TOWN OF SOUTHERN SHORES

PLANNING BOARD SPECIAL MEETING

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2394 / Fax 252-255-0876
www.southernshores-nc.gov

PITTS CENTER

Wednesday, March 19, 2025 at 3:00 PM

AGENDA

Call to Order

Pledge of Allegiance

Approval of Agenda

Public Comment

Old Business

New Business

1. Evidentiary Hearing (Including Preliminary Motions) **Items #1-#6 :** APA-25-01, an appeal application submitted by Anthony S. Mina to appeal the Zoning Administrator's decision to deny Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl.
2. APA-25-01 MOTIONS
3. APA-25-01 Application & Attachments
4. APA-25-01 Staff Documents
5. APA-25-01 Notices
6. APA-25-01 Amended Certificates of Service

Public Comment

Planning Board Member Comments

Announcements

Adjourn

Special Southern Shores Planning Board Meeting
March 19, 2025 at 3:00 PM
Pitts Center, Southern Shores Town Hall Complex

AGENDA

I. **Call to Order**

II. **Pledge of Allegiance**

III. **Approval of Agenda**

IV. **Public Comment**

V. **Old Business**

VI. **New Business**

A. Evidentiary Hearing (Including Preliminary Motions): APA-25-01, an appeal application submitted by Anthony S. Mina to appeal the Zoning Administrator's decision to deny Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl.

VII. **Public Comment**

VIII. **Planning Board Member Comments**

IX. **Announcements**

X. **Adjourn**

Link to Agenda & Full Packet:
https://www.dropbox.com/scl/fo/n899wu5yr3o0n4cu28rh8/ALf5aEujd0yThUF4Yq5QBQA?rlkey=1i2500nsj9d0gpubz5oj6qcm1&st=b39rmrpo&dl=0

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
www.southernshores-nc.gov

Southern Shores Planning Board Chairperson Andy Ward has requested a Special Meeting of the Southern Shores Planning Board to be held on March 19, 2025 at 3:00 p.m. in the Pitts Center located at 5377 N. Virginia Dare Trl., Southern Shores, NC. The purpose of the Special Meeting is for the Board, performing the duties of the Southern Shores Board of Adjustment, to hold an evidentiary hearing (limited to sworn, factual testimony) to consider APA-25-01, an appeal application submitted by Anthony S. Mina to appeal the Zoning Administrator's decision to deny his January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl. For additional information or questions, please contact Town Hall at (252) 261-2394 or email whaskett@southernshores-nc.gov.

Andy Ward

Andy Ward, Chairperson

3/5/25 @ 9:20AM

Date and Time

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
www.southernshores-nc.gov

March 6, 2025

MEMORANDUM

From: Wes Haskett, Deputy Town Manager/Planning Director
To: Southern Shores Planning Board
Cc: Cliff Ogburn, Town Manager; Phillip Hornthal, Town Attorney; Lauren Arizaga-Womble, Attorney at Law; Jay Wheless, Board Attorney

RE: **APA-25-01 75 E. Dogwood Trl.**

Per Section 36-366(b) of the Town Zoning Ordinance, Anthony S. Mina has submitted an Appeal Application to appeal the Zoning Administrator's decision to deny Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl. Section 36-366(b) states that the Board shall hear and decide appeals of administrative decisions of administrative officials charged with enforcement of the Zoning Chapter. Enclosed you will find what constitutes the record regarding the denial of Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl.

APPEALS
AND
INTERPRETATIONS

Introductory remarks:

This hearing is similar to, but not the same as, a variance hearing. Like a variance hearing, you are the finders of fact.

Your duty is to review the record, hear testimony, consider documents and, in the end, hear arguments from the parties and/or their attorneys. You are to make one of the following decisions:

Affirm (in whole or part) the permit;
Reverse (in whole or part) the permit; or
Modify the permit.

You have all the powers of the zoning official who made the decision to issue the permit.

Each decision requires a 3/5ths vote NOT a 4/5ths vote like a variance. A simple majority carries the day.

As in a variance, it is very important that your decision be complete, with a full account of the reasons (the facts) on which your decision is based.

(interpretation info on back)

Your consideration of the appeal might necessarily mean that you need to interpret what certain language means in the ordinance. If so, I give you this guidance:

1. Examine the ordinance text itself. If clear and unambiguous, apply the text as written.

2. If the ordinance provides definitions, consider the definition thoroughly.
3. If the ordinance provides other interpretive guidance, use it.
4. Contrast other provisions to provide meaning to the term or section at issue.
5. Apply a logical meaning to words.
6. Use the dictionary, if necessary.
7. Determine and give effect to the intent of the Board of Commissioners.

Order of Hearing:

1. Recusal / Party Challenges to Board Members
   (Evidentiary Hearing)
   Challenges allowed by any party
   Board member can recuse himself / herself, then alternate member takes seat
   If challenged member does not recuse, then challenged member put under oath and questioned by challenging party and other parties
   Board Attorney may examine board member as well
   Challenging party and other parties make closing argument
   Board decides if challenge has merit by simple majority vote

   Board Attorney reads the following questions:
   Has any Board member communicated with other Board members, the Applicant, or Town Staff about this application?
   Does any Board member have a fixed opinion that is not susceptible to change?
   Does any Board member have a close, familial, business, or associational relationship with the applicant?
   Does any Board member have a financial interest in the outcome of this matter?
   Ask each member if their answer is yes to any of those questions. If yes, then they have a conflict and can recuse themselves or the Board can vote to recuse them.

2. Preliminary Motions

3. Standing of Appellant
   (Evidentiary Hearing)
   Appellant presents evidence (Burden)
      Town cross-exam
      Board Member questions
   Town presents evidence
      Appellant cross-exam
      Board Member questions
   "Aggrieved Public" Testimony (if relevant) [Jay—Read comment to public]
      Appellant cross-exam
      Town cross-exam
      Board Member questions
   Town closing argument
   Appellant closing argument
   Board decides; simple majority
      If standing is found, the hearing moves to item 3.

4. Motion to Intervene by Owner
    (Evidentiary Hearing)
        Owner presents evidence (burden)
            Town cross-exam
            Appellant cross-exam
            Board Member questions
        Town presents evidence
            Appellant cross-exam
            Owner cross-exam
            Board Member questions

        Appellant presents evidence
            Town cross-exam
            Owner cross-exam
            Board Member questions
        "Aggrieved Public" Testimony (if relevant)
            Town cross-exam
            Owner cross-exam
            Appellant cross-exam
            Board Member questions
        Town closing argument
        Appellant closing argument
        Owner closing argument
        Board decides; simple majority

5. Hearing of the Actual Appeal
    (Evidentiary Hearing)
        Appellant presents evidence (Burden)
            Town cross-exam
            Owner cross-exam (if intervention allowed)
        Town presents evidence
            Owner cross-exam (if intervention allowed)
            Appellant cross-exam
        Owner presents evidence (if intervention allowed)
            Town cross-exam
            Appellant cross-exam
        "Aggrieved Public" Testimony (if relevant)
            Town cross-exam
            Owner cross-exam
            Appellant cross-exam
            Board Member questions
        Town closing argument
        Owner closing argument (if intervention allowed)

Appellant closing argument
Board decides; simple majority

Jay reads: Board Members, you are to make one of the following decisions:

Affirm (in whole or part) the permit;
Reverse (in whole or part) the permit; or
Modify the permit.

You have all the powers of the zoning official who made the decision to issue the permit.

Each decision requires a 3/5ths vote NOT a 4/5ths vote like a variance. A simple majority carries the day.

ANTHONY S MINA

75 E DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

chestercountylawn@yahoo.com

February 14, 2025

MOTION FOR ANDY WARD'S RECUSAL FROM MARCH 17, 2025 APPEAL OF JANUARY 21, 2025 SUBDIVISION DENIAL DUE TO HIS INVOLVEMENT WITH VIOLATIONS OF 18 U.S. CODE § 1512- TAMPERING WITH A WITNESS, VICTIM OR AN INFORMANT WITH THE SOUTHERN SHORES BEACON AND BIASED SIGN VIOLATION REPORTING AGAINST APPLICANT

Applicant, Anthony S Mina hereby Motions For Andy Ward's Recusal From The March 17, 2025 Appeal of January 21, 2025 Subdivision Denial and in support thereof avers the following:

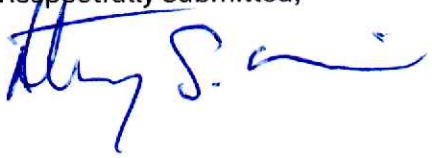
1. Andy Ward submitted a sign complaint to Southern Shores against Applicant for having real estate signs in the "right of way" advertising a real estate opportunity at 75 E Dogwood Trail.
2. Andy Ward did not submit sign complaints against any of the other real estate signs located in the right of way at the time he complained about Applicant's signs. These signs include many bible camp signs in the Welcome to Southern Shore's entrance by Kitty Hawk Elementary School and in the right of way as you exit Southern Shores onto Duck Road. There is an Oh-So-Sandy sign at the Dogwood Trail Beach parking lot and there was several other real estate signs Andy Ward did not report but had to of seen when exiting Southern Shores.
3. Andy Ward did not recuse hisself from the October 21, 2024 Variance hearing and was not asked to recuse hisself because Andy Ward agreed to comply with Southern Shores Code of Ethics. A true and correct copy of the Code of Ethics is attached hereto and marked "Exhibit A".
4. Andy Ward has not complied with paragraph 1, 2, 3 and 7 of the Southern Shores Code of Ethics.
5. Andy Ward signed an Order denying Applicant's Variance on November 19, 2024 that stated at #12 "There has been no competent evidence presented to support Applicant's motion to preclude. There is no evidence of fraud, criminal conspiracy or misconduct by the staff".

6. Exhibit 2C of Applicant's Variance was a public record response from Southern Shores employee Sheila Kane that proved there was not posted notice at 75 E Dogwood Trail or mailed notice to 75 E Dogwood Trail regarding TCA-21-06 and ZTA-23-03. A true and correct copy of the public records response is attached hereto and marked "Exhibit B".
7. Town Code 36-414(b) requires posted notice at property effected by zoning amendments prior to the public hearing rezoning the property (Wes Haskett and the Planning Board claim to have rezoned 75 E Dogwood Trail from subdividable to unsubdividable).
8. Wes Haskett's March 31, 2023 lot width amendment had a Planning Board Hearing on May 15, 2023 and Town Council Hearing on June 6, 2023, neither of which had posted notice at 75 E Dogwood Trail as required by Town Code 36-414(b).
9. The Southern Shores Beacon published an article stating Andy Ward stated for the record that the ordinances (TCA-21-06 and ZTA-23-03) were legally adopted. A true and correct copy of the article is attached hereto and marked "Exhibit C"
10. Ann Sjoerdsma, publisher of the Southern Shores Beacon's false, defaming, ridiculing article about Anthony S Mina also made a sign complaint against Anthony S Mina's real estate signs without reporting any of the many other signs in the right of way that could not be missed when coming and going from Dogwood Trail in Southern Shores.
11. Andy Ward is actively participating in witness intimidation schemes and harassment of Applicant with Ann Sjoerdsma by spreading false information about Applicant and making sign complaints against Applicant, but not other property owners violating the sign ordinance 365 days a year.
12. Andy Ward received an email titled "Andy Ward's Witness Intimidation & False Statements With Ann Sjoerdsma in Southern Shores Beacon" on January 9, 2025 but did not correct his false statements and wrong doing. A true and correct copy of the January 9, 2025 email is attached hereto and marked "Exhibit D".
13. Andy Ward's false statements and public ridicule of Applicant because Applicant caught Wes Haskett lying about notification records being complied with prior to the adoption of TCA-21-06 and ZTA-23-03 violates Federal Witness Intimidation Laws and prohibit Andy Ward from being involved with Applicant's legal issues.

WHEREFORE, Applicant Anthony S Mina respectfully requests that Andy Ward be prohibited from deciding any of Applicant's issues with the Planning Board/Board of Adjustments.

February 14, 2025

Respectfully Submitted,



Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

"EXHIBIT A"

Public Records Request Regarding TCA-21-06 and ZTA-23-03 Not Meeting Public Notice Requirements

chestercountyla.../Sent

Anthony Mina <chestercountylawn@yahoo.com> Jun 21 at 11:02 AM
To: Sheila Kane <skane@southernshores-nc.gov>,
Southernshores Nc Info <info@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>

Dear Southern Shores,

Please provide me all public records, including Southern Shores' employees names who claim that mailed letters, 1/2 page newspaper advertising, posted notice on effected properties and direct communication with the property owner are not required for TCA-21-06 and ZTA-23-03 as town code Sec. 36-414(b) and Article 6 ss 160D-602(a),(b),(c) and (d) indicate is required as notification for an AMENDMENT OF A ZONING REGULATION, such as TCA-21-06 and ZTA-23-03.

Thank you,
Anthony S Mina

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: Sheila Kane <skane@southernshores-nc.gov>
Sent: Thursday, June 20, 2024 at 07:03:28 PM EDT
Subject: Re: Public Records Request Regarding TCA-21-06 and ZTA-23-03

Thank you for the email. Could you please tell me who stated that the public notice requirements in paragraphs 1, 2 and 4 where not required. Thank you, Anthony S Mina

On Thursday, June 20, 2024 at 05:07:47 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03.NOT REQUIRED
2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.
    1. Coastland Times Advertisement Invoices and copies of notices are attached. A ½ of a page size is NOT REQUIRED
3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
    1. Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.
4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
    1. NOT REQUIRED
    2. Communication with one property owner attached (Anthony Mina).

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

1 File 4.3MB

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EXHIBIT B

~~EXHIBIT C~~ variance

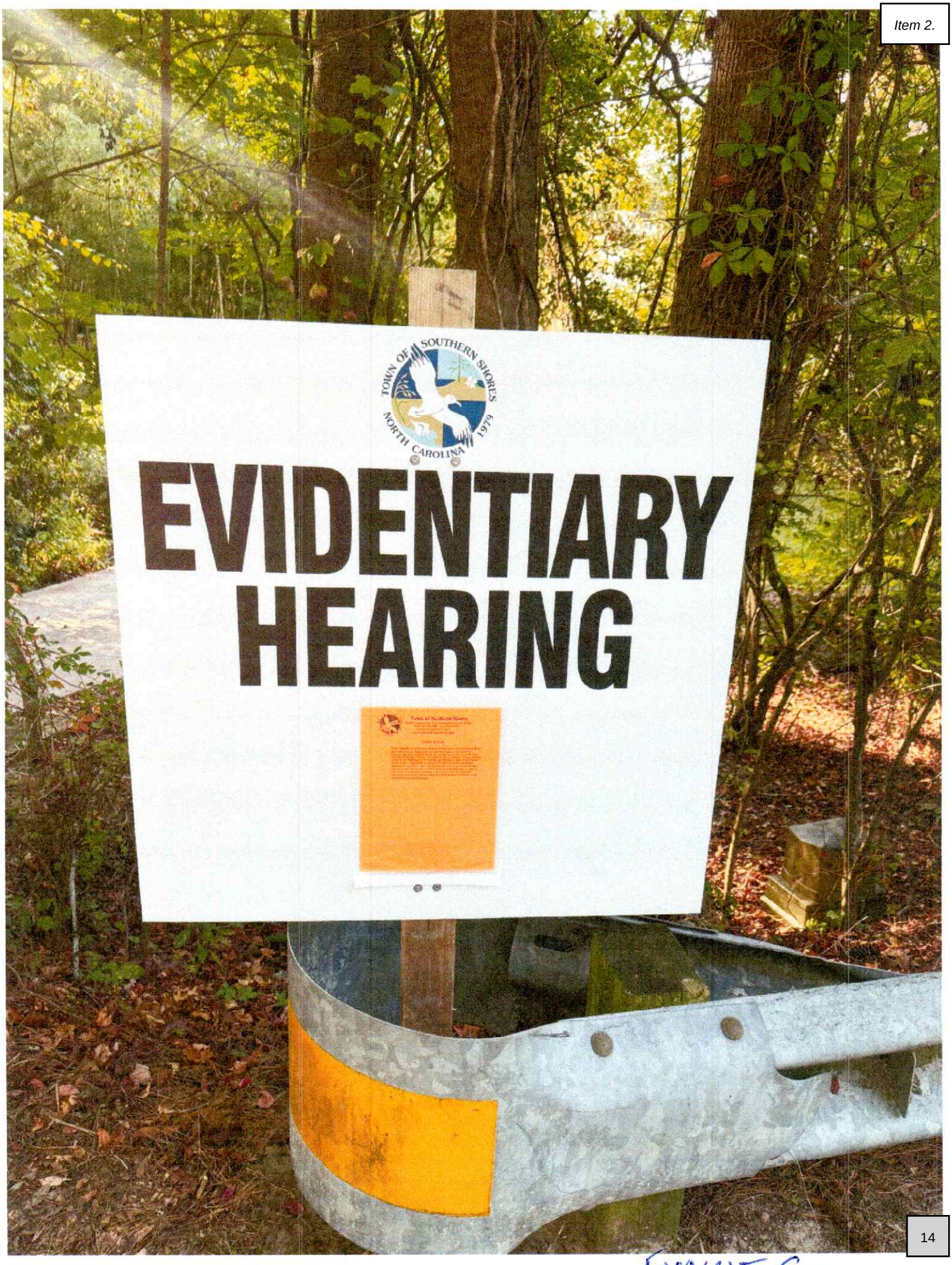
TOWN OF SOUTHERN SHORES
NORTH CAROLINA
1979
EVIDENTIARY
HEARING

EXHIBIT C

After a 5 ½-hour hearing, with two recesses, the Town Board of Adjustment voted unanimously last night to deny a variance to Anthony Mina that would have allowed him to subdivide the 46,500-square-foot property at 75 E. Dogwood Trail that he owns with his fiancée.

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(See The Beacon, 10/19/24, for factual background.)

The hearing may have been excessively long, but the Board's decision was made quickly and without discussion. It was a foregone conclusion. Mr. Mina did not have a meritorious case, just a personal grievance against the Town, in particular, against Town Deputy Manager/Planning Director Wes Haskett.

We are not acquainted with how this grievance escalated to the point of wasting 5 ½ hours of attendees' time and public money spent on two attorneys (one representing the Town; the other representing the Board of Adjustment), one court reporter, three police officers (we believe one left early), and overtime for Mr. Haskett and Town Manager Cliff Ogburn, but we trust the Town will conduct a post-mortem and figure out how it could have handled interactions with Mr. Mina better.

We question the Town's decision even to let Mr. Mina file a request for a variance, inasmuch as a variance is not the "appropriate remedy," as Town Attorney Lauren Arigaza-Womble of Hornthal, Riley, Ellis & Maland said several times during the hearing, for the hardship that Mr. Mina claimed.

Ms. Arigaza-Womble quoted Professor Adam Lovelady, an expert in land-use law at the University of North Carolina School of Government, for the principle that: "A variance is not the appropriate remedy for a condition or hardship that is shared by the neighborhood or the community as a whole," such as would be the case where a zoning ordinance, of which an individual complains, affects everyone in the community.

At the beginning of the hearing, it appeared that Mr. Mina had not even wanted to file a request for a variance, for which he paid a $350 fee. He sought to "preclude" the hearing and told the Board of Adjustment that the Town had "no legal basis to force me to be here."

This posture was one of many confusing revelations by Mr. Mina, whose recourse with the Town is to attempt to change the ordinance that prevents him from subdividing his property in his favor.

TEDIOUS, EXHAUSTIVE HEARING

We did not stay for the conclusion of the hearing, dear readers, taking our leave at 9 p.m., when the second recess was called.

By then, we had heard a tedious and exhaustive recitation of Mr. Mina's Variance Application 24-0 which BOA Chairperson Andy Ward took him through, section by section, even though the application was available for all Board members and the public to read, and Mr. Mina, who represented himself, could have summarized it in his direct testimony.

We also had heard an excessive amount of irrelevant material introduced by Mr. Mina into the record, through his oral testimony and his documentation, even though Ms. Arigaza-Womble, properly and continuously objected to it.

Mr. Ward allowed Mr. Mina to have his say, while also trying to keep him focused on facts and not on "innuendo" and "accusations."

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But Mr. Mina's argument was based on fraud, not on any of the criteria relevant to the granting of a variance.

"Fraud," he said early on, after moving to "preclude" last night's hearing—a motion that became moot as the hearing continued—"is a big factor in me obtaining the variance."

Mr. Mina claimed that Mr. Haskett and the Town of Southern Shores had led him to believe falsely that the lot at 75 E. Dogwood Trail, which he purchased July 5, 2023, could be subdivided, when, in fact, regulations in the Town Code of Ordinances prevent such a subdivision. He repeatedly said that Mr. Haskett had "hidden" the zoning code(s) from him.

He alleged a "real estate scam" or conspiracy to defraud him, and he has sued those people he believes are co-conspirators in federal court. Mr. Mina filed his lengthy complaint in the Eastern District of the U.S. District Court of North Carolina. (The case number is 2:24-CV-00042.)

Lest anyone be as confused as Mr. Mina clearly was about the zoning ordinances in the Town Code—which are sometimes referred to as the "Zoning Code" or the "Zoning Ordinance"—we would like to clarify that Southern Shores' zoning ordinances are part of the Town Code, which is readily available on the Town website.

An ordinance is a municipal law: It is a law enacted by local government.

Mr. Haskett could not "hide" the Town's ordinances if he wanted to.

When the Southern Shores Town Council passes a Zoning Text Amendment (ZTA) or a Town Code Amendment (TCA), it is passing new law. The ZTA or TCA amends (changes) the text that already exists in the Town Code.

The Town Code is made up of chapters, the 36th of which is about zoning, and, therefore, is often referred to as the "Zoning Code." The 30th chapter is about subdivisions and is often referred to as the "Subdivision Ordinance." The so-called Zoning Code and Subdivision Ordinance are not separate from the Town Code; they are part of it.

ACCESS TO SUBDIVISION LOTS

Access to newly created lots is a significant issue with a subdivision.

Before Aug. 3, 2021, the Town Code allowed subdividers to create access by one of two ways: 1) by having all lots front on a public road; or 2) by creating a public-access easement that connected new lots to a public road and met certain standards of width, length, and the like.

On Aug. 3, 2021, however, the Town Council passed TCA 21-06, which eliminated the access-easement option then codifed in the subdivision chapter at section 30-96(f).

So, two years before Mr. Mina bought his property, the Town Council rendered it impossible for him to subdivide his lot without ensuring that each lot fronted on a public road.

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Join us in the fight against crime in St James. Stand up and make a difference today.

LATE

Mr. Mina presented no evidence at the hearing to suggest, much less prove, that the required public notice of the hearing on TCA 21-06 was defective in any way. He insinuated that it was, but he presented no facts to bolster that insinuation.

As Mr. Haskett testified, he did not know Mr. Mina in 2021, and he was not the proponent of TCA 21-06. It was the Town Council that asked for a change in the law. (See our report of 10/19/24.)

NOTTRUE

Mr. Mina submitted to the Town two applications for a subdivision of 75 E. Dogwood, each of which had a preliminary plat and each of which appears to depend upon an easement for access to a back lot. The Town received both on July 3, 2024, and Mr. Haskett denied both. Mr. Mina did not appeal either denial during the 30 days allotted to him by ordinance for an appeal.

One of the denials also cited Mr. Mina's failure to conform to a newly enacted zoning ordinance defining mandatory minimum lot size in the RS-1 single-family-dwelling residential district.

Contrary to Mr. Mina's reading of the new lot-width ordinance, which is Town Code section 36-202(d), it only applies to lots created after June 6, 2023 through subdivision or recombination. It does not render all lots that are not 100 feet wide at every width measurement non-conforming.

The facts established that Mr. Mina exchanged many emails with Mr. Haskett in the month before the lot-width ordinance changed on June 6, 2023, which was about a month before he bought 75 E. Dogwood Trail. There were so many emails, according to Mr. Haskett, that it would take him hours t

count them.

Mr. Mina states in his application that the Town Planning Director deliberately withheld from him "pertinent information" about the soon-to-be-changed lot-width ordinance.

Mr. Haskett testified that he had no reason to believe that minimum lot width would be relevant to any applications that Mr. Mina might submit.

Mr. Ward sustained objections from Ms. Arigaza-Womble about Mr. Mina's allegations that the Town did not give proper notice for the public hearings that were held on the ZTA and TCA that changed the ordinances Mr. Mina cited. Mr. Ward stated for the record that the ordinances were legally adopted.

COMMUNICATING WITH AGGRIEVED PROPERTY OWNERS

We are not able to comment with knowledge about what happened between Mr. Haskett and Mr. Mina to sour their communications—and between Mr. Mina and Mr. Ogburn—and we will not make any assumptions.

It is clear from Mr. Mina's variance application and from everything he said last night that he is confused and operating under misconceptions. It is also clear that he believes people have mistreated him. We are not going to speculate as to why.

Mr. Mina came across at the hearing as frenetic—what people would describe as hyper—and intense, but also polite and respectful.

Advertisements

REPORT THIS AD

We all know people who cannot be reasoned with, who cannot accept the truth or their own responsibility, and who look to blame others or even believe others are out to get them.

The question we are left with is the one we started with: How could the Town have prevented the exercise in futility that we witnessed last night?

No one benefited from what occurred, and if Mr. Mina appeals the Board's decision to the Superior Court of Dare County—he has 30 days to decide, and he indicated last night he probably would—the Town will expend more hours and money on this case, as will Mr. Mina, who professed to be more interested in working on his home-improvement business than on litigation.

All we would suggest is that the next time a "problem" arises with an aggrieved property owner that the Town staff cannot handle that they have a means for resolving it that does not include referring that property owner to the Town Attorney. No one wants to talk to a lawyer. Unless they're acting as independent dispute mediators, lawyers are adversaries and can be quite intimidating to people who are not accustomed to engaging with them.

A neutral third party might have been helpful in communicating with Mr. Mina.

By Ann G. Sjoerdsma, The Southern Shores Beacon

ADVERTISEMENT

Fw: Andy Ward's Witness Intimidation & False Statements With Ann Sjoerdsma In Southern Shores Beacon

From: Anthony Mina (chestercountylawn@yahoo.com)

To: ssbeaconeditor@gmail.com; ssbeaconeditor@gmail.com; annsj@earthlink.net; annsj@earthlink.net

Date: Thursday, January 9, 2025 at 09:13 AM EST

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: FBI <philadelphia.complaints@ic.fbi.gov>; "andyward147@gmail.com" <andyward147@gmail.com>; "andyward147@gmail.com" <andyward147@gmail.com>; W. Jay Wheless <jay@whelesslawfirm.com>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; Phillip Hornthal <phornthal@hrem.com>; Lauren Arizaga-Womble <lawomble@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>; "ssbeaconeditor@gmail.com" <ssbeaconeditor@gmail.com>; "ssbeaconeditor@gmail.com" <ssbeaconeditor@gmail.com>; "annsj@earthlink.net" <annsj@earthlink.net>; "annsj@earthlink.net" <annsj@earthlink.net>; Planning Board <planningboard@southernshores-nc.gov>
Cc: Jason Portnoy <jportnoy@invtitle.com>
Sent: Thursday, January 9, 2025 at 09:00:34 AM EST
Subject: Andy Ward's Witness Intimidation & False Statements With Ann Sjoerdsma In Southern Shores Beacon

Dear Law Enforcement & Planning Board,

I am writing you because Southern Shores Planning Board Chair Andy Ward is involved with harassing me with a sign code complaint (and so did Ann Sjoerdsma) when they did not complain about other sign code violations occurring at the same time my real estate signs were in the right of way. Both Ann Sjoerdsma and Andy Ward took their malicious personal grievance with me to the level of public intimidation/public humiliation with false statements in the Southern Shores Beacon claiming the zoning code Wes Haskett used to deny my lot sub-division was legally adopted. Ann Sjoerdsma also stated there was no way Wes Haskett could hide the zoning code amendment when that is exactly what he did when not telling me about the proposed zoning code 4 times in emails in May 2023 when I specifically asked about the subdivision and lot width requirements (May 2023 is when Southern Shores Town Code required posted notice at 75 E Dogwood Trail if they planned on enforcing a new/amended zoning code here).

A Southern Shores Public Records Request response was submitted with my Variance Application at Exhibit 2C and proved posted notice and mailed notice was not provided to 75 E Dogwood Trail as effected properties require before a zoning change can effect their property (Please see Town Code Section 36-362(b) and Town Code Section 36-314(b) which both require posted notice prior to rezoning subdividable property to unsubsubdivable with a zoning amendment). Both the Planning Board/Board of Adjustments hearing on May 15, 2023 and Town Council hearing on June 6, 2023 took place without 75 E Dogwood Trail being notified as an effected property, as such, the lot width amendment can not effect 75 E Dogwood Trail in my lot subdivision applications.

EXHIBIT D

I have repeatedly asked Wes Haskett, the Planning Board and the Southern Shores Beacon to stop falsifying information about me and have even explained that I have filed a fraud insurance claim against Wes Haskett and Southern Shores and the information from the Variance and subdivision denial was part of the insurance claim... And Wes Haskett has continued to lie in documents he knows are part of an insurance fraud investigation against him.

At this point, Wes Haskett's, Andy Ward and the Southern Shores Beacon are in violation of witness intimidation laws (the only thing I have done is found that the lot width amendment being used to deny my lot subdivision was not effectuated at 75 E Dogwood Trail and therefore, illegally adopted if used to prevent the lot subdivision). The Southern Shore's Beacon's articles about me are defaming, false and ridicule me for filing the Variance that Wes Haskett said I should file if asking for an exception.

Ann Sjoerdsma and the Southern Shore's Beacon have been asked to correct their false information about me and she has refused. Complete copies of a Petition For Review of Variance filed at Dare County Superior Court and a Subdivision Application Dated January 6, 2025 with proof of Wes Haskett's constant lies and harassment of me since May, 2023 are attached and also online at www.savesouthernshores.com

Please arrest Wes Haskett and take legal action against Andy Ward and the Southern Shores Beacon.

Thank you,
Anthony S Mina

PS Please keep in mind that one of Wes Haskett's motives for committing these crimes against me may be to target Planning Board members by tricking them into making decisions that will cost them their position of power. I am not working with Wes Haskett on anything, in any way, and if Wes Haskett claims to be working with me he is guilty of violating labor/human trafficking laws.

IMG_3807.png
586.4kB

IMG_3806.png
717.8kB

IMG_3805.png
721.5kB

EXHIBIT D

ANTHONY S MINA

75 E. DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

chestercountylawn@yahoo.com

February 17, 2025

MOTION TO PROHIBIT WES HASKETT FROM USING TOWN MONEY FOR ANY EXPENSE ASSOCIATED WITH THE MARCH 17, 2025 APPEAL OF JANUARY 21, 2025 SUBDIVISION DENIAL DUE TO HASKETT'S INVOLVEMENT WITH VIOLATIONS OF 18 U.S. CODE § 1512- TAMPERING WITH A WITNESS, VICTIM OR AN INFORMANT WITH THE SOUTHERN SHORES BEACON***

*****THESE EXPENSES INCLUDE, BUT ARE NOT LIMITED TO, WES HASKETTS'S ATTORNEY FEES, THE PLANNING BOARD'S ATTORNEY FEES, SOUTHERN SHORES EMPLOYEE AND LAW ENFORCEMENT COSTS AND COURT REPORTER COSTS**

I, Applicant Anthony S Mina hereby Motion To Prohibit Wes Haskett From Using Town Money For Any Expense Associated With The March 17, 2025 Appeal Of The January 21, 2021Subdivision Denial Due To Haskett's Involvement With Violations Of 18 U.S. Code § 1512-Tampering With A Witness, Victim Or An Informant With The Southern Shores Beacon and in support thereof aver the following:

1) Wes Haskett is a Southern Shores Town Employee required to comply with the Southern Shores Town Code of Ethics. A true and correct copy of the code of ethics is attached hereto and marked "Exhibit A".
2) Paragraph 1 of the Code of Ethics provides: I will always obey the law and will not try in any way to influence the application of the law by any of the town's authorities or personnel.
   Paragraph 2 of the Code of Ethics provides: I will always uphold the integrity and independence of my job.
   Paragraph 3 of the Code of Ethics provides: I will always avoid any impropriety in all of my activities.
   Paragraph 4 of the Code of Ethics provides: I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
   Paragraph 7 of the Code of Ethics provides: I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.

3) Wes Haskett's paid attorney Lauren Womble was quoted in the Southern Shores Beacon stating "We question the Town's decision even to let Mr. Mina file a request for a variance , inasmuch as a variance is not the "appropriate remedy". A true and correct copy of the Southern Shores Beacon's publication is attached hereto and marked Exhibit "B".
4) Wes Haskett provided Applicant a Variance Application on November 1, 2023 when Applicant asked how leniency is asked for in Southern Shores and on May 17, 2023 Wes Haskett emailed Applicant and stated "An exception would be in the form of a variance" when asked the proper way to ask Southern Shores to make an exception to their local code. A true and correct copy of the November 1, 2023 and May 17, 2023 emails are attached hereto as "Exhibit C" along with an email to the Southern Shores Beacon proving the falsity of the defaming, ridiculing article published about Applicant.
5) The Southern Shores Beacon article and Lauren Womble publicly stated Applicant is the cause of a waste of town money for the Variance hearing when the facts are Wes Haskett indicated Applicant should file a Variance Application to ask for his lot subdivision approval.
6) On October 14, 2024 Wes Haskett claimed in his VA-24-01 Staff Report "All applicable notification requirements established in N.C.G.S. 160D-601 and in the Town's Zoning Ordinance were satisfied prior to the adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Amendment."
7) Wes Haskett's March 31, 2023 lot width amendment (which was the only reason Applicant's July 3, 2024 subdivision Application with "Exhibit A" was denied) was scheduled to be heard by the Planning Board on May 15, 2023. A true and correct copy of the May 15, 2023 Planning Board Agenda is attached hereto and marked "Exhibit C of the January 6 subdivision application".
8) Town Code 36-362(b) provides: *Notices.* Notice of hearings conducted pursuant to this article shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing**; (ii) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing;** (iii) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and (iv**) to any other persons entitled to receive notice as provided by this CHAPTER.** In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. A true and correct copy of Town Code Section 36-362 governing the Planning Board/Board of Adjustments is attached hereto and marked "Exhibit D of the January 6 subdivision application".
9) A Southern Shores Public Records Request Response dated June 20, 2024 states mailed letters were not provided for the May 15, 2023 Planning Board hearing on Wes Haskett's March 31, 2023 lot width amendment and Posted Notice was not placed at 75 E. Dogwood Trail. A true and correct copy of the Southern Shores Public Records Request Response is attached hereto and marked "Exhibit E of the January 6 subdivision application".
10) On October 30, 2024 Wes Haskett responded to a Southern Shores Public Records Request for proof of notification pursuant to Town Code 36-362(b) for the May 15, 2023 Planning Board meeting and **WES HASKETT FALSELY CLAIMED** "The Planning Board did not hold a hearing for

TCA-21-06 on July 19, 2021 or ZTA-23-03 on May 15, 2023 because no hearings were required (hearings were subsequently required and held by the Town Council). There also was no posted or mailed notices for the Planning Board's consideration of TCA-21-06 on July 19, 2021 and ZTA-23-03 on May 15, 2023 because they weren't required". A true and correct copy of **WES HASKETT'S FALSE CLAIMS** is attached hereto and marked "Exhibit F of the January 6 subdivision application ".

11) **THE TRUTH IS** Wes Haskett knows the Planning Board heard his March 31, 2023 lot width amendment on May 15, 2023 pursuant to Town Code 36-415 and recommended approval because Wes Haskett emailed Applicant on June 1, 2023 and stated "...we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and Town Council will be holding a public hearing on June 6th. A true and correct copy of Wes Haskett emailing Plaintiff's details from the May 15, 2023 Planning Board hearing is attached hereto and marked "Exhibit G of the January 6 subdivision application".
12) **FOR SOME REASON THE MINUTES FOR THE MAY 15, 2023 PLANNING BOARD HEARING AREN'T ON SOUTHERN SHORES WEBSITE, WHERE THEY SHOULD BE PROVING THE PLANNING BOARD HEARD WES HASKETT'S MARCH 31, 2023 LOT WIDTH AMENDMENT.**
13) **UNFORTUNATELY FOR WES HASKETT'S FALSE STATEMENTS,** the June 6, 2023 Town Council meeting minutes state "The Planning Board recommended approval of the application (4-1) at the May 15, 2023 Planning Board Meeting." A true and correct copy of pages 7-9 from the June 6, 2023 Town Council Minutes is attached hereto and marked "Exhibit H of the January 6 subdivision application"
14) Southern Shores Town Code does not define "hearing" and in the United States of America a hearing is an opportunity to be heard, as Wes Haskett had his opportunity to be heard by the Planning Board on May 15, 2023 and received a recommended approval of his lot width amendment.
15) Town Code 36-414(a) provides: The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.
16) **Town Code 36-414(b) provides: In addition and where a zoning map amendment is proposed, the town shall cause to be placed a sign on the subject property announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning.**
17) Southern Shores Town Code does not define "zone/zoning/rezoning" and in the United States of America changing subdividable property to unsubdividable property is rezoning the characteristic of the property.

18) Wes Haskett did not place a sign on 75 E. Dogwood Trail announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning to rezone 75 E. Dogwood Trail from "subdividable by right of property owner" to "unsubdividable" (**WES HASKETT FALSELY CLAIMS IN HIS JULY 16, 2024 SUBDIVISION DENIAL THAT A JUNE 6, 2023 LOT WIDTH AMENDMENT APPLIES TO 75 E DOGWOOD TRAIL BUT PUBLIC RECORDS PROVE THE NOTIFICATION PRE-REQUISITES REQUIRED TO EFFECTUATE A ZONING AMENDMENT WEREN'T MAILED TO OR POSTED AT 75 E DOGWOOD TRAIL AND ALSO ARE NOT IN THE 75 E DOGWOOD TRAIL FILE, MAKING THE JUNE 6, 2023 LOT WIDTH AMENDMENT UNENFORCABLE AT 75 E DOGWOOD TRAIL (BECAUSE 75 E DOGWOOD TRAIL WAS NOT THE SUBJECT PROPERTY UNDER TOWN CODE NOTIFICATION REQUIREMENTS)**
19) **Wes Haskett and/or his attorney Lauren Womble fraudulently misrepresented the language (under oath) of Town Code 36-414(b) at the October 21, 2024 (after being informed of the Fraud Insurance Claim Against Wes Haskett) Variance hearing** in their claims that notification requirements for the June 6, 2023 lot width amendment were complied with prior to Wes Haskett denying the July 3, 2024 lot sub-division application submitted by Applicant.
20) **WES HASKETT MADE A FALSE REPORT TO LAW ENFORCEMENT ON MAY 21, 2024 IN VIOLATION OF N.C.G.S. 14-225** claiming he had a legal basis to amend zoning code on June 6, 2023 at 75 E. Dogwood Trail but, **WES HASKETT FRAUDULENTLY DELETED TOWN CODE NOTIFICATION REQUIREMENTS AT SECTION 36-414(b) AND OMITTED NOTIFICATION REQUIRMENTS AT TOWN CODE 36-362(b).** A true and correct copy of Wes Haskett's false report to law enforcement is attached hereto and marked "Exhibit I of the January 6 subdivision application".
21) **WES HASKETT'S ABUSE OF ZONING CODES (IN A MANNER DIFFERENT THAN ENFORCMENT AGAINST OTHER PROPERTY OWNERS) IS A CONTINUING PATTERN OF CORRUPTION PROVING WES HASKETT HAS AN UNDISCLOSED SPECIAL INTEREST IN 75 E DOGWOOD TRAIL.**
22) During the month of May, 2023 when Wes Haskett was supposed to have posted notice at effected properties of the lot width amendment he claims now effects 75 E Dogwood Trail **WES HASKETT WAS FRAUDULENTLY HIDING THE LOT WIDTH AMENDMENT FROM APPLICANT WHEN APPLICANT AND WES HASKETT EMAILED 4 TIMES ABOUT THE SUBDIVISION AT 75 E DOGWOOD TRAIL AND/OR LOT WIDTH REQUIRMENTS********DURING THIS TIME OF FRAUDULENT CONCEALMENT THE PREVIOUS OWNER NEGOTIATED AN ADDITIONAL $75,000 FROM APPLICANT FOR A LOT THAT WAS SUBDIVIDABLE, AS PROVEN BY "EXHIBIT B of the January 6 subdivision application""********** A true and correct copy of Wes Haskett's 4 emails to Applicant are attached hereto and marked "Exhibit J of the January 6 subdivision application"
23) Wes Haskett signed a plat at 172 Ocean Boulevard and a plat at 233 N. Dogwood Trail that did not meet setback and/or lot width requirements but Wes Haskett is harassing Applicant with a lot width amendment at 75 E. Dogwood Trail that has never been effectuated at 75 E. Dogwood Trail with notification prior to a hearing and also was harassing Applicant with a set back encroachment claim for months until Applicant filed a building permit to remove Wes Haskett's claimed setback encroachment (Wes Haskett said the setback encroachment no longer prevented the subdivision one day after Applicant filed a building permit to remove 1' of his house). **A TRUE AND CORRECT COPY OF WES HASKETT'S UNDISCLOSED SPECIAL INTEREST IN 75 E DOGWOOD TRAIL**

AND HARASSMENT OF APPLICANT WITH ZONING CODES NOT BEING ENFORCED ON OTHER PROPERTY OWNERS IS ATTACHED HERETO AND MARKED "EXHIBIT K" OF THE JANUARY 6, 2025 SUBDIVISION APPLICATION.

