'
#4	20'	20'	20'	0'	10'	20'
#5	20'	30'	30'	10'	0'	20'
#6	40'	40'	40'	20'	10'	0'

An Appeal of Administrative Decision was filed with the City Clerk on September 25, 2026. Pursuant to the Unified Development Ordinance (UDO), the filing of the appeal stays all further enforcement actions pending the Board of Adjustment's consideration of the appeal.

Relevant UDO Provisions

UDO Section 4-4-1 Appeals

An appeal from any final order or decision of the UDO administrator may be taken to the board of adjustment by the city, or by any person who has standing under NCGS 160D-1402. An appeal is taken by filing with the city clerk a written notice of appeal specifying the grounds therefor. A

notice of appeal shall be considered filed with the board of adjustment when delivered to the city clerk, who shall enter on it the date and time of filing.

The board of adjustment may reverse or affirm, wholly or partly, or may modify the order requirement, decision, or determination appealed from and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the case before it. To this end, the board shall have all the powers of the officer from whom the appeal is taken.

Signs Posted on Subject Site	**11/5/2026**
Adjacent Property Owner Letters Mailed	**11/6/2026**
Subject Property Owner Letters Mailed	**11/6/2026**

Attachments

1. Appeal Application and Justification (Exhibit A)
2. Zoning Map – Exhibit 1
3. Aerial Map 2024 – Exhibit 2
4. Aerial Map 2026 – Exhibit 3
5. Tree Removal Permit Application & Spreadsheet – Exhibit 4
6. Tree Removal Permit & Associated Documents – Exhibit 5
7. Notice of Violation – Exhibit 6
8. Email Correspondence Re: Site Plan Submittal – Exhibit 7
9. Major Site Plan Application – Exhibit 8
10. Preliminary Concept Sketch – Exhibit 9
11. UDO Appendix B – Section B.1 Table of plan/plat requirements – Exhibit 10
12. Excerpt from Planning Tracking Spreadsheet Re: Submittal for 15600118/1560011802 – Exhibit 11
13. Receipt & Refund Request – Exhibit 12
14. Site photos (taken by Rob Tursi on 11/6/2026) – Exhibit 13
15. GIS Owner Information – Parcel 15600118 & 1560011805 - Exhibit 14
16. General Warranty Deed – Exhibit 15
17. Board of Adjustment Appeal Worksheet – Exhibit 16

City of Boiling Spring Lakes
Code Enforcement
9 E. Boiling Spring Road
Southport, NC 28461
Phone 910-363-0025 / Fax 910-363-0029 / www.cityofbsl.org.

NOTICE OF VIOLATION

Date of Issue: 8/28/2026

Rodney Fowler
Scott Teubner
3118 Sharon St.
Hickory, NC 28601-8149

Re: Case Number: RAC-2026-00204
Parcel Number: 15600118 (subdivided and now 15600118 & 1560011805)

The City of Boiling Spring Lakes hereby issues this Notice of Violation to you, as the owners of the subject property, that you are in violation of the terms and conditions of Permit No. TRMV-2024-184, issued pursuant to Article 7, Section 7.29 of the City's Unified Development Ordinance. The deadline established for compliance with the permit has expired.

Permit No. TRMV-2024-184 provided a two-year period within which the required development plans were to be submitted. That period has now expired and, as of the date of this Notice, the required plans have not been submitted. Accordingly, the violation remains outstanding, and the City is initiating enforcement proceedings for failure to comply with the requirements of the permit and the applicable provisions of the Unified Development Ordinance.

You are hereby notified that you have thirty (30) days from the date of service of this Notice of Violation to appeal the decision that a violation exists to the Board of Adjustment by filing with the City Clerk a written notice of appeal.

Sincerely,

Nicole Morgan
Development Services Director

Cc: Rob Tursi, Code Enforcement Officer

City of Boiling Spring Lakes
9 East Boiling Spring Road Boiling Spring Lakes, NC 28461
Phone ~ 910-363-0025 Fax ~ 910-363-0029 Web page ~ www.cityofbsl.org

Appeal of Administrative Decision Application

Parcel Number 15600118 Property Address 2821 George II Hwy, Southport, NC 2
subdivided & now 15600118 & 1560011805)

~ Current Zoning ~

Residential: ☐ R-1 ☐ R-2 ☐ R-3 ☐ R-4 ☐ R-5 ☐ R-6

Commercial: ☑ C-1 ☐ C-1A ☐ Light Industrial

~ Property Information ~

Physical Address 2821 George II Hwy, Southport, NC 28461 Parcel ID # 15600118 (subdivided & now 15600118 & 1560011805

Property Size in Acres 53.44 & 16.97 Nearest Intersection Hwy 87 & Miller Rd

Property Owner Name Rodney Fowler & Scott Teubner

Mailing Address (if different) 3118 Sharon St, Hickory, NC 28601-8149

Phone _____ Email Address steubner50@gmail.com

~ Contact Information (if different) ~

Contact Name Amy C. Schaefer Phone 910-399-3447

Mailing Address PO Box 4548, Wilmington, NC 28406 Email amy@kpllawfirm.com

~ Nature of Appeal (if more space is needed, submit an addendum on a separate sheet) ~

See attached Exhibit A.

Property Owner Signature Scott Seaborn Date 9-25-26

Sworn and subscribed before me this 25 day of September, 20 26 Notary Seal

Notary Signature Tonya M. Raines Expiration Date 4-6-2030

TONYA M. RAINES NOTARY PUBLIC NEW HANOVER CO., NC

~Office Use Only~

Case Number	Date Received	Amount Paid	Date Paid	Received by

EXHIBIT A
Nature of Appeal

On August 22, 2024, the City of Boiling Spring Lakes issued the Owners Tree Removal Permit #TRMV-2024-184 ("Permit") for parcels 15600118 and 1560011802, see attached, pursuant to Section 7-29(D)(1)(a) of the Unified Development Ordinance ("UDO"). Section 7-29 of the UDO is referred to herein as the Tree Preservation Code. The Permit allows for clearing of trees in excess of 7.9 DBH but states as follows, "No significant trees shall be removed. Street yard & perimeter buffer required. All trees within 30' of all property lines shall be retained."

On August 28, 2026, the City of Boiling Spring Lakes issued Notices of Violation ("NOV") for the Permit and stated that the Permit provided a two year period within which development plans were to be provided and that as of the date of the NOV, the required development plans have not been submitted.

The NOV is incorrect on multiple points which are the basis for this appeal.

First, the Permit has been fully complied with, and no mitigation is required. As set forth below, the plain language of Section 7-29(D)(1)(a) does not impose a freestanding site plan filing requirement, and neither of the two conditions that could trigger such an obligation is present here. The NOV does not allege that "significant trees," as defined in Section 7-29(D)(2), or that any trees located within any required street yard or required bufferyard were removed.

Section 7-29(D)(1)(a) authorizes a permit for removal of trees exceeding 7.9 inches DBH "upon a finding" of two sub-provisions, (D)(1)(a)(i) and (D)(1)(a)(ii). Each sub-provision imposes a site plan obligation only if a specific factual predicate is met. Neither predicate is met on these facts. Section 7-29(D)(1)(a)(i), the significant tree provision was not triggered. Specifically, Section 7-29(D)(1)(a)(i) provides that "[i]f significant trees are proposed to be removed," the applicant must mitigate the removal under Section 7-29(E), and that mitigation "may be addressed and/or incorporated into a future site plan for the property to be submitted no less than twenty-four (24) months following issuance of a tree removal permit."

This provision is expressly conditional: it applies only "if significant trees are proposed to be removed." Because the condition precedent to subsection (i), removal of a significant tree, never occurred, the mitigation and site plan provisions of subsection (i) were never triggered.

Likewise, Section 7-29(D)(1)(a)(ii), the street yard, bufferyard provision was not triggered. Section 7-29(D)(1)(a)(ii) provides that a permit shall be issued where "[n]o trees proposed for removal are located within required street yards or required bufferyards, unless the property owner agrees to submit a site plan for development of the property within twenty-four (24) months."

By its terms, a site plan obligation under subsection (ii) arises only where the applicant proposes to remove trees located within a required street yard or bufferyard, in which case the property owner must agree, as a condition of the permit, to submit a site plan within twenty-four (24) months. The NOV does not allege that trees removed under the Permit were located within any required street yard or required bufferyard. Because the factual predicate to subsection (ii) was not

met, Client was never required to agree to submit a site plan as a condition of the Permit, and no such obligation exists.

Second, even if the Tree Perservation Code and Permit did require the Owners to submit a site plan for mitigation, this obligation was met and so no NOV should have issued.

On behalf of the Owners, McKim & Creed ("Applicant") submitted a site plan ("Site Plan") on August 24, 2026 to the City. The Site Plan was subsequently rejected on Tuesday, August 25, 2026 by an email from Nicole Morgan, Development Services Director (Exhibit B). The Notice of Violation ("NOV") was dated August 28, 2026. There was insufficient time between the rejection of the Site Plan and the NOV to make the requested revisions.

Under Section 9.3 of the City's UDO, submission occurs upon delivery of the application after which the UDO or his designee determines if the application is complete. The ordinance does not require a prior finding of completeness before an application is deemed submitted. The Owners met that requirement on Monday, August 24, 2026, and the City's own records confirm receipt on that date. That fact matters, because submission and completeness are not the same thing under the ordinance or under the broader framework of Chapter 160D. Submission is simply the act of delivering an application to the local government, which places the application in the queue for review. Completeness is a separate, substantive determination that comes after.

