

**FINAL**



## Town of Southern Shores

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**Special Planning Board Meeting**

**April 23, 2019**

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

### MEETING MINUTES

**I. CALL TO ORDER:**

Chairperson Elizabeth Morey called the Special Meeting to order at 1:00 pm. Planning Board Members Ed Lawler, Joe McGraw, Elizabeth Morey, David Neal, Andy Ward, and Deputy Town Manager/Planning Director Wes Haskett were present.

**II. PLEDGE OF ALLEGIANCE:**

Chairperson Morey led the Pledge of Allegiance.

**III. APPROVAL OF AGENDA:**

Joe McGraw motioned to approve the agenda. Andy Ward seconded the motion. The motion passed unanimously (5-0).

**IV. PUBLIC COMMENT:**

None.

**V. NEW BUSINESS:**

None.

**VI. OLD BUSINESS:**

A. Continued discussion of nonconforming lots

Chairperson Morey stated that nonconforming lots is not an easy subject and anyone who thinks that it is is not diving in deep. The Board was asked by the Town Council to do a fair amount of work in coming up with a Zoning Text Amendment (ZTA) that would create fairness to people who own a lot and an adjacent lot that is nonconforming. The Board recommended ZTA-18-07 which was adopted by the Town Council. Then, it was realized that ZTA-18-07 harmed some people. The Board did more work to address people when their situation came to our attention. The Town Council looked at that and did not move forward and requested that we gather more information about nonconforming lots in the Town with the assistance of Town Staff. She then called on Wes Haskett to present Town Staff's findings.

Wes Haskett stated that Town Staff, with the assistance of the Dare County Tax Dept. and Tax Mapping Dept., had created two spreadsheets and accompanying maps that show lots that are less than 20,000 sq. ft. in area and parcels with multiple lots. There are a total of 3,037 lots in the Town and 846, or about 28%, of them are less than 20,000 sq. ft. There are 241, or about 8%, that are parcels that consist of multiple lots.

David Neal asked how many of the lots are vacant vs. developed. Wes Haskett stated that Town Staff has not looked at ownership at this point. Chairperson Morey stated that ownership does not matter with single nonconforming lots. More research would be needed to identify ownership.

Andy Ward asked how much more information should be requested and how much more resources need to be expended.

Chairperson Morey stated that everyone thought that the information would be easy to compile so that the Board could draft proposed language but it is not easy to access and it is not easy to compile. It is not doable. We do know of situations in the Town that we have attempted to address by drafting language to reach some fairness. She suggested drafting some language that addresses all of the situations the Board is aware of and trying again.

Andy Ward asked Wes Haskett if there was anything in the data that jumped out at him. Wes Haskett stated no, Town Staff was tasked with identifying the nonconforming lots in the Town.

Chairperson Morey stated that the Board recently considered a Variance application regarding a nonconforming lot and the Board learned that a hardship cannot be purely economic. If the Board does nothing about recommending a ZTA and tries to consider nonconforming lot situations on a case by case basis, we would be confounded in trying to grant Variances. We need new language without more research because it is beyond our capabilities. We can address what we are aware of, and add a couple more that we are aware of which includes a lot that is greater than 20,000 sq. ft. but less than 100 ft. in width that is adjacent to a conforming lot with a single-family dwelling.

Andy Ward suggested using ZTA-18-09 PB and adding more exceptions in an effort to provide more fairness.

Chairperson Morey stated that individual property owners can apply for ZTAs for their own situations but the Board should try recommending a ZTA one more time. Ultimately, it is the Town Council's decision.

Chairperson Morey suggested adding two new exceptions to ZTA-18-09 PB: One where a lot is less than 100 ft. wide but greater than 20,000 sq. ft that is adjacent to a conforming lot with a single-family dwelling and another where three 50 ft. lots are under familial ownership. Andy Ward stated that three siblings own the three 50 ft. lots. Including them would be equitable. The deeds were transferred prior to September 5, 2018. Both situations qualify to make it fair and equitable. The Board would be remiss if they were not included.

Wes Haskett suggested the following motion: The Board asks Town Staff to draft a ZTA that includes all of the situations identified in ZTA-18-09 PB with the addition of a situation where a lot is less than 100 ft. wide but greater than 20,000 sq. ft that is adjacent to a conforming lot with a single-family dwelling and a situation where three adjacent 50 ft. lots are under the same familial ownership (siblings) when the deed was recorded prior to September 5, 2018.

Ed Lawler asked if the ZTA would address density. Andy Ward stated that setback and lot coverage requirements would limit density. David Neal stated that it does not address proportionality with lots. Chairperson Morey stated that she felt like the Board addressed density with the large home ZTA. Wes Haskett stated that freestanding

nonconforming lots are entitled to 12 f.t side yard setback requirements. The large home ZTA is currently being considered by the Town Council.

Chairperson Morey motioned to ask Town Staff to draft a ZTA that includes all of the situations identified in ZTA-18-09 PB with the addition of a situation where a lot is less than 100 ft. wide but greater than 20,000 sq. ft that is adjacent to a conforming lot with a single-family dwelling and a situation where three adjacent 50 ft. lots are under the same familial ownership (siblings) when the deed was recorded prior to September 5, 2018. Andy Ward seconded the motion.

Chairperson Morey asked about the timeframe for the requested ZTA.

Wes Haskett stated that Town Staff will attempt to have the ZTA prepared and sent to the Board so that it can be considered at the June 17, 2019 Planning Board meeting. The ZTA cannot be considered at the May 20, 2019 Planning Board meeting due to the 30-day requirement for the Board to consider a ZTA. The Town Council could then hold a public hearing for consideration of the ZTA at the July 2, 2019 Town Council meeting.

Chairperson Morey called for a vote and the motion passed unanimously.

**VII. PUBLIC COMMENT:**

Ann Sjoerdsma stated that she was a little concerned about the sibling situation and she hopes that this does not turn into Pandora's Box. It is out of left field. She stated that she appreciates what Ed Lawler said about density. There is no guarantee that the large home ZTA will pass and she would have like to have seen more attention to that.

**VIII. PLANNING BOARD MEMBER COMMENTS:**

Joe McGraw stated that the Board made good strides tonight.

David Neal stated that the topic is still confusing to him. It came from trying to prevent attempts to split lots and now it is convoluted and we are nit picking details. The number of lots with multiple lots is considerable. We have to go with what we have and hope others do not stop us. We are trying to do things that are good for the Town. We are not set up to be Planning Board members and Board of Adjustment members. This is complicated. It is good to see people here.

Chairperson Morey stated that they were all valid comments. We are doing the best we can trying to draft language that is fairer. There are other owners we do not know about. It is no fun being on the Board of Adjustment. She stated that she was not cut out to be a judge. We are constrained by the process and most cases are not easy.

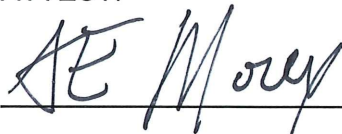
**IX. ANNOUNCEMENTS:**

Wes Haskett stated that the next scheduled meeting is a Special Meeting on April 26, 2019 at 1:00 p.m. to consider an appeal application regarding the Town's issuance of a Zoning Permit for the property located at 134 Ocean Blvd.

**X. ADJOURNMENT:**

Chairperson Morey adjourned the meeting at 6:30.

ATTEST:

  
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RESPECTFULLY SUBMITTED:

  
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Elizabeth Morey, Chairperson

Wes Haskett, Deputy Town  
Manager/Planning Director