24) **WES HASKETT CLAIMED 233 N. DOGWOOD TRAIL AND THE 0 DOGWOOD TRAIL ADJACENT LOTS WERE CREATED PRIOR TO THE TOWN'S INCORPORATION IN 1979 BUT A SECOND PUBLIC RECORDS REQUEST PROVED WES HASKETT SIGNED THE PLAT ON 7-21-16.** A true and correct copy of Wes Haskett's claim and 7-16-2016 signed plat is attached hereto and marked "Exhibit L of the January 6 subdivision application".

25) Applicant requested a complete copy of the records from 170 & 172 Ocean Boulevard but Applicant was unable to find the complaint made against Wes Haskett for approving a plat without setback requirements being complied with. A true and correct copy of the complaint made against Wes Haskett's plat approval is attached hereto and marked "Exhibit M of the January 6 subdivision application ".

26) The facts and law regarding the March 31, 2023 lot width amendment being unenforceable at 75 E. Dogwood Trail are as follows:

-Wes Haskett did not post notice of his March 31, 2023 proposed lot width amendment to rezone subdividable property as unsubdividable at 75 E Dogwood Trail pursuant to Town Code 36-414(b).

-Wes Haskett hid the proposed lot width amendment from Anthony Mina in (4) emails during the month of May, 2023 as the previous owner of 75 E Dogwood Trail negotiated an additional $75,000 from Anjthony Mina for a lot that was subdividable, as proven with Wes Haskett's subdivison denial dated July 16, 2024 (where the only reason the subdivision was denied is the March 31, 2023 lot width amendment).
-On June 7, 2023 Anthony Mina emailed Wes Haskett and asked how property owners were notified of the March 31, 2023 lot width amendment and on June 12, 2023 Wes Haskett refused to answer the question and instructed Anthony Mina to direct the question to Philip Hornthal.
-Anthony Mina has proven with several public records requests that Southern Shores did not effectuate a lot width zoning amendment at 75 E Dogwood Trail with notice pursuant to Town Code 36-414(b) or Town Code 36-362(b) for either the May 15, 2023 Planning Board hearing or the June 6, 2023 Town Council Hearing.
-The Town Ethics Policy prohibits Town money from being spent on attorneys doing anything that is not in the best interest of ALL property owners.
-The Town Ethics Policy requires Southern Shores to correct their wrong doing.

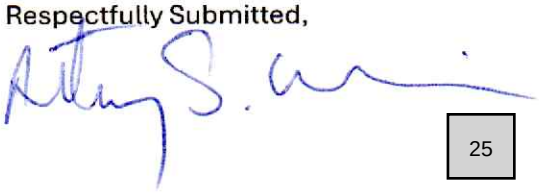
27) Wes Haskett proved with his Exhibit K of the Subdivision Appeal Application that Wes Haskett does not need Appellate Review filed to correct wrong doing.

28) Wes Haskett's refusal to correct his wrong doing in his subdivision application denials using unenforceable zoning codes prove Wes Haskett's illegal special interest in 75 E Dogwood Trail that he fraudulently demonstrated in May of 2023 when hiding the lot width amendment Haskett used to deny the subdivision as Linda Lauby negotiated an additional $75,000 from Applicant for a lot that was subdividable.

WHEREFORE, Applicant Anthony Mina respectfully requests that Wes Haskett be prohibited from using town money on any expense associated with the March 17, 2025 Appeal of the January 6, 2025 subdivision application, including town money for the cost of the employees, attorneys and court reporter needed for the March 17, 2025 Appeal hearing.

February 14, 2025

Respectfully Submitted,



Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

"EXHIBIT A"

After a 5 ½-hour hearing, with two recesses, the Town Board of Adjustment voted unanimously last night to deny a variance to Anthony Mina that would have allowed him to subdivide the 46,500-square-foot property at 75 E. Dogwood Trail that he owns with his fiancée.

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(See The Beacon, 10/19/24, for factual background.)

The hearing may have been excessively long, but the Board's decision was made quickly and without discussion. It was a foregone conclusion. Mr. Mina did not have a meritorious case, just a personal grievance against the Town, in particular, against Town Deputy Manager/Planning Director Wes Haskett.

We are not acquainted with how this grievance escalated to the point of wasting 5 ½ hours of attendees' time and public money spent on two attorneys (one representing the Town; the other representing the Board of Adjustment), one court reporter, three police officers (we believe one left early), and overtime for Mr. Haskett and Town Manager Cliff Ogburn, but we trust the Town will conduct a post-mortem and figure out how it could have handled interactions with Mr. Mina better.

We question the Town's decision even to let Mr. Mina file a request for a variance, inasmuch as a variance is not the "appropriate remedy," as Town Attorney Lauren Arigaza-Womble of Hornthal, Riley, Ellis & Maland said several times during the hearing, for the hardship that Mr. Mina claimed.

Ms. Arigaza-Womble quoted Professor Adam Lovelady, an expert in land-use law at the University of North Carolina School of Government, for the principle that: "A variance is not the appropriate remedy for a condition or hardship that is shared by the neighborhood or the community as a whole," such as would be the case where a zoning ordinance, of which an individual complains, affects everyone in the community.

At the beginning of the hearing, it appeared that Mr. Mina had not even wanted to file a request for a variance, for which he paid a $350 fee. He sought to "preclude" the hearing and told the Board of Adjustment that the Town had "no legal basis to force me to be here."

This posture was one of many confusing revelations by Mr. Mina, whose recourse with the Town is to attempt to change the ordinance that prevents him from subdividing his property in his favor.

TEDIOUS, EXHAUSTIVE HEARING

We did not stay for the conclusion of the hearing, dear readers, taking our leave at 9 p.m., when the second recess was called.

EXHIBIT B

By then, we had heard a tedious and exhaustive recitation of Mr. Mina's Variance Application 24-01, which BOA Chairperson Andy Ward took him through, section by section, even though the application was available for all Board members and the public to read, and Mr. Mina, who represented himself, could have summarized it in his direct testimony.

We also had heard an excessive amount of irrelevant material introduced by Mr. Mina into the record, through his oral testimony and his documentation, even though Ms. Arigaza-Womble, properly and continuously objected to it.

Mr. Ward allowed Mr. Mina to have his say, while also trying to keep him focused on facts and not on "innuendo" and "accusations."

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But Mr. Mina's argument was based on fraud, not on any of the criteria relevant to the granting of a variance.

"Fraud," he said early on, after moving to "preclude" last night's hearing—a motion that became moot as the hearing continued—"is a big factor in me obtaining the variance."

Mr. Mina claimed that Mr. Haskett and the Town of Southern Shores had led him to believe falsely that the lot at 75 E. Dogwood Trail, which he purchased July 5, 2023, could be subdivided, when, in fact, regulations in the Town Code of Ordinances prevent such a subdivision. He repeatedly said that Mr. Haskett had "hidden" the zoning code(s) from him.

He alleged a "real estate scam" or conspiracy to defraud him, and he has sued those people he believes are co-conspirators in federal court. Mr. Mina filed his lengthy complaint in the Eastern District of the U.S. District Court of North Carolina. (The case number is 2:24-CV-00042.)

Lest anyone be as confused as Mr. Mina clearly was about the zoning ordinances in the Town Code—which are sometimes referred to as the "Zoning Code" or the "Zoning Ordinance"—we would like to clarify that Southern Shores' zoning ordinances are part of the Town Code, which is readily available on the Town website.

An ordinance is a municipal law: It is a law enacted by local government.

Mr. Haskett could not "hide" the Town's ordinances if he wanted to.

When the Southern Shores Town Council passes a Zoning Text Amendment (ZTA) or a Town Code Amendment (TCA), it is passing new law. The ZTA or TCA amends (changes) the text that already exists in the Town Code.

EXHIBIT B

The Town Code is made up of chapters, the 36th of which is about zoning, and, therefore, is often referred to as the "Zoning Code." The 30th chapter is about subdivisions and is often referred to as the "Subdivision Ordinance." The so-called Zoning Code and Subdivision Ordinance are not separate from the Town Code; they are part of it.

ACCESS TO SUBDIVISION LOTS

Access to newly created lots is a significant issue with a subdivision.

Before Aug. 3, 2021, the Town Code allowed subdividers to create access by one of two ways: 1) by having all lots front on a public road; or 2) by creating a public-access easement that connected new lots to a public road and met certain standards of width, length, and the like.

On Aug. 3, 2021, however, the Town Council passed TCA 21-06, which eliminated the access-easement option then codifed in the subdivision chapter at section 30-96(f).

So, two years before Mr. Mina bought his property, the Town Council rendered it impossible for him to subdivide his lot without ensuring that each lot fronted on a public road.

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Mr. Mina presented no evidence at the hearing to suggest, much less prove, that the required public notice of the hearing on TCA 21-06 was defective in any way. He insinuated that it was, but he presented no facts to bolster that insinuation.

As Mr. Haskett testified, he did not know Mr. Mina in 2021, and he was not the proponent of TCA 21-06. It was the Town Council that asked for a change in the law. (See our report of 10/19/24.)

Mr. Mina submitted to the Town two applications for a subdivision of 75 E. Dogwood, each of which had a preliminary plat and each of which appears to depend upon an easement for access to a back lot. The Town received both on July 3, 2024, and Mr. Haskett denied both. Mr. Mina did not appeal either denial during the 30 days allotted to him by ordinance for an appeal.

One of the denials also cited Mr. Mina's failure to conform to a newly enacted zoning ordinance defining mandatory minimum lot size in the RS-1 single-family-dwelling residential district.

Contrary to Mr. Mina's reading of the new lot-width ordinance, which is Town Code section 36-202(d), it only applies to lots created after June 6, 2023 through subdivision or recombination. It does not render all lots that are not 100 feet wide at every width measurement non-conforming.

The facts established that Mr. Mina exchanged many emails with Mr. Haskett in the month before the lot-width ordinance changed on June 6, 2023, which was about a month before he bought 75 E. Dogwood Trail. There were so many emails, according to Mr. Haskett, that it would take him hours to

EXHIBIT B

count them.

Mr. Mina states in his application that the Town Planning Director deliberately withheld from him "pertinent information" about the soon-to-be-changed lot-width ordinance.

Mr. Haskett testified that he had no reason to believe that minimum lot width would be relevant to any applications that Mr. Mina might submit.

Mr. Ward sustained objections from Ms. Arigaza-Womble about Mr. Mina's allegations that the Town did not give proper notice for the public hearings that were held on the ZTA and TCA that changed the ordinances Mr. Mina cited. Mr. Ward stated for the record that the ordinances were legally adopted.

COMMUNICATING WITH AGGRIEVED PROPERTY OWNERS

We are not able to comment with knowledge about what happened between Mr. Haskett and Mr. Mina to sour their communications—and between Mr. Mina and Mr. Ogburn—and we will not make any assumptions.

It is clear from Mr. Mina's variance application and from everything he said last night that he is confused and operating under misconceptions. It is also clear that he believes people have mistreated him. We are not going to speculate as to why.

Mr. Mina came across at the hearing as frenetic—what people would describe as hyper—and intense, but also polite and respectful.

Advertisements

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We all know people who cannot be reasoned with, who cannot accept the truth or their own responsibility, and who look to blame others or even believe others are out to get them.

The question we are left with is the one we started with: How could the Town have prevented the exercise in futility that we witnessed last night?

No one benefited from what occurred, and if Mr. Mina appeals the Board's decision to the Superior Court of Dare County—he has 30 days to decide, and he indicated last night he probably would—the Town will expend more hours and money on this case, as will Mr. Mina, who professed to be more interested in working on his home-improvement business than on litigation.

All we would suggest is that the next time a "problem" arises with an aggrieved property owner that the Town staff cannot handle that they have a means for resolving it that does not include referring that property owner to the Town Attorney. No one wants to talk to a lawyer. Unless they're acting as independent dispute mediators, lawyers are adversaries and can be quite intimidating to people who are not accustomed to engaging with them.

A neutral third party might have been helpful in communicating with Mr. Mina.

By Ann G. Sjoerdsma, The Southern Shores Beacon

ADVERTISEMENT

EXHIBIT 5

RE: 75 East Dogwood Trail Subdivision

From: Wes Haskett (whaskett@southernshores-nc.gov)

To: chestercountylawn@yahoo.com

Cc: emorey@southernshores-nc.gov; cogburn@southernshores-nc.gov; phornthal@hrem.com

Date: Wednesday, November 1, 2023 at 09:33 AM EDT

Good morning, Mr. Mina. We do have a process for Variances. They are considered by our Town Planning Board (performing the duties of the Board of Adjustment). The standards and application requirements for Variances can be found here: https://library.municode.com/nc/southern_shores/codes/code_of_ordinances?nodeId=PTIICOOR_CH36ZO_ARTXIIBOAD_S36-367VA. I have attached a copy of our Variance application.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, October 31, 2023 9:04 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Elizabeth Morey <emorey@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Subject: Re: 75 East Dogwood Trail Subdivision

Thank you for the email. The part of your email I do not understand (I apologize for not knowing the proper legal terms) is how to make an application for a building or zoning permit that does not meet all the applicable requirements, if required. Dare county and Kitty Hawk deviate from zoning requirements in ways that cause neighbors to suffer damages because of the leniency and I was wondering how leniency is asked for in Southern Shores for

EXHIBIT C

aesthetically pleasing improvements. In Pennsylvania I was used to variances being the formal way of obtaining leniency.

I am hoping I can just get 75 east dogwood trail documented according to the actual measurements so I don't need to ask for leniency but I want to be prepared to do whatever I need to do to obtain the lot sub-division I purchased 75 East Dogwood Trail with.

Thank you,

Anthony S Mina

On Tuesday, October 31, 2023 at 01:44:27 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon, Mr. Mina. There are several surveyors in the area that prepare subdivision plats but I cannot make a recommendation. The Outer Banks Homebuilders Association may be able to recommend someone. They can be reached at 252-449-8232. The Town can only approve subdivision plats and permits if they meet all applicable requirements.

Wes Haskett

Deputy Town Manager/Planning Director

Town of Southern Shores

(252) 261-2394 (ph)

(252) 255-0876 (fx)

www.southernshores-nc.gov

EXAIBIT C

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, October 30, 2023 11:44 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Elizabeth Morey <emorey@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Phillip Hornthal <PHornthal@hrem.com>
Subject: Re: 75 East Dogwood Trail Subdivision

Hello Southern Shores,

I am having a little problem getting the sub division plan to Southern Shores because the potentially sub dividable lot I bought from Jim Munroe at Outer Banks Realty with a survey provided with the listing supposedly shrunk 10' in the back width and 1' in the front width last week when I hired the surveyor who surveyed 73 East Dogwood Trail for the owners who also bought their house from Jim Munroe.

Does Southern Shores have any suggestions? The survey I was given obviously isn't worth anything to me since I bought a larger, potentially sub-dividable lot and the surveyor won't even document a measurement he provided for me after he did the 73 East Dogwood Trail survey.

Could you please tell me the proper way to ask Southern Shores for leniency when reviewing my sub-division plan and future building permits if there is ever any building or zoning codes that I would like to be exempt from.

I am currently trying to sell my last house in Kitty Hawk and Dare County and Kitty Hawk don't enforce zoning codes on the street I lived on and I am expecting between $30,000 and $50,000 worth of damages because of the zoning codes not being enforced on Vista Lane. I was forced to file a zoning complaint with Jasper Rogers but Vista Lane is still an unsafe junkyard with abandoned vehicles on Kitty Hawk property. The hummer in the one picture across the street from my old house is on 3 wheels and a jackstand that appears to be falling/sinking…right where my kids and the other neighborhood kids play and do things like reach under vehicles to get their ball.

EXHIBIT C

Fw: Defaming Harassment Published On The Southern Shores Beacon From Variance Hearing Heard On October 21, 2024

From: Anthony Mina (chestercountylawn@yahoo.com)

To: annsj@earthlink.net

Date: Monday, December 23, 2024 at 12:46 AM EST

Please see www.savesouthernshores.com for the Variance Application not attached to this email (the file size was too big for your email account). Anthony S Mina

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: "annsj@earthlink.net" <annsj@earthlink.net>; "ssbeaconeditor@gmail.com" <ssbeaconeditor@gmail.com>
Cc: "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; FBI <philadelphia.complaints@ic.fbi.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, December 23, 2024 at 12:40:09 AM EST
Subject: Defaming Harassment Published On The Southern Shores Beacon From Variance Hearing Heard On October 21, 2024

Dear Ms. Sjoerdsma,

Thank you for taking the time to publish information from the October 21, 2024 Variance Hearing. I also appreciate you taking the time to exercise your 1st Amendment Rights and voice your opinions. However, I do have to respec tfully tell you that you are not permitted to publish false information mistakenly or intentionally about anyone, includi ng me. I understand Andy Ward provided some of the false information, but a Southern Shores Public Records Response proved Andy Ward wrong.

I think it is great that the Southern Shore's Beacon states that "Since its debut, The Beacon has taken on an identity as a watchdog for the Town of Southern Shores and its property owners. The Beacon prides itself on its fact-based research and commentary and on its breaking-news reporting."
Please correct the following false information on the Southern Shores Beacon and make sure the corrected informa tion reaches the same readers the false information reached:

Your publication states: "Lest anyone be as confused as Mr. Mina clearly was about the zoning ordinances in the Town Code—which are sometimes referred to as the "Zoning Code" or the "Zoning Ordinance"—we would like to clarify that Southern Shores' zoning ordinances are part of the Town Code, which is readily available on the Town website. An ordinance is a municipal law: It is a law enacted by local government. Mr. Haskett could not "hide" the Town's ordinances if he wanted to."

ISSUE #1

EXHIBIT C

The facts are Wes Haskett filed an application to amend lot widths on March 31, 2023 and Town Code 36-362(b) required Wes Haskett to mail the affected properties a letter and post notice at affected properties prior to the May 15, 2023 Planning Board/Adjustment Board hearing on the lot width amendment. Not only did Wes Haskett not mail 75 E. Dogwood Trail a letter or post notice of a zoning amendment at 75 E Dogwood Trail, Wes Haskett also refused to tell me about the proposed lot width amendment in 4 emailed questions about lot width requirements and/or the 75 E. Dogwood Trail subdivision during May, 2023. These 4 emails were entered into evidence and can be seen in the attached "Petition For Writ of Certiorari With Proof of False Pretense, False Sworn Testimony And A False Report To Law Enforcement By Wes Haskett" as "Exhibit F". Exhibit 2C of my Variance Application is a Southern Shores Public Information Request Response that proved mailed notice and posted notice was not provided to 75 E. Dogwood Trail. Town Code 36-414(b) also requires posted notice at affected properties prior to subdividable property being rezoned as unsubdividable because of a zoning amendment. As Wes Haskett was hiding his proposed lot width amendment from me and 75 E. Dogwood Trail the previous owner of 75 E Dogwood Trail negotiated an additional $75,000 from me for a lot that was subdividable, knowing I would not pay the extra $75,000 for an unsubdividable lot.

A VERY, VERY IMPORTANT FACT FOR YOUR WATCHDOG PUBLICATION IS THAT THE SOUTHERN SHORES PLANNING BOARD ATTORNEY JAY WHELESS AND TOWN ATTORNEY LAUREN WOMBLE WERE BOTH MISREPSENTING THE LANGUAGE OF TOWN CODE 36-414(b) AND WHEN I OBJECTED AND STATED THEY WERE COLLUDING JAY WHELESS STATED I WAS ACCUSING THE WHOLE TOWN OF IMPROPRIETY. Town Money can not be spent on attorneys mispresenting Town Codes.

Andy Ward and Wes Haskett's claims that notification requirements were met is what law enforcement call a "criminal conspiracy". Exhibit 2C of my Variance Application is proof from Southern Shores notification requirements were not met.

IN OTHER WORDS, HIDING THE LOT WIDTH AMENDMENT AS I TESTIFIED IS EXACTLY WHAT WES HASKETT DID FROM ME AND THE 75 E DOGWOOD TRAIL PROPERTY. THE SOUTHERN SHORES BEACON'S CLAIM THAT "WES HASKETT COULD NOT "HIDE" ZONING CODE IF HE WANTED TO IS A COMPLETE FALSE FACT.

ISSUE #2

The Southern Shores Beacon falsely states "Mr. Mina submitted to the Town two applications for a subdivision of 75 E. Dogwood, each of which had a preliminary plat and each of which appears to depend upon an easement for access to a back lot."

The facts are I submitted 2 applications for a lot subdivision one of which did not depend upon easement access and was denied for one reason, the lot width amendment referenced in Issue #1 that Wes Haskett never complied with notification requirements for at 75 E Dogwood Trail. Notification requirements are a mandated pre-requisite to zoning code being enforceable and as such, the 75 E Dogwood Trail sub-division should have been approved prior to the Variance Hearing. The 2nd subdivision application which was designed with an access easement was denied because of an easement restriction that was also adopted without notification requirements being met at 75 E. Dogwood Trail. My two subdivision application denials were part of my Variance Application as Exhibit 1A and 1B with their corresponding subdivision plats at Exhibit 2A and 2B. (I also obtained a complete copy of the 75 E. Dogwood Trail file and the file also did not contain any letters regarding zoning amendments affecting the property)

EXHIBIT C

ISSUE #3

The Southern Shores Beacon false states "Mr. Mina presented no evidence at the hearing to suggest, much less prove, that the required public notice of the hearing on TCA 21-06 was defective in any way. He insinuated that it was, but he presented no facts to bolster that insinuation."

The facts presented proving notification requirements pursuant to Town Code 36-362(b) and Town Code 36-414(b) were not complied with at 75 E. Dogwood Trail came from Southern Shores Town Office Employee Sheila Kane in a Public Records Response and were Exhibit 2C of my Variance Application (Exhibit F of the attached Writ of Certiorari").

****Those 3 issues are false facts that law requires to be corrected for several reasons in addition to defamation/slander laws****

The other reasons are:
-That because I caught Wes Haskett and Southern Shores lying about meeting notification requirements, the retaliation against me violates North Carolina Witness Intimidation Law § 14-226. Intimidating or interfering with witnesses.
-I've been reported for violating Southern Shores sign code by both Andy Ward and Ann Sjoerdsma for a sign in the right of way. Both Andy Ward and Ann Sjoerdsma only reported me when there was about 6-10 other signs on Dogwood Trail in violation of sign code that they could not miss when coming and going from Dogwood Trail (There is a continuing pattern of lies and harassment targeting me).

I also wanted the Southern Shores Beacon to know that their article referenced how much of a waste of the town's money my Variance hearing was, and I completely agree. If Southern Shores corrected their wrongdoing as their ethics policy requires, the Variance hearing would have never been necessary. But now, Southern Shores has to explain their lies to the Dare County Superior Court and their ethics policy prohibits town money from being spent on things that are not in all of the property owner's interests. Lying about meeting notification requirements to change property owner's property rights is not in any property owner's interests, so Wes Haskett should be required to pay for all his legal fees from the Variance and in the Dare County Superior Court.

Lastly, the Southern Shores Beacon commented about why the town even let me file a variance with the following comment:

"We question the Town's decision even to let Mr. Mina file a request for a variance, inasmuch as a variance is not the "appropriate remedy," as Town Attorney Lauren Arigaza-Womble of Hornthal, Riley, Ellis & Maland said several times during the hearing, for the hardship that Mr. Mina claimed."

Please find the emails at the end of this email where Wes Haskett advised me to file a Variance if I wanted to ask for an exception from the zoning codes.

I sincerely apologize for contacting you and telling you some facts need to be changed, but the bottom line is the article written about me repeatedly diminishes my credibility and character with misrepresentations. I work hard to

EXHIBIT U

provide for my family and can't afford to have my reputation in the community damaged by the false information in the Southern Shores Beacon. As of right now, if you made mistakes, your mistakes violate defamation, harassment and witness intimidation laws. If the information is not corrected as I asked by December 26, 2024 I am going to ask law enforcement to shut down the Southern Shores Beacon and arrest Ann Sjoerdsma. I am the victim here. There is no way around the fact that notification requirements were not met for a zoning code that was hidden from me when the previous owner negotiated an additional $75,000 from me.

If you want to say something respectable about me you may tell people that I am a home improvement provider that presented an article written about me by the Philadelphia Inquirer at: https://www.inquirer.com/real-estate/housing/market-rebuilt-four-bedroom-home-malvern-867000-20220810.html

You may also say that I have started a website called www.savesouthernshores.com where I will be exposing Wes Haskett's corruption, which Chief Kole has yet to stop with knowledge Wes Haskett is committing crimes (See the attached Notice of Chief Kole's Slavery/Involuntary Servitude Conspiracy Against Anthony Mina). I hope the focus of the website will eventually be more about giving back to the community, but as of right now, the town government is morally bankrupt and operating under the misconception that lies will get them out of the trouble lies got them into. Because of the negative information I have to share with Southern Shores' property owners my public relations research indicated that after the holidays would be a better time for me to start spreading the news.

If you want to help me, you may contact me to discuss a "GoFundMe" page I am going to advertise after Christmas to help my family recover damages caused by Wes Haskett's lies. My GoFundMe page is going to be much different than the typical GoFundMe page because I am going to guarantee any donors repayment, with a generous interest rate. What Wes Haskett did was take my right to subdivide when my extra lot was planned to be a source of income for my business to use for renovation and construction costs prior to me reselling 75 E Dogwood Trail. I've never heard of a GoFundMe campaign guaranteeing repayment and I'm going to expose Wes Haskett's corruption on the GoFundMe page and also guarantee repayment with the equity in my property (so the GoFundMe page is equivalent to a 2nd Mortgage contract)

Thank you,
Anthony S Mina

On Thursday, May 18, 2023, 01:51:04 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. See my responses below.

Wes Haskett

Deputy Town Manager/Planning Director

Town of Southern Shores

(252) 261-2394 (ph)

EXHIBIT C

(252) 255-0876 (fx)

www.southernshores-nc.gov

image001

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 17, 2023 12:18 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Hello,

Thank you for your help.

-
Could you please tell me which ordinance I need to read to understand the zoning requirements for subdividing a lo t that has an existing structure that could possibly be 14' from the property line. WES'S RESPONSE:
See Town Code Section 30-97(2): https://library.municode.com/nc/southern_shores/codes/code_of_ordinances?nodeId=PTIICOOR_CH30SU_ARTIVMISTDEGE_S30-97DEST.

-
Could you also please tell me about Southern Shores' procedure for asking Southern Shores to make an exception to their local code. For example, if I hired an attorney to file my applications and ask Town Council or Dare County to approve the subdivision. WES'S
RESPONSE: An exception would be in the form of a Variance. Our Town Planning Board considers Variances whic h are only granted if the applicant can demonstrate that there is a hardship involved if a Variance is not granted. S ee attached application which includes questions that address the criteria for granting a Variance.

75 E. Dogwood Trail can be divided so each property has street frontage and a 100' lot width at the front of the buil ding (by making the existing lot similar to a "flag lot"). I would just prefer not to literally remove 1' of the existing ho me if the home was really built 14' from a property line that required 15'. WES'S
RESPONSE: Please submit a drawing showing what you have in mind, including the existing structure and measur ements from existing and proposed property lines.

If you would like, I am available to meet with you to make sure I am creating a subdivision plan consistent with othe r approved subdivisions and existing zoning requirements. WES'S RESPONSE:
I am available to meet next Tuesday at 10:30 or 2:00 if you'd like to meet to discuss and review your drawing.

Thank you,
Anthony S Mina

EXHIBIT C

ANTHONY S MINA

75 E. DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

chestercountylawn@yahoo.com

February 17, 2025

BRIEF IN SUPPORT OF MOTION TO PROHIBIT WES HASKETT FROM USING TOWN MONEY FOR ANY EXPENSE ASSOCIATED WITH THE MARCH 17, 2025 APPEAL OF JANUARY 21, 2025 SUBDIVISION DENIAL DUE TO HASKETT'S INVOLVEMENT WITH VIOLATIONS OF 18 U.S. CODE § 1512- TAMPERING WITH A WITNESS, VICTIM OR AN INFORMANT WITH THE SOUTHERN SHORES BEACON***

*****THESE EXPENSES INCLUDE, BUT ARE NOT LIMITED TO, WES HASKETTS'S ATTORNEY FEES, THE PLANNING BOARD'S ATTORNEY FEES, SOUTHERN SHORES EMPLOYEE AND LAW ENFORCEMENT COSTS AND COURT REPORTER COSTS**

Wes Haskett started a conspiracy against Anthony Mina in May of 2023 when he was supposed to have posted notice of the March 31, 2023 lot width amendment at effected property(s) pursuant to Town Code 36-414(b) and/or Town Code 36-362(b) notifying the property owner of the rezoning of subdividable property as unsubdividable. Not only did Wes Haskett not have posted notice at 75 E Dogwood Trail prior to the May 15, 2023 Planning Board hearing or June 6, 2023 Town Council hearing, Wes Haskett also withheld the proposed lot width amendment from Anthony Mina in (4) emails during the month of May, 2023 when Anthony Mina specifically asked about the 75 E Dogwood Trail subdivision and lot width requirements. As Wes Haskett withheld the March 31, 2023 lot width amendment, the previous owner of 75 E Dogwood Trail negotiated an additional $75,000 from Anthony Mina for a lot that was subdividable, as Anthony Mina has proven with Wes Haskett's subdivision denial on July 16, 2024 where the only reason for the subdivision denial is the March 31, 2023 lot width amendment.

On June 7, 2023 Anthony Mina emailed Wes Haskett and asked how property owners were notified of the proposed zoning amendment dated March 31, 2023 and Wes Haskett refused to answer the question and on June 12, 2023 emailed Anthony Mina instructions to direct the question to Philip Hornthal.

Southern Shores Town Ethics Policy prohibits Town money from being spent on anything not in the best interests of ALL of the property owners. Despite the Town Ethics Policy requiring Southern Shores to correct their wrong doing Wes Haskett, Cliff Ogburn and Philip Hornthal have engaged in a witness/victim/informant tampering conspiracy against Anthony Mina, in violation of Federal Laws.

Wes Haskett has repeatedly used illegally adopted zoning codes and zoning codes not used on other property owners to prohibit the 75 E Dogwood Trail subdivision as well as provide the Board of Adjustments false information and Chief Dave Kole a false report claiming notification requirements were met for the lot width amendment (Haskett deleted Town Code 36-414(b) from his May 21, 2024 email to Chief Kole). Wes Haskett has continued to deny the 75 E Dogwood Trail subdivision in the year 2025 with knowledge that Haskett is committing tax fraud by denying a lot subdivision on property that has not had a property tax reduction due to rezoning taking the right to subdivide property which any competent town employee knows reduces the value of property. Haskett has also continued to make false statements concerning the 75 E Dogwood Trail subdivision after being informed that Anthony Mina has initiated a fraud insurance claim against Southern Shores (specifically Wes Haskett) for the false statements and hidden March 31, 2023 zoning amendment which resulted with the previous owner obtaining an additional $75,000 from Anthony Mina.

Wes Haskett's special interest (and fraud) involving 75 E Dogwood Trail is summed up in the following facts:

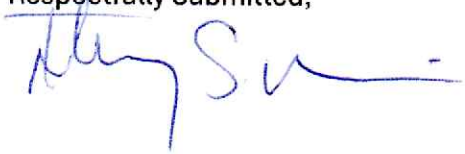
-Wes Haskett did not post notice of his March 31, 2023 proposed lot width amendment to rezone subdividable property as unsubdividable at 75 E Dogwood Trail pursuant to Town Code 36-414(b).
-Wes Haskett hid the proposed lot width amendment from Anthony Mina in (4) emails during the month of May, 2023 as the previous owner of 75 E Dogwood Trail negotiated an additional $75,000 from Anjthony Mina for a lot that was subdividable, as proven with Wes Haskett's subdivison denial dated July 16, 2024 (where the only reason the subdivision was denied is the March 31, 2023 lot width amendment).
-On June 7, 2023 Anthony Mina emailed Wes Haskett and asked how property owners were notified of the March 31, 2023 lot width amendment and on June 12, 2023 Wes Haskett refused to answer the question and instructed Anthony Mina to direct the question to Philip Hornthal.
-Anthony Mina has proven with several public records requests that Southern Shores did not effectuate a lot width zoning amendment at 75 E Dogwood Trail with notice pursuant to Town Code 36-414(b) or Town Code 36-362(b) for either the May 15, 2023 Planning Board hearing or the June 6, 2023 Town Council Hearing.
-The Town Ethics Policy prohibits Town money from being spent on attorneys doing anything that is not in the best interest of ALL property owners.
-The Town Ethics Policy requires Southern Shores to correct their wrong doing.

WHEREFORE, WES HASKETT MUST BE PROHIBITED FROM USING ANY TOWN MONEY ON HIS ILLEGAL, SPECIAL INTEREST IN 75 E DOGWOOD TRAIL AS THE ONLY THING LAW AND

TOWN CODE PERMITS IS WES HASKETT TO CORRECT HIS WRONG-DOING BY APPROVING THE 75 E DOGWOOD TRAIL LOT SUBDIVISION

February 14, 2025

Respectfully Submitted,



ANTHONY S MINA

75 E. DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

chestercountylawn@yahoo.com

February 20, 2025

MOTION TO BAN HORNTHAL, RILEY, ELLIS & MALAND (HREM) ATTORNEYS FROM ANY INVOLVEMENT WITH THE MARCH 17, 2025 APPEAL OF JANUARY 21, 2025 SUBDIVISION DENIAL DUE TO THEIR LAW FIRM'S INVOLVEMENT WITH VIOLATIONS OF 18 U.S. CODE § 1512- TAMPERING WITH A WITNESS, VICTIM OR AN INFORMANT, VIOLATIONS OF RULE 4.1 OF THE NORTH CAROLINA RULES OF PROFESSIONAL CONDUCT AND VIOLATIONS OF SOUTHERN SHORES TOWN ETHICS POLICY

Applicant, Anthony Mina hereby Motions To Ban HREM Law Firm From Any Involvement With The March 17, 2025 Appeal Of The January 21, 2025 Subdivision Denial and in support there of aver the following:

1. Applicant is Anthony Mina, Variance hearing Applicant from the October 21, 2024 Variance VA-24-01 hearing.
2. Lauren Womble is the Southern Shores Attorney who represented Wes Haskett on October 21, 2024.
3. Philip Hornthal is the HREM Law Firm representing Southern Shore's Town.
4. Applicant Anthony Mina does not have any type of relationship with HREM Law Firm, meaning he is not a friend, colleague, client, partner, student or any other person besides a Variance Applicant on October 21, 2024 and Southern Shores resident and tax payer.
5. Dare County Superior Court Ordered Wes Haskett and Southern Shores to provide a complete verified record from the Variance hearing within 30 days of December 18, 2024. A true and correct copy of the Order is attached hereto as "Exhibit 1".
6. Despite Southern Shores and Town Council being served by U.S. Mail with electronic receipt of service and the Planning Board being served by email the Order dated

December 18, 2024, Wes Haskett, Southern Shores and/or the Planning Board are in Contempt of Dare County Superior Court's Order requiring a complete copy of the record from the Variance hearing VA-24-01. A true and correct copy of the email received by HREM Law Firm and the Planning Board on December 18, 2024 is attached hereto as "Exhibit 2".

7. Town Code 36-414(a) provides: The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.
8. **Town Code 36-414(b) provides: In addition and where a zoning map amendment is proposed, the town shall cause to be placed a sign on the subject property announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning.**
9. On October 21, 2024 Lauren Womble misrepresented Town Code 36-414(b) by removing the 1st 3 words from the code and claimed the code does not apply to text amendments. See youtube video 1:42-1:44.
10. On October 21, 2024 Lauren Womble argued Wes Haskett's statement that notification requirements were met in his staff report was not cross examinable when Town Code 36-414(b) was stated by Applicant. See youtube video 3:24-3:29.
11. On October 21, 2024 Lauren Womble again claimed notification requirements were met and also claimed the use of 75 E Dogwood Trail was not changed when Wes Haskett's email dated June 7, 2023 indicated the lot width requirement was adopted to prevent future subdivisions (Wes Haskett's June 1, 2023 email proves Wes Haskett knew the new lot width requirement prevented the 75 E Dogwood Trail subdivision. See youtube video 3:48-3:51.
12. On October 21, 2024 Lauren Womble claimed the zoning ordinances Applicant was seeking a variance from, which did not have posted notice pursuant to Town Code 36-414(b) prior to their adoption were "valid, legal enforceable laws". See youtube video 5:09-5:11.
13. Paragraph 1 of the Code of Ethics provides: I will always obey the law and will not try in any way to influence the application of the law by any of the town's authorities or personnel.

Paragraph 2 of the Code of Ethics provides: I will always uphold the integrity and independence of my job.

Paragraph 3 of the Code of Ethics provides: I will always avoid any impropriety in all of my activities.

Paragraph 4 of the Code of Ethics provides: I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
Paragraph 7 of the Code of Ethics provides: I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.

14. Andy Ward agreed the Code of Ethics would be complied with at the October 21, 2024 Variance Hearing. A true and correct copy of the code of ethics is attached hereto as "Exhibit 3".
15. The Code of Ethics prohibits Southern Shores money from being spent on HREM law firm, as their fraudulent misrepresentations violate Town Code #1, 2, 3, 4 and 7.
16. Rule4.1 OF THE RULES OF PROFESSIONAL CONDUCT STATES: TRUTHFULNESS IN STATEMENTS TO OTHERS: In the course of representing a client a lawyer shall not knowingly make a false statement of material fact or law to a third person.

Misrepresentation

[1] A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts. A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements. For dishonest conduct that does not amount to a false statement or for misrepresentations by a lawyer other than in the course of representing a client, see Rule 8.4.

Statements of Fact

[2] This Rule refers to statements of fact. Whether a particular statement should be regarded as one of fact can depend on the circumstances. Under generally accepted conventions in negotiation, certain types of statements ordinarily are not taken as statements of material fact. Estimates of price or value placed on the subject of a transaction and a party's intentions as to an acceptable settlement of a claim are ordinarily in this category, and so is the existence of an undisclosed principal except where nondisclosure of the principal would constitute fraud. Lawyers should be mindful of their obligations under applicable law to avoid criminal and tortious misrepresentation.

Crime or Fraud by Client

[3] Under Rule 1.2(d), a lawyer is prohibited from counseling or assisting a client in conduct that the lawyer knows is criminal or fraudulent. Ordinarily, a lawyer can avoid assisting a client's crime or fraud by withdrawing from the representation. Sometimes it may be necessary for the lawyer to give notice of the fact of withdrawal and to disaffirm an opinion, document, affirmation or the like. In extreme cases, substantive law may require a lawyer to disclose information relating to the representation to avoid being deemed to have assisted the client's

crime or fraud. Rule 1.6(b)(1) permits a lawyer to disclose information when required by law. Similarly, Rule 1.6(b)(4) permits a lawyer to disclose information when necessary to prevent, mitigate, or rectify the consequences of a client's criminal or fraudulent act in the commission of which the lawyer's services were used.

17. Rule 4.1 Of The Rules Of Professional Conduct prohibit HREM Law Firm's conduct.

18. 18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant provides: **(a)**

(1) Whoever kills or attempts to kill another person, with intent to—

(A)prevent the attendance or testimony of any person in an official proceeding;

(C) prevent the production of a record, document, or other object, in an official proceeding; or

(C)prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;shall be punished as provided in paragraph (3).

(2) Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—

(A)influence, delay, or prevent the testimony of any person in an official proceeding;

(B)cause or induce any person to—

(i)withhold testimony, or withhold a record, document, or other object, from an official proceeding;

(ii)alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding;

(iii)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

(iv)be absent from an official proceeding to which that person has been summoned by legal process; or

(C)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;shall be punished as provided in paragraph (3).**(3)**The punishment for an offense under this subsection is—

(A)in the case of a killing, the punishment provided in sections 1111 and 1112;

(B)in the case of—

(i)an attempt to murder; or

(ii)the use or attempted use of physical force against any person;imprisonment for not more than 30 years; and

(C)in the case of the threat of use of physical force against any person, imprisonment for not more than 20 years.

(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—

(1)influence, delay, or prevent the testimony of any person in an official proceeding;

(2)cause or induce any person to—

(A)withhold testimony, or withhold a record, document, or other object, from an official proceeding
(B)alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;
(C)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or
(D)be absent from an official proceeding to which such person has been summoned by legal process; or
(3)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation [1] supervised release,,[1] parole, or release pending judicial proceedings;
shall be fined under this title or imprisoned not more than 20 years, or both.
(c) Whoever corruptly—
(1)alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or
(2)otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,shall be fined under this title or imprisoned not more than 20 years, or both.**(d)**Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from—
(1)attending or testifying in an official proceeding;
(2)reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation [1] supervised release,,[1] parole, or release pending judicial proceedings;
(3)arresting or seeking the arrest of another person in connection with a Federal offense; or
(4)causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding;
or attempts to do so, shall be fined under this title or imprisoned not more than 3 years, or both.
(e) In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.
(f) For the purposes of this section—
(1)an official proceeding need not be pending or about to be instituted at the time of the offense; and

(4) the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

(5) **(g)**In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

(1)that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States

magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or

(2)that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

(h) There is extraterritorial Federal jurisdiction over an offense under this section.