Where, as here, an application has been submitted but the City believes something in it is deficient, standard practice is for the City to notify the applicant of the specific deficiencies and give a reasonable opportunity to correct or supplement the submission, not that the application as void or move straight to enforcement. Here the City identified purported deficiencies in an email dated Tuesday, August 25, 2026, but issued the NOV only three days later, without setting a cure period or otherwise giving the Owners or Applicant a meaningful chance to respond before enforcement followed. Because Applicant's submission started the review process the ordinance contemplates, and because the City did not give Applicant reasonable time to supply the information it now says was missing, we believe the NOV issued on August 28, 2026 was premature, if the City even had the authority to issue one. Applicant remains willing and able to promptly provide whatever additional information the City reasonably needs to complete its review.

Section 7-29(D)(1)(a) does not impose a general, unconditional requirement that a site plan be filed within twenty-four (24) months of every tree removal permit issued under that subsection. Rather, subsections (i) and (ii) each condition a future site-plan obligation on a distinct factual trigger, removal of a significant tree, or removal of trees within a required street yard or bufferyard, and neither trigger is present here. Because no significant trees were removed and no trees were removed within a required street yard or bufferyard, Client has no obligation to file a site plan within twenty-four (24) months of the Permit, or at all, based on the Tree Protection Code and the issued Permit. In the alternative, if such site plan was required, the Owners met that obligation by filing an application with the twenty-four (24) month timeframe.

Finally, local governments in North Carolina must have specific authority from the General Assembly to enact tree removal ordinances; Boiling Spring Lakes has not been granted such authority.

Under North Carolina's zoning framework, a municipality's general planning and zoning authority under Chapter 160D permits it to regulate tree removal as part of the development approval process. A stand-alone ordinance that restricts tree removal on property that has not submitted for any development approval; however, falls outside that general grant and requires a specific local act from the General Assembly. More than thirty North Carolina municipalities and counties have obtained local acts granting them tree-protection authority beyond their general zoning power; Boiling Spring Lakes is not among them.

The City's Tree Protection Code confirms that mitigation may occur "as part of the development process." Notwithstanding that limitation, the City has applied the Code to prohibit removal of any tree greater than 7.9 inches DBH anywhere within the City, regardless of whether the property owner has any current intent to develop. That application exceeds the authority the Code's own terms describe and exceeds the authority Chapter 160D confers, because it regulates tree removal independent of, rather than as part of, the development approval process.

Based on the above facts and legal arguments, we respectfully request the NOV be rescinded.

CITY OF BOILING SPRING LAKES
TREE REMOVAL PERMIT # TRMV-2024-184

Issuance Date: 8/22/2024

Zoning District: C-1

Is this property located in a flood zone? Yes ____ No X

Parcel/Lot Number(s): 1560011802

Site Address: 2800 George II Hwy., Southport, NC 28461

Property Owner(s):

Name: Rodney Fowler

Scott Tuebner

Applicant(s):

Name: Rodney Fowler

Name: Scott Tuebner

Proposed Use of Work: CLEARING

USFWS Habitat Color: GREEN

This permit is for the removal of Trees >7.9" DBH

NO SIGNIFICANT TREES SHALL BE REMOVED. STREET YARD & PERIMETER BUFFER REQUIRED. ALL TREES WITHIN 30' OF ALL PROPERTY LINES SHALL BE RETAINED.

This permit expires one (1) year from date of issue

Nicole Morgan, Asst. City Manager

Planning & Zoning Administrator

8/22/2024

Date

CITY OF BOILING SPRING LAKES
TREE REMOVAL PERMIT # TRMV-2024-184

Issuance Date: 8/22/2024 Zoning District: C-1

Is this property located in a flood zone? Yes ____ No X

Parcel/Lot Number(s): 15600118

Site Address: 2821 George II Hwy., Southport, NC 28461

Property Owner(s):

Name: Rodney Fowler

Scott Tuebner

Applicant(s):

Name: Rodney Fowler

Name: Scott Tuebner

Proposed Use of Work: CLEARING

USFWS Habitat Color: GREEN

This permit is for the removal of Trees >7.9" DBH

NO SIGNIFICANT TREES SHALL BE REMOVED. STREET YARD & PERIMETER BUFFER

REQUIRED. ALL TREES WITHIN 30' OF ALL PROPERTY LINES SHALL BE RETAINED.

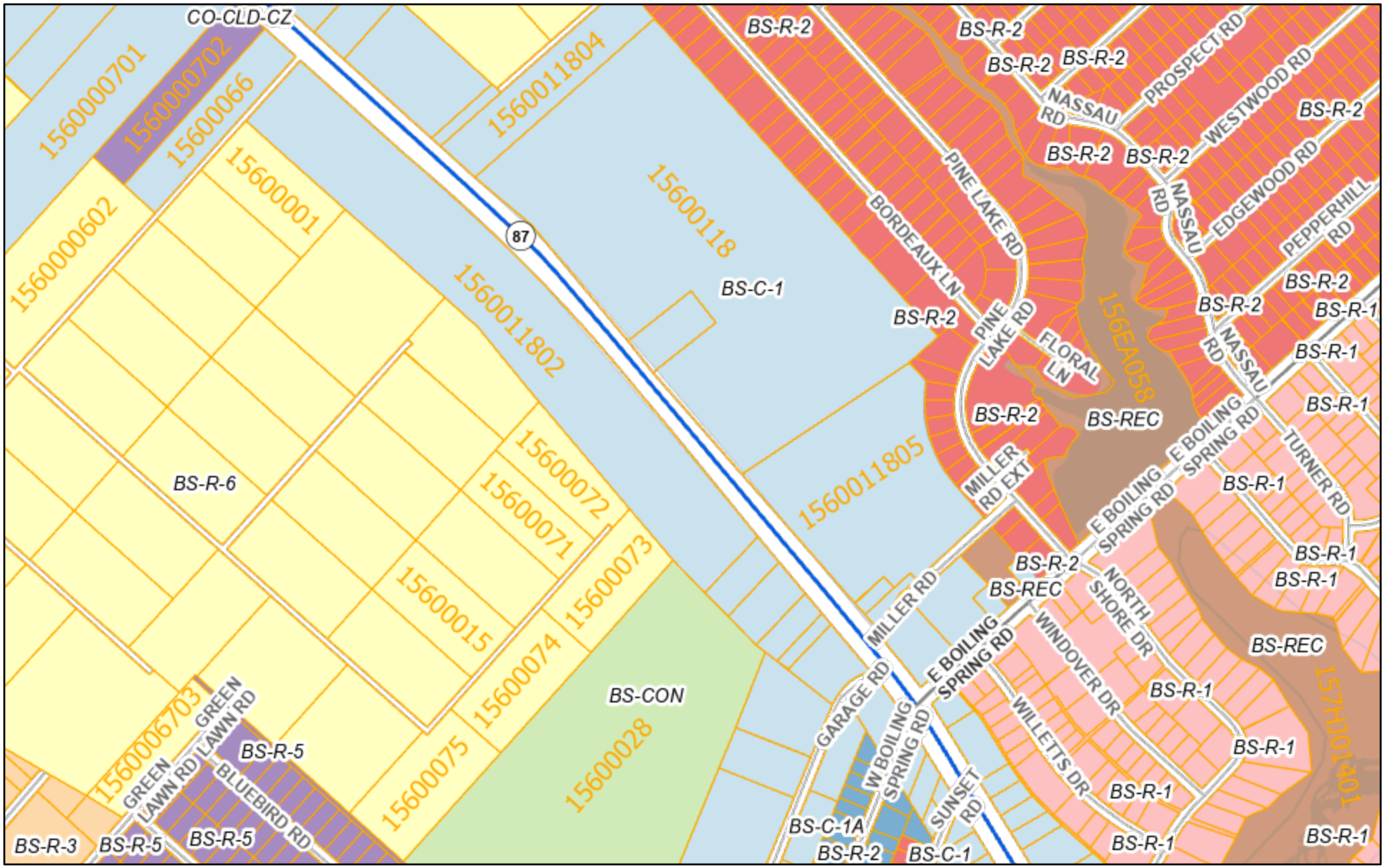
This permit expires one (1) year from date of issue

Nicole Morgan, Asst. City Manager — 8/22/2024

Planning & Zoning Administrator — Date

EXHIBIT 1

ArcGIS Web Map



11/9/2026, 4:13:18 PM

1:9,925

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

Roads
- NC Hwy
- State Road
- Minor

Parcels

Zoning
- BS-C-1
- BS-C-1A
- BS-CON
- BS-R-1
- BS-R-2
- BS-R-3
- BS-R-5
- BS-R-6
- BS-REC
- CO-CLD-CZ
- County Boundary

Streams

Water Bodies

County

EXHIBIT 2

ArcGIS Web Map



11/9/2026, 4:22:44 PM

1:9,925

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

Roads

- NC Hwy
- State Road
- Minor
- Parcels
- County Boundary

PICTOMETRY 2024

- Red: Red
- Green: Green
- Blue: Blue

- Streams
- Water Bodies

County

EXHIBIT 3

ArcGIS Web Map



11/9/2026, 4:29:19 PM

1:9,947

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

Roads

- NC Hwy
- State Road
- Minor
- Parcels
- County Boundary
- Streams
- Water Bodies
- County

EXHIBIT 4

City of Boiling Spring Lakes
Tree Removal Permit

Reference # TRMV-2024-183
Application Date: 8/21/2024 9:41:00 PM

Property Location: 2821 GEORGE II HWY
Zoning: C1
Parcel # 15600118

Applicant Information:
Name: Rodney Fowler
Address: 7615 Myrtle Grove Road Wilmington NC 28409
Phone # (843) 532-1922 **Email:** ecdrilling@aol.com

Property Owner Information:
Name: RODNEY FOWLER SCOTT TEUBNER
Address: 3225 S COLLEGE RD STE 223 WILMINGTON, NC 28405
Phone # (843) 532-1922 **Email:** ecdrilling@aol.com

Contractor Information:
Name: Rodney fowler
Phone # (843) 532-1922 **Email:** ecdrilling@aol.com

Tree Removal Plan:
Is this Request for New Construction or Existing Development? New Construction
Is the Subject Property Located in a RCW Classification Zone? Yes
Green: Yes
Blue: No
Red: No
Are you requesting the removal of any trees 8" DBH or larger: Yes
Total Number of Pine Trees 8" DBH or Larger to be removed:
Total Number of Non-Pines 8" DBH or Larger to be removed:
Are trees proposed for removal flagged? Yes
Planned Date of Action: 08/21/2024
Reason for removal: new construction

Significant Trees Proposed for Removal:
Are you requesting the removal of any significant trees? No

Species	Quantity	Size

For New Construction:

Are house, septic & driveway marked? No
Have you submitted a Tree Survey? Yes
Have you submitted a Basal Area Spreadsheet, or a Letter from U.S. Fish & Wildlife?

