

**FINAL**



## **Town of Southern Shores**

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

[info@southernshores-nc.gov](mailto:info@southernshores-nc.gov)

[www.southernshores-nc.gov](http://www.southernshores-nc.gov)

### **Planning Board Meeting**

**September 17, 2018**

**5:30 p.m., Pitts Center**

### **MEETING MINUTES**

#### **I. CALL TO ORDER:**

Chairperson Glenn Wyder called the meeting to order at 5:30 pm. Planning Board Members Glenn Wyder, Elizabeth Morey, Andy Ward, David Neal, Alternate Member Michael Basilone, Alternate Member Leo Holland, Town Attorney Ben Gallop, and Deputy Town Manager Wes Haskett were present. Alternate Member Leo Holland participated as a voting member due to the absence of Regular Member David Neal (arrived after the meeting was called to Order).

#### **II. PLEDGE OF ALLEGIANCE:**

Chairperson Wyder led the Pledge of Allegiance.

#### **III. APPROVAL OF AGENDA:**

Leo Holland motioned to approve the agenda. Elizabeth Morey seconded the motion. The motion passed unanimously (5-0).

#### **IV. PUBLIC COMMENT:**

None

#### **V. NEW BUSINESS:**

- A. CUP-18-02: Conditional Use Permit application submitted by the Southern Shores Volunteer Fire Department to construct a new fire station at 15 S. Dogwood Trl.

Chairperson Wyder stated that due to the impacts of Hurricane Florence, the applicant's representative was unable to attend the meeting and consideration of the application is continued until the October 15, 2018 Planning Board meeting.

#### **VI. OLD BUSINESS:**

- A. ZTA-18-07: Zoning Text Amendment application submitted by the Town of Southern Shores to amend the Southern Shores Town Code by amending Section 36-132, Regulation of Structures and Uses Nonconforming (adopted by Council on September 5, 2018).

Chairperson Wyder stated that the Town Council adopted ZTA-18-07 instead of ZTA-18-07A at the September 5, 2018 Town Council meeting. The Town Council feels that there are still some issues to address and the Council has asked the Planning Board to provide a final recommendation.

Andy Ward presented the findings of his research using the Dare County GIS software that includes different scenarios that the Board needs to consider. The findings included the locations of nonconforming lots and the names of the property owners.

Chairperson Wyder thanked Andy Ward for his research and asked the Board for comments. One of the scenarios to be addressed includes when a nonconforming lot is adjacent to two nonconforming lots that contain a single-family dwelling. The Board discussed the Town's liability regarding the regulation of nonconforming lots and possible exceptions that would allow the sale or development of nonconforming lots.

Chairperson Wyder presented proposed language to address the sale or development of nonconforming lots based on their sequence of being odd numbered or even numbered.

Town Attorney Gallop stated that further consideration will be needed to address possible exceptions. The grouping of nonconforming lots and conforming lots has to be taken into account. The other issue is assuming that all nonconforming lots are of similar size. The Board discussed possible exceptions and agreed that the Board should identify potential exceptions so that Town Staff can draft the language to address them in a future Zoning Text Amendment (ZTA) application.

Wes Haskett stated that the most discussed exception would address when a nonconforming lot is adjacent to two nonconforming lots that contain a single-family dwelling. The Board agreed that Town Staff should include proposed language to address that exception in drafting a new ZTA for nonconforming lots. The Board also agreed that there will be scenarios that arise that the Board had not considered and in those scenarios, the property owner has the ability to submit a ZTA for the Board and the Town Council to consider.

Chairperson Wyder thanked everyone for their time and effort dedicated to the consideration of the sale and development of nonconforming lots.

**VII. PUBLIC COMMENT:**

Ann Sjoerdsma stated that a previous Town Council tried to address the sale and development of nonconforming lots that unfortunately was unartfully written and did not fully address the issue. She suggested that the development of nonconforming lots should be stopped and that the Board should not be identifying individual property owners in their discussion due to the risk of the perception of preferential treatment.

Jim Conners stated that he was speaking as a citizen of the Town and that the Town needs to be fair and create exceptions for the property owners who own a nonconforming lot adjacent to two nonconforming lots that contain a single-family dwelling. He also stated that the Board should research a specific property on the northern end of Sea Oats Trl.

Rick White, owner of a nonconforming lot adjacent to two nonconforming lots that contain a single-family dwelling, stated that he is not a developer and thanked the Board for considering the issue from all sides. He also stated that he would hate to lose his property and not be able to use it.

**VIII. PLANNING BOARD MEMBER COMMENTS:**

None.

**IX. ANNOUNCEMENTS:**

Chairperson Wyder announced that the next scheduled Planning Board meeting is October 15, 2018.

**X. ADJOURNMENT:**

Joe McGraw motioned to adjourn. Elizabeth Morey seconded the motion. The motion passed unanimously and the meeting adjourned at 7:20 p.m.

ATTEST:

  
\_\_\_\_\_  
Elizabeth Morey, Vice Chairperson

RESPECTFULLY SUBMITTED:

  
\_\_\_\_\_  
Wes Haskett, Deputy Town  
Manager/Planning Director