(i)A prosecution under this section or section 1503 may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.

(j) If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(k) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

19. Philip Hornthal and Lauren Womble are in violation of 18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant laws.
20. Applicant filed a Motion To Preclude Variance Hearing Based On Fraudulent misrepresentations of Town Code Notification requirements. A true and correct copy of the Motion is attached hereto and marked "Exhibit 4".
21. Lauren Womble's fraudulent misrepresentations of Town Code 36-414(b) were illegal, biased, premeditated misconduct trying to undermine the fraud Applicant proved Wes Haskett has committed by falsifying records relating to property owners being notified of the March 31, 2023 lot width amendment.
22. Lauren Womble stated Anthony Mina inappropriately sought a Variance on October 21, 2024 several times and made references to Adam Lovelady.
23. Lauren Womble's client, Wes Haskett provided Applicant a Variance Application on November 1, 2023 when Applicant asked how leniency is asked for in Southern Shores and on May 17, 2023 Wes Haskett emailed Applicant and stated "An exception would be in the form of a variance" when asked the proper way to ask Southern Shores to make an exception to their local code. A true and correct copy of the November 1, 2023 and May 17, 2023 emails are attached hereto as "Exhibit 5" along with an email to the Southern Shores Beacon proving the falsity of the defaming, ridiculing article published about Applicant.
24. Exhibit A- 11/25/2024- Philip Hornthal did not forward 3 filings to the Southern Shores Planning Board/Board of Adjustments for filing that were attached to the emails in Exhibit B-D These documents were submitted to Philip Hornthal for filing because Philip Hornthal blocked Applicant from emailing Southern Shores and requires filings to be provided to Philip Hornthal for filing.
25. Exhibit B-10/31/2024- Philip Hornthal claimed to forward the email with the "Notice Of Wes Haskett's False Sworn Testimony" for Case VA-24-01
26. Exhibit C-10/29/2024- Philip Hornthal claimed to forward the email with the "Motion To Reverse Variance Denial Explaining Wes Haskett's Ulterior Motives"-case VA-24-01.
27. Exhibit D- 10/29/2024- Philip Hornthal claimed to forward the email with the "Motion For Reconsideration Of Motion To Preclude Variance Hearing"-case VA-24-01

28. Exhibit E- 10/24/2024- Philip Hornthal claimed he will forward any police report Applicant wants to file against Wes Haskett to the Southern Shores Police Department
29. Exhibit F- 10/24/2024- Philip Hornthal blocked Anthony Mina from emailing Southern Shores email accounts but claimed that he will forward the emails to the town and respond on behalf of the town.
30. Exhibit G- 8/14/2024- Chief Kole emailed Anthony Mina to explain Sgt. Cooke has been assigned to take a police report against Wes Haskett.
31. Exhibit H- 8/23/2024- Philip Hornthal emailed Anthony Mina and Sgt. Cooke explaining that Mr. Cooke will not be responding to Applicant's police report as Chief Kole assigned Sgt. Cooke to do.
32. Exhibit I- 12/27/2024- Philip Hornthal emailed Anthony Mina after 911 was called on Southern Shores Police Department for refusing to allow Anthony Mina to file a police report against Wes Haskett for insurance fraud. Philip Hornthal claimed to provide Sgt. Brinkley Anthony Mina's police report against Wes Haskett.
33. Exhibit J- 1/2/2025- Philip Hornthal emailing Anthony Mina in response to a Public Records Request for all police reports filed with the town of Southern Shores and the Police Department against Wes Haskett. Philip Hornthal indicated he did not think any of Anthony Mina's reports against Wes Haskett were filed with the town or police department and to this date, no police reports against Wes Haskett have been provided to Anthony Mina in response to the Public Records Request.
34. Exhibit K-6/20/2024- Cliff Ogburn emailing Anthony Mina telling Anthony Mina to remove his work/real estate signs and acknowledging the "Oh So Sandy" at 18 E. Dogwood Trail as not being allowed.
35. Exhibit L 6/27/2024- A right of way encroachment application Cliff Ogburn denied for allowing Anthony Mine to install a real estate sign on the right and left side of his driveway until a buyer was found for 75 E Dogwood Trail.
36. Exhibit M 9/30/2024- A public records request response proving the Episcopal Church has signs in the "right of way without an encroachment agreement and THERE IS NO SOUTHERN SHORES CODE PERMITTING EPISCOPAL CHURCH SIGNS AS THEY ARE POSITIONED, BUT PROHIBITING WHALEY FUN RETURNS SIGNS AS THEY WERE POSITIONED (at 75 E Dogwood Trail).
37. Exhibit N 7/29/2024- Southern Shores did not notify Dare County they reduced property value by taking the right to subdivide on June 6, 2023 with a lot width amendment.
38. Exhibit O 10/9/2024- Cliff Ogburn will not allow the Southern Shores Newsletter email list to be used for the sole purpose of:
    -informing property owners that Southern Shores made zoning amendments on 8/3/2021 and 6/6/2023 without complying with Town Code 36-414(b),
    - informing property owners the zoning amendment on 6/6/2023 was made to rezone subdividable property as unsubdividable with a lot width amendment,
    -inform property owners Southern Shores is aware that property tax reductions have not been made and Southern Shores refuses to correct their wrong doing.
39. Exhibit P 6/7/2023-5/1/2023- Wes Haskett was asked how the property owner of 75 E Dogwood Trail was notified of the lot width amendment on 6/7/2023 and would not answer the question, Wes Haskett instructed Anthony Mina to contact Philip Hornthal. There are (4) additional emails from Wes Haskett during May, 2023 where Wes Haskett withheld the information about the 3/31/23 proposed lot width amendment being used to prevent lot subdivisions when specifically asked about lot width requirements and subdivisions. Wes Haskett was supposed to have posted notice at effected property(s) during the month of May, 2023 pursuant to Town Code 36-414(b). Wes Haskett claims 75 E Dogwood Trail is an effected property of the lot width amendment but did not have posted notice at 75 E Dogwood Trail as required to effectuate a zoning code amendment.
40. Exhibit Q- 1/21/2025- Philip Hornthal received an email explaining how Wes Haskett's denial of the January 6, 2025 subdivision plan violates tax fraud and insurance fraud laws.
41. Exhibit R- Wes Haskett spent months claiming there was a setback encroachment on the 75 E Dogwood Trail house (which was built to code in 1970) that prohibited the subdivision. Wes Haskett paid Philip Hornthal to also claim there was a setback encroachment. One day

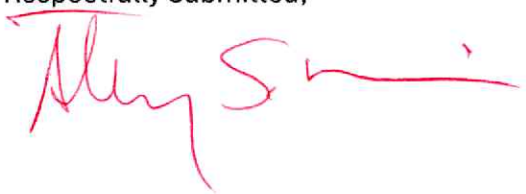
after Anthony Mina filed a building permit to remove 1' of the house (the claimed "set back encroachment") Wes Haskett revised his subdivision denial and removed his setback encroachment claim. Plats Wes Haskett signed at 233 N. Dogwood Trail and 170-172 Ocean Boulevard prove Wes Haskett does not require setback requirements to be met on new approved plats but Haskett tried claiming Anthony Mina's house built in 1970 had a setback encroachment.

42. HREM Law Firm is involved with misstating town codes such as Town Code 36-414(b) and side setback requirements.
43. HREM Law Firm is involved with interfering with Applicant filing Exhibit B,C and D with the Planning Board.
44. HREM Law Firm is involved with preventing police reports from being filed against Wes Haskett, even after Philip Hornthal said the police report could be provided to Philip Hornthal for filing (but the public records request at Exhibit J proves the police reports were never filed as Philip Hornthal claimed was occurring).
45. HREM Law Firm is involved with helping Cliff Ogburn prevent Applicant from obtaining the Southern Shores Newsletter email list to notify property owners that Southern Shores claims to have taken the right to subdivide from property owners without notifying property owners pursuant to Town Code 36-414(b) and without ordering a property tax reduction for devaluing property(s).
46. HREM Law Firm is involved with publicly stating Applicant inappropriately filed a Variance application after their client, Wes Haskett stated a Variance is how Applicant would ask for leniency and/or an exception from zoning code.
47. HREM Law Firm is involved with publicly stating Wes Haskett's March 31, 2023 lot width amendment was legally adopted when the facts are Wes Haskett did not comply with Town Code 36-414(b) which requires posted notice at effected properties prior to the adoption of a new zoning code (and there was not posted notice at 75 E Dogwood Trail).
48. HREM Law Firm has been repeatedly informed in emails, filings and sworn testimony that the previous owner of 75 E Dogwood Trail was able to negotiate an additional $75,000 for a subdividable lot from Applicant (subdivision is proven in Haskett's July 16, 2024 subdivision denial stating the new lot width requirement as the only reason for the denial) because Wes Haskett hid the March 31, 2023 proposed lot width amendment from Applicant during the month of May 2023 when Applicant agreed on the purchase price for 75 E Dogwood Trail.
49. HREM Law Firm has responded to Applicant's complaints of Wes Haskett's misconduct by publicly misstating Town Code 36-414(b) and claiming Wes Haskett had a legal basis to amend the zoning code.
50. HREM Law Firm has interfered with Applicant filing police reports against Wes Haskett's $75,000 fraud against Applicant.

WHEREFORE, Applicant Anthony Mina respectfully requests that HREM Law Firm be banned from any involvement with Applicant's March 17, 2025 Appeal of the January 21, 2025 subdivision denial.

February 20, 2025

Respectfully Submitted,



24CV001667-270

ANTHONY S. MINA	: DARE COUNTY SUPERIOR COURT	
Petitioner	:	FILED DATE: December 18, 2024 TIME: 2:48:51 PM DARE COUNTY CLERK OF SUPERIOR COURT
V.	: No.	
SOUTHERN SHORES/WES HASKETT	:	
Respondent	: Southern Shores No. VA-24-01	BY: L. Watts
	:	

PROPOSED WRIT OF CERTIORARI

Now, that on this 12/18/2024 day, of _____, 2024 a Petition For Writ Of Certiorari has been filed in the Dare County Superior Court, Respondent Southern Shores/Wes Haskett is hereby ORDERED to prepare and certify to the court a complete record from the proceedings Variance No. VA-24-01 within 30 days of the date 12/18/2024.

Petitioner is hereby ORDERED to serve the Petition For Writ of Certiorari and Proposed Writ of Certiorari on the Respondent pursuant to Rule4(j) of the Rules of Civil Procedure.

Additional requirements, if any, are: _____

Date: 12/18/2024 Signature: Lynn Watts
Asst. Clerk

EXHIBIT A

PETTITION FOR WRIT OF CERTIORARI WITH PROOF OF FALSE PRE-TENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT

From: Anthony Mina (chestercountylawn@yahoo.com)

To: phornthal@hrem.com; norwood@cmclawfirm.com; dkole@southernshores-nc.gov; cogburn@southernshores-nc.gov; lawomble@hrem.com; emorey@southernshores-nc.gov; psherlock@southernshores-nc.gov; whaskett@southernshores-nc.gov; mbatenic@southernshores-nc.gov; mneal@southernshores-nc.gov; rneilson@southernshores-nc.gov; council@southernshores-nc.gov; council@southernshores-nc.gov; planningboard@southernshores-nc.gov; info@southernshores-nc.gov

Cc: philadelphia.complaints@ic.fbi.gov; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; andrea.powell@nccourts.org; ncago@ncdoj.gov; ncago@ncdoj.gov; jportnoy@invtitle.com

Date: Wednesday, December 18, 2024 at 05:03 PM EST

Dear Southern Shores and Law Enforcment (Mr. Hornthal, please provide this email to all Southern Shores addresses blocked from receiving my emails that I have included in this email),

Please find the attached:

1) PETITION FOR WRIT OF CERTIORARI WITH PROOF OF FALSE PRETENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT (contains exhibits A-H)

2) My Variance Application, which is Exhibit I of my Petition for Writ of Certiorari

3) The timestamped copies of the Writ and Proposed Writ Ordering Southern Shores to produce the complete record to the Dare County Superior Court within 30 days of December 18, 2024.

PLEASE NOTE THAT SOUTHERN SHORES CODE OF ETHICS PROHIBITS SOUTHERN SHORES TOWN MONEY FROM BEING SPENT ON LEGAL FEES (ESPECIALLY LEGAL FEES INVOLVING WES HASKETT) ASSOCIATED WITH MY PETITION FOR WRIT OF CERTIORARI AND VARIANCE HEARING.

SOUTHERN SHORES CODE OF ETHICS STATES IN PART:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of SOUTHERN SHORES TAX PAYERS in mind in the expenditure of these funds.

My Petition For Writ of Certiorari, like my Variance Application, prove Wes Haskett lied about meeting/complying with notification requirements to affected property owners prior to adoption of the zoning amendment being used to deny my lot sub-division plan. Because property owner notification is a pre-requisite to zoning code being applicable to the property the only thing Wes Haskett's lies that convinced Southern Shores Planning Board/Adjustment Board to deny

EXHIBIT B

my Variance application add up to is a criminal conspiracy to commit crimes, including a false pre-tense real estate scam that helped Linda Lauby defraud me of $75,000 for a lot that was sub-dividable when I entered into an agreement to purchase the property as Wes Haskett was hiding his proposed March 31, 2023 lot width amendment when I was specifically asking about sub-dividing and lot width requirements in May, 2023 (when posted notice was required at 75 E. Dogwood Trail).

Please arrest Wes Haskett and correct his wrong doing. The Petition for Writ of Certiorari cost me another $200 that I would not have been required to spend if Wes Haskett stopped lying and stopped defrauding me with unenforceable, illegally adopted zoning codes that can not apply to properties that did not receive notice of the zoning amendment.

Thank you,
Anthony S Mina

PS. My Petition States:

ANTHONY S. MINA : DARE COUNTY SUPERIOR COURT
Petitioner :
V. : No.
SOUTHERN SHORES/WES HASKETT :
Respondent :
: Southern Shores No. VA-24-01

PETITION FOR WRIT OF CERTIORARI
WITH PROOF OF FALSE PRETENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT

Petitioner, Anthony S Mina hereby petitions to the Honorable Dare County Superior Court to reverse the decision of the Planning Board/Board of Adjustments pursuant to Article 14 160A-393(L) and order injunctive relief/legal sanctions, including a request for criminal prosecution of Wes Haskett to the District Attorney's Office for violating false pretense, false reports to law enforcement and false sworn testimony laws. In support thereof, Petitioner avers the following:

FACTS

1. Petitioner is Anthony S. Mina, owner of 75 E. Dogwood Trail, Southern Shores, NC 27949
2. Respondent is Wes Haskett, Deputy Town Manager of Southern Shores 5375 N. Virginia Dare Trail, Southern Shores, NC 27949
3. Southern Shores Board of Adjustments/Planning Board signed an Order on November 19, 2024 Denying Petitioner's Application For Variance and Petitioner's Motion To Preclude Variance Hearing. A true and correct copy of the November 19, 2024 Order is attached hereto and marked "Exhibit A".
4. The Order dated November 19, 2024 ("Exhibit A") was written by Wes Haskett and his attorney, Lauren Womble and not written by the Planning Board/Board of Adjustments.
5. Paragraph 12 of the Order dated November 19, 2024 ("Exhibit A") states "There has been no competent evidence present to support Applicant's motion to preclude. There is no evidence of fraud, criminal conspiracy or misconduct by Town Staff."
6. Town Code Section 36-414(b) requires posted notice at the subject property(s) of zoning amendments announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning (prior to the zoning amendment's adoption).
7. Town Code Section 36-362(b) provides: Notices. Notice of hearings conducted pursuant to this article (Article XII-governing Planning Board/Board of Adjustment hearings) shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing; (ii) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; (iii) to the owners of all parcels of land abutting the parcel of land that is the

EXHIBIT B

subject of the hearing; and (iv) to any other persons entitled to receive notice as provided by this chapter. In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

8. Wes Haskett and Southern Shores did not post Notice at 75 E. Dogwood Trail (Petitioner's property) or mail notice to the property owner of 75 E. Dogwood Trail for Wes Haskett's zoning amendment application (changing lot width requirements) filed on March 31, 2023 which was heard and recommended for approval by the Planning Board/Board of Adjustments on May 15, 2023 and approved by town council on June 6, 2023. A true and correct copy of a public records request response from Southern Shores stating mailed notice was not provided and posted notice was not placed at 75 E. Dogwood Trail is attached hereto as "Exhibit B".

9. Complying with Town Code Notification requirements and North Carolina notification requirements to affected property owners is a pre-requisite to adopting and/or amending zoning code.

10. The proof that Wes Haskett and Southern Shores did not properly notify the 75 E Dogwood Trail property owner prior to the lot width requirement amendment on June 6, 2023 or an easement restriction amendment on August 3, 2021 was included with Petitioner's Variance Application as "Exhibit 2C" and Petitioner's Motion To Preclude Variance Hearing as "Exhibit B".

11. Wes Haskett made a false report to law enforcement on May 21, 2024 claiming he legally amended lot width requirements on June 6, 2023 but what Wes Haskett did was delete Town Code notification requirement Sec. 36-414(b) and omit Town Code notification requirement 36-362(b) from the report that he emailed to Petitioner, Police Chief Kole and Mayor Morey. A true and correct copy of the false report to law enforcement made by Wes Haskett is attached hereto as "Exhibit C".

12. Petitioner's Variance Application proves at "Exhibit 1A" the only thing preventing the 75 E. Dogwood Trail lot being subdivided with a shared driveway is the illegally adopted August 3, 2021 amendment preventing easement lot access and proves at "Exhibit 1B" the only thing preventing the 75 E. Dogwood Trail lot subdivision with 2 separate driveways is the illegally adopted June 6, 2023 lot width amendment.

13. Exhibit 1B is based on land surveyor Douglas Styons plat designed according to the plat sketch Wes Haskett reviewed on June 1, 2023 and emailed Petitioner about (found in Exhibit F").

14. Wes Haskett's false report to law enforcement ("Exhibit C") was included in Petitioner's Variance Application as "Exhibit 5" and Petitioner's Motion To Preclude Variance Hearing as "Exhibit C".

15. "Exhibit 2" of Petitioner's Variance Application references North Carolina Chapter 14 ss 14-225 false reports to law enforcement being violated by Wes Haskett on May 21, 2024.

16. Wes Haskett emailed Petitioner a staff report for Petitioner's Variance Application on October 14, 204 stating "All applicable notification requirements established in N.C.G.S. 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Amendment". A true and correct copy of Wes Haskett's staff report is attached hereto and marked "Exhibit D".

17. Petitioner responded to Wes Haskett's emailed staff report with an email on October 15, 2024 that stated in part: "Could you please provide me a staff report that does not falsely claim all town and state notification requirements were met when making the June 6, 2023 & August 3, 2021 zoning amendments when "Exhibit 2C" from Sheila Kane proves Southern Shores did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b). A true and correct copy of Petitioner's email is attached hereto and marked "Exhibit E".

18. Wes Haskett refused to stop claiming he met/complied with notification requirements prior to the lot width amendment on June 6, 2023 and Wes Haskett and/or his attorney Lauren Womble also repeatedly claimed to satisfy notification requirements at the Variance Hearing on October 21, 2024.

EXHIBIT B

19. At the Variance Hearing on October 21, 2024 Planning Board attorney Jay Wheless stated Petitioner was "accusing the whole town of impropriety" when Petitioner objected to attorney Jay Wheless and Wes Haskett's attorney Lauren Womble misrepresenting the language of the Town Notification requirement that posted notice must be at affected properties prior to zoning amendments at Town Code Sec. 36-414(b) when Petitioner stated the attorneys were colluding.

20. Wes Haskett's staff report claims "the district is intended to promote stable, PERMANENT NEIGHBORHOODS…" and then completely contradicts itself by arguing Petitioner's Variance for his subdivision should be denied because Petitioner can build an Accessory Dwelling Unit (ADU) when ADU's are known for short term vacation rentals.

21. Wes Haskett's staff report claims "the density of the population is managed" but contradicts hisself by refusing to approve a conditional subdivision plan limiting each of the (2) lots to seven occupants for a total of fourteen occupants when using Petitioner's lot for a single family home and ADU allows a total occupancy of twenty eight people (14 people at the home and 14 people at the ADU).

22. Petitioner entered into evidence (4) emails from Wes Haskett during May of 2023 (when posted notice was required at properties affected by his March 31, 2023 zoning amendment application) that prove Wes Haskett was being asked specifically about the 75 E Dogwood Trail lot subdivision and lot width requirements and Wes Haskett refused to tell Petitioner about the March 31, 2023 proposed zoning amendment to change lot width requirements. A true and correct copy of the exhibit entered into evidence is attached hereto as "Exhibit F".

23. On October 21, 2024 at the Variance hearing Petitioner proved Wes Haskett has an undisclosed special interest in Petitioner's property by getting Wes Haskett to admit that he did not allow Petitioner's side setback on his 50+ year old home to be considered "legally non-conforming" until June 5, 2024 which was one day after Petitioner emailed Wes Haskett a building permit application to remove the one foot of Wes Haskett's claimed "non-conforming" section of Petitioner's house and after months of Wes Haskett claiming there was a non-conforming setback preventing the subdivision so much that he even hired attorney Philip Hornthal to also contact Petitioner to claim the side setback prevented the subdivision. A true and correct copy of the documentation presented to Wes Haskett on October 21, 2024 as an Exhibit is attached hereto and marked "Exhibit G".

24. Planning Board Jay Wheless advised the Planning Board/Board of Adjustments that "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN" require the Planning Board/Board of Adjustments to grant Petitioner's Motion to Preclude Variance Hearing and Grant Petitioner's Variance.

25. Wes Haskett's lies that notification requirements were met/complied with prior to the June 6, 2023 and August 3, 2021 zoning amendments is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

26. Wes Haskett's refusal to tell Petitioner about his March 31, 2023 zoning Application in 4 emails responding to subdivision/lot width questions in May of 2023 (when posted notice at affected properties was required) is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

27. Wes Haskett's refusal to allow Town Code Section 36-132(c) and Section 36-132(c)(1) to admit Petitioner's house's setback is "legally non-conforming" for months until Petitioner filed a building permit to remove the 1' of house Wes Haskett claimed was non-conforming is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

28. Wes Haskett and his attorney Lauren Womble's argument on October 21, 2024 that notification requirements for the June 6, 2023 and August 3, 2021 zoning amendment were met/complied with when Southern Shores Public Records Request Response (Exhibit B) proves they were not is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

29. Wes Haskett's false report to law enforcement on May 21, 2024 found in "Exhibit C" (in violation of North Carolina Chapter 14 ss 14-225 false reports) is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

EXHIBIT

30. Wes Haskett's refusal to correct his wrong-doing as required by Southern Shores Town Code Ethics Policy #7 (found as Exhibit 6 of Petitioner's Variance Application) which states "I will respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen" is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

31. A true and correct copy of Petitioner's "MOTION TO PRECLUDE VARIANCE HEARING SCHEDULED FOR OCTOBER 21, 2024 DUE TO SOUTHERN SHORES' CONSPIRACY TO FALSIFY MATERIAL INFORMATION TO THE PUBLIC AND PLANNING BOARD, GRANT APPLICANT'S VARIANCES FROM SECTION 30-96(f) AND SECTION 36-202(d) AND REFUND APPLICANT'S $350 VARIANCE APPLICATION FEE" is attached hereto as "Exhibit H".

32. A true and correct copy of Petitioner's Variance Application is attached hereto as "Exhibit I".

33. The previous owner of 75 E Dogwood Trail was able to negotiate an additional $75,000 from Petitioner in May of 2023 for the purchase of 75 E Dogwood Trail (when Petitioner's lot was subdividable, as proven with "Exhibit 1B" of Petitioner's Variance Application) because Wes Haskett did not have posted notice at 75 E. Dogwood Trail and refused to tell Petitioner about his March 31, 2023 zoning amendment application.

34. Wes Haskett communicated with the previous owner and the listing agent of 75 E. Dogwood Trail on and off the record about the lot subdivision, as proven with Exhibit 3 of Petitioner's Variance Application.

35. Wes Haskett's claim at paragraph 17(d) of the Order denying Variance that "On July 6, 2023, Mr. Mina was given the opportunity to rescind the offer to purchase the subject property with a full refund of his due diligence funds prior to closing on the subject property and declined to do so" is a fraudulently misrepresented fact because the truth is on July 5, 2023 Petitioner emailed the previous owner's attorney stating that if the real estate transaction was not legally conforming on July 7, 2023 Petitioner would be using the legal system to seek his damages the previous owner procured with fraud, including Wes Haskett's fraud. The previous owner did not offer a refund of Petitioner's legal costs, inspection fees or approximately $50,000 Petitioner was in the process of spending on his previous home in preparation for the move to 75 E. Dogwood Trail.

36. Wes Haskett is guilty of being a part of a false pretense real estate scam and Wes Haskett is guilty of false pretense theft for repeatedly forcing Petitioner to pay hundreds of dollars on subdivision applications and a Variance Application that require law, town code and facts to be used when deciding but providing Petitioner nothing but misrepresented facts and the use of zoning code Wes Haskett's knows are inapplicable for reasons including that a pre-requisite to the zoning code being enforced is the property owner being notified, which did not occur at 75 E. Dogwood Trail.

37. Planning Board Chairman Andy Ward agreed to comply with Southern Shores Town Ethic's policy when admitting he made a sign complaint against Petitioner for having a real estate sign in the right of way. Andy Ward did not make sign Complaints against other Southern Shores Property owners and a church that had signs in the "right of way" in locations you can not miss when coming and going from Dogwood Trail when the complaint was made against Petitioner. Petitioner did not ask Andy Ward to recuse his self from the Variance proceedings because he agreed to comply with Southern Shores Code of Ethics (Exhibit 6 of Petitioner's Variance Application).

38. Andy Ward has yet to comply with Southern Shores Code of Ethics.

39. The Planning Board/Board of Adjustment's November 19, 2024 Order is in violation of constitutional provisions including those protecting the right to hearing without fabricated evidence, false sworn testimony and due process violations, the decision is inconsistent with applicable procedures specified by statute and ordinance, the decision is affected by error of law and the decision is unsupported by substantial competent evidence (the decision is based on ridiculous amounts of Wes Haskett's lies).

WHEREFORE, Petitioner respectfully requests this Honorable Court to REVERSE the decision of the Planning Board/Board of Adjustments, REMAND the case to Southern Shores, Request that the Dare County District Attorney's Office review this case and grant Petitioner other relief the court deems appropriate, such as a refund of Southern Shores filing fees and an order requiring Wes Haskett to pay Petitioner's legal costs.

EXHIBIT

December 18, 2024 Respectfully Submitted,

Anthony S. Mina
75 E Dogwood Trail
Southern Shores, NC 27949
610 842 3905
chestercountylawn@yahoo.com

PetitionForWritWithExhibitsA-H.pdf
3.7MB

VA-24-01 75 E. Dogwood Trl.pdf
11.1MB

PetitionForWritTimeStamped.pdf
58.2kB

EXHIBIT B

Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

EXHIBIT X3

ANTHONY S MINA

75 E DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

610 842 3905

chestercountylawn@yahoo.com

October 15, 2024

APPLICANT'S MOTION TO PRECLUDE VARIANCE HEARING SCHEDULED FOR OCTOBER 21, 2024 DUE TO SOUTHERN SHORES' CONSPIRACY TO FALSIFY MATERIAL INFORMATION TO THE PUBLIC AND PLANNING BOARD, GRANT APPLICANT'S VARIANCES FROM SECTION 30-96(f) AND SECTION 36-202(d) AND REFUND APPLICANT'S $350 VARIANCE APPLICATION FEE

I, Anthony S. Mina, Applicant in the October 21, 2024 Zoning Variance Hearing hereby Motion to Preclude Variance Hearing scheduled for October 21, 2024 due to Southern Shores' conspiracy to falsify material information to the public and Planning Board, Grant Applicant's Variances from Section 30-96(f) and Section 36-202(d) and refund Applicant's $350 Variance Application fee. In support thereof, I hereby aver the following facts:

1. Applicant has a Variance Hearing Scheduled on October 21, 2024 because of hardships including Wes Haskett's refusal to tell Applicant about the June 6, 2023 zoning amendment to prevent sub-divisions until June 1, 2023 despite Applicant's 4 emails during May 2023 asking about the 75 E. Dogwood Trail sub-division which Applicant was told by Outer Banks Realty that Southern Shores said was possible. During the month of May 2023 Outer Banks realty negotiated an additional $75,000 from Applicant for a lot that was sub-dividable as proven by Wes Haskett's June 1, 2023 email which is attached hereto, made a part hereof and marked "Exhibit A".
2. Wes Haskett and Southern Shores did not comply with town and state notification requirements when making the June 6, 2023 & August 3, 2021 zoning amendments because Wes Haskett did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated **AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b).** A true and correct copy of a Public Records Request proving Notification requirements were not met for TCA-21-06 & ZTA-23-03 is attached hereto, made a part hereof and marked "Exhibit B".
3. Wes Haskett falsified Southern Shores' Town Code Notification requirements to Applicant, Police Chief Kole and Mayor Morey on May 21, 2023 by deleting Section 36-414(b) requiring posted notice of the Zoning Amendment at effected properties. A true and correct copy of Wes Haskett's May 21, 2023 email is attached hereto, made a part hereof and marked "Exhibit C".
4. **North Carolina Code - General Statutes § 14-225. False reports to law enforcement agencies or officers provides:** Any person who shall willfully make or cause to be made to a law

EXHIBIT A-11

enforcement agency or officer any false, misleading or unfounded report, for the purpose of interfering with the operation of a law enforcement agency, or to hinder or obstruct any law enforcement officer in the performance of his duty, shall be guilty of a Class 2 misdemeanor.

5. **Wes Haskett is guilty of making false reports to law enforcement.**
6. Wes Haskett, Cliff Ogburn and Philip Hornthal have knowingly refused to correct their illegally adopted zoning codes (which violate all Southern Shores property owner's 4th Amendment Due Process Rights) for at least 5 months now when the only thing Federal Law, State Law and Southern Shores Town Code & Ethics Policy permits Southern Shores to do is remedy their wrong doing.
7. Wes Haskett is in violation of Southern Shores Town Ethics Policy #1, #2, #3 & #6 which provide:

   1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
   2. I will always uphold the integrity and independence of my job.
   3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
   6. I will never use my position to harass or adversely influence any of the town's other employees.

   A true and correct copy of the town's ethics policy is attached hereto made a part hereof and marked "Exhibit D".
8. **Wes Haskett prepared a "Staff Report" on October 14, 2024 and again falsely claimed all applicable notification requirements were met.** A true and correct copy of Wes Haskett's falsified "Staff Report" is attached hereto, made a part hereof and marked "Exhibit E"
9. **SOUTHERN SHORES LACKS JURISDICTION TO ENFORCE ILLEGALLY ADOPTED ZONING CODES, THEREFORE, FORCING APPLICANT TO PAY $350 FOR A VARIANCE HEARING SUBSTANTIANTES A CRIMINAL CONSPIRACY TO STEAL $350 FROM APPLICANT AND HARASS APPLICANT WITH UNENFORCABLE ZONING CODES.**

Wherefore, Applicant Anthony S. Mina hereby respectfully requests Southern Shores and/or the Planning Board to Preclude Variance Hearing scheduled for October 21, 2024 due to Southern Shores' conspiracy to falsify material information to the public and Planning Board, Grant Applicant's Variances from Section 30-96(f) and Section 36-202(d) and refund Applicant's $350 Variance Application fee.

Respectfully Submitted,

Anthony S. Mina
75 E Dogwood Trail
Southern Shores, NC 27949
610 842 3905
chestercountylawn@yahoo.com

EXHIBIT 4

RE: 75 E Dogwood Trail Subdivision

chestercountyla.../mbox

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 1, 2023 at 9:44 AM

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

On Tuesday, May 30, 2023 at 04:41:19 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. Thank you for sending the drawing. How much frontage would Lot B have and at what point is it 100 ft. wide?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

I really only want enough street frontage to build some walls at the beginning of the driveway like in the attached picture. I'll be able to give you a much more accurate subdivision plan after I purchase 75 E Dogwood Trail and get some legal advice about all my possible subdivision plans. But I am thinking that I may want both lots sharing one driveway opening that I own, if zoning code allows a subdivision plan like this (if not Lot A could use the existing driveway).

"EXHIBIT A"

Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

Thank you for your help.

Anthony S Mina

1 File 2.2MB

5-16-23 ZTA-23-03 Lot Width.pdf
2MB

"EXHIBIT A" of 4

Public Records Request Regarding TCA-21-06 and ZTA-23-03 Not Meeting Public Notice Requirements

chestercountyla.../Sent

Anthony Mina <chestercountylawn@yahoo.com>
To: Sheila Kane <skane@southernshores-nc.gov>,
Southernshores Nc Info <info@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>

Jun 21 at 11:02 AM

Dear Southern Shores,

Please provide me all public records, including Southern Shores' employees names who claim that mailed letters, 1/2 page newspaper advertising, posted notice on effected properties and direct communication with the property owner are not required for TCA-21-06 and ZTA-23-03 as town code Sec. 36-414(b) and Article 6 ss 160D-602(a),(b),(c) and (d) indicate is required as notification for an AMENDMENT OF A ZONING REGULATION, such as TCA-21-06 and ZTA-23-03.

Thank you,
Anthony S Mina

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: Sheila Kane <skane@southernshores-nc.gov>
Sent: Thursday, June 20, 2024 at 07:03:28 PM EDT
Subject: Re: Public Records Request Regarding TCA-21-06 and ZTA-23-03

Thank you for the email. Could you please tell me who stated that the public notice requirements in paregraphs 1, 2 and 4 where not required. Thank you, Anthony S Mina

On Thursday, June 20, 2024 at 05:07:47 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03.NOT REQUIRED

2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.

    1. Coastland Times Advertisement invoices and copies of notices are attached. A 1/2 of a page size is NOT REQUIRED

3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
    1. Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the emailing list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.

4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
    1. NOT REQUIRED
    2. Communication with one property owner attached (Anthony Mina).

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
[redacted]

1 File 4.3MB

IMG_1328.jpeg
4MB

"EXHIBIT B" of XXX

mkichline@chesco.org;
Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Phillip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

My concerns are the following:

Wes Haskett and Philip Hornthal are not in touch with reality and a danger to other people's physical and emotional well being. Wes Haskett has refused to answer how he believes he is legally changing land use with a zoning amendment since last summer. Changing land use from a 2 single home property (with a subdivision by right) to a 1 single home property causes land value monetary damages to some Southern Shores tax payers of significantly more than $100,000. In the real world $100,000 is easily the difference between life and death. $100,000 can be the difference between the medical care someone needs and accepting that their life is coming to an end. If you walk into a bank demanding $100,000 you are lucky if you are not killed. Wes Haskett and Philip Hornthal refuse to explain how they legally think they can cause some Southern Shores home owners more than $100,000 in monetary damages with a zoning code amendment which changes land use. Applicant without a doubt will not be committing any crimes in response to Wes Haskett and Philip Hornthal stealing land value from Southern Shores home owners, but has serious concerns that Wes Haskett and Philip Hornthal are a danger to the physical and emotional well being of others and should be involuntarily committed to a psychiatric hospital for evaluation. Applicant will give Wes Haskett and Philip Hornthal 48 hours to explain how they legally are changing land use without an eminent domain transaction and highly suggests law enforcement not to wait half as long.

Anthony Stocker Mina

PS When I testified in front of Federal Judge Edward G Smith against Chester County's labor trafficking conspiracy against me I explained that the conspirators designed me a spin move. 172 and 174 S. Dogwood Trail appear to me to be another example of the pre-meditated conspiracy which I am expected to use certain evidence against corruption a specific way. I will let law enforcement figure out if the home owners are pawned because of meanings within their names or play a role in the conspiracy that repeatedly forces me in the middle of government scandals as a way of hiding Pennsylvania's corruption like I am their undercover internal affairs guerilla. Since there is a white crosstour at 172 S. Dogwood Trail and I live in the Dick White house I feel like I am being forced in the middle of a whole lot of crossing without being paid (as Wes Haskett tries stealing more than $100,000 of land value from my family).

----- Forwarded Message -----
From: Anthony Mina <
To: "dkole@southernshores-nc.gov" <>; "dkole@southernshores-nc.gov" <>; Elizabeth Morey <>; Phillip Hornthal <>; Cliff Ogburn <>
Cc: "jslegel@southernshores-nc.gov" <>; "mcooke@southernshores-nc.gov" <>; "ebrinkley@southernshores-nc.gov" <>; "dbrickhouse@southernshores-nc.gov" <>; "tmann@southernshores-nc.gov" <>; "csimpson@southernshores-nc.gov" <>; "rdeaner@southernshores-nc.gov" <>; "dong@southernshores-nc.gov" <>; "jthompson@southernshores-nc.gov" <>; "jspottswood@southernshores-nc.gov" <>; "jcouture@southernshores-nc.gov" <>; FBI <>

"olivia.s.hines@nccourts.org" <>; "olivia.s.hines@nccourts.org" <>; Andrea C. Powell <>; Elizabeth Morey <>; Jasper Rogers <>; "cgarriss@kittyhawktown.net" <>; "cgarriss@kittyhawktown.net" <>; Casey Varnell <>; Mike Talley <>; "mike.palkovics@kittyhawktown.net" <>

"mike.palkovics@kittyhawktown.net" <>

"chambers_of_chief_judge_sanchez@paed.uscourts.gov" <>; "chambers_of_judge_edward_g_smith@paed.uscourts.gov" <>; "chambers_of_judge_pappert@paed.uscourts.gov" <>; "chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov" <>; "chambers_of_judge_timothy_j_savage@paed.uscourts.gov" <>; Dryan <>; "cccommissioners@chesco.org" <>; "cccommissioners@chesco.org" <>; "jmaxwell@chesco.org" <>; "jmaxwell@chesco.org" <>; Marian Moskowitz <>; "mkichline@chesco.org" <>; "mkichline@chesco.org" <>; Wes Haskett <>

Sent: Friday, May 17, 2024 at 05:35:45 PM EDT
Subject: Criminal Conspiracy Being Committed By Wes Haskett And Southern Shores

Dear Law Enforcement,

"Exhibit C"

RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Divisio n

Wes Haskett <whaskett@southernshores-nc.gov> May 21 at 2:27 PM
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.
(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section ____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ... ." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.
(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.
(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <[redacted]>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <[redacted]>; Phillip Hornthal <[redacted]>
Cc: David Kole <[redacted]>; David Kole <[redacted]>; Elizabeth Morey <[redacted]>; Phillip Hornthal <[redacted]>; Cliff Ogburn <[redacted]>; Jonathan Siegel <[redacted]>; Matt Cooke <[redacted]>; Eric Brinkley <[redacted]>; Darrell Brickhouse <[redacted]>; Tracy Mann <[redacted]>; Chris Simpson <[redacted]>; Richard Deaner <[redacted]>; Thomas Long <[redacted]>; Jason Thompson <[redacted]>; Andrew Spottswood <[redacted]>; Jennifer Couture <[redacted]>; FBI <[redacted]>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <[redacted]>; Elizabeth Morey <[redacted]>; Jasper Rogers <[redacted]>; cgarriss@kittyhawktown.net; cgarriss@kittyhawktown.net; Casey Varnell <[redacted]>; Mike Talley <[redacted]>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <[redacted]>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <[redacted]>;

"EXHIBIT C"

Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

"EXHIBIT D" of 4

STAFF REPORT

To: Southern Shores Planning Board
Date: October 21, 2024
Case: VA-24-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Property Owners: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Requested Action: Variance to seek relief from Town Code Section 30-96(f), Lots and Town Code Section 36-202(d), Dimensional Requirements to allow a subdivision of the property located at 75 E. Dogwood Trl.

PIN #: 986817213502
Location: 75 E. Dogwood Trl.
Zoning: RS-1 Single-Family Residential District

Existing Land Use: "Residential"

Surrounding Land Use & Zoning:
North- Residential; RS-1, Single-Family Residential District
South- Canal
East- Residential; RS-1, Single-Family Residential District
West- Canal

Physical Characteristics: Developed (existing single-family dwelling)

Applicable Regulations: Chapter 30, Subdivision Ordinance: Section 30-6, Exceptions, Section 30-96(f), Lots and Section 30-97, Design Standards. Chapter 36, Zoning Ordinance: Section 36-57, Definition of Specific Terms and Words, Section 36-202(d), Dimensional Requirements, and Article XII, Board of Adjustment

ANALYSIS

The Applicant is requesting a Variance to seek relief from Town Code Section 30-96(f) and 36-202(d) to allow a subdivision of 75 E. Dogwood Trl. On July 3, 2024, the Applicant submitted two applications to subdivide the subject property. The first application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because both lots did not front upon a public road. Town Code Section

"EXHIBIT E"

30-96(f) states that all lots shall front upon a public road. The denial was not appealed.