For Existing Development:
Have you Submitted a Letter from U.S. Fish & Wildlife? (request will not be processed until received):

Fee Schedule:

Fee Description	Fee
Administrative Fee	$30.00
Tree Removal (For Existing Development)	$25.00
Clearing (For New Construction)	$25.00
Re-inspection Fee	$25.00

Administrative Fee: $30.00
Application Fee: $25.00
Other Fees: $0.00
Balance Remaining: $0.00

Acknowledgement:
By choosing **YES** you authorize The City of Boiling Spring Lakes Zoning Department to access your property to inspect the proposed trees to be removed for this Tree Removal Permit.

For New Construction:
• You must provide a Tree Survey, showing the location of the structures, the location, size and species of trees being requested to remove.
• If you are proposing to remove Pine Trees 8" DBH or larger, and the subject property is in the blue or red zone, you must also submit a Basal Area Spreadsheet, or a Letter from U.S. Fish & Wildlife (Request will not be processed until received)

For Existing Development:
• If you are proposing to remove Pine Trees 8" DBH or larger, and the subject property is in the blue or red zone, you must submit a Letter from U.S. Fish & Wildlife (Request will not be processed until received)

IMPORTANT ~ THIS APPLICATION MUST BE APPROVED BY THE CODE ENFORCEMENT OFFICER AND A PERMIT ISSUED **BEFORE** TREES ARE REMOVED

Developed Parcel: A parcel of land containing a principal structure or dwelling.
Less than eight (8) inches in diameter (circumference of 25 inches) ~ Any tree may be removed at any time without a permit.

Undeveloped Parcel: A parcel of land that does not contain a principal structure or dwelling
Six (6) inches in diameter (circumference of 19 inches) and greater ~ Any tree requires a permit from the Code Enforcement office.

Measuring a tree: This measurement is taken at four and one half (4 1/2) feet above ground level.

Diameter ~ Measure around tree and divide by 3.14 or **Circumference** ~ Measurement around tree

US Fish and Wildlife Restrictions: Woodpecker's ~ All property owners must first check the U.S. Fish and Wildlife parcel list to determine if your property is in a Red-Cockaded Woodpecker zone. The parcel list may be found at:
https://www.cityofbsl.org/planning-zoning-department/red-cockaded-woodpecker-rcw-information-protocol

If your parcel number is on the list, you must contact USFWS and follow the procedures set forth by them. Contact (919) 856-4520 EXT. 28 or email: john_hammond@fws.gov Include the parcel number, physical address, reason for removal request and number of trees to be removed. A city permit is required in addition to USFWS approval.

Trees requested to be removed must be flagged with ribbon prior to inspection

To obtain a permit, this application must be completed and submitted. Upon inspection and approval, a permit will be issued.

All work will comply with US Fish & Wildlife Service, State, Federal & local laws, ordinances & regulations.

EXHIBIT 4

PLEASE COMPLETE THE HIGHLIGHTED FIELDS ONLY

Lot # BSL NC 87

Tax Parcel ID 15600118

Acreage 69.92

Amount of BA to Remain on Lot if Based on 40 sq. ft/acre: 0

1 Inch Tree Classes	*Square Feet of Basal Area	Number of Trees on Lot	BA on Lot per Size Class	Number of Trees Removed	Amount of BA Removed
8.0 - 8.9	0.3894	400	0		0
9.0 - 9.9	0.4871	325	0		0
10.0 - 10.9	0.5956	532	0		0
11.0 - 11.9	0.7151	300	0		0
12.0 - 12.9	0.8454	300	0		0
13.0 - 13.9	0.9867	420	0		0
14.0 - 14.9	1.1388	290	0		0
15.0 - 15.9	1.3019	185	0		0
16.0 - 16.9	1.4759	220	0		0
17.0 - 17.9	1.6608	240	0		0
18.0 - 18.9	1.8566	100	0		0
19.0 - 19.9	2.0633	65	0		0
20.0 - 20.9	2.2809	15	0		0
21.0 - 21.9	2.5095	10	0		0
22.0 - 22.9	2.7489		0		0
23.0 - 23.9	2.993		0		0
24.0 - 24.9	3.2605		0		0
25.0 - 25.9	3.5327		0		0
26+	3.687		0		0
Totals		3,402 0	**0**	**0**	**0**

BA to retain for 40 sq. ft/acre	**0**
Total BA on Lot	0
Surplus BA on Lot	0
Total BA to be Removed	**0**
Post Project BA	**0**

* Square feet of Basal Area per stem calculated at the midpoint.

Teubner | Fowler

ECDrilling@aol.com

EXHIBIT 5

CITY OF BOILING SPRING LAKES
TREE REMOVAL PERMIT # TRMV-2024-184

Issuance Date: 8/22/2024 Zoning District: C-1

Is this property located in a flood zone? Yes ____ No X

Parcel/Lot Number(s): 15600118

Site Address: 2821 George II Hwy., Southport, NC 28461

Property Owner(s):

Name: Rodney Fowler

Scott Tuebner

Applicant(s):

Name: Rodney Fowler

Name: Scott Tuebner

Proposed Use of Work: CLEARING

USFWS Habitat Color: GREEN

This permit is for the removal of Trees >7.9" DBH

NO SIGNIFICANT TREES SHALL BE REMOVED. STREET YARD & PERIMETER BUFFER REQUIRED. ALL TREES WITHIN 30' OF ALL PROPERTY LINES SHALL BE RETAINED.

This permit expires one (1) year from date of issue

Nicole Morgan, Asst. City Manager — 8/22/2024

Planning & Zoning Administrator — Date

EXHIBIT 5

From: Suzanne Price
To: Nicole Morgan
Subject: FW: clearing permits
Date: Monday, November 9, 2026 2:37:03 PM
Attachments: Clearing permit 15600118 2821 George II Hwy.pdf
clearing permit-1560011802 2800 George II HWY.pdf

From: Suzanne Price
Sent: Thursday, August 22, 2024 1:42 PM
To: ECDrilling@aol.com
Subject: clearing permits

Attached are the clearing permits for 2800 and 2821 George II HWY.

Suzanne Price
Zoning Technician
Planning and Zoning Department
sprice@cityofbsl.org
910.363.0096

EXHIBIT 5

Sept 4, 2024

RE: Parcel 15600118 addressed 2821 George II Highway and Parcel 1560011802 addressed 2800 George II Highway.

According the City of Boiling Spring Lakes Unified Development Ordinance Article 7, section 7.29 :

(D) For those properties not located in designated Red Cockaded Woodpecker habitat, and for properties within the woodpecker area that have secured written authorization from USFWS to proceed with tree removal, the following provisions of this section shall apply:

(1) Undeveloped Parcels. A parcel of land that does not contain a principal structure or dwelling. Any tree with a DBH of up to and including 7.9 inches may be removed without a permit.

a. On undeveloped parcels of 25 acres of greater, where development is not yet subject to an approved site plan, a permit shall be issued for the removal of trees >7.9 inches DBH upon a finding of the following:

i. If significant trees are proposed to be removed, the applicant shall submit with the application, a survey indicating the species, size, and condition of the significant tree(s). Removal of significant trees shall be mitigated in accordance with Section 7.29(E), unless the tree(s) is/are shown to be dead, dying, or severely damaged or diseased. Tree mitigation may occur at a future date, no later than 24 months following issuance of a tree removal permit, and may be addressed and/or incorporated into a future site plan for the property to be submitted no less than 24 months following issuance of a tree removal permit.

1. Tree protection for any retained tree(s) shall be in accordance with Section 7.36.

ii. No trees proposed for removal are located within required street yards or required bufferyards, unless the property owner agrees to submit a site plan for development of the property within twenty-four (24) months.

Also as stated on the Clearing Permit TRMV-2024-184 issued for both parcels NO SIGNIFCANT TREES SHALL BE REMOVED. STREET YARD & PERMITER BUFFER REQUIRED. ALL TREES WITHIN 30' OF ALL PROPERTY LINES SHALL BE RETAINED.

If development plans are not submitted within 24 months civil penalties will be imposed.

