

Longtime AB homeowner battles flooding created by nearby development

KATHLEEN HOPEWELL NEWS-TIMES

Sep 16, 2025

1 of 3



Myra Spilman next to gully created by rainfall draining from neighboring lots on W. Terminal Blvd. Photo by Don Wilkerson
June 2025

ATLANTIC BEACH — For more than 50 years, Myra Spilman of Lexington, North Carolina, has called Atlantic Beach her second home.

The well-kept lot of her quaint beach cottage on West Terminal Boulevard is peppered with wild blanket flowers and effervescent flowerbeds, just how she likes it. It's hard to imagine such a manicured property being flooded after a light rain, but for Spilman, it's a regular occurrence.

On a recent Sunday night, just 2 inches of rain left a major portion of her backyard inundated.

It hasn't always been this way. In fact, Spilman said, over the last five decades, she'd never previously had problems with flooding with this regularity and to this extent on her lot—this type of flooding only occurred, for her, during major storms. That is, prior to recent developments next door.

The three neighboring properties on the corner of West Terminal and South Raleigh Avenue were once the lowest point on the block. Don Wilkerson, Spilman's friend who often makes the trip to the coast with her, said the three lots were even known colloquially as "the frog pond."

Even if not officially designated as wetlands, the lots sloped down from the road into a bowl shape next to Spilman's property and, because of the topography, were almost perpetually waterlogged, covered in greenery consistent with a wetland environment and full of frogs that were "singing and hollering all the time," Wilkerson recalled.

All three neighboring lots were sold in February 2023 by Trifecta Land Holdings, LLC, to three new owners who have begun reworking them to presumably build three new houses. The development so far has included removing trees and vegetation, as well as dumping dirt and sand to fill in the lots.

Spilman and Wilkerson said trucks began hauling the dirt in about a year ago, and they've counted well over 50 loads of material that have been dumped on the properties since.

With all the changes from development, "the frog pond" has simply moved a few yards west into Spilman's backyard.

Equipped with poster boards displaying photos that show the development of the three lots over time, both Spilman and Wilkerson have raised the issue to the Atlantic Beach Town Council at every meeting since at least June. Spilman explained the two, who are well into their 80s, have made the five-hour drive to town in some instances "just for the meetings," which can be difficult for Wilkerson, who receives regular injections in his eyes to treat macular degeneration.

At the meetings, their comments appeared to be met with genuine concern by town officials. A.B. Planning Director Elisabeth Webster even personally introduced herself to Spilman in the moments following the adjournment of the July meeting to ask perfunctory questions about the issue and suggested she would help.

Spilman, who has kept rigorous notes on this issue since it began, had actually recorded an earlier interaction with Webster in 2024 when Webster had indicated Spilman should "learn to get along with her neighbors."

But Spilman was sure to reiterate several times that, in spite of the recurrent flooding in her yard, she does not take issue with the new owners nor the work being done. "We don't mind them building, build whatever you want," she said, "but I just don't want it to cause any trouble for us."

In fact, Spilman has been in contact with the owner of the property nearest to hers, Paul Flick of Raleigh, with whom Wilkerson contends they have "a good relationship." An Aug. 14 email from Flick, who owns the property closest to Spilman's lot, expressed his commitment "to not making the water problem any worse for our neighbors (and likely to make it better)."

But even with the neighborly support of Flick, who has delayed building to reapply for a permit that decreases the fill on his lot and also volunteered to bear the cost of a wet well that would pump water out into a nearby swale, Spilman and Wilkerson say they "don't feel like we're making any progress, that's what's frustrating." Her lot, which is currently still holding water, corroborates this.

Requests for copies of building and land disturbance permits for the three properties were made to the N.C. Division of Coastal Management (DCM). DCM's Public Information Officer, Christy Simmons, responded, stating: "The Division of Coastal Management was unable to identify any permits associated with the referenced lots. These lots do not appear to be located inside the CAMA Ocean Hazard Area of Environmental Concern."

It is unclear which permits the owners and their engineers would be required to obtain and how many, if any, of those would be issued by the DCM, the town of Atlantic Beach or Carteret County.

Regardless, the town's Unified Development Ordinance, in Section 18.2.4.M, requires any "land-disturbing activities," including "any fill, grading or disturbance of land other than activities listed," to obtain a land disturbance permit, with a few exceptions. Namely, if the job requires a permit from the DCM or another division in the N.C. Department of Environmental Quality.

The ordinance stipulates that land disturbances may not increase the amount or velocity of stormwater flowing onto abutting lots in a two-year, 24-hour precipitation event.

It further mandates that fill material may be used to raise a lot's grade "up to, but not above, the average finished grade elevation of abutting lots." There are exceptions to this rule as well, including in cases where a county onsite wastewater system permit requires the lot to be higher than abutting

lots, in cases where surface water needs to be drained away from building foundations or if necessary to provide consistent grade between elements, "provided that no fill is placed within five feet of a property line."

It is unclear if any of the development work qualifies as nonconforming with the town's UDO, nor if the properties have received the permits required to begin filling in the lots.

Even so, Wilkerson and Spilman aren't looking to accost anyone or make someone's building project any more difficult. Wilkerson explained, "At our ages, we try to take advantage of every bit of time we've got." The two expressed hope that they may find a solution that allows Spilman's almost constantly saturated backyard to finally dry up.