The second application was also denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2). Specifically, the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district and as a result did not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots did not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

The denial was not appealed.

In accordance with N.C.G.S. 160D-705(d), Town Code Section 36-367 in the Town's Zoning Ordinance establishes that the Planning Board, when performing the duties of the Town Board of Adjustment, shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.

- There is no unnecessary hardship. The property is zoned single-family residential. There is a single-family dwelling which exists on the property. The Applicant's desire to upgrade and improve the existing structure is not restricted by the ordinance sections sought to be varied. Additionally, the size of the lot could allow for an addition to the existing single-family dwelling and/or an accessory building with living space which could also increase the value of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

- The alleged hardship by the Applicant is not peculiar to the property and rather is one of personal circumstances. The Applicant's application fails to demonstrate how the alleged hardship is peculiar to the property. The Applicant makes false allegations that Town Staff illegally adopted zoning requirements and was helping a real estate scam which are not related to the property's size, location, or topography.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- The Applicant claims that the unnecessary hardship is the result of Town Staff not meeting notification requirements for a Town Code Text Amendment that was

EXHIBIT E

adopted on August 3, 2021 and a Zoning Ordinance Text Amendment that was adopted on June 6, 2023 and because Town Staff withheld material information prior to the Applicant's purchase of the property.

- All applicable notification requirements established in N.C.G.S 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Text Amendment. Neither amendment was appealed.
- Town Staff reviewed several sketches showing the Applicant's ideas for a subdivision of the property between May 1, 2023 and June 1, 2023 and never confirmed that any of them met all applicable requirements (which would have been advisory and not subject to judicial review). The Applicant moved forward with the purchase of the property on July 7, 2023.

(4) The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

- The RS-1, Single-Family Residential zoning district is established to provide for the low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area. The district is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses. In order to meet this intent, the density of population in the district is managed by establishment of minimum lot sizes, building setback and height limits, parking regulations and maximum occupancy limits for single-family residences used as vacation cottages.
- The Applicant claims that the spirit, purpose, and intent of the ordinance will be able to be utilized by granting a Variance from illegally adopted zoning code(s) and because Town Staff is involved with a false pre-tense real estate scam.
  - The Town Code Tex Amendment that was adopted on August 3, 2021 removed the possibility of creating lots that only have frontage on an access easement. The intent of the Town Code Text Amendment was to eliminate the possibility of subdividing property that did not have frontage on a public street, as directed by the Town Council at the June 1, 2021 Town Council meeting, which was a result of a preliminary subdivision plat application that was considered by the Town Council on June 1, 2021.
  - The Zoning Ordinance Text Amendment that was adopted on June 6, 2023 established that lots created after June 6, 2023 in the RS-1, Single-Family Residential zoning district shall be 100 ft. wide measured from the front lot line at right angles to the rear lot line. The intent of the Zoning Ordinance Text Amendment was to clarify the Town's lot width requirements by making them unambiguous, as directed by the Town Council at the March 21, 2023 Town Council meeting, which was a result of an appeal application that was considered by the Planning Board, performing the duties of the Board of Adjustment, on October 5, 2022.
  - Town Staff believes that granting the requested Variance would be inconsistent with the spirit, purpose, and intent of the ordinance.

EXHIBIT 4

RE: 75 East Dogwood Trail Subdivision

From: Wes Haskett (whaskett@southernshores-nc.gov)

To: chestercountylawn@yahoo.com

Cc: emorey@southernshores-nc.gov; cogburn@southernshores-nc.gov; phornthal@hrem.com

Date: Wednesday, November 1, 2023 at 09:33 AM EDT

Good morning, Mr. Mina. We do have a process for Variances. They are considered by our Town Planning Board (performing the duties of the Board of Adjustment). The standards and application requirements for Variances can be found here: https://library.municode.com/nc/southern_shores/codes/code_of_ordinances?nodeId=PTIICOOR_CH36ZO_ARTXIIBOAD_S36-367VA. I have attached a copy of our Variance application.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, October 31, 2023 9:04 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Elizabeth Morey <emorey@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Subject: Re: 75 East Dogwood Trail Subdivision

Thank you for the email. The part of your email I do not understand (I apologize for not knowing the proper legal terms) is how to make an application for a building or zoning permit that does not meet all the applicable requirements, if required. Dare county and Kitty Hawk deviate from zoning requirements in ways that cause neighbors to suffer damages because of the leniency and I was wondering how leniency is asked for in Southern Shores for

EXHIBIT X5

aesthetically pleasing improvements. In Pennsylvania I was used to variances being the formal way of obtaining leniency.

I am hoping I can just get 75 east dogwood trail documented according to the actual measurements so I don't need to ask for leniency but I want to be prepared to do whatever I need to do to obtain the lot sub-division I purchased 75 East Dogwood Trail with.

Thank you,

Anthony S Mina

On Tuesday, October 31, 2023 at 01:44:27 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon, Mr. Mina. There are several surveyors in the area that prepare subdivision plats but I cannot make a recommendation. The Outer Banks Homebuilders Association may be able to recommend someone. They can be reached at 252-449-8232. The Town can only approve subdivision plats and permits if they meet all applicable requirements.

Wes Haskett

Deputy Town Manager/Planning Director

Town of Southern Shores

(252) 261-2394 (ph)

(252) 255-0876 (fx)

www.southernshores-nc.gov

EXHIBIT 8S

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, October 30, 2023 11:44 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Elizabeth Morey <emorey@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Phillip Hornthal <PHornthal@hrem.com>
Subject: Re: 75 East Dogwood Trail Subdivision

Hello Southern Shores,

I am having a little problem getting the sub division plan to Southern Shores because the potentially sub dividable lot I bought from Jim Munroe at Outer Banks Realty with a survey provided with the listing supposedly shrunk 10' in the back width and 1' in the front width last week when I hired the surveyor who surveyed 73 East Dogwood Trail for the owners who also bought their house from Jim Munroe.

Does Southern Shores have any suggestions? The survey I was given obviously isn't worth anything to me since I bought a larger, potentially sub-dividable lot and the surveyor won't even document a measurement he provided for me after he did the 73 East Dogwood Trail survey.

Could you please tell me the proper way to ask Southern Shores for leniency when reviewing my sub-division plan and future building permits if there is ever any building or zoning codes that I would like to be exempt from.

I am currently trying to sell my last house in Kitty Hawk and Dare County and Kitty Hawk don't enforce zoning codes on the street I lived on and I am expecting between $30,000 and $50,000 worth of damages because of the zoning codes not being enforced on Vista Lane. I was forced to file a zoning complaint with Jasper Rogers but Vista Lane is still an unsafe junkyard with abandoned vehicles on Kitty Hawk property. The hummer in the one picture across the street from my old house is on 3 wheels and a jackstand that appears to be falling/sinking…right where my kids and the other neighborhood kids play and do things like reach under vehicles to get their ball.

EXHIBIT 5

Fw: Defaming Harassment Published On The Southern Shores Beacon From Variance Hearing Heard On October 21, 2024

From: Anthony Mina (chestercountylawn@yahoo.com)

To: annsj@earthlink.net

Date: Monday, December 23, 2024 at 12:46 AM EST

Please see www.savesouthernshores.com for the Variance Application not attached to this email (the file size was too big for your email account). Anthony S Mina

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: "annsj@earthlink.net" <annsj@earthlink.net>; "ssbeaconeditor@gmail.com" <ssbeaconeditor@gmail.com>
Cc: "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; FBI <philadelphia.complaints@ic.fbi.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, December 23, 2024 at 12:40:09 AM EST
Subject: Defaming Harassment Published On The Southern Shores Beacon From Variance Hearing Heard On October 21, 2024

Dear Ms. Sjoerdsma,

Thank you for taking the time to publish information from the October 21, 2024 Variance Hearing. I also appreciate you taking the time to exercise your 1st Amendment Rights and voice your opinions. However, I do have to respec tfully tell you that you are not permitted to publish false information mistakenly or intentionally about anyone, includi ng me. I understand Andy Ward provided some of the false information, but a Southern Shores Public Records Response proved Andy Ward wrong.

I think it is great that the Southern Shore's Beacon states that "Since its debut, The Beacon has taken on an identity as a watchdog for the Town of Southern Shores and its property owners. The Beacon prides itself on its fact-based research and commentary and on its breaking-news reporting."
Please correct the following false information on the Southern Shores Beacon and make sure the corrected informa tion reaches the same readers the false information reached:

Your publication states: "Lest anyone be as confused as Mr. Mina clearly was about the zoning ordinances in the Town Code—which are sometimes referred to as the "Zoning Code" or the "Zoning Ordinance"—we would like to clarify that Southern Shores' zoning ordinances are part of the Town Code, which is readily available on the Town website. An ordinance is a municipal law: It is a law enacted by local government. Mr. Haskett could not "hide" the Town's ordinances if he wanted to."

ISSUE #1

EXHIBIT 5

The facts are Wes Haskett filed an application to amend lot widths on March 31, 2023 and Town Code 36-362(b) required Wes Haskett to mail the affected properties a letter and post notice at affected properties prior to the May 15, 2023 Planning Board/Adjustment Board hearing on the lot width amendment. Not only did Wes Haskett not mail 75 E. Dogwood Trail a letter or post notice of a zoning amendment at 75 E Dogwood Trail, Wes Haskett also refused to tell me about the proposed lot width amendment in 4 emailed questions about lot width requirements and/or the 75 E. Dogwood Trail subdivision during May, 2023. These 4 emails were entered into evidence and can be seen in the attached "Petition For Writ of Certiorari With Proof of False Pretense, False Sworn Testimony And A False Report To Law Enforcement By Wes Haskett" as "Exhibit F". Exhibit 2C of my Variance Application is a Southern Shores Public Information Request Response that proved mailed notice and posted notice was not provided to 75 E. Dogwood Trail. Town Code 36-414(b) also requires posted notice at affected properties prior to subdividable property being rezoned as unsubdividable because of a zoning amendment. As Wes Haskett was hiding his proposed lot width amendment from me and 75 E. Dogwood Trail the previous owner of 75 E Dogwood Trail negotiated an additional $75,000 from me for a lot that was subdividable, knowing I would not pay the extra $75,000 for an unsubdividable lot.

A VERY, VERY IMPORTANT FACT FOR YOUR WATCHDOG PUBLICATION IS THAT THE SOUTHERN SHORES PLANNING BOARD ATTORNEY JAY WHELESS AND TOWN ATTORNEY LAUREN WOMBLE WERE BOTH MISREPSENTING THE LANGUAGE OF TOWN CODE 36-414(b) AND WHEN I OBJECTED AND STATED THEY WERE COLLUDING JAY WHELESS STATED I WAS ACCUSING THE WHOLE TOWN OF IMPROPRIETY. Town Money can not be spent on attorneys mispresenting Town Codes.

Andy Ward and Wes Haskett's claims that notification requirements were met is what law enforcement call a "criminal conspiracy". Exhibit 2C of my Variance Application is proof from Southern Shores notification requirements were not met.

IN OTHER WORDS, HIDING THE LOT WIDTH AMENDMENT AS I TESTIFIED IS EXACTLY WHAT WES HASKETT DID FROM ME AND THE 75 E DOGWOOD TRAIL PROPERTY. THE SOUTHERN SHORES BEACON'S CLAIM THAT "WES HASKETT COULD NOT "HIDE" ZONING CODE IF HE WANTED TO IS A COMPLETE FALSE FACT.

ISSUE #2

The Southern Shores Beacon falsely states "Mr. Mina submitted to the Town two applications for a subdivision of 75 E. Dogwood, each of which had a preliminary plat and each of which appears to depend upon an easement for access to a back lot."

The facts are I submitted 2 applications for a lot subdivision one of which did not depend upon easement access and was denied for one reason, the lot width amendment referenced in Issue #1 that Wes Haskett never complied with notification requirements for at 75 E Dogwood Trail. Notification requirements are a mandated pre-requisite to zoning code being enforceable and as such, the 75 E Dogwood Trail sub-division should have been approved prior to the Variance Hearing. The 2nd subdivision application which was designed with an access easement was denied because of an easement restriction that was also adopted without notification requirements being met at 75 E. Dogwood Trail. My two subdivision application denials were part of my Variance Application as Exhibit 1A and 1B with their corresponding subdivision plats at Exhibit 2A and 2B. (I also obtained a complete copy of the 75 E. Dogwood Trail file and the file also did not contain any letters regarding zoning amendments affecting the property)

EXHIBIT C

ISSUE #3

The Southern Shores Beacon false states "Mr. Mina presented no evidence at the hearing to suggest, much less prove, that the required public notice of the hearing on TCA 21-06 was defective in any way. He insinuated that it was, but he presented no facts to bolster that insinuation."

The facts presented proving notification requirements pursuant to Town Code 36-362(b) and Town Code 36-414(b) were not complied with at 75 E. Dogwood Trail came from Southern Shores Town Office Employee Sheila Kane in a Public Records Response and were Exhibit 2C of my Variance Application (Exhibit F of the attached Writ of Certiorari").

****Those 3 issues are false facts that law requires to be corrected for several reasons in addition to defamation/slander laws****

The other reasons are:
-That because I caught Wes Haskett and Southern Shores lying about meeting notification requirements, the retaliation against me violates North Carolina Witness Intimidation Law § 14-226. Intimidating or interfering with witnesses.
-I've been reported for violating Southern Shores sign code by both Andy Ward and Ann Sjoerdsma for a sign in the right of way. Both Andy Ward and Ann Sjoerdsma only reported me when there was about 6-10 other signs on Dogwood Trail in violation of sign code that they could not miss when coming and going from Dogwood Trail (There is a continuing pattern of lies and harassment targeting me).

I also wanted the Southern Shores Beacon to know that their article referenced how much of a waste of the town's money my Variance hearing was, and I completely agree. If Southern Shores corrected their wrongdoing as their ethics policy requires, the Variance hearing would have never been necessary. But now, Southern Shores has to explain their lies to the Dare County Superior Court and their ethics policy prohibits town money from being spent on things that are not in all of the property owner's interests. Lying about meeting notification requirements to change property owner's property rights is not in any property owner's interests, so Wes Haskett should be required to pay for all his legal fees from the Variance and in the Dare County Superior Court.

Lastly, the Southern Shores Beacon commented about why the town even let me file a variance with the following comment:

"We question the Town's decision even to let Mr. Mina file a request for a variance, inasmuch as a variance is not the "appropriate remedy," as Town Attorney Lauren Arigaza-Womble of Hornthal, Riley, Ellis & Maland said several times during the hearing, for the hardship that Mr. Mina claimed."

Please find the emails at the end of this email where Wes Haskett advised me to file a Variance if I wanted to ask for an exception from the zoning codes.

I sincerely apologize for contacting you and telling you some facts need to be changed, but the bottom line is the article written about me repeatedly diminishes my credibility and character with misrepresentations. I work hard to

provide for my family and can't afford to have my reputation in the community damaged by the false information in the Southern Shores Beacon. As of right now, if you made mistakes, your mistakes violate defamation, harassment and witness intimidation laws. If the information is not corrected as I asked by December 26, 2024 I am going to ask law enforcement to shut down the Southern Shores Beacon and arrest Ann Sjoerdsma. I am the victim here. There is no way around the fact that notification requirements were not met for a zoning code that was hidden from me when the previous owner negotiated an additional $75,000 from me.

If you want to say something respectable about me you may tell people that I am a home improvement provider that presented an article written about me by the Philadelphia Inquirer at: https://www.inquirer.com/real-estate/housing/market-rebuilt-four-bedroom-home-malvern-867000-20220810.html

You may also say that I have started a website called www.savesouthernshores.com where I will be exposing Wes Haskett's corruption, which Chief Kole has yet to stop with knowledge Wes Haskett is committing crimes (See the attached Notice of Chief Kole's Slavery/Involuntary Servitude Conspiracy Against Anthony Mina). I hope the focus of the website will eventually be more about giving back to the community, but as of right now, the town government is morally bankrupt and operating under the misconception that lies will get them out of the trouble lies got them into. Because of the negative information I have to share with Southern Shores' property owners my public relations research indicated that after the holidays would be a better time for me to start spreading the news.

If you want to help me, you may contact me to discuss a "GoFundMe" page I am going to advertise after Christmas to help my family recover damages caused by Wes Haskett's lies. My GoFundMe page is going to be much different than the typical GoFundMe page because I am going to guarantee any donors repayment, with a generous interest rate. What Wes Haskett did was take my right to subdivide when my extra lot was planned to be a source of income for my business to use for renovation and construction costs prior to me reselling 75 E Dogwood Trail. I've never heard of a GoFundMe campaign guaranteeing repayment and I'm going to expose Wes Haskett's corruption on the GoFundMe page and also guarantee repayment with the equity in my property (so the GoFundMe page is equivalent to a 2nd Mortgage contract)

Thank you,
Anthony S Mina

On Thursday, May 18, 2023, 01:51:04 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. See my responses below.

Wes Haskett

Deputy Town Manager/Planning Director

Town of Southern Shores

(252) 261-2394 (ph)

EXHIBIT C

(252) 255-0876 (fx)

www.southernshores-nc.gov

image001

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 17, 2023 12:18 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Hello,

Thank you for your help.

-
Could you please tell me which ordinance I need to read to understand the zoning requirements for subdividing a lo t that has an existing structure that could possibly be 14' from the property line. WES'S RESPONSE:
See Town Code Section 30-97(2): https://library.municode.com/nc/southern_shores/codes/code_of_ordinances?nodeId=PTIICOOR_CH30SU_ARTIVMISTDEGE_S30-97DEST.

-
Could you also please tell me about Southern Shores' procedure for asking Southern Shores to make an exception to their local code. For example, if I hired an attorney to file my applications and ask Town Council or Dare County to approve the subdivision. WES'S
RESPONSE: An exception would be in the form of a Variance. Our Town Planning Board considers Variances whic h are only granted if the applicant can demonstrate that there is a hardship involved if a Variance is not granted. S ee attached application which includes questions that address the criteria for granting a Variance.

75 E. Dogwood Trail can be divided so each property has street frontage and a 100' lot width at the front of the buil ding (by making the existing lot similar to a "flag lot"). I would just prefer not to literally remove 1' of the existing ho me if the home was really built 14' from a property line that required 15'. WES'S
RESPONSE: Please submit a drawing showing what you have in mind, including the existing structure and measur ements from existing and proposed property lines.

If you would like, I am available to meet with you to make sure I am creating a subdivision plan consistent with othe r approved subdivisions and existing zoning requirements. WES'S RESPONSE:
I am available to meet next Tuesday at 10:30 or 2:00 if you'd like to meet to discuss and review your drawing.

Thank you,
Anthony S Mina

EXHIBIT 5

FW: Mina. Anthony Public Records Request #46

From: Phillip Hornthal (phornthal@hrem.com)

To: chestercountylawn@yahoo.com

Date: Monday, November 25, 2024 at 11:48 AM EST

Mr. Mina:

See below and attached regarding the Town of Southern Shore's response to your above referenced public records request.

Thank you.

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.698.0214
Office: 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

www.hrem.com

HREM LLP
ATTORNEYS AT LAW

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From: Sheila Kane <skane@southernshores-nc.gov>
Sent: Monday, November 25, 2024 11:41 AM
To: Phillip Hornthal <PHornthal@hrem.com>
Subject: Mina. Anthony Public Records Request #46

>>Warning! The source of this email is from outside of the firm.<<
Phillip, please see Mr. Mina's public records request # 46 below.

Mr. Mina:

On November 14, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

1. All emails received from the Southern Shores Planning Board from Philip Hornthal forwarding Anthony S Mina's emails.

2. All information provided to the Southern Shores Planning Board about 75 E. Dogwood Trail and Anthony S Mina which did not come from the email address: chestercountylawn@yahoo.com

Item number one, following review of your request, no public records exist pertaining to your request.

Item number two, please find all public records that pertain to your request attached. A copy of the meeting materials is also still available on the website at https://www.southernshores-nc.gov/bc-pb/meeting/planning-board-will-meet-october-21-2024

Thank you,

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

20241125112334835.pdf
11.4MB

20241125112423013.pdf
1.3MB

20241125112522755.pdf
11.8MB

20241125112556734.pdf
935.1kB

RE: Notice Of Wes Haskett's False Sworn Testimony- Case: VA-24-01

From: Phillip Hornthal (phornthal@hrem.com)

To: chestercountylawn@yahoo.com

Date: Thursday, October 31, 2024 at 03:36 PM EDT

Forwarded to client.

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.698.0214
Office: 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

www.hrem.com

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-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Thursday, October 31, 2024 1:10 PM
To: Phillip Hornthal <Phornthal@hrem.com>; Norwood Blanchard <norwood@ncnclawfirm.com>
Cc: FBI <philadelphia.complaints@ic.fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; ncago@ncdoj.gov; ncago@ncdoj.gov
Subject: Notice Of Wes Haskett's False Sworn Testimony- Case: VA-24-01

>>Warning! The source of this email is from outside of the firm.<<

Mr. Hornthal,

Please provide this email and the attached document to the Planning Board/Adjustment Board and Town Council for filing.

Please note that Andy Ward was conditionally allowed to hear my October 21, 2024 without me asking for his recusal because he agreed the Town Ethics Policy would be complied with. Paragraph #7 provides "I will always respond promptly to any concern brought to me by any town employee or town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen."

On June 1, 2023 Wes Haskett emailed Applicant an email that stated in part "The Town Planning Board recommended approval of the attached amendments (Wes Haskett's March 31, 2023 Amendment Application) on May 15th and the Town Council will be holding a public hearing on June 6." A true and correct copy of Wes Haskett's email is attached hereto and marked "Exhibit A". On October 30, 2023 Wes Haskett responded to a public records request for "all notification records including paid receipts of posted notice and postal records (including letters sent) pursuant to Section 36-362(b) for the May 15, 2023 Planning Board/Board of Adjustments hearing on Wes Haskett's 3/31/2023 zoning amendment application and the zoning amendment (including Planning Board/Board of Adjustments meeting notification) notifications for the 8/3/2021 zoning amendment." with a claim that the Planning Board did not hold a hearing on May 15, 2023 (like his June 1, 2023 email states occurred). A true and correct copy

of Wes Haskett's email is attached hereto and marked "Exhibit A". Wes Haskett's staff report and sworn testimony state notification requirements were met for his amendments, but yet again I am catching Wes Haskett lying in violation of North Carolina law.

Paragraph 7 requires Southern Shores, their Planning Board (especially Andy Ward) and Town Council to file a police report against Wes Haskett for:

§ 20-112. Making false affidavit perjury. Any person who shall knowingly make any false affidavit or shall knowingly swear or affirm falsely to any matter or thing required by the terms of this Article to be sworn or affirmed to shall be guilty of a Class I felony.

§ 14-209. Punishment for perjury.
If any person knowingly and intentionally makes a false statement under oath or affirmation in any suit, controversy, matter or cause, or in any unsworn declaration deemed sufficient pursuant to G.S. 7A-98 depending in any of the courts of the State; in any deposition or affidavit taken pursuant to law; in any oath or affirmation duly administered of or concerning any matter or thing where such person is lawfully required to be sworn or affirmed, that person is guilty of perjury, and punished as a Class F felon

§ 14-226. Intimidating or interfering with witnesses.
(a) If any person shall by threats, menaces or in any other manner intimidate or attempt to intimidate any person who is summoned or acting as a witness in any of the courts of this State, or prevent or deter, or attempt to prevent or deter any person summoned or acting as such witness from attendance upon such court, the person shall be guilty of a Class G felony.

18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant U.S. Code
(a)
(1)Whoever kills or attempts to kill another person, with intent to— (A)prevent the attendance or testimony of any person in an official proceeding; (B)prevent the production of a record, document, or other object, in an official proceeding; or (C)prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings; shall be punished as provided in paragraph (3).
(2)Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to — (A)influence, delay, or prevent the testimony of any person in an official proceeding; (B)cause or induce any person to— (i)withhold testimony, or withhold a record, document, or other object, from an official proceeding; (ii)alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding; (iii)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or (iv)be absent from an official proceeding to which that person has been summoned by legal process; or (C)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings; shall be punished as provided in paragraph (3).
(3)The punishment for an offense under this subsection is— (A)in the case of a killing, the punishment provided in sections 1111 and 1112; (B)in the case of— (i)an attempt to murder; or (ii)the use or attempted use of physical force against any person; imprisonment for not more than 30 years; and (C)in the case of the threat of use of physical force against any person, imprisonment for not more than 20 years.
(b)Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to— (1)influence, delay, or prevent the testimony of any person in an official proceeding; (2)cause or induce any person to— (A)withhold testimony, or withhold a record, document, or other object, from an official proceeding; (B)alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding; (C)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or (D)be absent from an official proceeding to which such person has been summoned by legal process; or (3)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation [1] supervised release,,[1] parole, or release pending judicial proceedings; shall be fined under this title or imprisoned not more than 20 years, or both.
(c)Whoever corruptly—
(1)alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or (2)otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

(d)Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from— (1)attending or testifying in an official proceeding; (2)reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation 1 supervised release,,1 parole, or release pending judicial proceedings; (3)arresting or seeking the arrest of another person in connection with a Federal offense; or (4)causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding; or attempts to do so, shall be fined under this title or imprisoned not more than 3 years, or both.
(e)In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.
(f)For the purposes of this section—
(1)an official proceeding need not be pending or about to be instituted at the time of the offense; and (2)the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.
(g)In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance— (1)that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or (2)that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.
(h)There is extraterritorial Federal jurisdiction over an offense under this section.
(i)A prosecution under this section or section 1503 may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.
(j)If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.
(k)Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

Wes Haskett's menacing abuse of the town zoning code has interfered with my work for about one year now. Wes Haskett has done nothing but lie, commit crimes and intimidate me with the application of zoning code not used on other property owners. Please have Wes Haskett arrested.

Thank you,
Anthony S Mina

ANTHONY S MINA
75 E DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
610 842 3905
chestercountylawn@yahoo.com

October 31, 2024

CASE: VA-24-01

APPLICANT'S NOTICE OF FALSE REPORTS, INCLUDING VIOLATIONS OF NORTH CAROLINA'S PUBLIC RECORDS REQUEST LAWS THAT WES HASKETT MADE ON OCTOBER 30, 2024 PERTAINING TO HIS SWORN TESTIMONY AND OCTOBER 21, 2024 STAFF REPORT CLAIMING NOTIFICATION REQUIREMENTS WERE MET PRIOR TO THE JUNE 6, 2023 & AUGUST 3, 2021 AMENDMENTS

I, Anthony S. Mina, Applicant in the October 21, 2024 Zoning Variance Hearing hereby notify the Southern Shores' Planning Board/Adjustment Board and Town Council that Wes Haskett made additional false reports in violation of North Carolina's Public Records Request Laws. In support thereof, I hereby aver the following facts:

1. On June 1, 2023 Wes Haskett emailed Applicant an email that stated in part "The Town Planning Board

recommended approval of the attached amendments (Wes Haskett's March 31, 2023 Amendment Application) on May 15th and the Town Council will be holding a public hearing on June 6." A true and correct copy of Wes Haskett's email is attached hereto and marked "Exhibit A".

2. On October 30, 2023 Wes Haskett responded to a public records request for "all notification records including paid receipts of posted notice and postal records (including letters sent) pursuant to Section 36-362(b) for the May 15, 2023 Planning Board/Board of Adjustments hearing on Wes Haskett's 3/31/2023 zoning amendment application and the zoning amendment (including Planning Board/Board of Adjustments meeting notification) notifications for the 8/3/2021 zoning amendment." with a claim that the Planning Board did not hold a hearing on May 15, 2023 (like his June 1, 2023 email states occurred). A true and correct copy of Wes Haskett's email is attached hereto and marked "Exhibit A".

3. Southern Shores Town Ethics Policy states:

1) I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.

2) I will always uphold the integrity and independence of my job.

3) I will always avoid any impropriety or the appearance of impropriety in all of my activities.

4) I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.

5) #7 I will always respond promptly to any concern brought to me by any town employee or town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen

A true and correct copy of the town ethics policy is attached hereto and marked "Exhibit B".

4. Planning Board Chairman Andy Ward agreed to conduct the October 21, 2024 Variance hearing in compliance with the Southern Shores Code of Ethics as Applicant's condition to not asking Mr. Ward to recuse hisself due to a sign complaint made against Applicant but not other property owners violating sign code, as Applicant was.

5. Compliance with the Ethics policy prohibits Wes Haskett's conduct, requires a police report to be filed against Wes Haskett and requires Southern Shores and Andy Ward to "respond promptly to any concern brought to me by any town employee or town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen."

Wherefore, Applicant Anthony S. Mina hereby provides the Planning Board/Board of Adjustments and Town Council Notice of Southern Shores obligation to respond to Applicant's proof of false reports and false sworn statements against Wes Haskett with a police report filed against Wes Haskett, as required by law.

Respectfully Submitted,

_____

RE: Motion To Reverse Variance Denial Explaining Wes Haskett's Ulterior Motives

From: Phillip Hornthal (phornthal@hrem.com)

To: chestercountylawn@yahoo.com

Date: Tuesday, October 29, 2024 at 06:52 PM EDT

Mr. Mina:

Forwarded to my clients.

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.698.0214
Office: 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

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-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, October 29, 2024 5:15 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Norwood Blanchard <norwood@enclawfirm.com>
Cc: FBI <philadelphia.cohplaints@ic.fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; ncago@ncdoj.gov; ncago@ncdoj.gov
Subject: Motion To Reverse Variance Denial Explaining Wes Haskett's Ulterior Motives

>>Warning! The source of this email is from outside of the firm.<<

Dear Mr. Hornthal,

Please forward this email to Southern Shores Planning Board Members, Southern Shores Town Council and Southern Shores Police Chief.

The document attached is my Motion To Reverse The October 21, 2024 Decision Of The Planning Board/Adjustment Board.

I made my document real easy to understand Wes Haskett intentionally presenting a case based on lies that he knew he was caught in as he allowed Planning Board members to ridicule me, like I was the problem. Ridiculing me, the victim of Wes Haskett's misconduct makes Planning Board members in violation of Witness Intimidation laws referenced in the Motion.

I recognize Wes Haskett's corruption as part of a scheme to acquire power, using me as the pawned victim in a real estate scam. I am not in agreement with Wes Haskett's corruption and think Southern Shores should immediately

arrest Wes Haskett for crimes including labor trafficking me. There is no reason a competent Southern Shores employee could force me to file a Variance from zoning codes I have proven were illegally adopted.

I did not object to Andy Ward being a part of my Variance hearing when I had evidence that Andy Ward complained about real estate sign violations of mine, but not other property owner's signs you could not miss when leaving Southern Shores. My agreement to not object to Andy Ward not recusing his self was based on the condition that the Southern Shores Town Ethics Policy would be upheld.

The Southern Shores Town Ethics Policy has yet to be upheld for my October 21, 2024 Variance hearing. There is a long list of crimes and fraudulent conduct documented in the attached document that must be corrected with the reversal of the denial of my Variance... and however else Southern Shores/North Carolina law enforcement deems appropriate.

Anthony S Mina

RE: Reconsideration Of Motion To Preclude Variance Hearing With Proof Of Conspiracy To Falsify Records

From: Phillip Hornthal (phornthal@hrem.com)

To: chestercountylawn@yahoo.com

Date: Tuesday, October 29, 2024 at 07:40 AM EDT

Mr. Mina:

Forwarded to my client.

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.698.0214
Office: 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

www.hrem.com

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-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, October 28, 2024 11:01 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>
Cc: olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; ncago@ncdoj.gov; ncago@ncdoj.gov; FBI <philadelphia.complaints@ic.fbi.gov>; David Kole <dkole@southernshores-nc.gov>
Subject: Reconsideration Of Motion To Preclude Variance Hearing With Proof Of Conspiracy To Falsify Records

>>Warning! The source of this email is from outside of the firm.<<

Dear Mr. Hornthal,

Please provide the attached Motion For Reconsideration of Motion To Preclude Variance Hearing to the Southern Shores Planning Board/Adjustment Board, Town Council and Police Chief Kole.

The attached Motion includes another email to be used as evidence of Wes Haskett's intentional deception claiming he had a legal basis to rezone 75 E. Dogwood Trail from subdividable to unsubdividable with his March 31, 2023 zoning amendment application, May 15, 2023 planning board/adjustment board hearing thereon and town council hearing approving the amendment on June 6, 2023. The email is dated November 9, 2023 (marked Exhibit 5) and admits mailed notice was not sent to 75 E. Dogwood Trail.

The attached Motion also includes an email from Wes Haskett dated October 15, 2024 in which he states he will not revise his staff report or answer any questions about my application prior to the Variance Hearing when I asked if he

could provide a staff report that does not falsely claim all town and state notification requirements were met when making the June 6, 2023 and August 3, 2021 zoning amendments.

Wes Haskett's false reports and pre-meditated false sworn statements at the Variance Hearing require Wes Haskett to be arrested and the Planning Board/Adjustment Board to reverse their decisions.

Advising Wes Haskett to take his corruption all the way to the Planning Board/Adjustment Board knowing all along that notification requirements were not met pursuant to Town Code 36-414(b) and Town Code 36-362(b) substantiates a criminal conspiracy.

I suggest you advise the Planning Board/Adjustment Board that Wes Haskett's misconduct is not in Southern Shores best interests.

Thank you,
Anthony S Mina

From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>; Norwood Blanchard <norwood@cmclawfirm.com>
Cc: David Kole <dkole@southernshores-nc.gov>; Norwood Blanchard <norwood@cmclawfirm.com>; FBI <philadelphia.complaints@ic.fbi.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hinee@nccourts.org <olivia.s.hinee@nccourts.org>; ncago@ncdoj.gov <ncago@ncdoj.gov>
Sent: Thursday, October 24, 2024 at 03:51:53 PM EDT
Subject: RE: False Reports From Wes Haskett To Planning Board & Chief Kole Requiring Wes Haskett To Be Arrested

Mr. Mina:

You may forward to me any report you wish to file or otherwise communicate to the Town of Southern Shores Police Department concerning Mr. Haskett, and I will forward it to Police Chief David Kole, who I note is copied on your Email, but did not receive it per my earlier Email.

Sincerely,

Phil Hornthal

Town Attorney

L. Phillip Hornthal, III
Attorney at Law

Direct: 252.598.0214

Office: 252.335.0871

Fax: 252.335.4223 Attn: P. Hornthal

Email: phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Thursday, October 24, 2024 3:48 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>
Cc: David Kole <dkole@southernshores-nc.gov>; Norwood Blanchard <norwood@cmclawfirm.com>; FBI <philadelphia.complaints@ic.fbi.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org; ncago@ncdoj.gov
Subject: Re: False Reports From Wes Haskett To Planning Board & Chief Kole Requiring Wes Haskett To Be Arrested

>>Warning! The source of this email is from outside of the firm.<<

Mr. Hornthal,

Thank you for your email.

Am I allowed to file a police report against Wes Haskett with the police?

I have proved Wes Haskett emailed Police Chief Kole a false report on May 21, 2024 claiming to have a legal basis to amend my lot width by hiding town code notification requirements from Police Chief Kole. I have also proven Wes Haskett lied under oath at the October 21, 2024 hearing by claiming notification requirements were met for the lot width amendment and Wes Haskett claimed to be answering my questions about zoning code. The truth was you and Wes Haskett would not answer my zoning code questions and I was only allowed to file a subdivision application with a fee.

I pay taxes in Southern Shores and would like to file a police report against Wes Haskett.

I disagree with your interpretation that my emails are slanderous, harassing and hostile. I think you are projecting Southern Shores misconduct on me. I have offered to take a lie detector but Southern Shores defendants have refused to take a lie detector. I have asked Southern Shores to stay off my property without my permission and Cliff Ogburn sent the police to my house to hand deliver a letter for him claiming he needs to keep staff and the general public safe from me by banning me from Southern Shores property when he is the person hiding illegally adopted zoning codes from property owners. Cliff Ogburn, you and Wes Haskett are harassing me with inapplicable zoning codes and zoning codes not being enforced on other property owners, I think the problem is Wes Haskett is caught committing crimes against me and people are retaliating against me with their slanderous, witness intimidation schemes.

How am I the person harassing people when Exhibit D of the attached documents proves you and Wes Haskett spent months telling me that me and Douglas Styons were wrong with our interpretation that the

second floor overhang 14' setback of my house built in 1970 should be accepted...then Wes Haskett completely contradicted his self 1 day after I filed a building permit to remove the 1' of house he claimed prevented the sub-division.

Exhibit C proves Wes Haskett was committing perjury on October 21, 2024 about other material facts relevant to my Variance hearing and Motion To Preclude Variance Hearing.

May I please file a police report against Wes Haskett Mr. Hornthal? I understand that providing false information to the police will be a crime.

Thank you,
Anthony S Mina

On Thursday, October 24, 2024 at 08:04:55 AM EDT, Anthony Mina <chastercountylawn@yahoo.com> wrote:

Dear Southern Shores & Law Enforcement,

Please find the attached proof that Wes Haskett emailed Chief Police Kole and Mayor Morey false reports on May 21, 2024 claiming he met notification requirements prior to adopting the lot width amendment at my property on June 6, 2023. Please also note Wes Haskett violated false sworn testimony laws at the October 21, 2024 Variance hearing (and in his staff report) claiming notification requirements were met prior to the June 6, 2023 adoption (which requires the Planning Board to reverse their decision to deny my Motion To Preclude Variance Hearing and Grant Variance...and have Wes Haskett arrested).

The emails below clearly show Wes Haskett now stating notification requirements found in Section 36-362(b) govern the Planning Board's hearing on amendments yet he did not follow the notification requirements for his March 31, 2023 amendment request. The email below to Chief Kole clearly shows Wes Haskett illegally misrepresenting notification requirements to Police Chief Kole. Wes Haskett committed false sworn testimony stating notification requirements were met on October 21, 2024 for the lot width amendment and filed a false staff report for the October 21, 2024 claiming notification requirements were met for the lot width amendment.

Please arrest Wes Haskett.

Anthony Stocker Mina

----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chastercountylawn@yahoo.com>; Norwood Blanchard <norwood@sandlawfirm.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Cc: Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org <olivia.s.hines@nccourts.org>; olivia.s.hines@nccourts.org <olivia.s.hines@nccourts.org>; FBI <philadelphia.complaints@ic.fbi.gov>; David Kole <dkole@southernshores-nc.gov>; ncago@ncdoj.gov <ncago@ncdoj.gov>; ncago@ncdoj.gov <ncago@ncdoj.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark

Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; council@southernshores-nc.gov <council@southernshores-nc.gov>; council@southernshores-nc.gov <council@southernshores-nc.gov>; Planning Board <planningboard@southernshores-nc.gov>
Sent: Wednesday, October 23, 2024 at 10:54:16 AM EDT
Subject: RE: 75 E. Dogwood Trl. Variance Notice

Good morning, Mr. Mina. The Order will be prepared and sent to you following approval. The requirement for posted notice for Variances can be found in Town Code Section 36-362(b).

Wes Haskett

Deputy Town Manager/Planning Director

Town of Southern Shores

(252) 261-2394 (ph)

(252) 255-0876 (fx)

www.southernshores-nc.gov

image001

From: Anthony Mina <chesterscountylawn@yahoo.com>
Sent: Tuesday, October 22, 2024 5:34 PM
To: Norwood Blanchard <norwood@pricelawfirm.com>; Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Cc: Andrea C. Powell <andrea.powell@nccourts.org>; calvin.s.hines@nccourts.org; olivia.s.hines@nccourts.org; FBI <philadelphia.penquiries@ic.fbi.gov>; David Kole <dkole@southernshores-nc.gov>; pcrane@ncdoi.gov; pcrane@ncdoi.gov; Elizabeth Morey <emorey@southernshores-nc.gov>; Paula Sherlock <usherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; council@southernshores-nc.gov; council@southernshores-nc.gov; Planning Board <PlanningBoard@southernshores-nc.gov>
Subject: 75 E. Dogwood Trl. Variance Notice

Dear Southern Shores,

In addition to providing me the Orders from the Variance hearing on October 21, 2024 and the first subdivision denial I was provided from Wes Haskett for 75 E. Dogwood Trail, could you please also provide me the town code that required the posted notice at 75 E. Dogwood Trail of the variance from section 30-96(f) and section 36-202(d).

Last night Southern Shores Town Attorney and the Planning Board Attorney both misrepresented town code 36-414(b) to make excuses why Notice was not posted at 75 E. Dogwood Trail when Section 30-96(f) and Section 36-202(d) were illegally adopted but the email from Wes Haskett below clearly shows Wes Haskett explaining posted Notice is required for a variance from Sections 30-96(f) and 36-202(d).

Wes Haskett also claimed last night under oath that section 36-414(b) did not apply to adopting the codes yet the email below proves he believes posted notice is required to get a variance from the codes (unadopt the codes for a specific property).

Please explain to me where Town Code has different Notification requirements for adopting and getting a variance from codes.

Thank you,
Anthony S Mina

PS This issue is part of my legal argument in my Reconsideration of Motion To Preclude so all the town code stating the difference between Notification for adopting a code and obtaining a variance is needed. The only information I have found is Section 36-414(b) governs the adoption of codes and the variance of codes, meaning Wes Haskett committed sworn perjury repeatedly last night.