Rodney Fowler _____

Scott Tuebner _____

Sept 4, 2024

EXHIBIT 5

Ordinance # 2024-11

CITY OF BOILING SPRING LAKES

Ordinance to Amend Article 7, Section 7.29 of the City's Unified Development Ordinance

WHEREAS, the City has enacted a Unified Development Ordinance that controls land development within both the City's incorporated areas and within its extraterritorial area; and

WHEREAS, in order to promote the public health, safety and general welfare, and to promote the best interests of the City and community, it is necessary from time to time for the City's Board of Commissioners to consider appropriate revisions, modifications and additions to the City's Unified Development Ordinance; and

WHEREAS, a request has been made to update provisions for tree removal on undeveloped parcels; and

WHEREAS, the Planning Board voted 4 to 1 to recommend the Board of Commissioners approve the proposed amendment at their July 19, 2024 meeting; and

WHEREAS, pursuant to N.C. General Statutes and City Ordinances, a public hearing, properly noticed, was held on August 6, 2024, where public comment was heard and considered by the Board of Commissioners regarding this issue; and

WHEREAS, the Board of Commissioners hereby finds this proposed text amendment to the City's Unified Development Ordinance is (i) consistent with the City's comprehensive plan (2017 Land Use Plan), City Land Use Compatibility Goals to encourage and facilitate high quality commercial development along NC 87, expand the range of goods and services available to City residents and Land Use Compatibility Statement that the City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, and dimensional standards, and (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Boiling Spring Lakes.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Boiling Spring Lakes that Article 7 of the City's Unified Development Ordinance is hereby amended as listed below (stricken text is to be deleted, underlined text is to be added):

Section 7.29 Tree Preservation

(D) For those properties not located in designated Red Cockaded Woodpecker habitat, and for properties within the woodpecker area that have secured written authorization from USFWS to proceed with tree removal, the following provisions of this section shall apply:

(1) Undeveloped Parcels. A parcel of land that does not contain a principal structure or dwelling. Any tree with a DBH of up to and including 7.9 inches may be removed without a permit.

a. On undeveloped parcels of 25 acres of greater, where development is not yet subject to an approved site plan, a permit shall be issued for the removal of trees >7.9 inches DBH upon a finding of the following:

i. If significant trees are proposed to be removed, the applicant shall submit with the application, a survey indicating the species, size, and condition of the significant tree(s). Removal of significant trees shall be mitigated in accordance with Section 7.29(E), unless the tree(s) is/are shown to be dead, dying, or severely damaged or diseased. Tree mitigation may occur at a future date, no later than 24 months following issuance of a tree removal permit, and may be addressed and/or incorporated into a future site plan for the property to be submitted no less than 24 months following issuance of a tree removal permit.

1. Tree protection for any retained tree(s) shall be in accordance with Section 7.36.

ii. No trees proposed for removal are located within required street yards or required bufferyards, unless the property owner agrees to submit a site plan for development of the property within twenty-four (24) months.

This Ordinance shall be in full force and effect at the time of its adoption.

Adopted this 6th day of August 2024.

Jeff Winecoff, Mayor

ATTEST:

Nancy Sims, City Clerk

CITY OF BOILING SPRING LAKES
OFFICIAL SEAL
NORTH CAROLINA

City of Boiling Spring Lakes
9 East Boiling Spring Road
Southport, NC 28461

STAFF REPORT

Agenda Date:

August 6, 2024

Title:

Ordinance to Amend Article 7; Section 7.29 of the City's Unified Development Ordinance

Department:

Planning & Zoning

Background:

This is a citizen initiated request to amend Article 7, Section 7.29 of the Unified Development Ordinance to update provisions for tree removal on undeveloped parcels. At their meeting on July 19, 2024 the Planning Board voted 4 to 1 to recommend approval of the proposed amendment.

Financial Impact:

No financial impact.

Attachment(s):

Proposed amendment: Article 7; Section 7.29
Ordinance to amend Article 7; Section 7.29 of the City's Unified Development Ordinance

Proposed Amendment:

Amend Article 7 of the Unified Development Ordinance as follows (stricken text is to be deleted, underlined text is to be added):

Section 7.29 Tree Preservation

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a. On undeveloped parcels of 25 acres of greater, where development is not yet subject to an approved site plan, a permit shall be issued for the removal of trees >7.9 inches DBH upon a finding of the following:

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1. Tree protection for any retained tree(s) shall be in accordance with Section 7.36.

ii. No trees proposed for removal are located within required street yards or required bufferyards, unless the property owner agrees to submit a site plan for development of the property within twenty-four (24) months.

PLANNING BOARD ACTION

(A) __X__The Planning Board hereby recommends approval of the proposed amendments to the Unified Development Ordinance and finds that it (i) is consistent with the City's comprehensive plan (2017 Land Use Plan) City Land Use Compatibility Goals to encourage and facilitate high quality commercial development along NC 87, expand the range of goods and services available to City residents and Land Use Compatibility Statement that the City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, and dimensional standards, and (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Boiling Spring Lakes.

(B) _____The Planning Board hereby recommends denial of the proposed amendment to the Unified Development Ordinance and finds that (i) it is not consistent with the City's comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City for the following reasons: _____ and/or (ii) it is not in the public interests for the following reasons: _____

Motion to Recommend Approval (A) __4__ Motion to Recommend Denial (B) __1__

BOARD OF COMMISSIONERS ACTION

(A) _____The Board of Commissioners hereby recommends approval of the proposed amendments to the Unified Development Ordinance and finds that it (i) is consistent with the City's comprehensive plan (2017 Land Use Plan) City Land Use Compatibility Goals to encourage and facilitate high quality commercial development along NC 87, expand the range of goods and services available to City residents and Land Use Compatibility Statement that the City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, and dimensional standards, and (ii) that it is in the public interest because it will advance the public health, safety, and/or welfare of the City of Boiling Spring Lakes.

(B) _____The Board of Commissioners hereby recommends denial of the proposed amendment to the Unified Development Ordinance and finds that (i) it is not consistent with the City's comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City for the following reasons: _____ and/or (ii) it is not in the public interests for the following reasons: _____

Motion to Recommend Approval (A) _____ Motion to Recommend Denial (B) _____

EXHIBIT 6

City of Boiling Spring Lakes
Code Enforcement
9 E. Boiling Spring Road
Southport, NC 28461
Phone 910-363-0025 / Fax 910-363-0029 / www.cityofbsl.org.

NOTICE OF VIOLATION

Date of Issue: 8/28/2026

Rodney Fowler
Scott Teubner
3118 Sharon St.
Hickory, NC 28601

Re: Case Number: RAC-2026-00204
Parcel Number: 15600118 (subdivided and now 15600118 & 1560011805)

The City of Boiling Spring Lakes hereby issues this Notice of Violation to you, as the owners of the subject property, that you are in violation of the terms and conditions of Permit No. TRMV-2024-184, issued pursuant to Article 7, Section 7.29 of the City's Unified Development Ordinance. The deadline established for compliance with the permit has expired.

Permit No. TRMV-2024-184 provided a two-year period within which the required development plans were to be submitted. That period has now expired and, as of the date of this Notice, the required plans have not been submitted. Accordingly, the violation remains outstanding, and the City is initiating enforcement proceedings for failure to comply with the requirements of the permit and the applicable provisions of the Unified Development Ordinance.

You are hereby notified that you have thirty (30) days from the date of service of this Notice of Violation to appeal the decision that a violation exists to the Board of Adjustment by filing with the City Clerk a written notice of appeal.

Sincerely,

Nicole Morgan
Development Services Director

Cc: Rob Tursi, Code Enforcement Officer

EXHIBIT 6

City of Boiling Spring Lakes
Code Enforcement
9 E. Boiling Spring Road
Southport, NC 28461
Phone 910-363-0025 / Fax 910-363-0029 / www.cityofbsl.org.

NOTICE OF VIOLATION

Date of Issue: 8/28/2026

Rodney Fowler
Scott Teubner
3225 S. College Rd., Ste. 223
Wilmington, NC 28405

Re: Case Number: RAC-2026-00204
Parcel Number: 15600118 (subdivided and now 15600118 & 1560011805)

The City of Boiling Spring Lakes hereby issues this Notice of Violation to you, as the owners of the subject property, that you are in violation of the terms and conditions of Permit No. TRMV-2024-184, issued pursuant to Article 7, Section 7.29 of the City's Unified Development Ordinance. The deadline established for compliance with the permit has expired.

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You are hereby notified that you have thirty (30) days from the date of service of this Notice of Violation to appeal the decision that a violation exists to the Board of Adjustment by filing with the City Clerk a written notice of appeal.

Sincerely,

Nicole Morgan
Development Services Director

Cc: Rob Tursi, Code Enforcement Officer

EXHIBIT 7

From: Jeff Theberge
To: Nicole Morgan
Cc: Scott Teubner; Ethan Crowder; Adam Williams; Mary Catherine Santos
Subject: RE: Boiling Springs Lake - Mixed Use Development
Date: Tuesday, August 25, 2026 9:27:08 AM

Be Advised: This email originated from outside of the City of Boiling Spring Lakes, NC

Good morning Nicole,

Thank you for the feedback. We will discuss with Scott and I will follow up shortly.

Jeff Theberge, PE
Senior Project Engineer
O 910.343.1048 **x**1458 | **M** 910.233.6933
JTheberge@mckimcreed.com | www.mckimcreed.com

From: Nicole Morgan <nmorgan@cityofbsl.org>
Sent: Tuesday, August 25, 2026 9:12 AM
To: Jeff Theberge <JTheberge@mckimcreed.com>
Cc: Scott Teubner <steubner50@gmail.com>; Ethan Crowder <ECrowder@mckimcreed.com>; Adam Williams <AJWilliams@mckimcreed.com>; Mary Catherine Santos <MSantos@mckimcreed.com>
Subject: RE: Boiling Springs Lake - Mixed Use Development

Good morning Jeff,

The attached concept sketch does not constitute a complete Major Site Plan application under the UDO. Section 9-5-1 of the UDO provides that all required submission information be provided before an application can be accepted as complete. Appendix B of the UDO identifies the required submittal information for Major Site Plan review, which includes additional information and plans (grading and drainage, stormwater, utilities, overall site plan, etc.). The UDO also requires 3 paper copies and 1 digital copy of the plans.

If this project is to proceed through the Major Site Plan review process, the required submission information and plans will be necessary for the application to be accepted as complete and distributed to the TRC for review.

Regards,

Nicole Morgan
Development Services Director
City of Boiling Spring Lakes
9 E. Boiling Spring Rd.
Southport, NC 28461
(910) 363-0025

From: Jeff Theberge <JTheberge@mckimcreed.com>
Sent: Monday, August 24, 2026 8:21 PM
To: Nicole Morgan <nmorgan@cityofbsl.org>
Cc: Scott Teubner <steubner50@gmail.com>; Ethan Crowder <ECrowder@mckimcreed.com>; Adam Williams <AJWilliams@mckimcreed.com>; Mary Catherine Santos <MSantos@mckimcreed.com>
Subject: Boiling Springs Lake - Mixed Use Development

Be Advised: This email originated from outside of the City of Boiling Spring Lakes, NC

Good evening Nicole,

Attached is our Site Application and Site Plan Submittal for the Boiling Springs Lake – Mixed Use Commercial development located at 2920 George II Hwy SE. Once you have an opportunity to review, please let me know if you need any additional information.

Thank you,

Jeff Theberge, PE
Senior Project Engineer
O 910.343.1048 **x**1458 | **M** 910.233.6933
JTheberge@mckimcreed.com | www.mckimcreed.com
929 North Front Street, Suite 800, Wilmington, NC 28401

Disclaimer

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Disclaimer

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EXHIBIT 8

City of Boiling Spring Lakes
9 East Boiling Spring Road Boiling Spring Lakes, NC 28461
Phone ~ 910-363-0025 Fax ~ 910-363-0029 www.cityofbsl.org

Major Site Plan Application

Project Name: Boiling Springs Lake - Mix Property Owner(s): Scott Teubner

Authorized Agent: Jeff Theberge Telephone: 910-233-6933

Email: jtheberge@mckimcreed.com

Project Address: 2920 George II Hwy SE

Zoning District: C1 Parcel #: 15600118/1560011802

Proposed Use: Mixed Use Commercial

Project

The proposed project consists of a mixed-use development within the Town of Boiling Spring Lakes, North Carolina. The development is intended to provide a complementary mix of commercial and/or office uses with residential components, supported by associated parking, internal access drives, pedestrian connections, landscaping, stormwater management, utilities, and other site improvements. The project will be designed to integrate with the surrounding community and existing roadway network while complying with applicable Town development standards, zoning requirements, and site design regulations.

Signature of Owner/Authorized Agent: Jeff Theberge Digitally signed by Jeff Theberge DN: CN=Jeff Theberge, OU=Users, OU=Wilmington, OU=Offices, DC=mckimcreed, DC=com Date: 2026.08.24 16:13:02-04'00'

Site plan procedures are outlined in Article 9, Section 9.3 of the City's Unified Development Ordinance (UDO). The site plan shall be submitted in accordance, and shall meet all plat requirements, as outlined in Appendix B of the UDO. Notes placed on the site plan may suffice for items that are unable to be shown geographically, or are not applicable to this application. No application shall be accepted as complete unless accompanied by all required fees and all required submission information.

Commercial Site Plan Review Fee at Preliminary & Final = $500.00

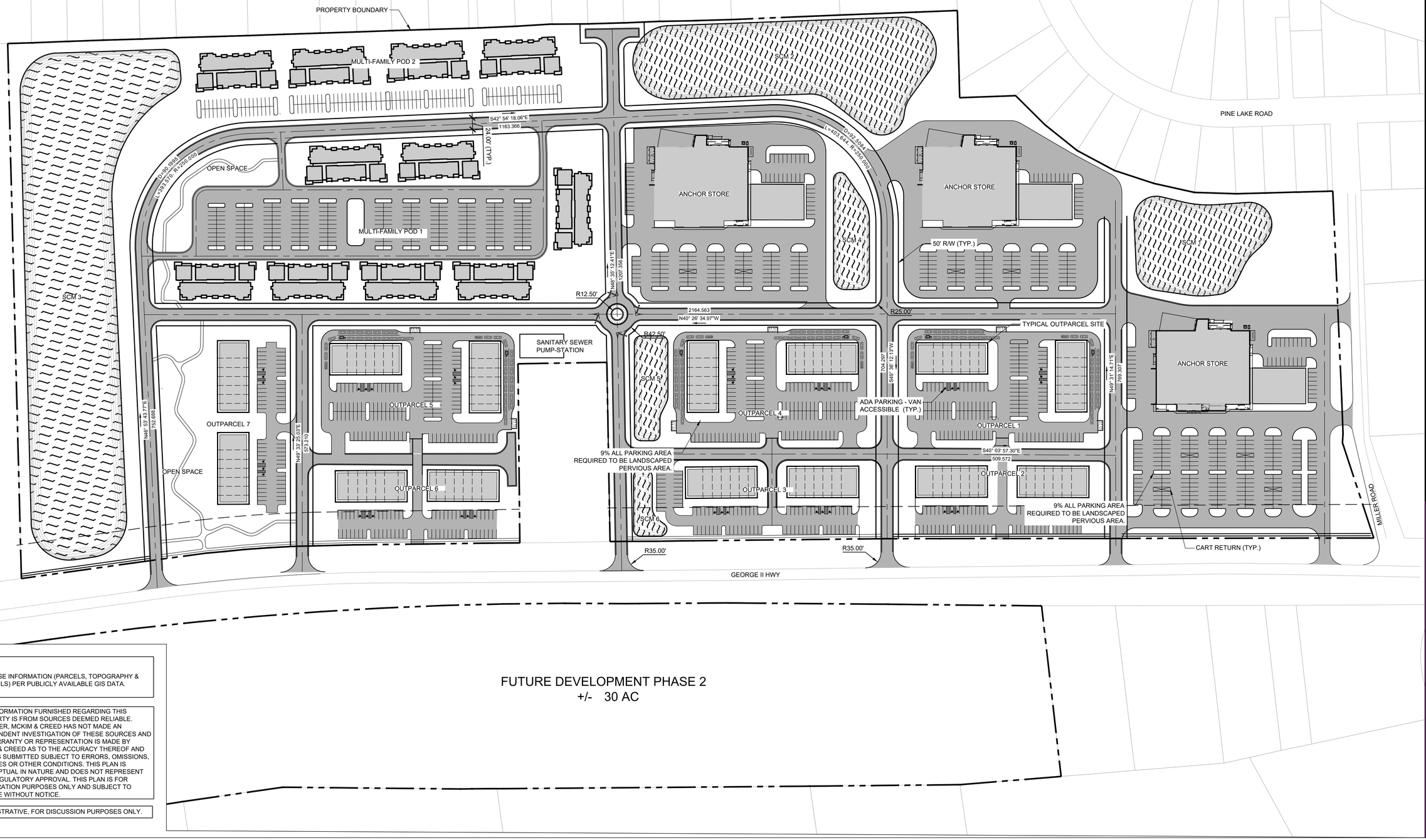
Staff Use Only:

Project #: 2026-8-002 Date Submitted: 8/24/26 8:21 pm

Amount Due: Preliminary & Final _____ Received by: M. DellaBadia

Amount Paid: $500 Date Paid: 8/25/2026

EXHIBIT 9



FUTURE DEVELOPMENT PHASE 2
+/- 30 AC

NOTES:

1. BASE INFORMATION (PARCELS, TOPOGRAPHY & SOILS) PER PUBLICLY AVAILABLE GIS DATA.

ALL INFORMATION FURNISHED REGARDING THIS PROPERTY IS FROM SOURCES DEEMED RELIABLE. HOWEVER, MCKIM & CREED HAS NOT MADE AN INDEPENDENT INVESTIGATION OF THESE SOURCES AND NO WARRANTY OR REPRESENTATION IS MADE BY MCKIM & CREED AS TO THE ACCURACY THEREOF AND SAME IS SUBMITTED SUBJECT TO ERRORS, OMISSIONS, CHANGES OR OTHER CONDITIONS. THIS PLAN IS CONCEPTUAL IN NATURE AND DOES NOT REPRESENT ANY REGULATORY APPROVAL. THIS PLAN IS FOR ILLUSTRATION PURPOSES ONLY AND SUBJECT TO CHANGE WITHOUT NOTICE.

ILLUSTRATIVE, FOR DISCUSSION PURPOSES ONLY.

PRELIMINARY CONCEPT SKETCH

BOILING SPRING LAKES
COMMERCIAL DEVELOPMENT
BOILING SPRING LAKES, NC

MCKIM&CREED
243 North Front Street
Wilmington, North Carolina 28401
Tele: (910) 343-1048 | Fax: (910) 251-8282
www.mckimcreed.com

All information furnished regarding this property is from sources deemed reliable. However, McKim & Creed has not made an independent investigation of these sources and no warranty or representation is made by McKim & Creed as to the accuracy thereof and same is submitted subject to errors, omissions, land plan changes, or other conditions. This land plan is conceptual in nature and does not represent any regulatory approval. This plan is for illustration purposes only, subject to change without notice. No guarantee can be made that development of the acreage will proceed as described.

NORTH

SCALE: 1" = 100'
0 50 100 200

DATE: 08.24.2026

PROPERTY BOUNDARY

STORM PIPE (TYP.)

SCM 1

SCM 2

SCM 3

SCM 4

SCM 5

8" GRAVITY SEWER (TYP.)

8" WATER MAIN (TYP.)