----- Forwarded Message -----

From: Wes Haskett <whaskett@southernshores-nc.gov>

To: Anthony Mina <chestercountylawn@yahoo.com>

Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>; Phillip Hornthal <phornthal@thern.com>

Sent: Thursday, October 10, 2024 at 10:18:27 AM EDT

Subject: 75 E. Dogwood Trl. Variance Notices

Good morning, Mr. Mina. FYI: We are required to post a sign with a copy of the public notice for your Variance hearing that is scheduled for October 21st. Our Public Works Dept. will be posting the sign in the right-of-way adjacent to your property this afternoon. We will also be mailing a copy of the notice via certified mail to you and Ms. Franz.

Wes Haskett

Deputy Town Manager/Planning Director

Town of Southern Shores

(252) 261-2394 (ph)

(252) 255-0876 (fx)

www.southernshores-nc.gov

----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chesterscountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@thern.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Tuesday, May 21, 2024 at 02:27:31 PM EDT
Subject: RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.

(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section _____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ... ." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.

(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.

(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application

(attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawyer@yahoo.com>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Cc: David Kole <dkole@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Jonathan Siegel <jsiegel@southernshores-nc.gov>; Matt Cooke <mcooke@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Tracy Mann <tmann@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner <rdeaner@southernshores-nc.gov>; Thomas Long <tlong@southernshores-nc.gov>; Jason Thompson <jthompson@southernshores-nc.gov>; Andrew Spottswood <aspottswood@southernshores-nc.gov>; Jennifer Couture <jcouture@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@kitty hawktown.net>; cgarriss@kitty hawktown.net; cgarriss@kitty hawktown.net; Casey Varnell <varnell@ncnbxlaw.com>; Mike Talley <mike.talley@kitty hawktown.net>; mike.pelkovics@kitty hawktown.net; mike.pelkovics@kitty hawktown.net; chambers_of_chief_judge_sanchez@ca9.uscourts.gov; chambers_of_judge_edward_c_smith@ca9.uscourts.gov; chambers_of_judge_paoperti@ca9.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@ca9.uscourts.gov; chambers_of_judge_timothy_l_savage@ca9.uscourts.gov; Dryan <dryan@chesco.org>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <mmoskowitz@chesco.org>; mkichline@chesco.org; mkichline@chesco.org
Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally

adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

My concerns are the following:

Wes Haskett and Philip Hornthal are not in touch with reality and a danger to other people's physical and emotional well being. Wes Haskett has refused to answer how he believes he is legally changing land use with a zoning amendment since last summer. Changing land use from a 2 single home property (with a subdivision by right) to a 1 single home property causes land value monetary damages to some Southern Shores tax payers of significantly more than $100,000. In the real world $100,000 is easily the difference between life and death. $100,000 can be the difference between the medical care someone needs and accepting that their life is coming to an end. If you walk into a bank demanding $100,000 you are lucky if you are not killed. Wes Haskett and Philip Hornthal refuse to explain how they legally think they can cause some Southern Shores home owners more than $100,000 in monetary damages with a zoning code amendment which changes land use. Applicant without a doubt will not be committing any crimes in response to Wes Haskett and Philip Hornthal stealing land value from Southern Shores home owners, but has serious concerns that Wes Haskett and Philip Hornthal are a danger to the physical and emotional well being of others and should be involuntarily committed to a psychiatric hospital for evaluation. Applicant will give Wes Haskett and Philip Hornthal 48 hours to explain how they legally are changing land use without an eminent domain transaction and highly suggests law enforcement not to wait half as long.

Anthony Stocker Mina

PS When I testified in front of Federal Judge Edward G Smith against Chester County's labor trafficking conspiracy against me I explained that the conspirators designed me a spin move. 172 and 174 S. Dogwood Trail appear to me to be another example of the pre-meditated conspiracy which I am expected to use certain evidence against corruption a specific way. I will let law enforcement figure out if the home owners are pawned because of meanings within their names or play a role in the conspiracy that repeatedly forces me in the middle of government scandals as a way of hiding Pennsylvania's corruption like I am their undercover internal affairs guerilla. Since there is a white crosstour at 172 S. Dogwood Trail and I live in the Dick White house I feel like I am being forced in the middle of a whole lot of crossing without being paid (as Wes Haskett tries stealing more than $100,000 of land value from my family).

E

RE: 75 E. Dogwood Trl. Variance Notice Perjury Crimes

From: Phillip Hornthal (phornthal@hrem.com)

To: chestercountylawn@yahoo.com

Cc: lawomble@hrem.com

Date: Thursday, October 24, 2024 at 02:58 PM EDT

Mr Mina:

I am responding to an Email sent by you to our client the Town of Southern Shores dated October 22, 2024, at 5:34 p.m., in which you stated: "Please explain to me where Town Code has different Notification requirements for adopting and getting a variance from codes".

Wes Haskett previously responded to you on October 23, at 10:54 a.m., stating "The requirement for posted notice for Variances can be found in Town Code Section 36-362(b)".

Town Code Section 36-362(b) states: "Notice of hearings conducted pursuant to this article shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing; (ii) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; (iii) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and (iv) to any other persons entitled to receive notice as provided by this chapter. In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way". The requirement to post notice in that Section applies to hearings conducted by the Planning Board when they are acting as the Board of Adjustment (Variances and Appeals), not when the Board considers Zoning Ordinance Text Amendments or Town Code Text Amendments. When the Planning Board considers Zoning Ordinance Text Amendments and Town Code Text Amendments, they do not hold hearings as they are not required. Town Code Section 36-365 further states: "The board shall hear and decide requests for variances of the provisions of this chapter and appeals of decisions of administrative officials charged with enforcement of this chapter. The board shall follow quasi-judicial procedures when deciding appeals and requests for variances. The board shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development that provides for the board to hear such matters".

Mr. Mina, you have been repeatedly cautioned not to contact our client or its employees during the course of the litigation you have filed in the Eastern District of North Carolina and we have requested that you refrain from doing so. Despite this, you have continued to Email our client and its employees and agents, often in a slanderous, hostile, and harassing matter. As such, please be further advised that all further communication with all Town employees, personnel or elected officials at their official Town of Southern Shores will be blocked and will not get through to your intended recipient. However, if you wish to communicate with any employee, manager, agent, or councilperson, you may do so through me as Town Attorney, and I will forward the messages, and respond to you if appropriate on behalf of the Town.

Sincerely,

Phil Hornthal
Town Attorney

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.698.0214
Office: 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

www.hrem.com

HREM LLP
ATTORNEYS AT LAW

Click here to read our Disclaimer, Legal Notices & Privacy Policy

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, October 23, 2024 12:47 PM
To: Norwood Blanchard <norwood@cmclawfirm.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; info@southernshores-nc.gov
Cc: Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org; FBI <philadelphia.complaints@ic.fbi.gov>; David Kole <dkole@southernshores-nc.gov>; ncago@ncdoj.gov; Elizabeth Morey <emorey@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; council@southernshores-nc.gov; Planning Board <PlanningBoard@southernshores-nc.gov>; Jason Portnoy <jportnoy@invtitle.com>
Subject: 75 E. Dogwood Trl. Variance Notice Perjury Crimes

Mr. Haskett,

Could you now explain to me, Southern Shores and Law Enforcement why you clearly are aware of Notification requirements and your sworn testimony and reports to law enforcement state notification requirements were met for the June 6, 2023 lot width amendment. There definitely was not posted notice at 75 E. Dogwood Trail prior to the May 15, 2023 Planning Board meeting based on your March 31, 2023 zoning amendment request. I spent the entire month of May 2023 asking you about zoning codes pertaining to lot widths for a subdivision plan and you have yet to explain how you have done your job without violating the Code of Ethics, State and Federal Laws. You have also yet to correct your wrong doing. The only thing you have done since March 31, 2023 is tell lie after lie and change your claim that the rezoning that made 75 E Dogwood Trail go from subdividable "by right" to unsubdivable is governed by Town Code Section 36-414(a) which required posted notice to Town Code Section 36-363(b) which required posted notice.

Please promptly respond to my question without violating the towns code of ethics policy, which I have attached to this email. I have law enforcement and an insurance company investigating Southern Shores' fraud which appears to be all under Wes Haskett and the people influenced by his misconduct.

Your undisclosed special interests in 75 E Dogwood Trail are becoming more and more humiliating to the town every lie you tell. You went from claiming in your staff report that "In order to meet this intent, the density of population in the district is managed by establishment of minimum lot sizes, building setback and height limits, parking regulations and maximum

occupancy limits for single-family residences used as vacation cottages" to testifying density isn't the reason you are opposed to my variance when I agreed to a condition to reduce occupancy limits at 75 E Dogwood Trail with a subdivision. You argue in your staff report that 75 E. Dogwood Trail can be used for an Accessory Dwelling Unit when ADUs are known for short term vacation rentals then go on arguing "the district is intended to promote stable, PERMANENT NEIGHBORHOODS characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent uses." You are completely contradicting yourself, I want a subdivision to build a separate single family PERMANENT HOME and you are arguing I should build an ADU.

Please stop lying, correct your wrong doing and approve my lot sub-division plan as required by law. Everyday you spend refusing to correct your wrong doing causes me and my family emotional and financial damages, costs Southern Shores property owners legal fees that Southern Shores can not legally pay according to their ethics policy and inconveniences many people who are aware of Southern Shores misconduct being led by WES HASKETT.

Thank you,
Anthony S Mina

PS. For your convenience I have included your email below stating Linda Lauby was not notified prior to the lot width changes which means your lot width amendment on June 6, 2023 was illegally adopted and can not be used to prevent my lot sub-division.

----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Thursday, November 9, 2023 at 01:29:46 PM EST
Subject: RE: Southern Shores Zoning Code

Good afternoon, Mr. Mina. Mailed notice isn't required for Zoning Text Amendments so no notices were sent for the lot width Zoning Text Amendment that was adopted on June 6, 2023. We did publish a public notice of the public hearing for the Zoning Text Amendment twice in the Coastland Times newspaper, as required (see attached images of the published notices). Approval for accessory structures with living space can be obtained by submitting an application, site plan, building plans, and required documents for a Building Permit and Zoning Permit. If all applicable requirements are met, the Town will issue the permits.

Wes Haskett

Deputy Town Manager/Planning Director

Town of Southern Shores

(252) 261-2394 (ph)

(252) 255-0876 (fx)

www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, November 8, 2023 6:57 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: Re: Southern Shores Zoning Code

Hello,

Could you please send me the notifications Southern Shores sent 75 East Dogwood Trail, Southern Shores and Linda Lauby (at her High Dune Loop address) prior to the zoning code change in regards to the front set back minimum lot width distance.

Could you please tell me the way an accessory unit approval like in the attached picture at 144 Beech Trail at 75 East Dogwood Trail would be obtained. Dominion Power was at my house a few weeks ago and explained my lot is wired for 2 homes (that's why there is 2 Dominion Power electric boxes on my property). I'm trying to find the quickest, cheapest solution to starting to build the second home on my lot, even if I start with an accessory dwelling unit like at 144 Beech Trail then submit my lot subdivision application.

Thank you for your help,

Anthony S Mina

On Wednesday, October 23, 2024 at 10:54:16 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Mr. Mina. The Order will be prepared and sent to you following approval. The requirement for posted notice for Variances can be found in Town Code Section 36-362(b).

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, October 22, 2024 5:34 PM
To: Norwood Blanchard <norwood@cmclawfirm.com>; Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Cc: Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; FBI <philadelphia.complaints@ic.fbi.gov>; David Kole <dkole@southernshores-nc.gov>; ncago@ncdoj.gov; ncago@ncdoj.gov; Elizabeth Morey <emorey@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; council@southernshores-nc.gov; council@southernshores-nc.gov; Planning Board <PlanningBoard@southernshores-nc.gov>
Subject: 75 E. Dogwood Trl. Variance Notice

Dear Southern Shores,

In addition to providing me the Orders from the Variance hearing on October 21, 2024 and the first subdivision denial I was provided from Wes Haskett for 75 E. Dogwood Trail, could you please also provide me the town code that required the posted notice at 75 E. Dogwood Trail of the variance from section 30-96(f) and section 36-202(d).

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Wes Haskett also claimed last night under oath that section 36-414(b) did not apply to adopting the codes yet the email below proves he believes posted notice is required to get a variance from the codes (unadopt the codes for a specific property).

Please explain to me where Town Code has different Notification requirements for adopting and getting a variance from codes.

Thank you,
Anthony S Mina

PS This issue is part of my legal argument in my Reconsideration of Motion To Preclude so all the town code stating the difference between Notification for adopting a code and obtaining a variance is needed. The only information I have found is Section 36-414(b) governs the adoption of codes and the variance of codes, meaning Wes Haskett committed sworn perjury repeatedly last night.

----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Sent: Thursday, October 10, 2024 at 10:18:27 AM EDT
Subject: 75 E. Dogwood Trl. Variance Notices

Good morning, Mr. Mina. FYI: We are required to post a sign with a copy of the public notice for your Variance hearing that is scheduled for October 21st. Our Public Works Dept. will be posting the sign in the right-of-way adjacent to your property this afternoon. We will also be mailing a copy of the notice via certified mail to you and Ms. Franz.

Wes Haskett

Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

RE: Police Report Filing Against Wes Haskett

From: David Kole (dkole@southernshores-nc.gov)

To: chestercountylawn@yahoo.com

Cc: ncago@ncdoj.gov; ncago@ncdoj.gov; andrea.powell@nccourts.org; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; emorey@southernshores-nc.gov; philadelphia.complaints@ic.fbi.gov; whaskett@southernshores-nc.gov; cogburn@southernshores-nc.gov

Date: Wednesday, August 14, 2024 at 10:36 AM EDT

Good morning Mr. Mina, please refer to the email that Inv./Sgt. Cooke sent you on 8/7/24 noting that he would try to assist you and that he would be out of the office from Aug. 8 and return on Aug. 25, 2024. Sgt. Cooke will contact you upon his return to work.

Thank you

D. Kole

David M. Kole
Chief of Police
Southern Shores Police Dept.
5375 N. Virginia Dare Trail
Southern Shores, NC. 27949
W-252-261-3331 Fax-252-261-4851

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, August 14, 2024 10:14 AM
To: David Kole <dkole@southernshores-nc.gov>
Cc: ncago@ncdoj.gov; ncago@ncdoj.gov; Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Elizabeth Morey <emorey@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; Wes Haskett <whaskett@southernshores-nc.gov>;

Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: Police Report Filing Against Wes Haskett

Hello Chief Kole,

Could you please have an officer call me at 610 842 3905 so an official police report is filed against Wes Haskett. Almost every last word I've communicated to Wes Haskett is through email so there really is no reason I should be asked certain questions about Wes Haskett other than to be provided certain emails (I can provide emails that have already been provided to Southern Shores, if asked). Wes Haskett is caught committing crimes against my family to illegally interfere with the 75 E Dogwood Trail lot subdivision that Wes Haskett indicated to Linda Lauby sounded possible in an email. Wes Haskett then tried hiding his mis conduct and illegally adopted zoning code be falsifying Southern Shore town code notification requirements in an email to me, Police Chief Kole and Mayor Morey. Lastly, Wes Haskett then also used about $4000 of Southern Shores money on attorney Philip Hornthal to also lie about Southern Shores notification requirements and the legal basis for the June 6, 2023 zoning amendment. Spending money on an attorney to lie is illegal. Using Southern Shores tax payer's money to pay for an attorney to help commit crimes against tax payers (like fraudulently over taxing down zoned properties) is another crime.

It's time to arrest Wes Haskett.

Thank you,
Anthony S Mina

----- Forwarded Message -----

From: Anthony Mina <[redacted]>

To: David Kole <[redacted]>; Elizabeth Morey <[redacted]>; Cliff Ogburn <[redacted]>; Wes Haskett <[redacted]>; Southernshores Nc Info <[redacted]>; "[redacted]" <[redacted]>; "[redacted]" <[redacted]>; "[redacted]" <[redacted]>; "[redacted]" <[redacted]>; Mark Batenic <[redacted]>; Matt Neal <[redacted]>; Paula Sherlock <[redacted]>; Robert Neilson <[redacted]>

Cc: "[redacted]" <[redacted]>; "[redacted]" <[redacted]>; Andrea C. Powell <[redacted]>; "[redacted]" <[redacted]>; "[redacted]" <[redacted]>; FBI <[redacted]>

Sent: Wednesday, August 14, 2024 at 09:50:43 AM EDT

Subject: Fw: Anthony S Mina's Interaction With Wes Haskett Indicates Wes Haskett Must Be Arrested

My apologies. I did not mean to send the email below before I completed the email. Anthony S Mina

----- Forwarded Message -----
From: Anthony Mina <[redacted]>
To:
Cc: Sent: Wednesday, August 14, 2024 at 09:38:20 AM EDT
Subject: Anthony S Mina's Interaction With Wes Haskett Indicates Wes Haskett Must Be Arrested

Dear Southern Shores,

I wanted you to be aware that my interaction with Wes Haskett amounts to nothing more than enough probable cause to arrest and convict Wes Haskett of criminal crimes against me.

The only definition I use for interaction is "communication or direct involvement with someone or something".

RE: Criminal Charges Against Southern Shores Real Estate Scam Defendants

From: Phillip Hornthal (phornthal@hrem.com)

To: chestercountylawn@yahoo.com; mcooke@southernshores-nc.gov

Cc: dkole@southernshores-nc.gov; emorey@southernshores-nc.gov; info@southernshores-nc.gov; andrea.powell@nccourts.org; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; ncago@ncdoj.gov; ncago@ncdoj.gov; philadelphia.complaints@ic.fbi.gov

Date: Friday, August 23, 2024 at 05:37 PM EDT

Mr. Mina:

Please refrain from contacting my client and its employees directly. Mr. Cooke, nor anyone else employed by the Town of Southern Shores, will respond to these matters so long as the litigation is pending.

Thank you.

Phil

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.698.0214
Office: 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com
301 East Main Street
Elizabeth City, NC 27909
www.hrem.com

HREM LLP
ATTORNEYS AT LAW

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From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, August 23, 2024 4:57 PM
To: Matt Cooke <mcooke@southernshores-nc.gov>
Cc: Phillip Hornthal <PHornthal@hrem.com>; David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Southernshores Nc Info <info@southernshores-nc.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; ncago@ncdoj.gov; ncago@ncdoj.gov; FBI <philadelphia.complaints@ic.fbi.gov>
Subject: Criminal Charges Against Southern Shores Real Estate Scam Defendants

>>Warning! The source of this email is from outside of the firm.<<

Dear Officer Cooke,

I hope you are doing good.

I just wanted to let you know that the criminal charges I was asking about (for future filing) are specified in the attached Complaint naming Southern Shores as a defendant. I apologize, I am suffering emotional and financial damages everyday that passes without Southern Shores correcting their wrong doing so Chief Kole's timeframe to wait for your return prior to filing criminal charges couldn't fit into my schedule.

I can Amend my complaint, as needed, after Southern Shores corrects the wrong doing and arrests the people committing crimes against my family.

Could you please review my complaint because there is probable cause to make arrests specified in my complaint and let me know what, if any, additional information you would like about the Southern Shores defendants, including their attorney Philip Hornthal who is being paid to deceive Southern Shores property owners. Please email me at chestercountylaw@yahoo.com and I will give you the supporting evidence you need.

Thank you,
Anthony S Mina

----- Forwarded Message -----

From: Anthony Mina <chestercountylaw@yahoo.com>

To: Southernshores Nc Info <info@southernshores-nc.gov>; Kittyhawktown Info <info@kittyhawktown.net>; Wes Haskett <whaskett@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Mike Palkovics <mike.palkovics@kitt-hawktown.net>; Jasper Rogers <jrogers@kittyhawktown.net>; "ewilson@darenc.gov" <ewilson@darenc.gov>; "sheriffdare@darenc.gov" <sheriffdare@darenc.gov>; Mike Talley <mike.talley@kittyhawktown.net>; "laurie.wilson@darenc.gov" <laurie.wilson@darenc.gov>; "lauby.linda@yahoo.com" <lauby.linda@yahoo.com>; Linda Lauby <lauby@outerbanks.rr.com>; "pmeredith@kittyhawktown.net" <pmeredith@kittyhawktown.net>; "council@kittyhawktown.net" <council@kittyhawktown.net>; Elizabeth Morey <emorey@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; "planningboard@southernshores-nc.gov" <planningboard@southernshores-nc.gov>; "planningboard@southernshores-nc.gov" <planningboard@southernshores-nc.gov>; "council@southernshores-nc.gov" <council@southernshores-nc.gov>; "council@southernshores-nc.gov" <council@southernshores-nc.gov>; Phillip Hornthal <phornthal@hornthal.com>

Sent: Monday, August 19, 2024 at 10:01:46 PM EDT

Subject: Federal Lawsuit Requiring Acceptance Of Service Pursuant To Rule 4 Of The Federal Rules Of Civil Procedure

Dear Southern Shores Town, Kitty Hawk Town, Wes Haskett, David Kole, Mike Palkovics, Jasper Rogers, Mike Talley, Mike Meredith, Corolla Water Sports, Dare County, Laurie Wilson and Linda Lauby,

Please find the attached Federal Civil Rights Law Suit in which you are named as a defendant. There also is an attachment containing a "Notice of Lawsuit and Request to Waive Service of a Summons" along with (2) copies of the "Waiver of the Service of Summons". Federal Rule 4 of the Federal Rules of Civil Procedure requires defendants within the United States to Waive Service. The Waiver of Service of Summons form may be emailed to me or mailed to me. If you would like for me to pay the cost of mailing the Waiver of Service of Summons Form to me, please ask for the costs of a U.S. Postal Stamp and I will provide the money to you.

Please note my sworn statements indicate that both me and Jennifer Franz both have not given anyone permission to have "Power of Attorney" to make legal decisions for us and both me and Jennifer Franz do not have court documents under seal in any court in Pennsylvania or North Carolina.

Please use chestercountylaw@yahoo.com to provide me any needed communication that is not mailed to me. I do not

communicate about my legal issues with defendants unless the communication is in writing. Please do not come to my house either, you are not allowed on my property without my permission.

I sincerely apologize I was unable to effectively communicate the fact that I am not in agreement with being a victim in wrong-doing and would like the damages and civil remedies I am entitled to under local, state and federal laws. I will also be seeking punitive damages and criminal charges related to the wrong-doing victimizing me and my family.

Thank you,
Anthony Stocker Mina

PS The next email will have the last of the documents provided to the Federal Court for filing which are the cover letter attachment and civil cover sheet attachment.

----- Forwarded Message -----
From: Anthony Mina <chestercountylawyer@yahoo.com>
To: "neagc@nedoj.gov" <neagc@nedoj.gov>; "neagc@nedoj.gov" <neagc@nedoj.gov>; "olivia.s.hines@necourts.org" <olivia.s.hines@necourts.org>; "olivia.s.hines@necourts.org" <olivia.s.hines@necourts.org>; Andrea C. Powell <andrea.powell@necourts.org>
Sent: Monday, August 19, 2024 at 02:33:55 PM EDT
Subject: Fw: Mina V Dare County Real Estate Scam Defendants

Dear North Carolina Law Enforcement,

Please find the attached Federal Civil Rights Conspiracy Law Suit that is being mailed to the Federal Court today for filing and asking for Federal intervention because of North Carolina law enforcement's refusal to stop criminal conspiracies, including a conspiracy to recklessly endanger children.

Please note my sworn statements indicate that both me and Jennifer Franz both have not given anyone permission to have "Power of Attorney" to make legal decisions for us and both me and Jennifer Franz do not have court documents under seal in any court in Pennsylvania or North Carolina.

Anthony Stocker Mina

----- Forwarded Message -----
From: Anthony Mina <chestercountylawyer@yahoo.com>
To: FBI <philadelphia.complaints@ic.fbi.gov>
Cc: Anthony Mina <chestercountylawyer@yahoo.com>
Sent: Monday, August 19, 2024 at 01:58:26 PM EDT
Subject: Mina V Dare County Real Estate Scam Defendants

Hello FBI...

Please find the attached Federal Civil Rights Law Suit I am going to mail to the Federal Court with the $405 filing fee within the next hour or two.

Please note my sworn statements indicate that both me and Jennifer Franz both have not given anyone permission to have "Power of Attorney" to make legal decisions for us and both me and Jennifer Franz do not have court documents under seal in any court in Pennsylvania or North Carolina.

Thank you,
Anthony Stocker Mina

RE: 911 Emergency In Southern Shores Government

From: Phillip Hornthal (phornthal@hrem.com)

To: chestercountylawn@yahoo.com

Date: Saturday, December 28, 2024 at 08:42 AM EST

I have also spoken with Sgt Brinkley, and has access to everything you've ever provided to me or my client.

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.698.0214
Office: 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

www.hrem.com

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From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, December 27, 2024 5:24 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>
Cc: olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; FBI <philadelphia.complaints@ic.fbi.gov>; ncago@ncdoj.gov; ncago@ncdoj.gov
Subject: Fw: 911 Emergency In Southern Shores Government

>>Warning! The source of this email is from outside of the firm.<<

Hello Mr. Hornthal,

Today I made a 911 phone call and also reported Southern Shores government corruption to the Sheriff's Department.

I received a phonecall from Sergent Brinkley and he instructed me to have you email all the incriminating evidence against Wes Haskett to their police department, including the evidence that Wes Haskett is now committing insurance fraud with his lies about complying with notification requirements prior to the June 6, 2023 lot width Amendment and August 3, 2021 easement access Amendment. Please email all evidence, including this email to each law enforcement officer. Sergent Brinkley is not available this weekend and Wes Haskett should have been arrested today.

Only emailing Police Chief Kole is not an option as Police Chief Kole is part of a Slavery/Involuntary Servitude Conspiracy with his claims that false sworn testimony and a false report to law enforcement made by Wes Haskett are civil matters and not criminal law violations.

I don't pay taxes in Southern Shores to listen to the Police Chief lie about criminal law as Southern Shores employees and the Southern Shores Beacon use lies and witness intimidation tactics against my family.

Thank you,
Anthony S Mina

----- Forwarded Message -----

From: Anthony Mina <chestercountytown@yahoo.com>

To: Hunter Duprey <hunter.duprey@darenc.gov>; "doug.doughtie@darenc.com" <doug.doughtie@darenc.com>; "doug.doughtie@darenc.com" <doug.doughtie@darenc.com>; Mary Lynn Cahoon <mcahoon@darenc.gov>

Cc: FBI <philadelphia.complaints@ic.fbi.gov>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; **Andrea C. Powell** <andrea.powell@nccourts.org>; "ncage@ncdoj.gov" <ncage@ncdoj.gov>; "ncage@ncdoj.gov" <ncage@ncdoj.gov>

Sent: Friday, December 27, 2024 at 04:11:33 PM EST

Subject: 911 Emergency In Southern Shores Government

To Whom It May Concern:

I am writing you to report a 911 corruption emergency in Southern Shores, North Carolina's police department a nd town building. Southern Shores Police Chief David Kole is in violation of slavery/involuntary servitude laws a nd is allowing Southern Shores employee Wes Haskett to commit crimes against my family, including insurance fraud. The 911 emergency involves crimes being committed by at least the following people:

Philip Hornthal, Southern Shores Town Attorney who has blocked me from emailing Southern Shores Police and employees. Philip Hornthal will not allow me to email incriminating evidence to the Southern Shores police aga inst town employee Wes Haskett who I wanted to file a police report against today. I have repeatedly asked Phili p Hornthal for an unblocked police officers email address to report Wes Haskett's crimes to and he will not provi de me an email address. Philip Hornthal is directly involved with Wes Haskett's corruption and I have emails fro m Philip Hornthal proving he is involved with the crimes Wes Haskett is committing.

Wes Haskett has been falsifying information about me and 75 E. Dogwood Trail by claiming he complied with no tification requirements prior to Wes Haskett's March 31, 2023 lot width amendment application being approved. A public records request proved Wes Haskett did not comply with Town Code 36-362(b) and Town Code 36-414(b) and notify 75 E. Dogwood Trail as required but Wes Haskett has refused to stop lying. Wes Haskett lied to Police Chief Kole in an email on May 21, 2024 and then again in all documents and testimony pertaining to m y Variance Application heard October 21, 2024. Wes Haskett lied in about notification requirements at my Varia nce hearing with knowledge that I filed an insurance claim for fraud against Southern Shores and my insurance company needed a copy of the documents
from my Variance. My insurance claims representative is on vacation to January 2, 2024 but I would like to hav e Wes Haskett arrested now.

The attached Notice of Southern Shores Fraud and Notice Of Chief Dave Kole's Slavery/Involuntary Servitude p rove Southern Shores corruption has been progressing since March 31, 2023 and has gotten to the point that th e Southern Shores Beacon is publishing false information about me and my fiance to make me look like an idiot for following Wes Haskett's instructions to file a Variance Application to ask for an exception to zoning code (The

Southern Shores Beacon knows notification requirements were not complied with at 75 E. Dogwood Trail but cl aims they were...and refuses to remove the false information).

All of these things I am complaining about amount to a witness intimidation conspiracy against me because We s Haskett got caught claiming he amended the zoning code at 75 E Dogwood Trail but never complied with the notification pre-requisite required for an amendment to become effective (Wes Haskett is actually defrauding all property owners he is not notifying about zoning codes he claims effect their properties).

Please arrest Wes Haskett, Philip Hornthal and Dave Kole.

Thank you,

Anthony Stocker Mina

RE: Public Records Request For Police Reports Made Against Wes Haskett

From: Phillip Hornthal (phornthal@hrem.com)

To: chestercountylawn@yahoo.com

Date: Thursday, January 2, 2025 at 02:21 PM EST

Forwarded to client, but I do not believe there are any documents responsive to your request.

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.698.0214
Office. 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

www.hrem.com

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From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, January 1, 2025 7:51 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>; W. Jay Wheless <jay@whelesslawfirm.com>; Planning Board <planningboard@southernshores-nc.gov>
Cc: FBI <philadelphia.complaints@ic.fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; ncago@ncdoj.gov; ncago@ncdoj.gov
Subject: Public Records Request For Police Reports Made Against Wes Haskett

>>Warning! The source of this email is from outside of the firm.<<

Dear Southern Shores,

Please provide me a complete copy of all Police Reports against Wes Haskett filed with Southern Shores Town and Southern Shores Police Department. Please make sure there are accurate dates of entry of complaints against Wes Haskett.

Please also provide all names of people such as insurance agents notified of Wes Haskett's deception of an insurance claim.

Thank you,
Anthony S Mina

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>

To: Norwood Blanchard <norwood@cmclawfirm.com>; Phillip Hornthal <phornthal@hcsm.com>; W. Jay Wheless <jay@whelesslawfirm.com>; Planning Board <planningboard@southernshores-nc.gov>

Cc: Jason Portnoy <jportnoy@invtitle.com>; FBI <philadelphia.complaints@ic.fbi.gov>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; "ncags@ncdoj.gov" <ncags@ncdoj.gov>; Anthony Mina <lonesmina@yahoo.com>; anthony mina <chestercountylawn@yahoo.com>

Sent: Tuesday, December 31, 2024 at 07:34:29 AM EST

Subject: 911 Emergency In Southern Shores Government Involving Wes Haskett's Insurance Fraud & Witness Intimidation

Dear Mr. Hornthal,

Please forward this email to all the blocked email addresses listed below. The emails contains more proof of Wes Haskett's corruption that all police officers, town council members and planning board members must be notified of.

Thank you,
Anthony S Mina

Elizabeth Morey <emorey@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>;council@southernshores-nc.gov; Planning Board <PlanningBoard@southernshores-nc.gov>; Andrew Spottswood <aspottswood@southernshores-nc.gov>; Jennifer Couture <jcouture@southernshores-nc.gov>; Jason Thompson <JThompson@southernshores-nc.gov>; Thomas Long <tlong@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner <rdeaner@southernshores-nc.gov>; Matt Cooke <mcooke@southernshores-nc.gov>; Tracy Mann <tmann@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Jonathan Siegel <jsiegel@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; Sophia Wright <swright@southernshores-nc.gov>,

Dear Southern Shores Police, Town Council & Planning Board,

Please find the attached documents proving Wes Haskett has been committing insurance fraud since October 1 5, 2024 when lying about notification requirements being complied with at 75 E. Dogwood Trail prior to the June 6, 2023 lot width amendment and August 3, 2021 lot access through easement restriction.

The bottom line with Wes Haskett lying about notification requirements with a claim they were complied with (an d there is no competent evidence of fraud, misconduct or criminal conspiracy) is that Wes Haskett's lies now me an Wes Haskett is attacking the credibility of Southern Shores and their notification records, which I obtained thr ough a Public Records Request and included in my Variance Application as "Exhibit 2C". Unfortunately for Wes Haskett's lies and attack on Southern Shores credibility,

the false report Wes Haskett made to Chief Kole on May 21, 2024 also proves Wes Haskett did not comply with notification requirements.

The emails at the end of this email reference a defective side setback Wes Haskett approved at 170 & 172 Oce an Blvd. in a recombination/subdivision plat on 10-3-
2017 without the plat meeting required side setback requirements (like Wes Haskett was trying to claim prevent ed a subdivision at my house until I filed a building permit to remove 1' of my house). The attached document titl ed "WesHaskettSpecialInterest75" proves Wes Haskett is harassing me with zoning codes not being enforced o

n other property owners when they are submitting subdivision/recombination plans where the non-conforming set back is part of the new property line (my side setback property line was not even being changed and Wes Haskett tried using it against me).

Please arrest Wes Haskett. The Southern Shores Ethics Policy prohibits employment of people conducting the mselves like Wes Haskett.

Thank you,
Anthony S Mina

PS. Please be advised that Philip Hornthal is involved with schemes to prevent Southern Shores Police, Town Council and Planning Board from receiving information documenting Wes Haskett's crimes. I suggest you arrest Philip Hornthal for tampering with evidence because as the evidence shows, Wes Haskett's crimes are continuing and progressing to become more serious and now attack the credibility of Southern Shores.

---- Forwarded Message ----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: Phillip Hornthal <phornthal@brem.com>; Norwood Blanchard <norwood@cmclawfirm.com>
Cc: FBI <philadelphia.complaints@ic.fbi.gov>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>
Sent: Saturday, December 28, 2024 at 02:14:39 PM EST
Subject: Fw: 911 Emergency In Southern Shores Government

Mr. Hornthal,

Please advise Chief Kole and Sgt. Brinkley of the following facts that require Wes Haskett to be arrested and im mediately terminated.

1) Wes Haskett was told on October 15, 2024, prior to the Variance hearing that cost me $350 that his staff repo rt had false statements about notification requirements being complied with and the proof that notification requir ements were not complied with was Exhibit 2C of my Variance Application. Wes Haskett was also told Jason Po rtnoy was handling a fraud complaint against Southern Shores with my insurance company and Mr. Portnoy nee ded a copy of all documents from my Variance hearing. Wes Haskett refused to correct his lies as shown with W es Haskett's emailed response. The attached Notice of Wes Haskett's Insurance Fraud proves the false pre-tense theft associated with making me pay $350 for a Variance Application that must be decided under law and facts and Wes Haskett's refusal to base the Variance hearing on law and facts.

2) Wes Haskett and/or Lauren Womble lied under oath claiming the June 6, 2023 lot width amendment and Aug ust 3, 2021 lot access through easement restriction were not illegally adopted. Town Code 36-414(b) and Town Code 36-362(b) both require posted notice at affected properties prior to an amendment being adopted for the property , which was not done and Town Code 36-362(b) also requires mailed notice to the affected property prior to a zoning change at the property (also not don e)
(Wes Haskett claims 75 E Dogwood Trail was rezoned from subdividable to unsubdividable because of the June 6, 2023 amendment). The whole reason I was forced to spend $350 on the Variance hearing is Wes Haskett de nied my July 3, 2024 lot subdivision application using zoning codes that the 75 E Dogwood Trail file and Exhibit 2C of my Variance application prove do not apply to 75 E Dogwood Trail because 75 E Dogwood Trail was not a n effected property, according to notification records.

3) I paid $200 for lot subdivision applications on July 3, 2024. The subdivision application proved at Exhibit C th at notification requirements were not complied with at 75 E Dogwood Trail for the lot width amendment on June 6, 2023 and the lot access easement restriction on August 3, 2021. Both the lot width amendment and lot acces s through easement restrictions require effected properties to be notified prior to the becoming effective and neit her code notified 75 E Dogwood Trail.

4) I now had to pay $200 to the Dare County Superior Court because of Wes Haskett's lies and also paid about $450 to the Federal Court largely in part because of Wes Haskett's lies.

Wes Haskett's lies about meeting notifications in documents he knows are being used in a fraud investigation by an insurance company against him and Southern Shores violates insurance fraud laws and will get the entire to

wn of Southern Shores in trouble for insurance fraud if Wes Haskett is not arrested. Wes Haskett's claims that t here is no competent evidence of fraud, misconduct and criminal conspiracy means Wes Haskett is attacking th e credibility of Southern Shores (the entity responsible for responding to Public Records Requests made to Sout hern Shores) because he is discrediting a public records request response proving Wes Haskett did not notify 7 5 E Dogwood Trail.

The whole reason Chief Dave Kole and Southern Shores have been sued in Federal Court and now have pendi ng litigation in Dare County Superior Court is because of Wes Haskett's lies.

Please arrest Wes Haskett before January 2, 2024, when I report this information to the insurance company inv estigating Wes Haskett's fraud.

Anthony S. Mina

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: Phillip Hornthal <phornthal@hrem.com>
Sent: Saturday, December 28, 2024 at 08:47:09 AM EST
Subject: Re: 911 Emergency In Southern Shores Government

Thank you for the email stating Sgt Brinkley has access to all the documents/emails I have provided you about Wes Haskett. Please ask Sgt. Brinkley to discuss the filing of criminal charges against Wes Haskett with me nex t week. I understand Sgt. Brinkley is not working today or tomorrow. Anthony S Mina
On Saturday, December 28, 2024 at 08:42:07 AM EST, Phillip Hornthal <phornthal@hrem.com> wrote:

I have also spoken with Sgt Brinkley, and has access to everything you've ever provided to me or my client.

L. Phillip Hornthal, III
Attorney at Law

Direct:252.698.0214

Office:252.335.0871

Fax:252.335.4223 Attn: P. Hornthal

Email:phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

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From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, December 27, 2024 5:24 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>
Cc: olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; FBI <philadelphia.complaints@ic.fbi.gov>; ncago@ncdoj.gov; ncago@ncdoj.gov
Subject: Fw: 911 Emergency In Southern Shores Government

>>Warning! The source of this email is from outside of the firm.<<

Hello Mr. Hornthal,

Today I made a 911 phone call and also reported Southern Shores government corruption to the Sheriff's Depar tment.

I received a phonecall from Sergent Brinkley and he instructed me to have you email all the incriminating eviden ce against Wes Haskett to their police department, including the evidence that Wes Haskett is now committing i nsurance fraud with his lies about complying with notification requirements prior to the June 6, 2023 lot width A mendment and August 3, 2021 easement access Amendment. Please email all evidence, including this email to each law enforcement officer. Sergent Brinkley is not available this weekend and Wes Haskett should have bee n arrested today.

Only emailing Police Chief Kole is not an option as Police Chief Kole is part of a Slavery/Involuntary Servitude C onspiracy with his claims that false sworn testimony and a false report to law enforcement made by Wes Hasket t are civil matters and not criminal law violations.

I don't pay taxes in Southern Shores to listen to the Police Chief lie about criminal law as Southern Shores empl oyees and the Southern Shores Beacon use lies and witness intimidation tactics against my family.

Thank you,
Anthony S Mina

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>

To: Hunter Duprey <hunter.dubrey@darenc.gov>; "doug.doughtie@darenc.com" <doug.doughtie@darenc.com> ; "doug.doughtie@darenc.com" <doug.doughtie@darenc.com>; Mary Lynn Cahoon <mcahoon@darenc.gov>

Cc: FBI <philadelphia.complaints@ic.fbi.gov>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "oli via.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; "n cago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>

Sent: Friday, December 27, 2024 at 04:11:33 PM EST

Subject: 911 Emergency In Southern Shores Government

To Whom It May Concern:

I am writing you to report a 911 corruption emergency in Southern Shores, North Carolina's police department a nd town building. Southern Shores Police Chief David Kole is in violation of slavery/involuntary servitude laws a nd is allowing Southern Shores employee Wes Haskett to commit crimes against my family, including insurance fraud. The 911 emergency involves crimes being committed by at least the following people:

Philip Hornthal, Southern Shores Town Attorney who has blocked me from emailing Southern Shores Police and employees. Philip Hornthal will not allow me to email incriminating evidence to the Southern Shores police against town employee Wes Haskett who I wanted to file a police report against today. I have repeatedly asked Philip Hornthal for an unblocked police officers email address to report Wes Haskett's crimes to and he will not provide me an email address. Philip Hornthal is directly involved with Wes Haskett's corruption and I have emails from Philip Hornthal proving he is involved with the crimes Wes Haskett is committing.