PUMP STATION

FORCEMAIN

CONNECT TO EXISTING

CONNECT TO EXISTING

CONNECT TO EXISTING

NOTES:

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PRELIMINARY CONCEPT SKETCH

NORTH

SCALE: 1" = 100'
0 50 100 200

DATE: 08.24.2026

BOILING SPRING LAKES
COMMERCIAL DEVELOPMENT
BOILING SPRING LAKES, NC

EXHIBIT 10 - HIGHLIGHTED ITEMS REQUIRED NOT INCLUDED

Section B.1 - Table of plan/plat requirements

Information Required	Landscape Plan	Minor Site Plan	Major Site Plan	Preliminary Plat	Major Final Plat	Minor Final Plat	Master Development Plan
Proposed or approved name of development, project, subdivision, and/or phase.	✓✓	✓	✓	✓	✓	✓	✓
Location, including township, county, and state.	✓	✓	✓	✓	✓	✓	
Developer/applicant name(s), including mailing address(es) and telephone number(s).	✓	✓	✓	✓			✓
Property owner name(s), including mailing address(es) and telephone number(s).	✓	✓	✓	✓			✓
Name(s) of person(s) or firm(s) preparing the plat/plan, including mailing address(es) and	✓	✓	✓	✓	✓	✓	✓
Name, registration number, and seal of a professional Land Surveyor, Engineer, Landscape Architect, and/or Architect. (If Applicable)	✓	✓	✓	✓	✓	✓	✓
Date of plat/plan preparation and of surveys.	✓	✓	✓	✓	✓	✓	✓
North arrow and orientation.	✓	✓	✓	✓	✓	✓	✓
Map scale, denoted graphically and numerically.	✓1	✓1	✓1	✓2	✓3	✓3	✓
Sketch vicinity map showing the relationship between the proposed property or properties and the surrounding area.		✓	✓	✓	✓	✓	✓

Exact existing and proposed or pending property boundary lines by bearings and distances and the location of intersecting boundary lines of adjacent lands.				✓	✓	✓	
Approximate existing and proposed property boundary lines of the site and adjacent lands.							✓
Tax parcel numbers of all existing tracts comprising the site and adjacent tracts.	✓	✓	✓	✓			✓
Names of owners of adjacent tracts, including applicable book and page numbers.		✓	✓	✓	✓	✓	✓
Names and boundaries of adjacent subdivisions of record or under review.		✓	✓	✓			✓
Total acreage of all tracts comprising the plan or plat and adjacent tracts.		✓	✓	✓			✓
Current zoning of site and adjacent tracts.	✓	✓	✓	✓			✓
Boundaries of any proposed or pending zoning districts on site. Boundaries must be described by bearing and distance where they do not follow described boundaries.		✓	✓	✓			✓
Boundaries of municipal limits, extraterritorial jurisdiction limits, and township limits.	✓	✓	✓	✓	✓	✓	✓
Proposed lot lines, lot and block numbers, and approximate dimensions.				✓			
Lots numbered consecutively throughout the subdivision.					✓	✓	

Sufficient engineering data to determine readily, and to be reproducible on the ground, every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings or deflection angles, radii, central angles, and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.		✓	✓	✓	✓	✓	
Accurate locations and descriptions of all monuments, markets, and control points in accordance with N.C.G.S. 39-32.1, 39-32.2, 39-32.3, and 39-32.4				✓	✓	✓	
Location, dimensions, density, and description of proposed land use(s) on each tract or parcel, including single-family residential, multi-family residential, commercial, office, institutional, industrial, and recreational. Recreational uses shall specify type and future ownership.	✓	✓	✓				✓
Location and dimensions of existing and proposed buildings or structures on the site and all adjacent tracts, including existing buildings or structures to be removed. Total number of stories of all multi-story buildings and height of all building must be indicated.	✓	✓	✓				✓
Location, direction, dimensions, name, and surface type of existing or proposed rights-of-way and easements, including those being vacated and those on adjacent properties.		✓	✓	✓	✓	✓	
Location of roads appearing on officially adopted plans.				✓	✓		✓
Total square footage of existing and proposed impervious surfaces.	✓	✓	✓	✓			
Names, cross sections, approximate grades, and pavement widths of proposed road rights-of-way, including design engineering data for all corners and curves.		✓	✓	✓			

Type of street dedication, either public or private.		✓	✓	✓	✓	✓	✓4
Where any street is to be dedicated to the public but has not yet been accepted into the local or state street system before lots are sold, a statement explaining the status of the street shall appear on the plat.					✓	✓	
Location, direction, dimensions, and description of existing driveways and private roads.		✓	✓	✓	✓	✓	✓4
Location and dimensions of parking and loading spaces and drive aisles, including handicapped parking.	✓	✓	✓				
Designation of curb and gutter or non-curb within internal parking areas and along adjacent streets and right-of-ways, including curb and gutter plans.		✓	✓	✓			✓
Location and dimensions of existing and proposed sidewalks and accessible access ways.	✓	✓	✓		✓	✓	
Location and dimensions of existing and proposed pedestrian and/or bicycle paths, riding trails, cart paths, etc.	✓	✓	✓	✓			✓
Location and dimensions of existing and proposed bridges.	✓	✓	✓	✓			✓
Location and dimensions of all trash containers and required screening.	✓	✓	✓				
FEMA-designated flood hazard areas, including flood zone designations and map panels.	✓	✓	✓	✓	✓	✓	✓
Location and description of areas of environmental concern, including 404 wetland areas as determined by the Army Corps of Engineers and coastal wetlands as determined by NCDEQ.	✓	✓	✓	✓	✓	✓	✓

Location and description of environmental features such as wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds, and any other natural features affecting the site.	✓	✓	✓	✓			
Topographic information showing vertical contour every two (2) feet.	✓		✓	✓			
Water courses and water bodies, including rivers, streams, creeks, ponds, and lakes.	✓	✓	✓	✓	✓	✓	✓
Location and dimensions of natural buffers.	✓	✓	✓	✓			✓
Location, dimensions, and description of all areas to be dedicated to the public or to a property owners association.		✓	✓	✓	✓	✓	
Location, size, and flow direction of existing and proposed drainage courses within or immediately adjacent to the site, including culverts and storm drains.		✓	✓	✓			
Location and size of stormwater basins or other comparable stormwater management mechanisms.	✓	✓	✓	✓			✓
Location and setback of minimum building setback lines.		✓	✓	✓	✓	✓	
Total number and type of dwelling units, by development phase.		✓	✓	✓	✓	✓	✓5
Total number of lots proposed and acreage of smallest lot.		✓	✓	✓	✓	✓	✓5
Residential density, in units per acre.		✓	✓	✓	✓	✓	✓5
Total floor area for each type of use.		✓	✓	✓			✓5
Total area in passive open space.		✓	✓	✓	✓	✓	✓5
Total area in developed active recreational open space.		✓	✓	✓	✓	✓	✓5

Total number of off-street parking and loading spaces, including handicapped parking spaces.		✓	✓	✓			
A note placed on the plan stating: "Any deviation in this plan shall require approval of the proper approving body."	✓	✓	✓	✓			
A Traffic Impact Analysis, in accordance with Section 7.17, where applicable, shall accompany the plan or plat.		✓	✓	✓			
A copy of an approved NCDOT driveway permit for any street or driveway proposed to intersect with a state-maintained road or any street or driveway that requires amendment to an existing driveway permit.		✓	✓	✓			
A copy of a sedimentation and erosion control plan submitted to NCDEQ which complies with NCGS 113A, Article 4 where land disturbing activity exceeds one acre.			✓	✓	✓		
A copy of any proposed deed or master restrictions, proposed articles of incorporation and by-laws of property owners association, or any other similar covenant. Such restrictions are mandatory where private recreation areas, open spaces, roads, or other amenities are established.				✓	✓	✓	
All certifications required by Appendix B, Section B.2				✓	✓	✓	✓
Any other information considered pertinent by the applicant, UDO Administrator, TRC, Staff, Planning Board, or Board of Commissioners.	✓	✓	✓	✓			✓
Digital data of all graphical submissions, including plats, site plans, landscaping plans, utility plans, lighting plans, stormwater plans, master plans, etc. in one or more of the following formats: AutoCAD .DWG or DXF versions 12.x through 18.x; MicroStation DGN versions 5.x through 8.x.; ESRI .SHP, MDB, or GDB.	✓	✓	✓	✓	✓	✓	✓

Detailed utility plans, including water, sewer, and stormwater, and showing connections to existing systems or plans for individual water supply systems and sewage disposal systems. Plans must show line sizes, the location of fire hydrants, blow-offs, manholes, pumps, force mains, gate valves, utility and maintenance easements, and daily estimated sewer flow figures. (NOTE: Type of construction materials and brand of appurtenances will require approval from the City of Boiling Spring Lakes/ Brunswick County Utilities) Plans shall include profiles based on mean sea level datum for gravity sanitary and storm sewers. (NOTE: Detailed plans may be submitted after site plan or preliminary plat are approved and must be approved by the City prior to the issuance of building permits or approval of a final		✓	✓	✓		✓	
A note indicating providers of natural gas, telephone, cable television, and electric service.				✓	✓	✓	
Architectural drawings (including, but not limited to, floor plan, roof plan, and exterior building elevations)		✓	✓				
Locations, dimensions, and size of required buffers, street yards, foundation planting, screening, and internal parking lot planting areas.	✓	✓	✓				
Location, species, and size of all significant trees pursuant to Section 7.29	✓	✓	✓	✓			
Location and size of all groves of trees to be protected, including the approximate number and species of protected trees.	✓	✓	✓	✓			
Location, species, dimensions, and spacing of all required landscaping materials clearly labeled and numbered and a legend.	✓	✓	✓				

Approximate locations and species of all existing trees at least 8" DBH. The canopy drip line of those trees shall be delineated. If groves of protected trees exist that will not be removed or disturbed, it is permitted to label the grove as such on the map, stating the approximate number of protected trees and species mix, without specifying data on each individual tree.	✓	✓	✓	✓			
Note on plan stating that prior to any clearing, grading, or construction activity tree protection fencing will be installed around protected trees or groves of trees. No construction workers, tools, materials, or vehicles are permitted within the tree protection fencing.	✓	✓	✓	✓			
Location and extent of any Venus flytraps, pitcher plants, and sundews.	✓	✓	✓	✓			
Note on plan stating "Any removal of Venus Flytraps, pitcher plants, and sundews shall comply with NCGS 14-129.3, including landowner permission, as well as all other applicable federal, state, and local laws. Prior to any land disturbing activity a qualified conservation organization will be contacted to coordinate the potential rescue and relocation of Venus flytrap, pitcher plant, and sundew populations identified on the site."	✓	✓	✓	✓			

[1] 1' to 50' or less.