Wes Haskett has been falsifying information about me and 75 E. Dogwood Trail by claiming he complied with notification requirements prior to Wes Haskett's March 31, 2023 lot width amendment application being approved. A public records request proved Wes Haskett did not comply with Town Code 36-362(b) and Town Code 36-414(b) and notify 75 E. Dogwood Trail as required but Wes Haskett has refused to stop lying. Wes Haskett lied to Police Chief Kole in an email on May 21, 2024 and then again in all documents and testimony pertaining to my Variance Application heard October 21, 2024. Wes Haskett lied in about notification requirements at my Variance hearing with knowledge that I filed an insurance claim for fraud against Southern Shores and my insurance company needed a copy of the documents from my Variance. My insurance claims representative is on vacation to January 2, 2024 but I would like to have Wes Haskett arrested now.

The attached Notice of Southern Shores Fraud and Notice Of Chief Dave Kole's Slavery/Involuntary Servitude prove Southern Shores corruption has been progressing since March 31, 2023 and has gotten to the point that the Southern Shores Beacon is publishing false information about me and my fiance to make me look like an idiot for following Wes Haskett's instructions to file a Variance Application to ask for an exception to zoning code (The Southern Shores Beacon knows notification requirements were not complied with at 75 E. Dogwood Trail but claims they were...and refuses to remove the false information).

All of these things I am complaining about amount to a witness intimidation conspiracy against me because Wes Haskett got caught claiming he amended the zoning code at 75 E Dogwood Trail but never complied with the notification pre-
requisite required for an amendment to become effective (Wes Haskett is actually defrauding all property owners he is not notifying about zoning codes he claims effect their properties).

Please arrest Wes Haskett, Philip Hornthal and Dave Kole.

Thank you,

Anthony Stocker Mina

Thread Of Emails In Response To Public Records Request For 170 & 172 Ocean Blvd. Files----------

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: Phillip Hornthal <phornthal@hrem.com>; Norwood Blanchard <norwood@ncnclawfirm.com>
Cc: Andrea C. Powell <andrea.powell@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; FBI <philadelphia.complaints@ic.fbi.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncagu@ncdoj.gov>
Sent: Tuesday, December 31, 2024 at 06:34:18 AM EST
Subject: Fw: 170 & 172 Ocean Blvd-Missing Documents Proving Harassment/Witness Intimidation Of Me

Hi Mr. Hornthal (please provide this email to all Southern Shores Police),

Could you please tell me where the complaints made against Wes Haskett and Southern Shores are in the copi es of the 170 & 172 Ocean Blvd files provided to me in my public records request response.

My understanding is that Wes Haskett approved a recombination/subdivision plat on 10-3-2017 without the plat meeting required side setback requirements (like Wes Haskett was trying to claim prevent ed a subdivision at my house until I filed a building permit to remove 1' of my house). My understanding is compl aints were made against the approved 10-3-2017 plan with the defective setback.

I am building a corruption case against Wes Haskett for harassing me with zoning codes that are unenforcable at 75 E. Dogwood Trail (because they were never effectuated with proper notice) and zoning codes not being en forced on other property owners. Please tell me where the complaints made against the 10-3-2017 recombination/subdivision plat are in the complete files I requested.

I have attached a file proving Wes Haskett has an undisclosed special interest in 75 E Dogwood Trail and that Wes Haskett is treating me different than other property owners when the only thing I've done to Wes Haskett is caught him hiding zoning changes that require notice pursuant to Town Code 36-362(b) and Town Code 36-314(b).

Thank you,
Anthony S Mina

---- Forwarded Message ----
From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, December 30, 2024 at 01:44:46 PM EST
Subject: FW: 170 & 172 Ocean Blvd.

See below, additional information responsive to your public records request.

L. Phillip Hornthal, III
Attorney at Law

Direct:252.698.0214

Office:252.335.0871

Fax:252.335.4223 Attn: P. Hornthal

Email:phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

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Legal Notices & Privacy Policy

From: Sheila Kane <skane@southernshores-nc.gov>
Sent: Monday, December 30, 2024 11:23 AM
To: Phillip Hornthal <PHornthal@hrem.com>
Subject: RE: 170 & 172 Ocean Blvd.

>>Warning! The source of this email is from outside of the firm.<<

Phillip:

My apologies, but I see now that 170 Ocean Blvd #1 was an incorrect link (just a duplicate of 172 Ocean Blvd). Please see the correct link below.

Thank you.

170 Ocean Blvd #1: https://www.dropbox.com/scl/fi/czlnfb27rtlmcsqmekbx/170OCEANBLVDTOSSNC27949BP.pdf?rlkey=6zt39q1jcqnvyv97r2ozsjnc8&st=px3kn317&dl=0

Sheila Kane, CMC, NCCMC

Town Clerk

Town of Southern Shores

5375 N Virginia Dare Trail

Southern Shores, NC 27949

(252) 261-2394 phone

(252) 255-0876 fax

skane@southernshores-nc.gov

From: Phillip Hornthal <PHornthal@hrem.com>
Sent: Monday, December 30, 2024 10:02 AM
To: Sheila Kane <skane@southernshores-nc.gov>
Subject: RE: 170 & 172 Ocean Blvd.

Forwarded to him.

L. Phillip Hornthal, III
Attorney at Law

Direct:252.698.0214

Office:252.335.0871

Fax:252.335.4223 Attn: P. Hornthal

Email:phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

Click here to read ourDisclaimer,
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From: Sheila Kane <skane@southernshores-nc.gov>
Sent: Monday, December 30, 2024 10:00 AM
To: Phillip Hornthal <PHornthal@hrem.com>
Subject: 170 & 172 Ocean Blvd.

>>Warning! The source of this email is from outside of the firm.<<

Phillip: the files have been sent using Dropbox.

Dropbox Links for files.

170 Ocean Blvd #1: https://www.dropbox.com/scl/fi/t6b6ztcw1k6ouwzqna6yl/172-Ocean-Blvd.pdf?rlkey=us3ygfetqx7khe80hyxbamn5m&st=aeqt9atl&dl=0

170 Ocean Blvd #2: https://www.dropbox.com/scl/fi/496mvdc3vcc9emyhwqj6o/170OCEANBLVDTOSSNC27949.pdf?rlkey=2cdep1om7z9vuaphlva3mmzl5&st=his9nayv&dl=0

172 Ocean Blvd: https://www.dropbox.com/scl/fi/t6b6ztcw1k6ouwzqna6yl/172-Ocean-Blvd.pdf?rlkey=us3ygfetqx7khe80hyxbamn5m&st=8gc34fys&dl=0

Sheila Kane, CMC, NCCMC

Town Clerk

Town of Southern Shores

5375 N Virginia Dare Trail

Southern Shores, NC 27949

(252) 261-2394 phone

(252) 255-0876 fax

skane@southernshores-nc.gov

This email has been scanned for spam and viruses by Proofpoint Essentials. Clickhere to report this email as sp
am.

RE: Public Records Request Re: signs placed in right-of-way

From: Cliff Ogburn (cogburn@southernshores-nc.gov)

To: chestercountylawn@yahoo.com

Cc: skane@southernshores-nc.gov; info@southernshores-nc.gov

Date: Thursday, June 20, 2024 at 10:56 AM EDT

Town Code Section 36-165 (3) Sign permit required.

> No sign shall hereafter be erected or attached to, suspended from, or supported on a building or structure, nor shall any existing sign or outdoor advertising structure be structurally altered, remodeled, or relocated, until a sign permit for same has been issued by the zoning administrator. No permit is required for signs in residential districts, temporary signs, or any sign not exceeding three square feet in area.

Response to the 6 locations you referenced in your email below:

1. Not allowed in this location. This sign has been addressed.
2. Organizational leaders were notified and made aware of the regulations and given the same opportunity to comply on their own that you were.
3. Not allowed in this location. This sign has been addressed.
4. temporary sign legally placed – no permit required.
5. Not allowed in this location. These signs have been addressed.
6. This sign does not exist at this location.

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Thursday, June 20, 2024 7:48 AM
To: Cliff Ogburn <cogburn@southernshores-nc.gov>; Sheila Kane <skane@southernshores-nc.gov>; info@southernshores-nc.gov
Subject: Public Records Request Re: signs placed in right-of-way

Southern Shores,

Please provide me:
1) All permits issued to allow Beach Realty & Construction sign at 108 S. Dogwood Trail.
2) All permits issued to allow Vacation Bible School signs at "Welcome Southern Shores" entrance at S. Dogwood Trail.
3) All permits issued to allow Village Realty sign at 20 S. Dogwood Trail.
4) All permits issued to allow "join our team" sign at Duck Woods Country Club.
5) All permits issued to allow Beach Realty Sign and "Oh-So Sandy" sign at 18 E. Dogwood Trail.
6)All permits issued to allow Outer Banks Realty sign at 75 E. Dogwood Trail.

K

Thank you,
Anthony S Mina

On Wednesday, June 19, 2024 at 02:56:43 PM EDT, Cliff Ogburn <cogburn@southernshores-nc.gov> wrote:

Mr. Mina – in reference to the two signs in the below picture in front of your property at 75 East Dogwood Trl, please be advised that Town Code Section 36-165 prohibits temporary signs in the right-of-way (except from 30 days before early voting begins and 10 days after an election). Please either remove these signs or have them moved back outside of the right-of-way. Otherwise, they may be

subject to removal.
If you have any questions or would like to discuss this further, please contact me at 261-2394.
Thank you.

Cliff Ogburn

Town Manager

Town of Southern Shores

image001.png
1.3MB

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
www.southernshores-nc.gov

Application and Agreement for Right-of-Way Encroachment

Owner: Anthony S. Mina	**Contractor:**
Address: 75 E. Dogwood Trail	**Address:**
City, St & Zip: Southern Shores, NC 27949	**City, St & Zip:**
Phone: 610-842-3905	**Phone:**
Fax:	**Fax:**
Mobile:	**Mobile:**

chestercountylaw.ie@yahoo.com

PROPERTY LOCATION: 75 E. Dogwood Trail

Subdivision: RS-1 **Lot:** 1 **Block:** 105 **Section:** ___

Parcel #: 986817213503 **Permit #:** _____ **Receipt #:** _____

SECTION 28-3, (3) RIGHT-OF-WAY ENCROACHMENT AGREEMENT: A property owner, or his agent, may apply to the Town for a right-of-way encroachment agreement. If approved by the Town Manager, the applicant may place an obstruction within the right-of-way. Except where the Town Manager, or his designee, makes written findings showing no practicable alternative, the obstruction shall not be closer than four feet from the paved road surface or four feet from any roadway. No obstructions may be placed within the street, except as otherwise provided by law. A right-of-way encroachment agreement shall be executed in such a format that it shall be recorded in the County registry and shall be made available by the applicant and any subsequent property owner to any future property owner. Any obstruction authorized by a right-of-way encroachment agreement shall be installed no sooner than the date the agreement has been recorded in the County registry and the agreement shall automatically expire 30 days after the obstruction has been removed.

SITE SPECIFIC TERMS AND CONDITIONS (referenced to attached site plan):

Installation of temporary signs on the right and left side of the driveway until a buyer is contracted.

_____ _____
Signature of Town Manager or Designee Date

Anthony S. Mina 6/27/2024
Signature of Owner or Contractor Date

STATE OF NORTH CAROLINA

COUNTY OF Dare

I, a Notary Public, do hereby certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Town of S. Nags Application & Agreement

This the 28 day of June 2024

(Official seal.)

Notary Public

Printed Name: Jennifer D Housand

My Commission Expires:

9/27/2028

JENNIFER D HOUSAND
Notary Public - North Carolina
Dare County
My Commission Expires Sep 27, 2028

Public Records Request #34_Anthony Mina

From: Sheila Kane (skane@southernshores-nc.gov)

To: chestercountylawn@yahoo.com

Date: Monday, September 30, 2024 at 04:57 PM EDT

Dear Mr. Mina:

On September 20, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

> 1) All sign permits and Right of Way Encroachment agreements for the Episcopal Church sign at Pintail Road and S. Dogwood Trail.
> 2) Southern Shores code permitting Episcopal church signs as they are positioned but prohibiting Whaley Fun Returns signs as they were positioned.

Following review of your request, no records can be found pertaining to your request.

Thank you,

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

TOWN OF SOUTHERN SHORES

PUBLIC RECORDS REQUEST

Pursuant to N.C.G.S. Chapter 132, the Town of Southern Shores makes available to the public all records in its custody and control that are defined as "public records" under N.C.G.S. §132-1. Persons making the request should provide the following information and the Town Clerk will assist in gathering, providing for inspection, or copying the information requested. Please provide the Town with sufficient information to describe those public records being requested.

☐ Inspection (no charge) ☐ Copying ☒ Email

Records will be available for inspection or pick-up as promptly as reasonably possible, but in any event within five (5) business days if the documents being requested are small in nature (minutes, agendas, resolutions, current personnel policy etc). If the documents being requested are archived or extensive in nature the time frame could be as long as fifteen (15) business days, but hopefully would not exceed that time frame. Requests requiring legal review may exceed stated time frames. Requestor will be notified by mail when the records request has been completed and available.

The Town requires payment in accordance with the adopted Fee Schedule and the signature or initials of the requester prior to releasing any documents.

Name of Person Making Request: Anthony S. Mina

Mailing Address 75 E. Dogwood Trail

Email Address chestercountylaw@yahoo.com

Phone Number to Contact Person Making Request: 610-842-3905

Date of Request: 7-22-2024

Public Records Being Requested: 1) A list of all properties reported to Dare County tax department for a property tax decrease due to the June 6, 2023 zoning amendment intended to prevent lot subdivisions ("downsizing" 2 single family home lots to 1 single family home lots). 2) Proof that Southern Shores informed Dare County of the proposed amendment made without properly notifying effected residents per NC Art. 6 [illegible]

Total Copies provided: _____ Amount Due (25¢/copy B/W- 30¢ Color):$ _____

Payment Received (method): Check _____ Cash _____ Money Order _____

Signature or Initials of Requesting Party Confirming Receipt of Requested Materials *(please do not sign or initial until you have received the items requested above)* :

_____ Date: _____

Town Staff Filling Request: _____ Date Request Fulfilled: _____

Public Records Request 07.22.2024_List of properties reported to Dare County

From: Sheila Kane (skane@southernshores-nc.gov)

To: chestercountylawn@yahoo.com

Date: Monday, July 29, 2024 at 01:36 PM EDT

Dear Mr. Mina:

On July 22, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

- a list of all properties reported to Dare County tax department for a property decrease due to June 6, 2023 zoning amendment intended to prevent future lot subdivisions ("downsizing" 2 single family home lots to 1 single family home lot).
- Proof that Southern Shores informed Dare County.

Following review of your request, no records exist pertaining to your request.

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

Public Records Request

From: Sheila Kane (skane@southernshores-nc.gov)

To: chestercountylawn@yahoo.com

Cc: norwood@cmclawfirm.com; phornthal@hrem.com; cogburn@southernshores-nc.gov

Date: Wednesday, October 9, 2024 at 09:11 AM EDT

Mr. Mina:

You have received three replies to the same duplicate request, two on 9/19/2024 and one on 9/5/2024.

The town provided you an appointment time to inspect the subscriber list on September 19, 2024.

My answer remains the same, Per § 132 1.13. the electronic subscriber list was made available to you for public **INSPECTION** in a printed format, as the unit of local government may elect (§ 132-1.13.(a)) This subscriber list is **not available for copying.**

Thank you,

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, October 8, 2024 4:47 PM
To: Cliff Ogburn <cogburn@southernshores-nc.gov>; Norwood Blanchard <norwood@cmclawfirm.com>; David Kole <dkole@southernshores-nc.gov>; Sheila Kane <skane@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; info@southernshores-nc.gov; council@southernshores-nc.gov; council@southernshores-nc.gov; Wes Haskett <whaskett@southernshores-nc.gov>; info@southernshores-nc.gov; Elizabeth Morey <emorey@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; ncago@ncdoj.gov; ncago@ncdoj.gov; David Kole <dkole@southernshores-nc.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org
Cc: Jonathan Siegel <jsiegel@southernshores-nc.gov>; Matt Cooke <mcooke@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; Darrell Brickhouse

<dbrickhouse@southernshores-nc.gov>; Tracy Mann <tmann@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner <rdeaner@southernshores-nc.gov>; Thomas Long <tlong@southernshores-nc.gov>; Jason Thompson <JThompson@southernshores-nc.gov>; Andrew Spottswood <jspottswood@southernshores-nc.gov>; Jennifer Couture <jcouture@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Elizabeth Morey <emorey@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>
Subject: Fw: Legal Obligation To Inform Property Owners of Southern Shores Illegal Zoning Amendments And Tax Fraud (Public Records Request)

Hello,

I do not believe I have received a response to my public records request dated Septmber 20, 2024 for the Southern Shores Newsletter email list for the sole purpose of informing Southern Shores property owners:

1) Zoning amendments were made on 8/3/2021 and 6/6/2023 without complying with Town Code 36-414(b).
2) The town has refused to remedy their wrong doing.
3) 4 licensed realtors have indicated 75 E Dogwood Trail should be sub-divided with 2 licensed realtors specifically saying the property is more valuable sub-divided.
4) The town is aware that property tax reductions have not been made with knowledge that sub-dividable lots are more valuable than unsubdividable lots, as Wes Haskett's June 7, 2023 email indicated the purpose of the June 6, 2023 zoning amendment was for.

Thank you,
Anthony Stocker Mina

PS Not providing me the email addresses for the sole purpose of informing Southern Shores property owners of the above referenced crimes substantiates a governmental criminal conspiracy to defraud property owners, since Southern Shores has refused to correct their wrong doing. Please comply with North Carolina Public Records Request Laws and ALL LAWS GOVERNING NOTIFICATION TO VICTIMS OF CRIMES, LIKE PROPERTY BEING ILLEGALLY DOWN ZONED WITHOUT NOTIFYING THE PROPERTY OWNER OR REDUCING PROPERTY TAXES.

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>

To: Cliff Ogburn <cogburn@southernshores-nc.gov>; Norwood Blanchard <norwood@cmclawfirm.com>; David Kole <dkole@southernshores-nc.gov>; Sheila Kane <skane@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; Southernshores Nc Info <info@southernshores-nc.gov>; "council@southernshores-nc.gov" <council@southernshores-nc.gov>; "council@southernshores-nc.gov" <council@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; Southernshores Nc Info <info@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; David Kole <dkole@southernshores-nc.gov>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>

Cc: Jonathan Siegel <jsiegel@southernshores-nc.gov>; Matt Cooke <mcooke@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Tracy Mann <tmann@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner <rdeaner@southernshores-nc.gov>; Thomas Long <tlong@southernshores-nc.gov>; Jason Thompson <jthompson@southernshores-nc.gov>; Andrew Spottswood <jspottswood@southernshores-nc.gov>; Jennifer Couture <jcouture@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Elizabeth Morey <emorey@suuthernshores-

RE: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot chestercountyla.../inbox

Wes Haskett <whaskett@southernshores-nc.gov> Jun 12, 2023 at 12:17 PM
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: FBI <philadelphia.complaints@ic.fbi.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>

Good afternoon, Mr. Mina. At this point, you should direct your questions to our Town Attorney, Phillip Hornthal. He can be reached at 252-335-0878.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Thursday, June 8, 2023 9:17 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>
Cc: FBI <philadelphia.complaints@ic.fbi.gov>
Subject: Fw: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Hello,

When you respond to my email, could you please tell me I am understanding you correctly when you say the zoning code is to prevent future sub-divisions and higher densities. My understanding is you are saying the zoning code has been adopted to prevent the population from increasing per square mile by additional homes being built.

If I am correct, I believe that the legal way to achieve this goal is through eminent domain.
§ 40A-2.

(3) "Eminent domain" means the power to divest right, title or interest from the owner of property and vest it in the possessor of the power against the will of the owner upon the payment of just compensation for the right, title or interest divested.

How does Southern Shores possibly believe that taking a property right with the new zoning amendment from a tax payer is legal? I am having a hard time understanding how Linda Lauby and/or me have not been stolen from by Southern Shores.

Thank you,
Anthony S Mina

---- Forwarded Message ----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>
Sent: Wednesday, June 7, 2023 at 03:22:04 PM EDT
Subject: Re: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Hello,

Thank you for the email.

Could you please tell me how Southern Shores residents and home owners were notified of the proposed amendment to the zoning code dated 3/31/2023 (the zoning code adopted last night). I asked my realtor Alan Creech and Southern Shores questions about Southern Shores' zoning code prior to providing a $5000 due diligence fee and June 1, 2023 is the first time I was informed about the proposed amendment (75 E. Dogwood Trail was listed for sale as being potentially sub-dividable).

Could you please explain how and when Southern Shores "will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots". How will this next amendment reverse the fact that the amendment passed last night literally steals land value from Southern Shores residents that have been paying property taxes on enough square footage to sub-divide (in the world of finance, land is considered an asset and owning enough property to sub-divide is a financial plan that is taxed at a higher rate than owning not enough square footage to sub divide)?

Thank you for your help,
Anthony S Mina

On Wednesday, June 7, 2023 at 09:10:34 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Mr. Mina. The Town Council voted 3-2 to approve the text amendment. That means that at this time, all new lot must be 100 ft. wide measured from the front lot line to the rear lot line. The meeting video recording will soon be available on YouTube here: https://www.southernshores-nc.gov/meetings. As I told the Town Council during the public hearing, we realize that these requirements are more strict than what has been in place, but we believe that they're unambiguous and will prevent future subdivisions and recombinations with higher densities. Town Staff will be submitting another text amendment in the near

future that may allow pie-shaped or other irregularly-shaped lots.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mine <chestercountylawn@yahoo.com>
Sent: Wednesday, June 7, 2023 8:35 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Good Morning,

Could you please provide me the results to the vote to increase the street frontage zoning requirement to 100' per lot.

Thank you,
Anthony S Mine

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https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1686141324-FWeLsGXDoMzC&r_address=whaskett%40southernshores-nc.gov&report=1

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RE: 75 E Dogwood Trail Subdivision

chestercountyla.../Inbox

Jun 1, 2023 at 9:44 AM

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor. However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

Wes Haskett's July 16th, 2024 sub-division denial (Variance "Exhibit 1B") confirmed lot widths met town code as the drawing referenced in this email was provided on a plat prepared by a surveyor and is found as Variance "Exhibit 2B"

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 F Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

On Tuesday, May 30, 2023 at 04:41:19 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. Thank you for sending the drawing. How much frontage would Lot B have and at what point is it 100 ft. wide?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT ADMITTING ON JUNE 1, 2023 THE LOT WIDTH REQUIREMENTS FOR A SUBDIVISION WERE MET, BUT THEN TELLING APPLICANT FOR THE 1ST TIME THAT LOT WIDTH REQUIREMENTS OF 100' AT THE FRONT BUILDING SETBACK LINE WERE BEING CHANGED ON JUNE 6, 2023 TO REQUIRE THE ENTIRE LOT TO BE 100' WIDE. (ATTACHMENT EXPLAINED PROPOSED ZONING AMENDMENT)

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

I really only want enough street frontage to build some walls at the beginning of the driveway like in the attached picture. I'll be able to give you a much more accurate subdivision plan after I purchase 75 E Dogwood Trail and get some legal advice about all my possible subdivision plans. But I am thinking that I may want both lots sharing one driveway opening that I own, if zoning code allows a subdivision plan like this (if not Lot A could use the existing driveway).

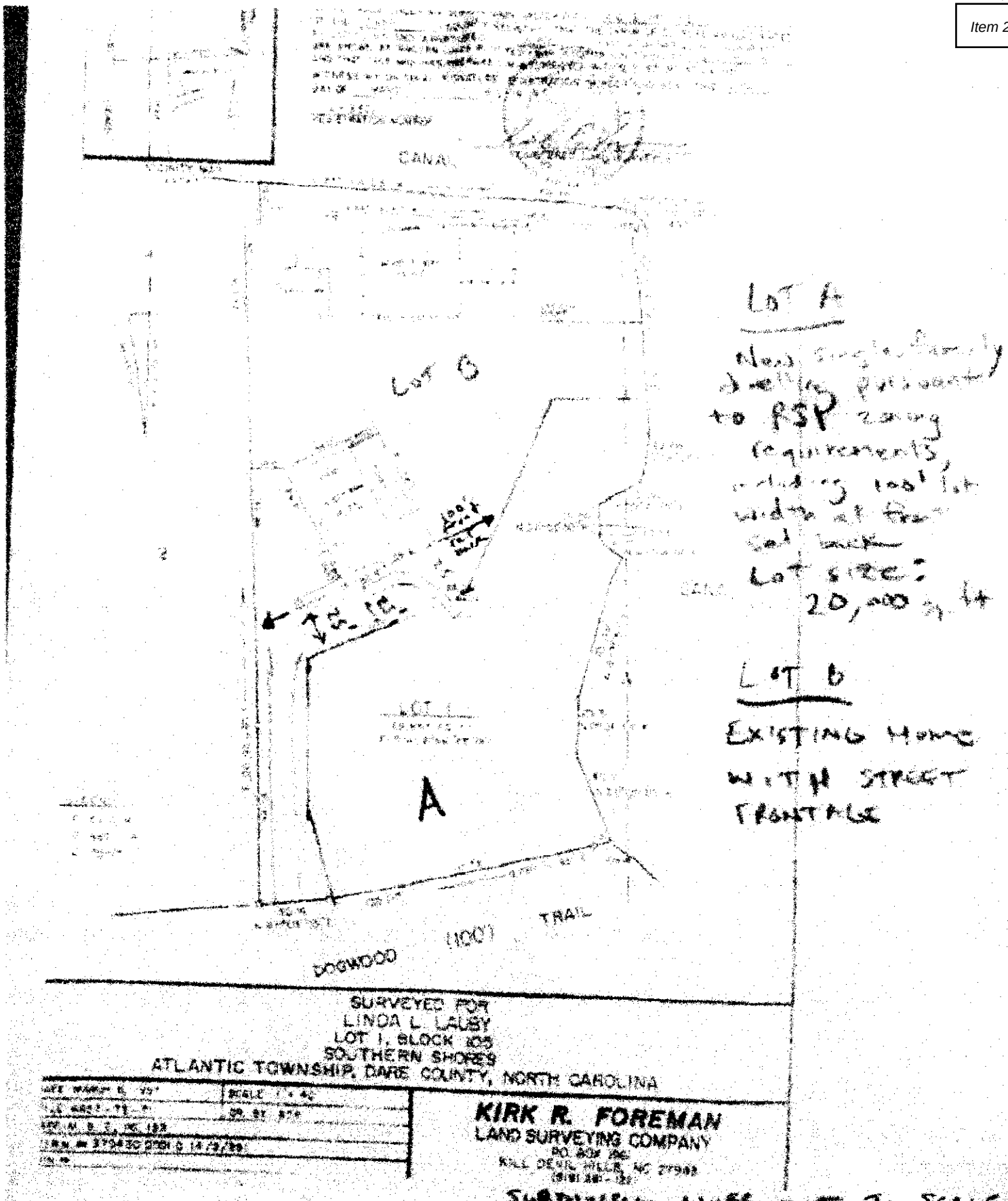
Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

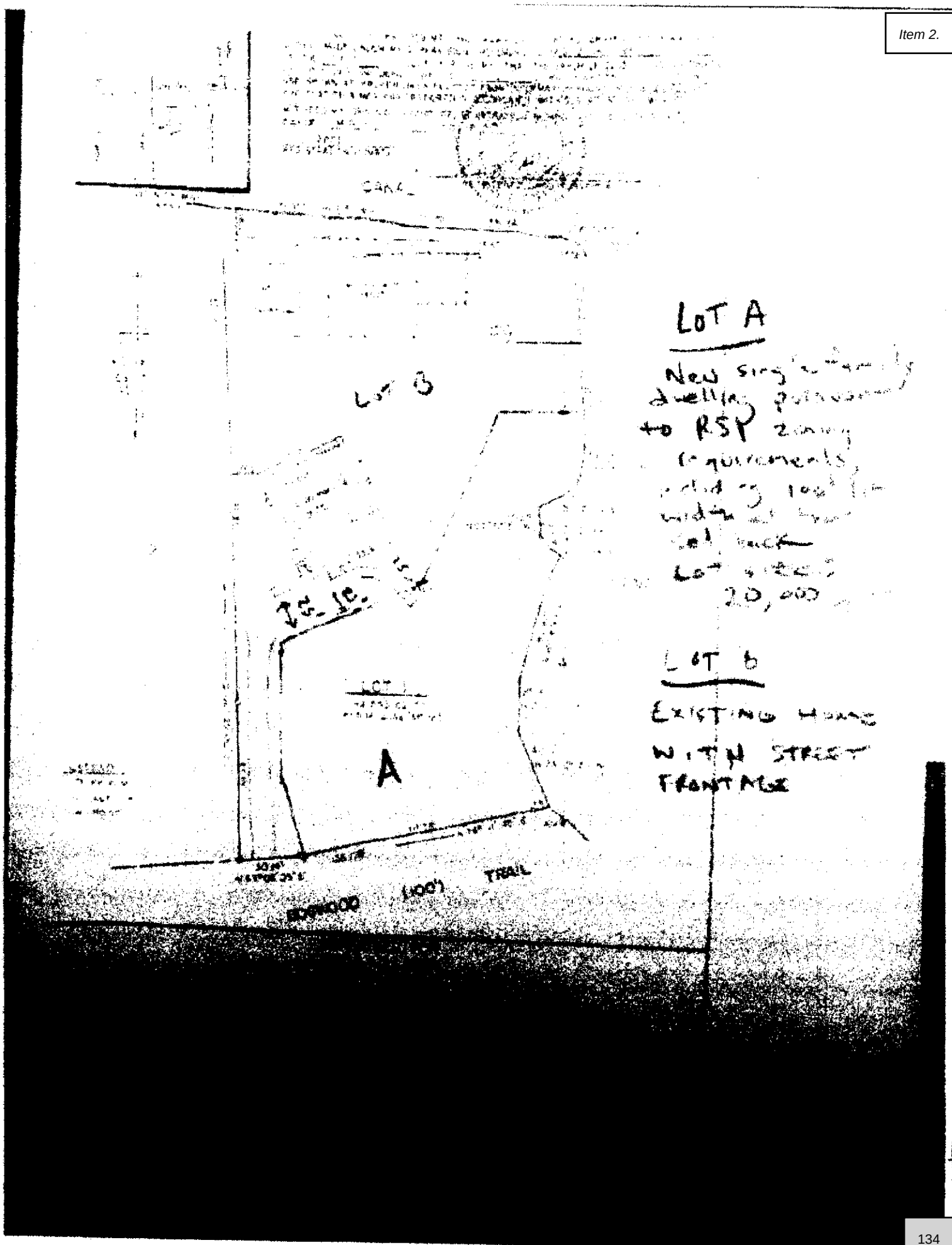
Thank you for your help.

Anthony S Mina

1 File 2.2MB

5-16-23 ZTA-23-03 Lot Width.pdf
2MB


CANAL
LOT B
A
TRAIL
(100')
DOGWOOD
LOT A
New single family dwelling pursuant to RSP zoning requirements including total lot width at the set back
Lot size:
20,000 sq. ft
LOT B
EXISTING HOME WITH STREET FRONTAGE
SURVEYED FOR
LINDA L LAUBY
LOT 1, BLOCK 205
SOUTHERN SHORES
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA
KIRK R. FOREMAN
LAND SURVEYING COMPANY
SUBDIVISION LINES NOT TO SCALE


LOT A
New single family dwelling pursuant to RSP zoning requirements
LOT b
EXISTING HOME WITH STREET FRONTAGE
LOT 3
A
TRAIL

RE: 75 E. Dogwood Trail Subdivision

chestercountyla.../Inbox

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

May 23, 2023 at 2:13 PM

Good afternoon. I had a good weekend and I hope the same for you. Purchasing land from the adjacent property owner (both properties and structures meet all requirements) or removing a portion of the building would resolve the setback issue. Can you please explain or show on a drawing how the Town's 100 ft. lot width requirement would be satisfied for both lots?

WES HASKETT
HIDING JUNE 6, 2023
LOT WIDTH AMENDMENT

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 22, 2023 12:41 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Subdivision

Hello.

I hope you had a good weekend.

I am writing you again about 75 E. Dogwood Trail. I apologize if I am asking a lot of questions. My last job in Pennsylvania was building an addition onto a house on a non-conforming lot and I feel like the job went smoothly because I asked the building inspector lots of questions before I even started getting my building plans (and as of right now, I still don't even live at 75 E Dogwood Trail).

Can I ask you how you would suggest I go about subdividing 75 E. Dogwood Trail if it was your property and you wanted to make it two properties (or how you think the smartest way to get Southern Shores approval would be)?

I believe my options are (assuming the house is 14' from the 73 E. Dogwood Trail property line):
- Remove one foot of the existing home (the back left corner of the home) and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

-Apply for a variance and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

-Purchase a few square feet of property from 73 E. Dogwood Trail so the property line angles around the house of 75. E Dogwood Trail so there is at least 15' between the house and property line. Some examples of property lines literally wrapping around houses like I am describing are at. 233 N Dogwood Trail and 378 See Oats Trail. Then the lot would then again be subdivided with a "flag lot" in the back.

Thank you for your help,
Anthony S Mina

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https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1684773651-jbkT-23&k58c...srdrez...wwhaskett%40southernshores-nc.gov&r=inv

Re: 75 E. Dogwood Trail Zoning Question

chestercountyla.../Sent

Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>

May 18, 2023 at 2:54 PM

Thank you for your help. I am not going to ask to meet with you next Tuesday to review my prosposed subdivision for 75 E. Dogwood Trail, but I hope to provide you the drawing of the subdivision before then. I will talk to you soon. Anthony S Mina

On Thursday, May 18, 2023, 01:51:04 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. See my responses below.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT HIDING JUNE 6, 2023 PROPOSED LOT WIDTH AMENDMENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 17, 2023 12:18 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Hello,

Thank you for your help.

-Could you please tell me which ordinance I need to read to understand the zoning requirements for subdividing a lot that has an existing structure that could possibly be 14' from the property line. See Town Code Section 30-97(2): https://library.municode.com/nc/southern_shores/codes/code_of_ordinances?nodeId=PTIICOOR_CH30SU_ARTIVMISTDEGE_S30-97DEST.

-Could you also please tell me about Southern Shores' procedure for asking Southern Shores to make an exception to their local code. For example, if I hired an attorney to file my applications and ask Town Council or Dare County to approve the subdivision. An exception would be in the form of a Variance. Our Town Planning Board considers Variances which are only granted if the applicant can demonstrate that there is a hardship involved if a Variance is not granted. See attached application which includes questions that address the criteria for granting a Variance.

75 E. Dogwood Trail can be divided so each property has street frontage and a 100' lot width at the front of the building (by making the existing lot similar to a "flag lot"). I would just prefer not to literally remove 1' of the existing home if the home was really built 14' from a property line that required 15'. Please submit a drawing showing what you have in mind, including the existing structure and measurements from existing and proposed property lines.

If you would like, I am available to meet with you to make sure I am creating a subdivision plan consistent with other approved subdivisions and existing zoning requirements. I am available to meet next Tuesday at 10:30 or 2:00 if you'd like to meet to discuss and review your drawing.

Thank you,
Anthony S Mina

On Wednesday, May 17, 2023, 11:31:21 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Anthony. I'm doing well and I hope the same for you. I don't believe that creating two lots that front E. Dogwood Trl. would work either, unfortunately. This is due to our minimum lot width requirement which is 100 ft. so both lots would have to be 100 ft. wide and front E. Dogwood Trl. However, I'd be glad to take a look at a sketch if you'd like to draw what you have in mind. The other issue is the existing structure not being at least 15 ft. from the side property line. Our ordinance requires compliance with all zoning requirements whenever new lots are created.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT HIDING JUNE 6, 2023 PROPOSED LOT WIDTH REQUIREMENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, May 16, 2023 11:51 AM

To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Good Morning,

I hope you are doing good. I'm a little confused about the Southern Shores local codes governing subdivision plans. Can you tell me why 75 E. Dogwood Trail could not be divided so each of the (2) new lots has street frontage. There is about 155' of street frontage and it does not matter to me if the lots shared the driveway or each had their own driveway. I believe that a second house could be built at 75 E Dogwood Trail and positioned so each lot has at least a 75' width at the side of the house closest to Dogwood Trail.

Thank you for your help,
Anthony S Mina

On Monday, May 1, 2023, 01:54:54 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. I'm doing well and I hope the same for you. I don't think a subdivision of 75 E. Dogwood Trl. would be allowed per Town Code Section 30-96(f) in our Subdivision Ordinance which states: All lots shall front upon a public road. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 256-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chesterequitylaw@yahoo.com>
Sent: Monday, May 1, 2023 12:50 PM
To: Kevin Clark <kclark@southernshores-nc.gov>; Kevin Clark <kclark@southernshores-nc.gov>; Marcey Baum <mbaum@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Zoning Question

Hello,

I hope you are doing good.

I have attached a survey with a sketch of a proposed subdivision for 75 E. Dogwood Trail and wanted to make sure I am correct to believe that the lot can be subdivided as a right to the homeowner because the lot is larger than one acre. The only thing I noticed that did not meet the current zoning code requirements is a 14' setback from the existing home to the property line on the left side (I believe there should be 15').

Could you please tell me anything that would prevent me from subdividing the 75 E. Dogwood Trail lot so I could build another house. I do not own the property but have made an offer on the property.

Thank you,
Anthony S Mina

CC Ashton Harrell, MM & J Law Firm

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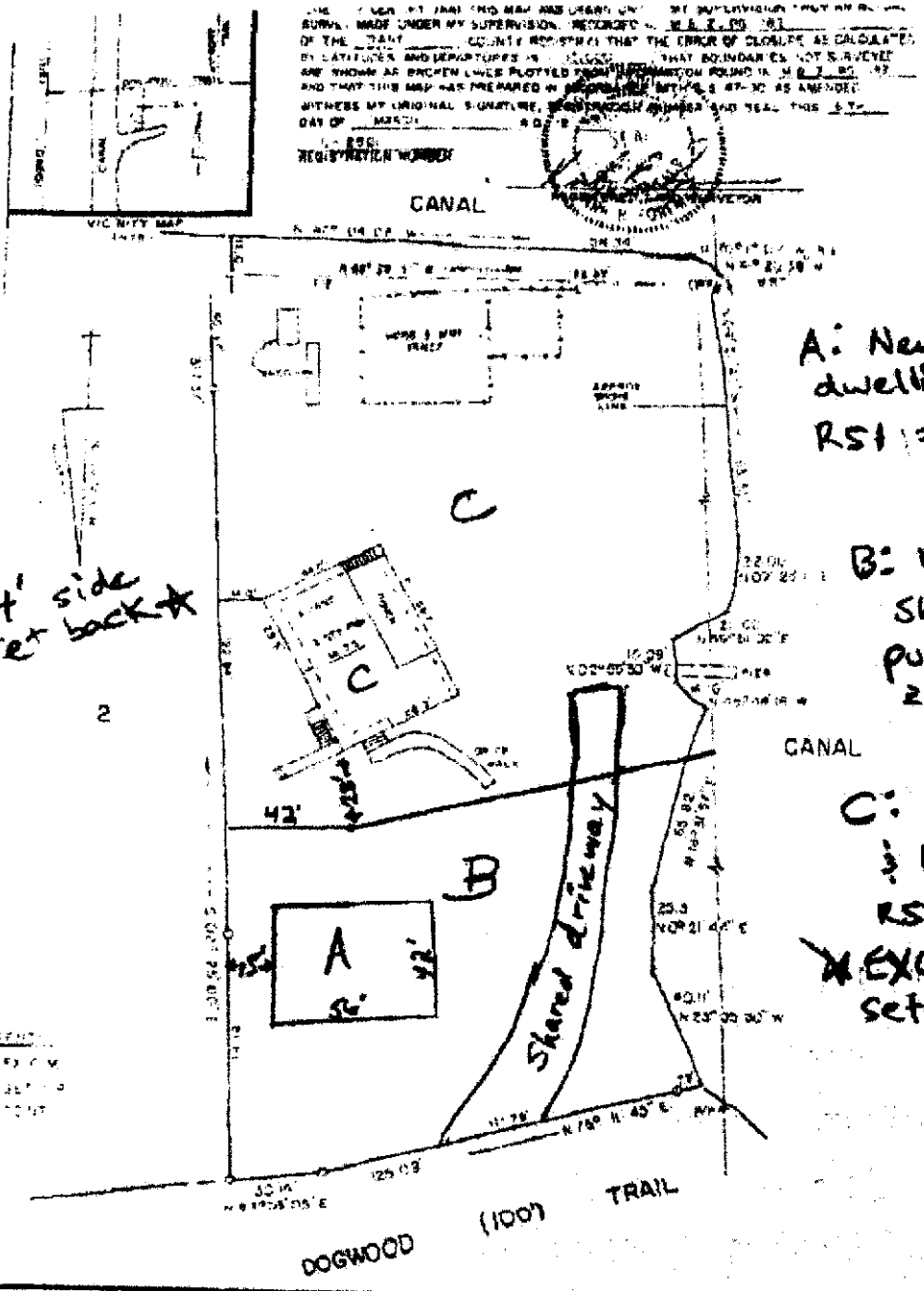

SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 105
SOUTHERN SHORES
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA

DATE: MARCH 6, 1997	SCALE: 1" = 40'
FILE: 6427-72.T	DR. BY: BOB
DEED: M. B. 2, PG. 182	
P.I.N. #: 970430 0001 (4/2/98)	

KIRK R. FOREMAN
LAND SURVEYING COMPANY
P.O. BOX 1951
KILL DEVIL HILLS, NC 27948
(919) 441-1821

Wes Haskett's Tax Fraud and Zoning Code Scam

From: Anthony Mina (chestercountylawn@yahoo.com)

To: jportnoy@invtitle.com; davec@darenc.gov; philadelphia.complaints@ic.fbi.gov; olivia.s.hines@nccourts.org; andrea.powell@nccourts.org; ncago@ncdoj.gov; phornthal@hrem.com; norwood@cmclawfirm.com; planningboard@southernshores-nc.gov; jay@whelesslawfirm.com; lawomble@hrem.com

Date: Tuesday, January 21, 2025 at 07:28 PM EST

Dear Law Enforcement, Dare County Tax Department and Mr. Portnoy (please forward this email to police Chief Kole, Mr. Hornthal),

Please find Wes Haskett's denial of my lot subdivision plan dated January 6, 2025 based on the new evidence that:

-Wes Haskett claimed on November 19, 2024 that there is no evidence of misconduct, fraud or criminal conspiracy by the town (Wes Haskett prepared the Order he had the Planning Board sign to deny my Variance application).
-Wes Haskett's claim on or about October 16, 2024 (in his staff report) that all notification requirements were met for the June 6, 2023 zoning amendment and August 3, 2021 zoning amendment.
-Wes Haskett's claims on October 30, 2024 that the Planning Board did not hold a hearing on May 15, 2023 on his March 31, 2023 zoning amendment (The June 6, 2023 town council minutes prove March 31, 2023 amendment was heard on May 15, 2023 and recommended (This lie told by Wes Haskett to try and justify his refusal to post notice at 75 E Dogwood Trail prior to the May 15, 2023 hearing and tell me about the proposed amendment when I was specifically asking about lot width requirements for the subdivision at 75 E Dogwood Trail.).
-Wes Haskett and/or his attorney Lauren Womble fraudulently claimed under oath that notification requirements required to effectuate the June 6, 2023 lot width amendment at 75 E Dogwood Trail were complied with, when my October 30, 2024 Public Records Response proves the notification requirements to effectuate a zoning change at 75 E Dogwood Trail were not complied.

The attached decision from Wes Haskett claims Res Judicata prevents my lot subdivision because of my July 3, 2024 zoning application. Now Wes Haskett is acting like new evidence I have from after July 3, 2024 is not "new evidence".

It is my position that the new evidence requires Wes Haskett to approve my lot subdivision and requires law enforcement to arrest Wes Haskett for not approving my lot subdivision, for reasons including Dare County Tax Fraud since Wes Haskett won't order a reassessment on 75 E Dogwood Trail after making claims that the subdivision (by right of property owner) at 75 E Dogwood Trail is no longer possible because of his March 31, 2023 zoning amendment application.

Please arrest Wes Haskett. Please make sure Wes Haskett is charged with Insurance Fraud for repeatedly filing false documents he knows are being used in an insurance fraud investigation against Southern Shores (specifically Wes Haskett). Wes Haskett is never going to stop lying.

Anthony S Mina

---- Forwarded Message ----
From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Lauren Arizaga-Womble <lawomble@hrem.com>
Sent: Tuesday, January 21, 2025 at 04:33:15 PM EST
Subject: FW: 1-6-2025 75 E. Dogwood Trl. Subdivision Application Decision

Mr. Mina:

See attached decision from the Town regarding your subdivision application.

Sincerely,

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law

Direct: 252.698.0214

Office: 252.335.0871

Fax: 252.335.4223 Attn: P. Hornthal

Email: phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

HREM LLP
ATTORNEYS AT LAW

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1-21-2025 75 E. Dogwood Trl. Subdivision Decision.pdf
315.7kB

75E.DogwoodSubdivisionJanuary62025.pdf
12.1MB

141

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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
www.southernshores-nc.gov

June 5, 2024

PROOF OF WES HASKETT'S SPECIAL INTEREST IN 75 E. DOGWOOD TRAIL

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision

Dear Mr. Mina and Ms. Franz:

Following further review, the administrative decision to deny your application to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000) has been revised. However, the decision to deny the application has not been revised. The reason for the denial remains that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

Item 2.

R

2. There is no drive aisle shown on proposed Parcel B providing access from E. Dogwood Trl. to the existing single-family dwelling. Town Code Section 36-163(4)a.1.ii. states that an eight-foot-wide drive aisle shall be provided, which must be separate from any parking spaces, such that no vehicle will be required to back into the public right-of-way.

3. There are no parking spaces shown on proposed Parcel B for the existing single-family dwelling. Town Code Section 36-163(4)a.1 requires three parking spaces for each dwelling unit with up to eight-person septic capacity and one additional space for each two persons of septic capacity, or fraction thereof, in excess of eight-person septic capacity up to 12-person septic capacity and one additional space for each person of septic capacity over 12.

Per Town Code Section 36-132(c) and Section 36-132(c)(1), the existing single-family dwelling on proposed Parcel B that encroaches the minimum side yard (setback) requirement has been determined legally nonconforming and it can remain as is or it can be enlarged or altered as long as the enlargement or alternation doesn't increase the nonconformity. As a result, the encroachment is no longer applicable to the decision to deny your application.

Should you wish to appeal this revised administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/docs. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

75 E Dogwood Trail

chestercountyla.../Sent

Jun 4 at 2:18 PM

Anthony Mina <chestercountylawn@yahoo.com>
To: Marcey Baum <mbaum@southernshores-nc.gov>,
Southernshores Nc Info <info@southernshores-nc.gov>, Kevin Clark <kclark@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>

Hello,

Please find the attached building permit application to:
-repair first floor sagging problems, as needed.
-enlarge the foyer/first floor family room opening.
-replace a defective beam supporting the second floor family room floor.
-remove walls on each side of the 2nd floor fireplace.
-remove the section of 75 E. Dogwood Trail Wes Haskett claims prevents a lot subdivision plan from being approved.

Engineered approved plans for all the jobs are attached to this email.

Thank you,
Anthony S Mina

3 Files 16.7MB

75DogwoodPermitApp.pdf
1MB

NC0519_ Anthony Mina_ 75 E Dogwood Trail Kitchen Renovation REV 1_ Sealed.pdf
14MB

NC0519_ Anthony Mina_ 75 E Dogwood_ 2nd Floor Ext Wall Revision_ Sealed.pdf
1MB

— PLAN SUBMITTED TO REMOVE 1' SECTION OF HOUSE

Submittal Date: 6/4/24

Page 1 of 2
Page 2 is Building Plan Specification Form

TOWN OF SOUTHERN SHORES
PLANNING AND CODE ENFORCEMENT
5375 N. Virginia Dare Trail, Southern Shores, NC 27949
(252) 261-2394 phone (252) 255-0876 fax
www.southernshores-nc.gov

BUILDING/FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

***Applications WILL NOT be accepted until all required information is provided

PROPERTY INFORMATION:

Project Address: 75 E. Dogwood Trl.
Property Owner: Anthony S. Mina
Lot Number: 1 Block: 105 Section:
Mailing Address: 75 E. Dogwood Trail
Property ID Number (PIN #): 986817213502
City: Southern Shores State: NC Zip Code: 27949
Lot Area: 41,500 sq ft
Tele #: 610-842-3905
Flood Zone (circle): AE 4 ft – AE 5 ft – AO 1 ft depth – AO 2 ft depth – VE 11 ft – VE 12 ft – VE 13 ft – Shaded X – Unshaded X
Base Flood Elevation: ____ft / Plus 3ft of Freeboard or LBS 8 ft = ____ft= Regulatory Flood Protection Elevation
Zoning District: RS1 Septic Permit #: ____ Permit Date: ____ # Person Septic Capacity ____
CAMA Permit required? Yes or (No) CAMA Permit # ____ CAMA AEC (circle): ___Estuarine Shoreline or _Ocean Hazard

CONTRACTOR INFORMATION: Thomas Bunker is doing work

Business Name:
Contractor Name:
Mailing Address:
City: State: Zip Code
Business # Cell #
Fax # Email

NC G. C. Licensed Contractor ____ OR ____ Non-Licensed Contractor
NC G. C. License Number:
Limitation:
Classification:
Qualifier:

DESCRIPTION OF WORK: Make structural improvement to first floor, widen family room/foyer doorway, remove walls on each side of second floor fireplace ~~and remove section of house Wes Haskett claims prevents the lot subdivision~~ Please see engineered approved plans for more information

PERMIT TYPE (X): ___ COMMERCIAL X RESIDENTIAL
___RESIDENCE ___2ND HOME ___RENTAL (> 30 days) ___VACATION COTTAGE (< 30 days)

TYPE OF CONSTRUCTION (X): ___NEW CONSTRUCTION ___ADDITION/EXPANSION X REMODEL/RENOVATION/REPAIR ___ACCESSORY ___OTHER

PROPERTY USE (X): X SINGLE FAMILY ___DUPLEX ___MULTI-FAMILY ___GOVERNMENT - INSTITUTIONAL ___COMMERCIAL

COMMERCIAL USE ONLY: ___CURRENT USE ___PROPOSED USE

SQUARE FOOTAGE AND/OR DIMENSIONS: 3543 GARAGE ___SHED ___SWIMMING POOL
___GAZEBO ___DUNE DECK ___RETAINING WALL ___BULKHEAD ___PIER/DOCK
___DECK(S) ___PORCH(ES) ___STORAGE ENCLOSURE ___OTHER

PROPOSED BUILDING AREA: n/a SQ FT - HEATED / LIVING AREAS (NEW SPACE)
___SQ FT - NON HEATED AREAS (NEW SPACE)
$ 1600.— $ 1800. COST OF REMODEL/RENOVATION/REPAIR - ONLY (DO NOT INCLUDE NEW SQ FT)
$ 1600.— $ 1800. ESTIMATED CONSTRUCTION COST OF TOTAL PROJECT

NOTE: Although the Town of Southern Shores does not enforce or consider the effect of covenants in the various subdivisions of Southern Shores, applicants for a building permit should be advised that their building plans may be rejected by subdivision committees and are advised to consult with the appropriate covenant control agency. We are normally open to discuss approval from the appropriate committee before you apply for a permit but ultimately it is the responsibility of the owner/builder to enforce the covenants.

* Please note Wes Haskett now does not claim EXISTING side set back distances prevent a lot subdivision so Applicant will not be removing any of the existing ho

UZMAN ENGINEERING, LLC
116 E. King Street
Malvern, PA 19355
(610) 320-2100

Due to the existing setback requirements, there are questions whether the existing 2nd floor cantilever is outside of the required property setback. Although the house has been there since 1970, the Homeowner has considered removing an approximate 1'-0" section of the 2nd floor cantilever corner to meet the requirements. The corner of the building would be removed, new 2x4 framing installed from 2nd floor to roof, flashing and roof patching as well as siding re-configuring to meet the setback. Uzman recommends the installation of Simpson Strong Hurricane ties to the revised roof rafters and SDS wood screws to the joists and built up 2x10 below. UE also recommends mid height blocking of the joists along with exterior sheathing nailed to the new studs @ 4" o.c. vert spacing.

ENGINEERED PLANS SUBMITTED 6/4/2024 TO REMOVE 1' OF REAR CORNER OF HOUSE

NC0519

Anthony Stocker Mina

5/24/2024

---- Forwarded Message ----
From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Friday, May 24, 2024 at 03:51:32 PM EDT
Subject: RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Mr. Mina:

You are free to submit any application you wish to submit. However, in response to your specific question, please understand that, unless all four reasons are satisfied, the proposal would be denied, and you would have the option to appeal.

I strongly suggest you consult with an attorney as I cannot give you legal advice, as attorney for the Town.

Thank you.

Phil Hornthal

REFUSAL TO ACCEPT SIDE SETBACK AS CONFORMING FROM TOWN ATTORNEY PHIL HORNTHAL ON BEHALF OF WES HASKETT AND SOUTHERN SHORES

L. Phillip Hornthal, III
Attorney at Law

Direct:252.598.0214

Office:252.335.0571

Fax:252.335.4223 Attn: P. Hornthal

Email:phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

Click here to read ourDisclaimer,
Legal Notices & Privacy Policy

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 24, 2024 2:27 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

>>Warning: The source of this email is from outside of the firm.<<

Hello.

R

24CV001667-270

ANTHONY S. MINA	: DARE COUNTY SUPERIOR COURT	
Petitioner	:	FILED
V.	: No.	DATE: December 18, 2024 TIME: 2:48:51 PM
SOUTHERN SHORES/WES HASKETT	:	DARE COUNTY CLERK OF SUPERIOR COURT
Respondent	: Southern Shores No. VA-24-01	BY: L. Watts
	:	

PROPOSED WRIT OF CERTIORARI

Now, that on this 12/18/2024 day, of _____, 2024 a Petition For Writ Of Certiorari has been filed in the Dare County Superior Court, Respondent Southern Shores/Wes Haskett is hereby ORDERED to prepare and certify to the court a complete record from the proceedings Variance No. VA-24-01 within 30 days of the date 12/18/2024.

Petitioner is hereby ORDERED to serve the Petition For Writ of Certiorari and Proposed Writ of Certiorari on the Respondent pursuant to Rule4(j) of the Rules of Civil Procedure.

Additional requirements, if any, are: _____

Date: 12/18/2024 Signature: Lynn Watts
Asst. Clerk

ANTHONY S MINA

75 E. DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

chestercountylawn@yahoo.com

February 20, 2025

MOTION TO BAN PLANNING BOARD ATTORNEY JAY WHELESS FROM ANY INVOLVEMENT WITH THE MARCH 17, 2025 APPEAL OF JANUARY 21, 2025 SUBDIVISION DENIAL DUE TO JAY WHELESS'S INVOLVEMENT WITH VIOLATIONS OF 18 U.S. CODE § 1512- TAMPERING WITH A WITNESS, VICTIM OR AN INFORMANT, VIOLATIONS OF RULE 4.1 OF THE NORTH CAROLINA RULES OF PROFESSIONAL CONDUCT AND VIOLATIONS OF SOUTHERN SHORES TOWN ETHICS POLICY

Applicant, Anthony Mina hereby Motions To Ban Planning Board Attorney Jay Wheless From Any Involvement With The March 17, 2025 Appeal Of The January 21, 2025 Subdivision Denial and in support there of aver the following:

1. Applicant is Anthony Mina, Variance hearing Applicant from the October 21, 2024 Variance VA-24-01 hearing.
2. Jay Wheless is the Planning Board Attorney who represented the Planning Board on October 21, 2024.
3. Applicant Anthony Mina does not have any type of relationship with Jay Wheless, meaning he is not a friend, colleague, client, partner, student or any other person besides a Variance Applicant on October 21, 2024.
4. When Jay Wheless communicates the term "cross" with Applicant, Applicant believes Jay Wheless is saying "cross examine" and not part of an elaborate corruption scheme pretending Applicant is "crossing" (destroying) people or the Town of Southern Shores with Jay Wheless (apparently positioning Applicant in the fall guy position).
5. When Jay Wheless uses the word "leeway" in communication with Applicant, the word "leeway" means "the amount of freedom to move or act that is available" to Applicant.
6. Jay Wheless would not allow Applicant to testify to his Federal Law Suit during the October 21, 2024 and stated the law suit would be a part of the record and would be a preserved for Appeals. See you tube video 2:09-2:11.

7. Dare County Superior Court Ordered Wes Haskett and Southern Shores to provide a complete verified record from the Variance hearing within 30 days of December 18, 2024. A true and correct copy of the Order is attached hereto as Exhibit A.
8. Despite Southern Shores and Town Council being served by U.S. Mail with electronic receipt of service and the Planning Board being served by email the Order dated December 18, 2024, Wes Haskett, Southern Shores and/or the Planning Board are in Contempt of Dare County Superior Court's Order requiring a complete copy of the record from the Variance hearing VA-24-01. A true and correct copy of the email received by the Planning Board on December 18, 2024 is attached hereto as Exhibit B.
9. Town Code 36-414(a) provides: The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.
10. **Town Code 36-414(b) provides: In addition and where a zoning map amendment is proposed, the town shall cause to be placed a sign on the subject property announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning.**
11. On October 21, 2024 Jay Wheless and Wes Haskett misrepresented Town Code 36-414(b)'s posted notice requirements which requires posted notice when Town Code 36-414(a) is used to amend code, regardless of whether a map amendment is made. See you tube video 3:09-3:12.
12. On October 21, 2024 Jay Wheless fraudulently misrepresented Town Code 36-414(b) again to pretend notification requirements were met. See youtube video 3:48-3:51.
13. Paragraph 1 of the Code of Ethics provides: I will always obey the law and will not try in any way to influence the application of the law by any of the town's authorities or personnel.
    Paragraph 2 of the Code of Ethics provides: I will always uphold the integrity and independence of my job.
    Paragraph 3 of the Code of Ethics provides: I will always avoid any impropriety in all of my activities.
    Paragraph 4 of the Code of Ethics provides: I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
    Paragraph 7 of the Code of Ethics provides: I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.

14. Andy Ward agreed the Code of Ethics would be complied with at the October 21, 2024 Variance Hearing. A true and correct copy of the code of ethics is attached hereto as Exhibit C.
15. The Code of Ethics prohibits Southern Shores money from being spent on Jay Wheless, as his fraudulent misrepresentations violate Town Code #1, 2, 3, 4 and 7.
16. Rule4.1 OF THE RULES OF PROFESSIONAL CONDUCT STATES: TRUTHFULNESS IN STATEMENTS TO OTHERS: In the course of representing a client a lawyer shall not knowingly make a false statement of material fact or law to a third person.

Misrepresentation

[1] A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts. A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements. For dishonest conduct that does not amount to a false statement or for misrepresentations by a lawyer other than in the course of representing a client, see Rule 8.4.

Statements of Fact

[2] This Rule refers to statements of fact. Whether a particular statement should be regarded as one of fact can depend on the circumstances. Under generally accepted conventions in negotiation, certain types of statements ordinarily are not taken as statements of material fact. Estimates of price or value placed on the subject of a transaction and a party's intentions as to an acceptable settlement of a claim are ordinarily in this category, and so is the existence of an undisclosed principal except where nondisclosure of the principal would constitute fraud. Lawyers should be mindful of their obligations under applicable law to avoid criminal and tortious misrepresentation.

Crime or Fraud by Client

[3] Under Rule 1.2(d), a lawyer is prohibited from counseling or assisting a client in conduct that the lawyer knows is criminal or fraudulent. Ordinarily, a lawyer can avoid assisting a client's crime or fraud by withdrawing from the representation. Sometimes it may be necessary for the lawyer to give notice of the fact of withdrawal and to disaffirm an opinion, document, affirmation or the like. In extreme cases, substantive law may require a lawyer to disclose information relating to the representation to avoid being deemed to have assisted the client's crime or fraud. Rule 1.6(b)(1) permits a lawyer to disclose information when required by law. Similarly, Rule 1.6(b)(4) permits a lawyer to disclose information when necessary to prevent, mitigate, or rectify the consequences of a client's criminal or fraudulent act in the commission of which the lawyer's services were used.

17. Rule 4.1 Of The Rules Of Professional Conduct prohibit Jay Wheless's conduct.
18. 18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant provides: **(a)**

(1) Whoever kills or attempts to kill another person, with intent to—
(A)prevent the attendance or testimony of any person in an official proceeding;
(B) prevent the production of a record, document, or other object, in an official proceeding; or
(C)prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;shall be punished as provided in paragraph (3).
(2) Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—
(A)influence, delay, or prevent the testimony of any person in an official proceeding;
(B)cause or induce any person to—
(i)withhold testimony, or withhold a record, document, or other object, from an official proceeding;
(ii)alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding;
(iii)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or
(iv)be absent from an official proceeding to which that person has been summoned by legal process; or
(C)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;shall be punished as provided in paragraph (3).**(3)**The punishment for an offense under this subsection is—
(A)in the case of a killing, the punishment provided in sections 1111 and 1112;
(B)in the case of—
(i)an attempt to murder; or
(ii)the use or attempted use of physical force against any person;imprisonment for not more than 30 years; and
(C)in the case of the threat of use of physical force against any person, imprisonment for not more than 20 years.
(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—
(1)influence, delay, or prevent the testimony of any person in an official proceeding;
(2)cause or induce any person to—
(A)withhold testimony, or withhold a record, document, or other object, from an official proceeding
(B)alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;
(C)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or

(D)be absent from an official proceeding to which such person has been summoned by legal process; or

(3)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation [1] supervised release,,[1] parole, or release pending judicial proceedings;

shall be fined under this title or imprisoned not more than 20 years, or both.

(c) Whoever corruptly—

(1)alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or

(2)otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,shall be fined under this title or imprisoned not more than 20 years, or both.**(d)**Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from—

(1)attending or testifying in an official proceeding;

(2)reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation [1] supervised release,,[1] parole, or release pending judicial proceedings;

(3)arresting or seeking the arrest of another person in connection with a Federal offense; or

(4)causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding;

or attempts to do so, shall be fined under this title or imprisoned not more than 3 years, or both.

(e) In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.

(f) For the purposes of this section—

(1)an official proceeding need not be pending or about to be instituted at the time of the offense; and

(2) the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

(3) **(g)**In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

(1)that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or

(2)that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.

(h) There is extraterritorial Federal jurisdiction over an offense under this section.

(i)A prosecution under this section or section 1503 may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.
(j) If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.
(k) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

19. Jay Wheless is in violation of 18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant laws.
20. Applicant filed a Motion To Preclude Variance Hearing Based On Fraudulent misrepresentations of Town Code Notification requirements. A true and correct copy of the Motion is attached hereto and marked Exhibit D.
21. Jay Wheless's fraudulent misrepresentations of Town Code 36-414(b) were illegal, biased, premeditated misconduct trying to undermine the fraud Applicant proved Wes Haskett has committed by falsifying records relating to property owners being properly notified of the March 31, 2023 lot width amendment pursuant to Town Code 36-414(b).

WHEREFORE, Applicant Anthony Mina respectfully requests that Jay Wheless be banned from any involvement with Applicant's March 17, 2025 Appeal of the January 21, 2025 subdivision denial.

February 20, 2025

Respectfully Submitted,

24CV001667-270

ANTHONY S. MINA	: DARE COUNTY SUPERIOR COURT	
Petitioner	:	FILED
V.	: No.	DATE: December 18, 2024 TIME: 2:48:51 PM
SOUTHERN SHORES/WES HASKETT	:	DARE COUNTY CLERK OF SUPERIOR COURT
Respondent	: Southern Shores No. VA-24-01.	BY: L. Watts
	:	

PROPOSED WRIT OF CERTIORARI

Now, that on this 12/18/2024 day, of _____, 2024 a Petition For Writ Of Certiorari has been filed in the Dare County Superior Court, Respondent Southern Shores/Wes Haskett is hereby ORDERED to prepare and certify to the court a complete record from the proceedings Variance No. VA-24-01 within 30 days of the date 12/18/2024.

Petitioner is hereby ORDERED to serve the Petition For Writ of Certiorari and Proposed Writ of Certiorari on the Respondent pursuant to Rule4(j) of the Rules of Civil Procedure.

Additional requirements, if any, are: _____

Date: 12/18/2024 Signature: Lynn Watts
Asst. Clerk

EXHIBIT A

PETTITION FOR WRIT OF CERTIORARI WITH PROOF OF FALSE PRE-TENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT

From: Anthony Mina (chestercountylawn@yahoo.com)

To: phornthal@hrem.com; norwood@cmclawfirm.com; dkole@southernshores-nc.gov; cogburn@southernshores-nc.gov; lawomble@hrem.com; emorey@southernshores-nc.gov; psherlock@southernshores-nc.gov; whaskett@southernshores-nc.gov; mbatenic@southernshores-nc.gov; mneal@southernshores-nc.gov; rneilson@southernshores-nc.gov; council@southernshores-nc.gov; council@southernshores-nc.gov; planningboard@southernshores-nc.gov; info@southernshores-nc.gov

Cc: philadelphia.complaints@ic.fbi.gov; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; andrea.powell@nccourts.org; ncago@ncdoj.gov; ncago@ncdoj.gov; jportnoy@invtitle.com

Date: Wednesday, December 18, 2024 at 05:03 PM EST

Dear Southern Shores and Law Enforcment (Mr. Hornthal, please provide this email to all Southern Shores addresses blocked from receiving my emails that I have included in this email),

Please find the attached:

1) PETITION FOR WRIT OF CERTIORARI WITH PROOF OF FALSE PRETENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT (contains exhibits A-H)

2) My Variance Application, which is Exhibit I of my Petition for Writ of Certiorari

3) The timestamped copies of the Writ and Proposed Writ Ordering Southern Shores to produce the complete record to the Dare County Superior Court within 30 days of December 18, 2024.

PLEASE NOTE THAT SOUTHERN SHORES CODE OF ETHICS PROHIBITS SOUTHERN SHORES TOWN MONEY FROM BEING SPENT ON LEGAL FEES (ESPECIALLY LEGAL FEES INVOLVING WES HASKETT) ASSOCIATED WITH MY PETITION FOR WRIT OF CERTIORARI AND VARIANCE HEARING.

SOUTHERN SHORES CODE OF ETHICS STATES IN PART:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of SOUTHERN SHORES TAX PAYERS in mind in the expenditure of these funds.

My Petition For Writ of Certiorari, like my Variance Application, prove Wes Haskett lied about meeting/complying with notification requirements to affected property owners prior to adoption of the zoning amendment being used to deny my lot sub-division plan. Because property owner notification is a pre-requisite to zoning code being applicable to the property the only thing Wes Haskett's lies that convinced Southern Shores Planning Board/Adjustment Board to deny

EXHIBIT B

my Variance application add up to is a criminal conspiracy to commit crimes, including a false pre-tense real estate scam that helped Linda Lauby defraud me of $75,000 for a lot that was sub-dividable when I entered into an agreement to purchase the property as Wes Haskett was hiding his proposed March 31, 2023 lot width amendment when I was specifically asking about sub-dividing and lot width requirements in May, 2023 (when posted notice was required at 75 E. Dogwood Trail).

Please arrest Wes Haskett and correct his wrong doing. The Petition for Writ of Certiorari cost me another $200 that I would not have been required to spend if Wes Haskett stopped lying and stopped defrauding me with unenforceable, illegally adopted zoning codes that can not apply to properties that did not receive notice of the zoning amendment.

Thank you,
Anthony S Mina

PS. My Petition States:

ANTHONY S. MINA : DARE COUNTY SUPERIOR COURT
Petitioner :
V. : No.
SOUTHERN SHORES/WES HASKETT :
Respondent :
: Southern Shores No. VA-24-01

PETITION FOR WRIT OF CERTIORARI
WITH PROOF OF FALSE PRETENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT

Petitioner, Anthony S Mina hereby petitions to the Honorable Dare County Superior Court to reverse the decision of the Planning Board/Board of Adjustments pursuant to Article 14 160A-393(L) and order injunctive relief/legal sanctions, including a request for criminal prosecution of Wes Haskett to the District Attorney's Office for violating false pretense, false reports to law enforcement and false sworn testimony laws. In support thereof, Petitioner avers the following:

FACTS

1. Petitioner is Anthony S. Mina, owner of 75 E. Dogwood Trail, Southern Shores, NC 27949
2. Respondent is Wes Haskett, Deputy Town Manager of Southern Shores 5375 N. Virginia Dare Trail, Southern Shores, NC 27949
3. Southern Shores Board of Adjustments/Planning Board signed an Order on November 19, 2024 Denying Petitioner's Application For Variance and Petitioner's Motion To Preclude Variance Hearing. A true and correct copy of the November 19, 2024 Order is attached hereto and marked "Exhibit A".
4. The Order dated November 19, 2024 ("Exhibit A") was written by Wes Haskett and his attorney, Lauren Womble and not written by the Planning Board/Board of Adjustments.
5. Paragraph 12 of the Order dated November 19, 2024 ("Exhibit A") states "There has been no competent evidence present to support Applicant's motion to preclude. There is no evidence of fraud, criminal conspiracy or misconduct by Town Staff."
6. Town Code Section 36-414(b) requires posted notice at the subject property(s) of zoning amendments announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning (prior to the zoning amendment's adoption).
7. Town Code Section 36-362(b) provides: Notices. Notice of hearings conducted pursuant to this article (Article XII-governing Planning Board/Board of Adjustment hearings) shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing; (ii) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; (iii) to the owners of all parcels of land abutting the parcel of land that is the

EXHIBIT B

subject of the hearing; and (iv) to any other persons entitled to receive notice as provided by this chapter. In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

8. Wes Haskett and Southern Shores did not post Notice at 75 E. Dogwood Trail (Petitioner's property) or mail notice to the property owner of 75 E. Dogwood Trail for Wes Haskett's zoning amendment application (changing lot width requirements) filed on March 31, 2023 which was heard and recommended for approval by the Planning Board/Board of Adjustments on May 15, 2023 and approved by town council on June 6, 2023. A true and correct copy of a public records request response from Southern Shores stating mailed notice was not provided and posted notice was not placed at 75 E. Dogwood Trail is attached hereto as "Exhibit B".

9. Complying with Town Code Notification requirements and North Carolina notification requirements to affected property owners is a pre-requisite to adopting and/or amending zoning code.

10. The proof that Wes Haskett and Southern Shores did not properly notify the 75 E Dogwood Trail property owner prior to the lot width requirement amendment on June 6, 2023 or an easement restriction amendment on August 3, 2021 was included with Petitioner's Variance Application as "Exhibit 2C" and Petitioner's Motion To Preclude Variance Hearing as "Exhibit B".

11. Wes Haskett made a false report to law enforcement on May 21, 2024 claiming he legally amended lot width requirements on June 6, 2023 but what Wes Haskett did was delete Town Code notification requirement Sec. 36-414(b) and omit Town Code notification requirement 36-362(b) from the report that he emailed to Petitioner, Police Chief Kole and Mayor Morey. A true and correct copy of the false report to law enforcement made by Wes Haskett is attached hereto as "Exhibit C".

12. Petitioner's Variance Application proves at "Exhibit 1A" the only thing preventing the 75 E. Dogwood Trail lot being subdivided with a shared driveway is the illegally adopted August 3, 2021 amendment preventing easement lot access and proves at "Exhibit 1B" the only thing preventing the 75 E. Dogwood Trail lot subdivision with 2 separate driveways is the illegally adopted June 6, 2023 lot width amendment.

13. Exhibit 1B is based on land surveyor Douglas Styons plat designed according to the plat sketch Wes Haskett reviewed on June 1, 2023 and emailed Petitioner about (found in Exhibit F").

14. Wes Haskett's false report to law enforcement ("Exhibit C") was included in Petitioner's Variance Application as "Exhibit 5" and Petitioner's Motion To Preclude Variance Hearing as "Exhibit C".

15. "Exhibit 2" of Petitioner's Variance Application references North Carolina Chapter 14 ss 14-225 false reports to law enforcement being violated by Wes Haskett on May 21, 2024.

16. Wes Haskett emailed Petitioner a staff report for Petitioner's Variance Application on October 14, 204 stating "All applicable notification requirements established in N.C.G.S. 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Amendment". A true and correct copy of Wes Haskett's staff report is attached hereto and marked "Exhibit D".

17. Petitioner responded to Wes Haskett's emailed staff report with an email on October 15, 2024 that stated in part: "Could you please provide me a staff report that does not falsely claim all town and state notification requirements were met when making the June 6, 2023 & August 3, 2021 zoning amendments when "Exhibit 2C" from Sheila Kane proves Southern Shores did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b). A true and correct copy of Petitioner's email is attached hereto and marked "Exhibit E".

18. Wes Haskett refused to stop claiming he met/complied with notification requirements prior to the lot width amendment on June 6, 2023 and Wes Haskett and/or his attorney Lauren Womble also repeatedly claimed to satisfy notification requirements at the Variance Hearing on October 21, 2024.

EXHIBIT B

19. At the Variance Hearing on October 21, 2024 Planning Board attorney Jay Wheless stated Petitioner was "accusing the whole town of impropriety" when Petitioner objected to attorney Jay Wheless and Wes Haskett's attorney Lauren Womble misrepresenting the language of the Town Notification requirement that posted notice must be at affected properties prior to zoning amendments at Town Code Sec. 36-414(b) when Petitioner stated the attorneys were colluding.

20. Wes Haskett's staff report claims "the district is intended to promote stable, PERMANENT NEIGHBORHOODS..." and then completely contradicts itself by arguing Petitioner's Variance for his subdivision should be denied because Petitioner can build an Accessory Dwelling Unit (ADU) when ADU's are known for short term vacation rentals.

21. Wes Haskett's staff report claims "the density of the population is managed" but contradicts hisself by refusing to approve a conditional subdivision plan limiting each of the (2) lots to seven occupants for a total of fourteen occupants when using Petitioner's lot for a single family home and ADU allows a total occupancy of twenty eight people (14 people at the home and 14 people at the ADU).

22. Petitioner entered into evidence (4) emails from Wes Haskett during May of 2023 (when posted notice was required at properties affected by his March 31, 2023 zoning amendment application) that prove Wes Haskett was being asked specifically about the 75 E Dogwood Trail lot subdivision and lot width requirements and Wes Haskett refused to tell Petitioner about the March 31, 2023 proposed zoning amendment to change lot width requirements. A true and correct copy of the exhibit entered into evidence is attached hereto as "Exhibit F".

23. On October 21, 2024 at the Variance hearing Petitioner proved Wes Haskett has an undisclosed special interest in Petitioner's property by getting Wes Haskett to admit that he did not allow Petitioner's side setback on his 50+ year old home to be considered "legally non-conforming" until June 5, 2024 which was one day after Petitioner emailed Wes Haskett a building permit application to remove the one foot of Wes Haskett's claimed "non-conforming" section of Petitioner's house and after months of Wes Haskett claiming there was a non-conforming setback preventing the subdivision so much that he even hired attorney Philip Hornthal to also contact Petitioner to claim the side setback prevented the subdivision. A true and correct copy of the documentation presented to Wes Haskett on October 21, 2024 as an Exhibit is attached hereto and marked "Exhibit G".

24. Planning Board Jay Wheless advised the Planning Board/Board of Adjustments that "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN" require the Planning Board/Board of Adjustments to grant Petitioner's Motion to Preclude Variance Hearing and Grant Petitioner's Variance.

25. Wes Haskett's lies that notification requirements were met/complied with prior to the June 6, 2023 and August 3, 2021 zoning amendments is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

26. Wes Haskett's refusal to tell Petitioner about his March 31, 2023 zoning Application in 4 emails responding to subdivision/lot width questions in May of 2023 (when posted notice at affected properties was required) is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

27. Wes Haskett's refusal to allow Town Code Section 36-132(c) and Section 36-132(c)(1) to admit Petitioner's house's setback is "legally non-conforming" for months until Petitioner filed a building permit to remove the 1' of house Wes Haskett claimed was non-conforming is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

28. Wes Haskett and his attorney Lauren Womble's argument on October 21, 2024 that notification requirements for the June 6, 2023 and August 3, 2021 zoning amendment were met/complied with when Southern Shores Public Records Request Response (Exhibit B) proves they were not is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

29. Wes Haskett's false report to law enforcement on May 21, 2024 found in "Exhibit C" (in violation of North Carolina Chapter 14 ss 14-225 false reports) is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

EXHIBIT 1

30. Wes Haskett's refusal to correct his wrong-doing as required by Southern Shores Town Code Ethics Policy #7 (found as Exhibit 6 of Petitioner's Variance Application) which states "I will respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen" is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

31. A true and correct copy of Petitioner's "MOTION TO PRECLUDE VARIANCE HEARING SCHEDULED FOR OCTOBER 21, 2024 DUE TO SOUTHERN SHORES' CONSPIRACY TO FALSIFY MATERIAL INFORMATION TO THE PUBLIC AND PLANNING BOARD, GRANT APPLICANT'S VARIANCES FROM SECTION 30-96(f) AND SECTION 36-202(d) AND REFUND APPLICANT'S $350 VARIANCE APPLICATION FEE" is attached hereto as "Exhibit H".

32. A true and correct copy of Petitioner's Variance Application is attached hereto as "Exhibit I".

33. The previous owner of 75 E Dogwood Trail was able to negotiate an additional $75,000 from Petitioner in May of 2023 for the purchase of 75 E Dogwood Trail (when Petitioner's lot was subdividable, as proven with "Exhibit 1B" of Petitioner's Variance Application) because Wes Haskett did not have posted notice at 75 E. Dogwood Trail and refused to tell Petitioner about his March 31, 2023 zoning amendment application.

34. Wes Haskett communicated with the previous owner and the listing agent of 75 E. Dogwood Trail on and off the record about the lot subdivision, as proven with Exhibit 3 of Petitioner's Variance Application.

35. Wes Haskett's claim at paragraph 17(d) of the Order denying Variance that "On July 6, 2023, Mr. Mina was given the opportunity to rescind the offer to purchase the subject property with a full refund of his due diligence funds prior to closing on the subject property and declined to do so" is a fraudulently misrepresented fact because the truth is on July 5, 2023 Petitioner emailed the previous owner's attorney stating that if the real estate transaction was not legally conforming on July 7, 2023 Petitioner would be using the legal system to seek his damages the previous owner procured with fraud, including Wes Haskett's fraud. The previous owner did not offer a refund of Petitioner's legal costs, inspection fees or approximately $50,000 Petitioner was in the process of spending on his previous home in preparation for the move to 75 E. Dogwood Trail.

36. Wes Haskett is guilty of being a part of a false pretense real estate scam and Wes Haskett is guilty of false pretense theft for repeatedly forcing Petitioner to pay hundreds of dollars on subdivision applications and a Variance Application that require law, town code and facts to be used when deciding but providing Petitioner nothing but misrepresented facts and the use of zoning code Wes Haskett's knows are inapplicable for reasons including that a pre-requisite to the zoning code being enforced is the property owner being notified, which did not occur at 75 E. Dogwood Trail.

37. Planning Board Chairman Andy Ward agreed to comply with Southern Shores Town Ethic's policy when admitting he made a sign complaint against Petitioner for having a real estate sign in the right of way. Andy Ward did not make sign Complaints against other Southern Shores Property owners and a church that had signs in the "right of way" in locations you can not miss when coming and going from Dogwood Trail when the complaint was made against Petitioner. Petitioner did not ask Andy Ward to recuse his self from the Variance proceedings because he agreed to comply with Southern Shores Code of Ethics (Exhibit 6 of Petitioner's Variance Application).

38. Andy Ward has yet to comply with Southern Shores Code of Ethics.

39. The Planning Board/Board of Adjustment's November 19, 2024 Order is in violation of constitutional provisions including those protecting the right to hearing without fabricated evidence, false sworn testimony and due process violations, the decision is inconsistent with applicable procedures specified by statute and ordinance, the decision is affected by error of law and the decision is unsupported by substantial competent evidence (the decision is based on ridiculous amounts of Wes Haskett's lies).

WHEREFORE, Petitioner respectfully requests this Honorable Court to REVERSE the decision of the Planning Board/Board of Adjustments, REMAND the case to Southern Shores, Request that the Dare County District Attorney's Office review this case and grant Petitioner other relief the court deems appropriate, such as a refund of Southern Shores filing fees and an order requiring Wes Haskett to pay Petitioner's legal costs.

EXHIBIT B

December 18, 2024 Respectfully Submitted,

Anthony S. Mina
75 E Dogwood Trail
Southern Shores, NC 27949
610 842 3905
chestercountylawn@yahoo.com

PetitionForWritWithExhibitsA-H.pdf
3.7MB

VA-24-01 75 E. Dogwood Trl.pdf
11.1MB

PetitionForWritTimeStamped.pdf
58.2kB

EXHIBIT B

Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

EXHIBIT C

ANTHONY S MINA

75 E DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

610 842 3905

chestercountylawn@yahoo.com

October 15, 2024

APPLICANT'S MOTION TO PRECLUDE VARIANCE HEARING SCHEDULED FOR OCTOBER 21, 2024 DUE TO SOUTHERN SHORES' CONSPIRACY TO FALSIFY MATERIAL INFORMATION TO THE PUBLIC AND PLANNING BOARD, GRANT APPLICANT'S VARIANCES FROM SECTION 30-96(f) AND SECTION 36-202(d) AND REFUND APPLICANT'S $350 VARIANCE APPLICATION FEE

I, Anthony S. Mina, Applicant in the October 21, 2024 Zoning Variance Hearing hereby Motion to Preclude Variance Hearing scheduled for October 21, 2024 due to Southern Shores' conspiracy to falsify material information to the public and Planning Board, Grant Applicant's Variances from Section 30-96(f) and Section 36-202(d) and refund Applicant's $350 Variance Application fee. In support thereof, I hereby aver the following facts:

1. Applicant has a Variance Hearing Scheduled on October 21, 2024 because of hardships including Wes Haskett's refusal to tell Applicant about the June 6, 2023 zoning amendment to prevent sub-divisions until June 1, 2023 despite Applicant's 4 emails during May 2023 asking about the 75 E. Dogwood Trail sub-division which Applicant was told by Outer Banks Realty that Southern Shores said was possible. During the month of May 2023 Outer Banks realty negotiated an additional $75,000 from Applicant for a lot that was sub-dividable as proven by Wes Haskett's June 1, 2023 email which is attached hereto, made a part hereof and marked "Exhibit A".
2. Wes Haskett and Southern Shores did not comply with town and state notification requirements when making the June 6, 2023 & August 3, 2021 zoning amendments because Wes Haskett did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated **AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b).** A true and correct copy of a Public Records Request proving Notification requirements were not met for TCA-21-06 & ZTA-23-03 is attached hereto, made a part hereof and marked "Exhibit B".
3. Wes Haskett falsified Southern Shores' Town Code Notification requirements to Applicant, Police Chief Kole and Mayor Morey on May 21, 2023 by deleting Section 36-414(b) requiring posted notice of the Zoning Amendment at effected properties. A true and correct copy of Wes Haskett's May 21, 2023 email is attached hereto, made a part hereof and marked "Exhibit C".
4. **North Carolina Code - General Statutes § 14-225. False reports to law enforcement agencies or officers provides:** Any person who shall willfully make or cause to be made to a law

EXHIBIT D

enforcement agency or officer any false, misleading or unfounded report, for the purpose of interfering with the operation of a law enforcement agency, or to hinder or obstruct any law enforcement officer in the performance of his duty, shall be guilty of a Class 2 misdemeanor.