[2] ;hg;1′′ to 100′′ if any lot is less than 5 acres; 1′′ to 200′′ if all lots are 5 acres or more.

[3] ;hg;Pursuant to NCGS 47-30.

[4] ;hg;Roads only.

[5] ;hg;Approximate numbers acceptable.

(Ord. No. 2026-11, 7-7-2026)

EXHIBIT 11

	CITY OF BOILING SPRING LAKES PLANNING DEPT.											
	Project Submittals											
Project/Case Number	Date Received	App Type Submitted	Name of Proposed Development	Parcel	Address	Contact	Owner	Preliminary Review Fee Amount	Date Paid	Final Review Fee Amount	Date Paid	Status
2026-8-002	8.25.2026	Major Site Plan	Mixed Use Commercial & Multifamily	1560011805 / 15600118	George II Hwy	McKim & Creed	Scott Teubner	$500 paid cash by S. Teubner to Maggie	8.25.2026			Advised engineer 8.25.2026 that concept sketch submittal does not consitute a complete major site plan application submittal. See Development folder under "Teubner." A refund of $500 will be due S. Teubner if complete application not submitted. Teubner stated on 9.2.2026 plans will not be ready until at least March/April next yr. Refund request submitted by S.P. 9/2/2026

EXHIBIT 12

City of Boiling Spring Lakes
9 East Boiling Spring Road
Boiling Spring Lakes, NC 28461
City Hall ~ 910-363-0025 Fax ~ 910-363-0029
Planning, Zoning, Inspections and Code Enforcement ~ 910-294-0996

~ Receipt ~

Date: 8/25/2024

Payment Received from: Scott Teubner

Address: George II Hwy

For: Major Site Application

Department: Zoning

Tender Type : Cash ✓ **Check** ____ **Check #** ____ **Payment Amount: $** 500

Received by: M. Della Badre

Notes:

(Internal)

Please make a copy for customer.

Keep original to include with deposit.

Fill in pay codes on back.

EXHIBIT 12

City of Boiling Spring Lakes

Check Request Form

Date: 9.2.2026

Make Check Payable To: Scott Teubner

Mail to: 1051 South Shore, Southport, NC 28461

Amount: 500.00

Purpose: Refund

Code to: 10-360-10

Mail x **Hold** ____ **Call when ready:** _____
Telephone #

Department Head Signature: [signature]

City Manager Signature: _____

Date: 9/2/2026

Revised 10-23-06

To BS 9.2.2026

EXHIBIT 13







EXHIBIT 14

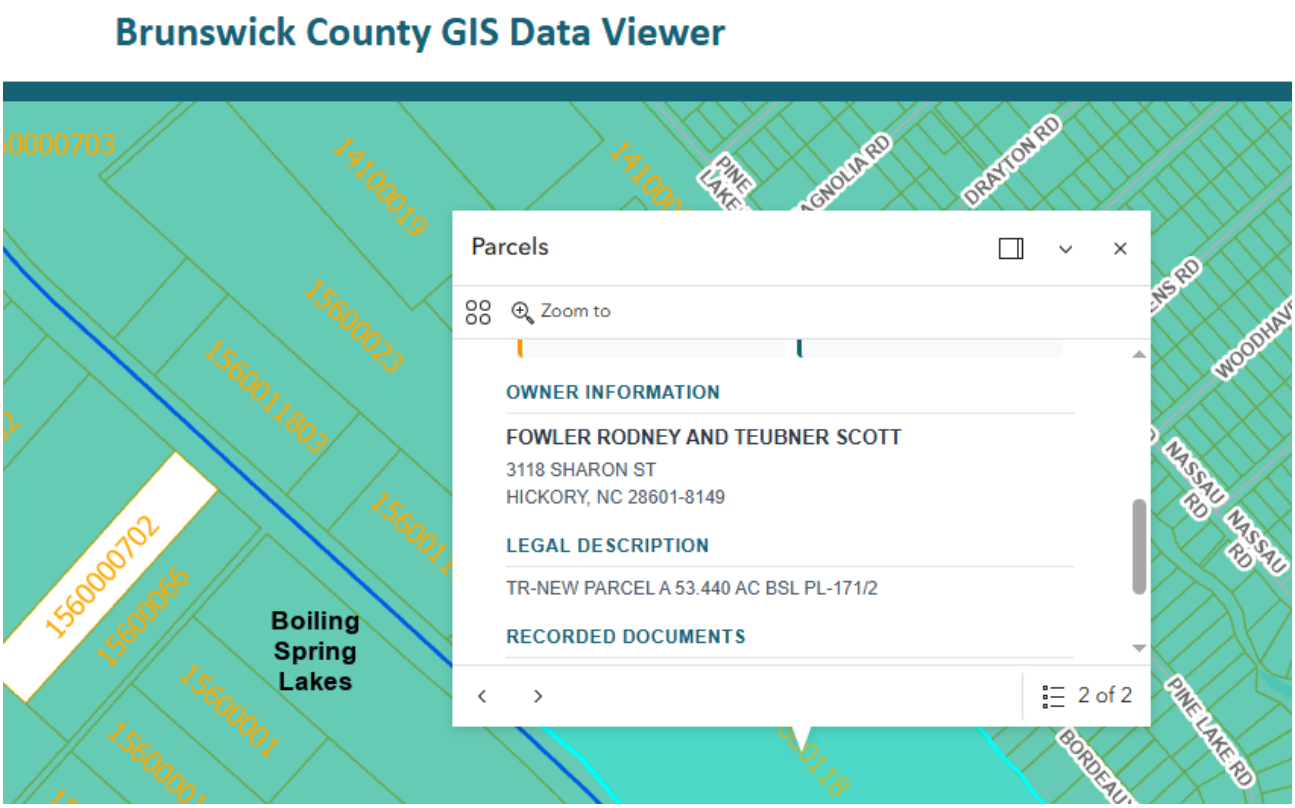
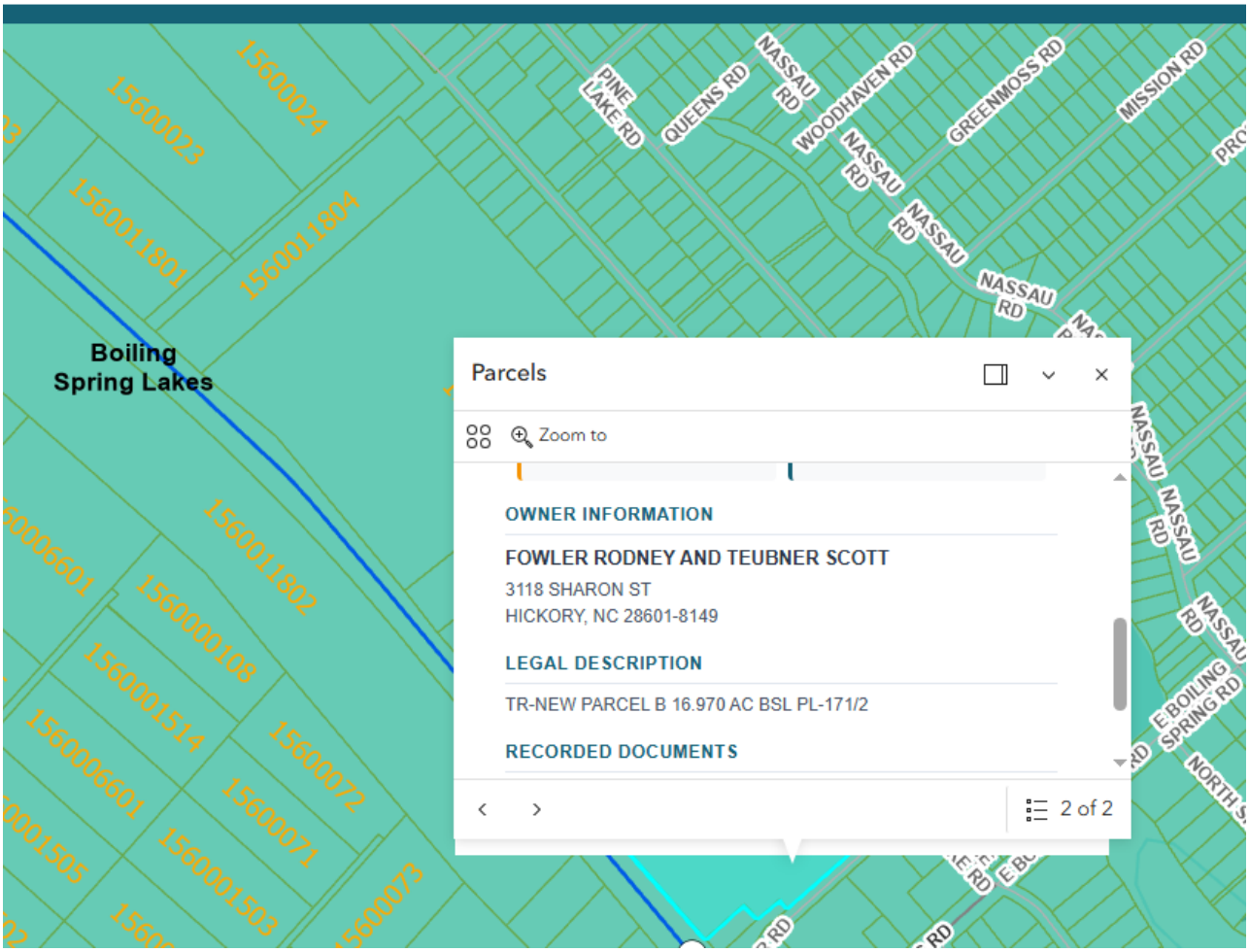

Brunswick County GIS Data Viewer
Parcels
Zoom to
OWNER INFORMATION
FOWLER RODNEY AND TEUBNER SCOTT
3118 SHARON ST
HICKORY, NC 28601-8149
LEGAL DESCRIPTION
TR-NEW PARCEL A 53.440 AC BSL PL-171/2
RECORDED DOCUMENTS
2 of 2
Boiling Spring Lakes
1560000702
15600066
15600001
14100019
15600023
1560011803
DRAYTON RD
NASSAU RD
PINE LAKE RD

EXHIBIT 14

Brunswick County GIS Data Viewer



BOOK:5181 PAGE:285
Brenda M. Clemmons, Brunswick County, NC Register of Deeds
05/22/2024 12:14:35.000
Page 1 of 5
E

Brenda M. Clemmons, Brunswick County, NC Register of Deeds
05/22/2024 12:14:35.000 NC REVENUE STAMP: $2150.00

EXHIBIT 15

NORTH CAROLINA GENERAL WARRANTY DEED

NO OPINION ON TITLE REQUESTED OR RENDERED

Excise Tax: $ 2,150.00 Parcel No. 15600118 & 11802

Prepared by: Ryan W. Johnson, a licensed NC attorney, P.O. Box 10685, Southport, NC 28461
Delinquent taxes, if any, to be paid by the closing attorney to the Brunswick County Revenue Office upon disbursement of the closing proceeds.

69.92 Acres and 30.35 Acres George II Hwy, BSL

This Deed is made this _____ day of May 2024 by and between

GRANTOR	GRANTEE
BSLNC, Inc. **A Texas Corporation** **P.O. Box 5396** **Austin, TX 78763**	**Rodney Fowler, married,** **a ½ undivided interest** **And** **Scott Teubner, married,** **a ½ undivided interest** 3225 S. College Rd- Ste. 223 Wilmington, NC 28405

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.
The Grantor represents that this property is ____ / is not __X__ their primary residence.

WITNESSETH, that, Grantor, in consideration of Ten and No/100 ($10.00) Dollars and other good and valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, by these presents, does give, grant, bargain, sell and convey unto the said Grantee, and Grantee's heirs, successors, and assigns, forever, in fee simple, all that certain lot or parcel of land located in the County of Brunswick, State of North Carolina, and more particularly described as follows:

Submitted electronically by Geddings Kleva, PLLC in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Brunswick County Register of Deeds.

See Exhibit A attached hereto.

Grantor acquired property by deed recorded in Book 4815 at Page 583 and Book 4778 at Page 1254 of the Brunswick County Registry.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances, thereto belonging, to the said Grantee and said Grantee's heirs, successors, and assigns, forever, in fee simple; and the Grantor, for itself, its successors and assigns, does covenant with the said Grantee and said Grantee's heirs, successors and assigns, that Grantor is seized of the premises in fee simple, and has the right to convey the same in the estate aforesaid, that title is marketable and free and clear of all encumbrances, except as herein stated, and that Grantor hereby will warrant and defend the title against the lawful claims of all persons whomsoever, except for the exceptions herein stated.

Title to the property hereinabove is subject to the following exceptions:

1. Ad valorem taxes for current and subsequent years.
2. Easements for utilities and rights of way in the chain of title.
3. Restrictive covenants of record.

(Signatures and notarial acknowledgments on following pages)

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

BSLNC, Inc.

_____(SEAL)
By: David A. Buttross, II, President

STATE OF Texas
COUNTY OF Travis

I, Aura Collins, a Notary Public for said state and county, do hereby certify that **David A. Buttross, II, President of BSLNC, Inc.** personally appeared before me this day and having the due authority of the corporation has acknowledged the execution of the foregoing instrument on behalf of the corporation.

WITNESS my hand and official seal or stamp, this 20 day of May 2024.

Official Seal

Aura Collins
NOTARY PUBLIC
My Commission Expires: 08-27-2026

AURA COLLINS
Notary Public, State of Texas
Comm. Expires 08-27-2026
Notary ID 128346495

EXHIBIT A

Tract 1:
Parcel #15600118

Beginning at a point in the eastern right of way of N.C. Hwy 87 said beginning point being 526.87' from the northern right of way of East Boiling Spring Road, said beginning point also being the S.W. property corner of the "B.S.L. Rescue Squad" Deed Book 1337 Page 1226, from beginning point so located running thence with the eastern right of way of N.C. Hwy 87 N-38-50-29-W 1,522.23' to a point being the S.E. property corner of the "Board of Missions of NC Methodist Annual Conference" Deed Book 176, Page 507, thence leaving the eastern right of way of N.C. Hwy 87 and running with the property line of Deed Book 176 Page 507 N-54-15-E 400' to a point being the N.E. property corner of said deed, thence running with the property line of said deed N-35-45-W 200' to a point also being the N.W. property corner of said deed, thence running with the property line of said deed S-54-15-W 400' to a point in the eastern right of way of N.C. Hwy 87 said point also being the S.W. property corner of said deed, thence leaving the property line of said deed and with the eastern right of way of N.C. Hwy 87 N-41-05-11-W 1, 320.65' to a point in the southern right of way of Drayton Road, thence leaving the eastern right of way of N.C. Hwy 87 and running with the southern right of way of Drayton Road N-50-50-E 1,216.88' to a point in the southern property line of Section 7, Part 3, Boiling Spring Lakes, Plat H/350, thence leaving the southern right of way of Drayton Road and with the southern property line of Section 7, Part 3, Boiling Spring Lakes, Plat H/350 S-39-10-15-E 2,332.80' to a point in the western property line of Pine Lake Section, Boiling Spring Lakes, Plat H/352, said point also being the S.E. property corner of Lot 672, Section 7, Part 3, Boiling Spring Lakes, Plat H/350, thence leaving the southern property line of Section 7, Part 3, Boiling Spring Lakes, Plat H/350 and running with the southern property line of Pine Lakes Section, Boiling Spring Lakes, Plat H/352 the following courses and distances S-50-50-W 192.37' S-39-10-E 126.91', S-08-50-W 92.78', S-00-07-W 92.78', S-08-37-E 92.78', S-17-21-E 92.78', S-26-05-E 92.78', S-34-48-E 92.78', S-39-10-E 215' to a point in the southern property line of Lot 6, Pine Lake Section, Boiling Spring Lakes, Plat H/352 said point also being in the western right of way of Miller Road, thence leaving the southern property line of said lot and with the western right of way of Miller Road S-50-5-44-W 457.57' to a point being the N.E. property corner of the "B.S.L. Fire Dept.". Thence leaving the western right of way of Miller Road and with the property line of the "B.S.L. Fire Dept." N-39-10-W 40' to a point also being the N.W. property corner of the "B.S.L. Fire Dept.", thence with the property line of the "B.S.L Fire Dept." S-50-50-W 109.92' to a point also being the N.E. property corner of the "B.S.L, Rescue Squad" thence with the property line of the 'B.S.L. Rescue Squad" N-39-10-W 75' to a point said point also being the N.W. property corner of the "B.S.L. Rescue Squad" Deed Book 1337 Page 1226, thence with the property line of said deed S-50-50-W 196.11' to the point of beginning, containing 77.23 acres more or less.

Tract 2:
Parcel #: 1560011802

Beginning at a point in the western right of way of NC Hwy 87 said beginning point being located N-37-21-18-W 850' from the intersection of the western right of way of Garage Road and the western right of way of NC Hwy 87, said beginning point also being the N.W. property corner of Deed Book 2600 Page 197, from said beginning point and with the western property line of Deed Book 2600 Page 197 so located running thence S-47-18-08-W 385.74' to a point, thence leaving the western property line of said deed N-42-35-34-W 260.34' to a point being the N.E. property corner of Lot 96, Section 25W, Part 2, Plat G/118, thence with the eastern property line of Section 25W, Part 2, Plat G/118 the following courses and distances N-42-35-34-W 332.80', N-37-15-09-W 696.02', N-42-10-37-W 1,351.41', N-44-47-50-W 660' to a point being the N.E. property corner of Lot 76, Section 25W, Part 2, Boiling Spring Lakes, Plat G/118, thence leaving the eastern property line of Section 25W, Part 2, Boiling Spring Lakes N-45-12-10-E 400' to a point in the western right of way of NC Hwy 87, thence with the western right of way of NC Hwy 87 3,316' +/- to the point of beginning, containing 30.35 acres, more or less.

EXHIBIT 16

CITY OF BOILING SPRING LAKES
ORDER REGARDING APPEAL OF ADMINISTRATIVE DECISION

The Board of Adjustment for the City of Boiling Spring Lakes, having held a public hearing on November 19, 2026 to consider **Application Number 2026-200APP** submitted by Amy Schaefer on behalf of Scott Teubner, (appellant), an appeal of administrative decision relating to:

Notice of Violation of Section 7.29 of the City's Unified Development Ordinance, issued August 28, 2026

Insofar as the appeal concerns the UDO Administrator's issuance of a Notice of Violation alleging a violation of the City of Boiling Spring Lakes Unified Development Ordinance (UDO), and the Appellant contends that no violation exists, having heard all the evidence and arguments presented at the hearing, the Board of Adjustment makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

1. There was substantial evidence in the record to show the following FACT(S):

_____
_____
_____
_____
_____

2. The Board considered the following Unified Development Ordinance (UDO) Section(s):

_____
_____
_____
_____
_____

3. Given the facts of the Section(s) of the UDO considered, the Board concludes that the UDO Administrator's decision is hereby:

_____ **AFFIRMED**
_____ **REVERSED**
_____ **OTHER**

EXHIBIT 16

THEREFORE, IT IS ORDERED that the decision of the UDO Administrator is hereby:

_____ **AFFIRMED**
_____ **REVERSED**
_____ **OTHER**

Ordered this the 19th day of November, 2026

_____
Lisa Mastin, Chair

_____
Clerk