5. **Wes Haskett is guilty of making false reports to law enforcement.**
6. Wes Haskett, Cliff Ogburn and Philip Hornthal have knowingly refused to correct their illegally adopted zoning codes (which violate all Southern Shores property owner's 4th Amendment Due Process Rights) for at least 5 months now when the only thing Federal Law, State Law and Southern Shores Town Code & Ethics Policy permits Southern Shores to do is remedy their wrong doing.
7. Wes Haskett is in violation of Southern Shores Town Ethics Policy #1, #2, #3 & #6 which provide:

   1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
   2. I will always uphold the integrity and independence of my job.
   3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
   6. I will never use my position to harass or adversely influence any of the town's other employees.

   A true and correct copy of the town's ethics policy is attached hereto made a part hereof and marked "Exhibit D".
8. **Wes Haskett prepared a "Staff Report" on October 14, 2024 and again falsely claimed all applicable notification requirements were met.** A true and correct copy of Wes Haskett's falsified "Staff Report" is attached hereto, made a part hereof and marked "Exhibit E"
9. **SOUTHERN SHORES LACKS JURISDICTION TO ENFORCE ILLEGALLY ADOPTED ZONING CODES, THEREFORE, FORCING APPLICANT TO PAY $350 FOR A VARIANCE HEARING SUBSTANTIANTES A CRIMINAL CONSPIRACY TO STEAL $350 FROM APPLICANT AND HARASS APPLICANT WITH UNENFORCABLE ZONING CODES.**

Wherefore, Applicant Anthony S. Mina hereby respectfully requests Southern Shores and/or the Planning Board to Preclude Variance Hearing scheduled for October 21, 2024 due to Southern Shores' conspiracy to falsify material information to the public and Planning Board, Grant Applicant's Variances from Section 30-96(f) and Section 36-202(d) and refund Applicant's $350 Variance Application fee.

Respectfully Submitted,

Anthony S. Mina
75 E Dogwood Trail
Southern Shores, NC 27949
610 842 3905
chestercountylawn@yahoo.com

RE: 75 E Dogwood Trail Subdivision

chestercountyla.../Inbox

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 1, 2023 at 9:44 AM

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

On Tuesday, May 30, 2023 at 04:41:19 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. Thank you for sending the drawing. How much frontage would Lot B have and at what point is it 100 ft. wide?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

I really only want enough street frontage to build some walls at the beginning of the driveway like in the attached picture. I'll be able to give you a much more accurate subdivision plan after I purchase 75 E Dogwood Trail and get some legal advice about all my possible subdivision plans. But I am thinking that I may want both lots sharing one driveway opening that I own, if zoning code allows a subdivision plan like this (if not Lot A could use the existing driveway).

"EXHIBIT A" f1

Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

Thank you for your help.

Anthony S Mina

1 File 2.2MB

5-16-23 ZTA-23-03 Lot Width.pdf
2MB

"EXHIBIT A" of

Public Records Request Regarding TCA-21-06 and ZTA-23-03 Not Meeting Public Notice Requirements

chestercountyla.../Sent

Anthony Mina <chestercountylawn@yahoo.com>
To: Sheila Kane <skane@southernshores-nc.gov>,
Southernshores Nc Info <info@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>

Jun 21 at 11:02 AM

Dear Southern Shores,

Please provide me all public records, including Southern Shores' employees names who claim that mailed letters, 1/2 page newspaper advertising, posted notice on affected properties and direct communication with the property owner are not required for TCA-21-06 and ZTA-23-03 as town code Sec. 36-414(b) and Article 6 ss 160D-602(a),(b),(c) and (d) indicate is required as notification for an AMENDMENT OF A ZONING REGULATION, such as TCA-21-06 and ZTA-23-03.

Thank you,
Anthony S Mina

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: Sheila Kane <skane@southernshores-nc.gov>
Sent: Thursday, June 20, 2024 at 07:03:28 PM EDT
Subject: Re: Public Records Request Regarding TCA-21-06 and ZTA-23-03

Thank you for the email. Could you please tell me who stated that the public notice requirements in paragraphs 1, 2 and 4 where not required. Thank you, Anthony S Mina

On Thursday, June 20, 2024 at 05:07:47 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03.NOT REQUIRED

2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.
   1. Coastland Times Advertisement invoices and copies of notices are attached. A 1/2 of a page size is NOT REQUIRED

3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
   1. Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.

4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
   1. NOT REQUIRED
   2. Communication with one property owner attached (Anthony Mina).

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax

1 File 4.3MB

IMG_1328.jpeg
4MB

"EXHIBIT B"

mkichline@chesco.org;
Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Phillip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

My concerns are the following:

Wes Haskett and Philip Hornthal are not in touch with reality and a danger to other people's physical and emotional well being. Wes Haskett has refused to answer how he believes he is legally changing land use with a zoning amendment since last summer. Changing land use from a 2 single home property (with a subdivision by right) to a 1 single home property causes land value monetary damages to some Southern Shores tax payers of significantly more than $100,000. In the real world $100,000 is easily the difference between life and death. $100,000 can be the difference between the medical care someone needs and accepting that their life is coming to an end. If you walk into a bank demanding $100,000 you are lucky if you are not killed. Wes Haskett and Philip Hornthal refuse to explain how they legally think they can cause some Southern Shores home owners more than $100,000 in monetary damages with a zoning code amendment which changes land use. Applicant without a doubt will not be committing any crimes in response to Wes Haskett and Philip Hornthal stealing land value from Southern Shores home owners, but has serious concerns that Wes Haskett and Philip Hornthal are a danger to the physical and emotional well being of others and should be involuntarily committed to a psychiatric hospital for evaluation. Applicant will give Wes Haskett and Philip Hornthal 48 hours to explain how they legally are changing land use without an eminent domain transaction and highly suggests law enforcement not to wait half as long.

Anthony Stocker Mina

PS When I testified in front of Federal Judge Edward G Smith against Chester County's labor trafficking conspiracy against me I explained that the conspirators designed me a spin move. 172 and 174 S. Dogwood Trail appear to me to be another example of the pre-meditated conspiracy which I am expected to use certain evidence against corruption a specific way. I will let law enforcement figure out if the home owners are pawned because of meanings within their names or play a role in the conspiracy that repeatedly forces me in the middle of government scandals as a way of hiding Pennsylvania's corruption like I am their undercover internal affairs guerilla. Since there is a white crosstour at 172 S. Dogwood Trail and I live in the Dick White house I feel like I am being forced in the middle of a whole lot of crossing without being paid (as Wes Haskett tries stealing more than $100,000 of land value from my family).

----- Forwarded Message -----
From: Anthony Mina <
To: "dkole@southernshores-nc.gov" < >; "dkole@southernshores-nc.gov" < >; Elizabeth Morey
< >; Phillip Hornthal < >; Cliff Ogburn < >
Cc: "jslegel@southernshores-nc.gov" < >; "mcooke@southernshores-nc.gov" < >;
"ebrinkley@southernshores-nc.gov" < >; "dbrickhouse@southernshores-nc.gov" < >;
"tmann@southernshores-nc.gov" < >; "csimpson@southernshores-nc.gov" < >;
"rdeaner@southernshores-nc.gov" < >; "dong@southernshores-nc.gov" < >; "jthompson@southernshores-
nc.gov" < >; "jspottswood@southernshores-nc.gov" < >; "jcouture@southernshores-nc.gov"
< >; FBI <

>;
"olivia.s.hines@nccourts.org" < >; "olivia.s.hines@nccourts.org" < >; Andrea C. Powell < >;
Elizabeth Morey < >; Jasper Rogers < >; "cgarriss@kittyhawktown.net" < >;
"cgarriss@kittyhawktown.net" < >; Casey Varnell < >; Mike Talley < >;
"mike.palkovics@kittyhawktown.net" <

>;
"mike.palkovics@kittyhawktown.net" <

>;
"chambers_of_chief_judge_sanchez@paed.uscourts.gov" < >;
"chambers_of_judge_edward_g_smith@paed.uscourts.gov" < >; "chambers_of_judge_pappert@paed.uscourts.gov"
< >; "chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov"
< >; "chambers_of_judge_timothy_j_savage@paed.uscourts.gov"
< >; Dryan < >; "cccommissioners@chesco.org" < >;
"cccommissioners@chesco.org" < >; "jmaxwell@chesco.org" < >; "jmaxwell@chesco.org" < >;
Marian Moskowitz < >; "mkichline@chesco.org" < >; "mkichline@chesco.org" < >; Wes Haskett
< >

Sent: Friday, May 17, 2024 at 05:35:45 PM EDT
Subject: Criminal Conspiracy Being Committed By Wes Haskett And Southern Shores

Dear Law Enforcement,

"Exhibit C"

RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Divisio n

chestercountyla.../Inbox

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrsm.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

May 21 at 2:27 PM

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.
(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section _____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ...." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.
(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less then ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.
(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <...>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <...>; Phillip Hornthal <...>
Cc: David Kole <...>; David Kole <...>; Elizabeth Morey <...>; Phillip Hornthal <...>; Cliff Ogburn <...>; Jonathan Siegel <...>; Matt Cooke <...>; Eric Brinkley <...>; Darrell Brickhouse <...>; Tracy Mann <...>; Chris Simpson <...>; Richard Deaner <...>; Thomas Long <...>; Jason Thompson <...>; Andrew Spottswood <...>; Jennifer Couture <...>; FBI <...>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <...>; Elizabeth Morey <...>; Jasper Rogers <...>; cgarriss@kittyhawktown.net; cgarriss@kittyhawktown.net; Casey Varnell <...>; Mike Talley <...>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_peppert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <...>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <...>;

"EXHIBIT G"

Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

"EXHIBIT D" of D

STAFF REPORT

To: Southern Shores Planning Board
Date: October 21, 2024
Case: VA-24-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Property Owners: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Requested Action: Variance to seek relief from Town Code Section 30-96(f), Lots and Town Code Section 36-202(d), Dimensional Requirements to allow a subdivision of the property located at 75 E. Dogwood Trl.

PIN #: 986817213502
Location: 75 E. Dogwood Trl.
Zoning: RS-1 Single-Family Residential District

Existing Land Use: "Residential"

Surrounding Land Use & Zoning:
North- Residential; RS-1, Single-Family Residential District
South- Canal
East- Residential; RS-1, Single-Family Residential District
West- Canal

Physical Characteristics: Developed (existing single-family dwelling)

Applicable Regulations: Chapter 30, Subdivision Ordinance: Section 30-6, Exceptions, Section 30-96(f), Lots and Section 30-97, Design Standards. Chapter 36, Zoning Ordinance: Section 36-57, Definition of Specific Terms and Words, Section 36-202(d), Dimensional Requirements, and Article XII, Board of Adjustment

ANALYSIS

The Applicant is requesting a Variance to seek relief from Town Code Section 30-96(f) and 36-202(d) to allow a subdivision of 75 E. Dogwood Trl. On July 3, 2024, the Applicant submitted two applications to subdivide the subject property. The first application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because both lots did not front upon a public road. Town Code Section

"EXHIBIT E" D

30-96(f) states that all lots shall front upon a public road. The denial was not appealed.

The second application was also denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2). Specifically, the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district and as a result did not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots did not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

The denial was not appealed.

In accordance with N.C.G.S. 160D-705(d), Town Code Section 36-367 in the Town's Zoning Ordinance establishes that the Planning Board, when performing the duties of the Town Board of Adjustment, shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.

- There is no unnecessary hardship. The property is zoned single-family residential. There is a single-family dwelling which exists on the property. The Applicant's desire to upgrade and improve the existing structure is not restricted by the ordinance sections sought to be varied. Additionally, the size of the lot could allow for an addition to the existing single-family dwelling and/or an accessory building with living space which could also increase the value of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

- The alleged hardship by the Applicant is not peculiar to the property and rather is one of personal circumstances. The Applicant's application fails to demonstrate how the alleged hardship is peculiar to the property. The Applicant makes false allegations that Town Staff illegally adopted zoning requirements and was helping a real estate scam which are not related to the property's size, location, or topography.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- The Applicant claims that the unnecessary hardship is the result of Town Staff not meeting notification requirements for a Town Code Text Amendment that was

EXHIBIT E

adopted on August 3, 2021 and a Zoning Ordinance Text Amendment that was adopted on June 6, 2023 and because Town Staff withheld material information prior to the Applicant's purchase of the property.

- All applicable notification requirements established in N.C.G.S 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Text Amendment. Neither amendment was appealed.
- Town Staff reviewed several sketches showing the Applicant's ideas for a subdivision of the property between May 1, 2023 and June 1, 2023 and never confirmed that any of them met all applicable requirements (which would have been advisory and not subject to judicial review). The Applicant moved forward with the purchase of the property on July 7, 2023.

(4) The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

- The RS-1, Single-Family Residential zoning district is established to provide for the low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area. The district is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses. In order to meet this intent, the density of population in the district is managed by establishment of minimum lot sizes, building setback and height limits, parking regulations and maximum occupancy limits for single-family residences used as vacation cottages.
- The Applicant claims that the spirit, purpose, and intent of the ordinance will be able to be utilized by granting a Variance from illegally adopted zoning code(s) and because Town Staff is involved with a false pre-tense real estate scam.
  - The Town Code Tex Amendment that was adopted on August 3, 2021 removed the possibility of creating lots that only have frontage on an access easement. The intent of the Town Code Text Amendment was to eliminate the possibility of subdividing property that did not have frontage on a public street, as directed by the Town Council at the June 1, 2021 Town Council meeting, which was a result of a preliminary subdivision plat application that was considered by the Town Council on June 1, 2021.
  - The Zoning Ordinance Text Amendment that was adopted on June 6, 2023 established that lots created after June 6, 2023 in the RS-1, Single-Family Residential zoning district shall be 100 ft. wide measured from the front lot line at right angles to the rear lot line. The intent of the Zoning Ordinance Text Amendment was to clarify the Town's lot width requirements by making them unambiguous, as directed by the Town Council at the March 21, 2023 Town Council meeting, which was a result of an appeal application that was considered by the Planning Board, performing the duties of the Board of Adjustment, on October 5, 2022.
  - Town Staff believes that granting the requested Variance would be inconsistent with the spirit, purpose, and intent of the ordinance.

"EXHIBIT"

NORTH CAROLINA | BOARD OF ADJUSTMENT

TOWN OF SOUTHERN SHORES | Case: APA-25-01

In Re: Subdivision Application by Anthony S. Mina for 75 East Dogwood Trail (Pin #986817213502)

MOTION TO DISMISS

NOW COMES the Town of Southern Shores (the "Town"), by and through the undersigned counsel, and hereby moves the Board to dismiss Anthony Mina's subdivision application for 75 East Dogwood Trail on the grounds that the same is barred by the doctrine of *res judicata*. In support thereof, the Town shows unto the Board as follows:

STATEMENT OF FACTS AND PROCEDURAL HISTORY

1. Anthony S. Mina and Jennifer L. Franz are the owners of record for 75 East Dogwood Trail. They purchased the property on July 7, 2023.

2. The subject property is a 47,000 square foot lot with an existing single-family residence thereon. The property is zoned RS-1, single-family residential.

3. On July 3, 2024, Mr. Mina submitted two applications to subdivide the subject property.

4. On July 16, 2024, the Town denied both applications. The Town denied the first application because the proposed lots did satisfy the standards established in Town Code Section 30-96(f), which requires both lots to front a public road. The Town denied the second application because the proposed lots did not equal or exceed the standards in Town Code Section 30-97, which requires lot widths of 100 feet in the RS-1 Single-Family Residential zoning district. Mr. Mina did not appeal the Town's denials of his subdivision applications.

5. On January 6, 2025, Mr. Mina submitted a third subdivision application, which was identical to the first and second subdivision applications and violated Town Code Sections 30-96(f) and 30-97.

6. On January 21, 2025, the Town denied Mr. Mina's third subdivision application on the grounds of *res judicata*, finding that Mr. Mina's third subdivision application "d[id] not present any material change such that the concerns warranting denial of the July 3, 2024, application remain[ed] unresolved."

7. Mr. Mina appealed the Town's denial of his third subdivision application to this Board on February 13, 2025, stating "*Res Judicata* does not prohibit approval of the January 6, 2025 subdivision application due to new material facts and evidence that must be considered (evidence obtained after July 16, 2024)."

LEGAL ARGUMENT

8. Preliminarily, Mr. Mina did not appeal the Town's initial decisions to deny his first and second subdivision applications within thirty (30) days of his receipt of written notice of the Town's determination. Therefore, any such appeal therefrom is barred under the statute of limitations. *See* N.C. Gen. Stat. § 160D-405(d) (granting a property owner thirty (30) days from "receipt of the written notice of the determination within which to file an appeal" from an administrative decision).

9. The doctrine of *res judicata* applies to "protect[ ] litigants from the burden of relitigating previously decided matters and promot[es] judicial economy by preventing needless litigation." *Little v. Hamel*, 134 N.C. 485, 487, 517 S.E.2d 901, 902 (1999) (internal quotation omitted).

10. North Carolina's appellate courts have held that the doctrine of *res judicata* applies to local zoning decisions. *Mount Ulla Hist. Pres. Soc., Inc. v. Rowan Cnty.*, 232 N.C. App. 436, 754 S.E.2d 237 (2014).

11. To overcome the applicability of *res judicata* in a local zoning matter, the applicant bears the burden of showing that the "facts and circumstances which actuated an order or decision are alleged and shown to have so changed as to vitiate or materially affect the reasons which produced and supported it" such that the application "can no longer be characterized as the same claim." *Mount Ulla*, 232 N.C. App. at 441, 754 S.E.2d at 241 (quoting *St. Patrick's Church Corp. v. Daniels*, 113 Conn. 132, 154 A. 343, 345 (1931)); 83 Am. Jur. 2d, *Zoning and Planning* § 700.

12. Mr. Mina alleged no facts in his third subdivision application or his appeal therefrom which would permit this Board to infer that the character and nature of 75 East Dogwood Trail, or the Town's Code of Ordinances, have materially changed such to vitiate the Town's previous denials of Mr. Mina's subdivision applications in July 2024.

13. Rather, Mr. Mina's third subdivision application would still render 75 East Dogwood Trail nonconforming with the street frontage and lot size requirements of Town Code Sections 30-96(f) and 30-97, respectively.

14. Mr. Mina has shown no facts, and the Town contends none exist, which would render Mr. Mina's third subdivision application materially different from Mr. Mina's first two subdivision applications such to vitiate the Town's concerns under the Code Sections described above in Paragraph 12.

15. Thus, because Mr. Mina's third subdivision application is substantially similar to this first two subdivision applications in July 2024, which the Town denied, the doctrine of *res judicata* operates as an affirmative bar to Mr. Mina's third subdivision application.

WHEREFORE, for the reasons shown herein, the Town respectfully requests this Board dismiss Mr. Mina's appeal of the Town's denial of his third subdivision application under the applicable statute of limitations and the doctrine of *res judicata*.

This the 5 day of March, 2025.

HORNTHAL, RILEY, ELLIS & MALAND, LLP

BY: _____

Lauren Arizaga-Womble
N.C. State Bar No. 40109
Email: lawomble@hrem.com
301 E. Main Street
Elizabeth City, NC 27909
Telephone No.: (252) 335-0871
Fax No.: (252) 335-4223
Attorney for Town of Southern Shores

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she has this day served a copy of the foregoing Motion to Dismiss on the other party to this case, on the persons and in the manner set forth below.

SERVED ON:

(*Via Regular U.S. Mail & E-Mail)*
Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trail
Southern Shores, NC 27949
chestercountylawn@yahoo.com

This the 5 day of March, 2025.

Attorney for Town of Southern Shores

NORTH CAROLINA | BOARD OF ADJUSTMENT

TOWN OF SOUTHERN SHORES | Case: APA-25-01

In Re: Subdivision Application by Anthony S. Mina for 75 East Dogwood Trail (Pin #986817213502)

AMENDED MOTION TO DISMISS

NOW COMES the Town of Southern Shores (the "Town"), by and through the undersigned counsel, and hereby moves the Board to dismiss Anthony Mina's subdivision application for 75 East Dogwood Trail on the grounds that the same is barred by the applicable statute of limitations and the doctrine of *res judicata*. In support thereof, the Town shows unto the Board as follows:

STATEMENT OF FACTS AND PROCEDURAL HISTORY

1. Anthony S. Mina and Jennifer L. Franz are the owners of record for 75 East Dogwood Trail. They purchased the property on July 7, 2023.

2. The subject property is a 47,000 square foot lot with an existing single-family residence thereon. The property is zoned RS-1, single-family residential.

3. On July 3, 2024, Mr. Mina submitted two applications to subdivide the subject property.

4. On July 16, 2024, the Town denied both applications. The Town denied the first application because the proposed lots did not satisfy the standards established in Town Code Section 30-96(f), which requires both lots to front a public road. The Town denied the second application because the proposed lots did not equal or exceed the standards in Town Code Section 30-97, which requires lot widths of 100 feet in the RS-1 Single-Family Residential zoning district. Mr. Mina did not appeal the Town's denials of his subdivision applications.

5. On January 6, 2025, Mr. Mina submitted a third subdivision application, which was identical to the first and second subdivision applications and violated Town Code Sections 30-96(f) and 30-97.

6. On January 21, 2025, the Town denied Mr. Mina's third subdivision application on the grounds of *res judicata*, finding that Mr. Mina's third subdivision application "d[id] not present any material change such that the concerns warranting denial of the July 3, 2024, application remain[ed] unresolved."

7. Mr. Mina appealed the Town's denial of his third subdivision application to this Board on February 13, 2025, stating "*Res Judicata* does not prohibit approval of the January 6, 2025 subdivision application due to new material facts and evidence that must be considered (evidence obtained after July 16, 2024)."

LEGAL ARGUMENT

8. Preliminarily, Mr. Mina did not appeal the Town's initial decisions to deny his first and second subdivision applications within thirty (30) days of his receipt of written notice of the Town's determination. Therefore, any such appeal therefrom is barred under the statute of limitations. *See* N.C. Gen. Stat. § 160D-405(d) (granting a property owner thirty (30) days from "receipt of the written notice of the determination within which to file an appeal" from an administrative decision).

9. The doctrine of *res judicata* applies to "protect[ ] litigants from the burden of relitigating previously decided matters and promot[es] judicial economy by preventing needless litigation." *Little v. Hamel*, 134 N.C. 485, 487, 517 S.E.2d 901, 902 (1999) (internal quotation omitted).

10. North Carolina's appellate courts have held that the doctrine of *res judicata* applies to local zoning decisions. *Mount Ulla Hist. Pres. Soc., Inc. v. Rowan Cnty.*, 232 N.C. App. 436, 754 S.E.2d 237 (2014).

11. To overcome the applicability of *res judicata* in a local zoning matter, the applicant bears the burden of showing that the "facts and circumstances which actuated an order or decision are alleged and shown to have so changed as to vitiate or materially affect the reasons which produced and supported it" such that the application "can no longer be characterized as the same claim." *Mount Ulla*, 232 N.C. App. at 441, 754 S.E.2d at 241 (quoting *St. Patrick's Church Corp. v. Daniels*, 113 Conn. 132, 154 A. 343, 345 (1931)); 83 Am. Jur. 2d, *Zoning and Planning* § 700.

12. Mr. Mina alleged no facts in his third subdivision application or his appeal therefrom which would permit this Board to infer that the character and nature of 75 East Dogwood Trail, or the Town's Code of Ordinances, have materially changed such to vitiate the Town's previous denials of Mr. Mina's subdivision applications in July 2024.

13. Rather, Mr. Mina's third subdivision application would still render 75 East Dogwood Trail nonconforming with the street frontage and lot width requirements of Town Code Sections 30-96(f) and 30-97, respectively.

14. Mr. Mina has shown no facts, and the Town contends none exist, which would render Mr. Mina's third subdivision application materially different from Mr. Mina's first two subdivision applications such to vitiate the Town's concerns under the Code Sections described above in Paragraph 12.

15. Thus, because Mr. Mina's third subdivision application is substantially similar to this first two subdivision applications in July 2024, which the Town denied, the doctrine of *res judicata* operates as an affirmative bar to Mr. Mina's third subdivision application.

WHEREFORE, for the reasons shown herein, the Town respectfully requests this Board dismiss Mr. Mina's appeal of the Town's denial of his third subdivision application under the applicable statute of limitations and the doctrine of *res judicata*.

This the 6 day of March, 2025.

HORNTHAL, RILEY, ELLIS & MALAND, LLP

BY: _____

Lauren Arizaga-Womble
N.C. State Bar No. 40109
Email: lawomble@hrem.com
301 E. Main Street
Elizabeth City, NC 27909
Telephone No.: (252) 335-0871
Fax No.: (252) 335-4223
Attorney for Town of Southern Shores

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she has this day served a copy of the foregoing Amended Motion to Dismiss on the other party to this case, on the persons and in the manner set forth below.

SERVED ON:

(*Via Regular U.S. Mail & E-Mail)*
Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trail
Southern Shores, NC 27949
chestercountylawn@yahoo.com

This the 6 day of March, 2025.

Attorney for Town of Southern Shores

ANTHONY S MINA
75 E. DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
610 842 3905
chestercountylawn@yahoo.com

March 16, 2025

CASE: APA -25-01

MOTION FOR JAN COLLIN'S AND ROBERT MCLENDON'S RECUSAL FROM MARCH 19, 2025 APPEAL OF JANUARY 21, 2025 SUBDIVISION DENIAL DUE TO THEIR INVOLVEMENT WITH VIOLATIONS OF 18 U.S. CODE § 1512- TAMPERING WITH A WITNESS, VICTIM OR AN INFORMANT AND RIDICULE OF APPLICANT FOR BEING A VICTIM OF A $75,000 FALSE PRE-TENSE REAL ESTATE SCAM CAUSED BY WES HASKETT HIDING HIS MARCH 31, 2023 LOT WIDTH AMENDMENT FROM APPLICANT

I, Applicant Anthony Mina hereby Motion for Jan Collins and Robert McLendon's recusal from the March 19, 2025 Subdivision Appeal and in support thereof aver the following:

1. Wes Haskett refused to tell Applicant about a March 31, 2023 proposed lot width amendment in 4 emails in May of 2023 when Applicant asked about the 75 E Dogwood Trail subdivision and lot width requirements.
2. In May of 2023 Wes Haskett's emails regarding lot width requirements and the Southern Shores Town Code published online indicated 75 E Dogwood Trail was subdividable, as proven by Wes Haskett's July 16, 2024 subdivision denial with the only reason of the denial being the March 31, 2023 lot width amendment.
3. In May of 2023 the previous owner of 75 E Dogwood Trail, Linda Lauby negotiated an additional $75,000 from Applicant that she would not have received if Wes Haskett was not hiding his March 31, 2023 proposed lot width amendment.
4. Town Code 36-414(b) requires posted notice of zoning amendments at effected property(s).
5. Wes Haskett did not post notice at 75 E Dogwood Trail of the March 31, 2023 lot width amendment.
6. Jan Collins criticized Applicant and his realtor for not having the agreement to purchase 75 E Dogwood Trail contingent on the lot subdivision.
7. Assigning blame on Applicant and his realtor in a public proceeding for being victimized by Wes Haskett's fraud violates witness intimidation laws and Southern Shores disorderly conduct laws.
8. Realtors and home buyers almost never draft sales agreements in preparation for a corrupt government employee to be fraudulently hiding material information and the ridicule of Applicant and his realtor proves a bias against Applicant and desire to hide Wes Haskett's $75,000 real estate scam Haskett caused.

9. Robert McClendon criticized Applicant for not accepting a refund of his due diligence money offered 24 hours before closing after Applicant told the previous owner, Linda Lauby she was getting sued in court for her false pre-tense real estate scam.
10. Linda Lauby did not offer a refund of Applicant's attorney fees, inspection costs and thousands and thousands of dollars spent on other real estate costs incurred at Applicant's last house because of the 75 E Dogwood Trail property Applicant purchased as subdividable (according to zoning codes not hidden by Wes Haskett).
11. Robert McClendon did not state the fact that the due diligence refund was offered 24 hours before the closing because of Applicant's threat of a law suit, Robert McLendon tried portraying Linda Lauby and her false pre-tense real estate scam as an unusual home seller who offered the due diligence fee back "which almost never happens".
12. Robert McLendon did not state the fact that Linda Lauby committed false pre-tense theft by selling a property as potentially subdividable with seller financing but then refused to sign an "Agreement to release newly subdivided lot from deed of trust" under any circumstances.
13. Robert McLendon did not state the fact that Linda Lauby deceptively claimed for weeks prior to the July 7, 2023 closing that she was accepting a counter-offer made by Applicant on 75 E Dogwood Trail and waited until July 5, 2023 to state she wasn't accepting a counter offer (without offering any refund).
14. When Robert McLendon did not get the answers he wanted from Applicant he stated "We are talking about the law"...and Applicant's concerns "are not the Town of Southern Shores Issues".
15. The law states the Town Of Southern Shores must post notice at property(s) effected by zoning amendments pursuant to Town Code 36-414(b).
16. Town Code Section 22-1 states:

    Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:

    (8) Frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device, or attempt to do so.
17. Robert McLendon's attempt to trick the public into believing Applicant is the problem after Wes Haskett illegally hid a zoning code and Linda Lauby committed false pre-tense theft violates the Town's disorderly conduct law and witness intimidation laws.
18. Robert McClendon clearly has a biased perception against Applicant that causes impulsive ridicule of Applicant with no regard to the laws/codes governing the facts.

WHEREFORE, Applicant respectfully requests that Robert McLendon and Jan Collins recuse themselves from the March 19, 2025 Appeal of Denied Lot Subdivision.

March 16, 2025

Respectfully Submitted,

ANTHONY S MINA
75 E. DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
610 842 3905
chestercountylawn@yahoo.com

March 16, 2025

CASE: APA -25-01

APPLICANT'S OPPOSITION TO SOUTHERN SHORES' AMENDED MOTION TO DISMISS WHICH FURTHER SUPPORTS AN EMBEZZLEMENT CASE AGAINST WES HASKETT FOR USING TOWN MONEY TO ILLEGALLY PAY AN ATTORNEY(S) TO AID FRAUDULENT TRANSACTIONS

I, Anthony S Mina hereby oppose Southern Shores' Amended Motion To Dismiss and in support thereof aver the following:

1. Admitted. Anthony S Mina and Jennifer L Franz are the owners of 75 E Dogwood Trail, Southern Shores, NC 27949.
2. Admitted in part and denied in part. It is admitted that the property is zoned RS-1 residential. It is denied that the property is 47,000 square feet. Linda Lauby's realtor, Jim Munroe sold 75 E. Dogwood Trail to Applicant with a lot survey in the listing indicating the lot is 48,853 square feet. A true and correct copy of the lot survey is attached hereto and marked Exhibit A.
3. Admitted. It is admitted that on or about July 3, 2024 Applicant submitted 2 applications to subdivide 75 E. Dogwood Trail.
4. Admitted in part. Denied in part. It is admitted that Wes Haskett denied both lot subdivision applications submitted on July 3, 2024. However, it is Applicant's position that both lot subdivision applications were denied using illegally adopted zoning codes. Town Code 36-414(b) requires posted notice at property(s) effected by zoning amendments and posted notice was not placed at 75 E. Dogwood Trail when Wes Haskett filed his March 31, 2023 lot width amendment application to rezone subdividable property to unsubdividable as Wes Haskett stated the purpose of the lot width amendment was. Applicant did not Appeal the denied applications by paying a $350 filing fee, Applicant appealed the decisions to deny the lot subdivision by reporting the illegally adopted zoning codes to Southern Shores Town Office employees Wes Haskett and Cliff Ogburn, Southern Shores attorneys Philip Hornthal, Lauren Womble and Jay Wheless, Southern Shores Town Council and Southern Shores Planning Board. The zoning codes Wes Haskett claims prevent the 75 E Dogwood Trail subdivision are NULL AND VOID at 75 E Dogwood Trail and every other property that did not have posted Notice of the proposed zoning amendment. Southern Shores Code of Ethics, which Andy Ward agreed to comply with on October 21, 2024 states "I will always obey the law

and will not try in any way to influence application of the law by any of the town's authorities or personnel", "I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds" and "I will always respond promptly to any concern brought to me by any employee or Town Resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen." Instead of correcting the wrong doing by complying with the Code of Ethics, Southern Shores has engaged in a Federal Witness Tampering Conspiracy with the Southern Shores Beacon against Applicant, in clear violation of **18 U.S. CODE § 1512**. Southern Shores has also repeatedly conspired to embezzle Southern Shores's tax payers money to pay attorneys Philip Hornthal, Lauren Womble and Jay Wheless to aid their fraudulent zoning code adoptions by misrepresenting Town Code 36-414(b), which violates Rule 4.1 of the North Carolina Rules of Professional Conduct. Wes Haskett constantly lies to claim the June 6, 2023 lot width amendment was legally adopted, including in his VA-24-01 staff report and sworn testimony on October 21, 2024, Lauren Womble fraudulently misrepresented Town Code 36-414(B) at the Variance Hearing youtube video minutes 1:41-1:44, 3:24-3:29, 3:48-3:51 and 5:09-5:11. Jay Wheless misrepresented Town Code 36-414(b) at Variance Hearing Youtube video 3:09-3:12, 3:48-3:51. Lastly, **APPLICANT'S MOTION TO PRECLUDE APPEAL OF JANUARY 21, 2025 LOT SUBDIVISION DENIAL AND APPROVE APPLICANT'S LOT SUBDIVISION BASED ON THE "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN", INCLUDING FEDERAL WITNESS TAMPERING LAW VIOLATIONS OF 18 U.S. CODE § 1512** is hereby incorporated into the response of this averment as if each fact was set forth individually.

5. Admitted in part. Denied in part. It is admitted that Applicant submitted a lot subdivision application of January 6, 2024. It is denied that the application was "identical" to the first and second application. Applicant hereby incorporates the January 6, 2025 lot division application in its entirety in this averment as if each fact was individually set forth. AND, because Applicant's January 6, 2025 lot subdivision application clearly was not "identical" and stated new material facts on the first page of the supporting documentation as:

   "RE: 75 E. Dogwood Trail Subdivision Application Based On New Evidence From Wes Haskett Dated October 14, 2024, October 21, 2024, October 30, 2024 & November 19, 2024 Proving Notification Requirements Needed Prior To Zoning Amendments Being Effectuated On 75 E Dogwood Trail Were Not Complied With As Wes Haskett Claims To Believe. This Application is submitted based on the new evidence and Wes Haskett's contradictions which indicate Wes Haskett either lacks the reading comprehension skills and intelligence to decide sub division applications or Wes Haskett is intentionally harassing Applicant with unenforceable zoning codes and zoning codes not being enforced on other property owners in a real estate scam.

PLEASE NOTE THAT DARE COUNTY PROPERTY TAXES ARE DUE JANUARY 6, 2025 AND DESPITE APPLICANT'S PROPERTY BEING DOWNZONED FROM SUB-DIVIDABLE BY RIGHT TO UNSUBDIVIDABLE (AS PER WES HASKETT'S JULY 16, 2024 DENIAL) WES HASKETT HAS REFUSED TO ORDER A TAX REASSESSMENT FOR DEVALUING THE PROPERTY. AS SUCH, WES HASKETT IS ALSO IN VIOLATION OF TAX FRAUD LAWS WITH HIS SUB-DIVISION DENIALS. PLEASE SEE "EXHIBIT X" "

APPLICANT'S MOTION TO PRECLUDE APPEAL OF JANUARY 21, 2025 LOT SUBDIVISION DENIAL AND APPROVE APPLICANT'S LOT SUBDIVISION BASED ON THE "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN", INCLUDING FEDERAL WITNESS TAMPERING LAW VIOLATIONS OF 18 U.S. CODE § 1512 to be incorporated into the response of this averment as if each fact was set forth individually.

6. It is admitted that Wes Haskett denied the January 6, 2025 lot subdivision but it is denied that Res Judicata prohibits approval of the January 6, 2025 lot subdivision. It is also Applicant's position that Wes Haskett's denial does not make sense using the English language. It also must be noted that Wes Haskett spent months claiming 75 E Dogwood Trail had a setback encroachment preventing the lot subdivision and even paid attorney Philip Hornthal to also claim there was a setback encroachment preventing the lot subdivision. Then, 1 day after Applicant filed a building permit application to remove the 1' of claimed setback encroachment from Applicant's house Wes Haskett revised his subdivision denial so the claimed setback encroachment was no longer preventing the lot subdivision. Wes Haskett's fraudulent misconduct to try and use the inapplicable Res Judicata doctrine to prevent the January 6, 2025 lot subdivision further proves Wes Haskett's undisclosed special interest in 75 E Dogwood Trail evidenced in his revised subdivision denial to stop Applicant from removing 1' of his own house. A true and correct copy of Wes Haskett's revised subdivision denial with documentation of Philip Hornthal being paid to claim there was a setback encroachment preventing the lot subdivision is attached hereto as "Exhibit B". Because Applicant's lot subdivision Application is being denied with a false "Res Judicata" claim as Wes Haskett's excuse for not correcting his wrong-doing with an approved lot subdivision, the additional evidence of Wes Haskett's special interest evidenced in Exhibit B require **APPLICANT'S MOTION TO PRECLUDE APPEAL OF JANUARY 21, 2025 LOT SUBDIVISION DENIAL AND APPROVE APPLICANT'S LOT SUBDIVISION BASED ON THE "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN", INCLUDING FEDERAL WITNESS TAMPERING LAW VIOLATIONS OF 18 U.S. CODE § 1512** is hereby incorporated into the response of this averment as if each fact was set forth individually.
7. Admitted.
8. Denied. It is Applicant's position that both lot subdivision applications were denied using illegally adopted zoning codes. Town Code 36-414(b) requires posted

notice at property(s) effected by zoning amendments and posted notice was not placed at 75 E. Dogwood Trail when Wes Haskett filed his March 31, 2023 lot width amendment application to rezone subdividable property to unsubdividable as Wes Haskett stated the purpose of the lot width amendment was. Applicant did not Appeal the denied applications by paying a $350 filing fee, Applicant appealed the decisions to deny the lot subdivision by reporting the illegally adopted zoning codes to Southern Shores Town Office employees Wes Haskett and Cliff Ogburn, Southern Shores attorneys Philip Hornthal, Lauren Womble and Jay Wheless, Southern Shores Town Council and Southern Shores Planning Board. The zoning codes Wes Haskett claims prevent the 75 E Dogwood Trail subdivision are NULL AND VOID at 75 E Dogwood Trail and every other property that did not have posted Notice of the proposed zoning amendment. Southern Shores Code of Ethics, which Andy Ward agreed to comply with on October 21, 2024 states "I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel", "I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds" and "I will always respond promptly to any concern brought to me by any employee or Town Resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen." Instead of correcting the wrong doing by complying with the Code of Ethics, Southern Shores has engaged in a Federal Witness Tampering Conspiracy with the Southern Shores Beacon against Applicant, in clear violation of **18 U.S. CODE § 1512**. Southern Shores has also repeatedly conspired to embezzle Southern Shores's tax payers money to pay attorneys Philip Hornthal, Lauren Womble and Jay Wheless to aid their fraudulent zoning code adoptions by misrepresenting Town Code 36-414(b), which violates Rule 4.1 of the North Carolina Rules of Professional Conduct. Wes Haskett constantly lies to claim the June 6, 2023 lot width amendment was legally adopted, including in his VA-24-01 staff report and sworn testimony on October 21, 2024, Lauren Womble fraudulently misrepresented Town Code 36-414(B) at the Variance Hearing youtube video minutes 1:41-1:44, 3:24-3:29, 3:48-3:51 and 5:09-5:11. Jay Wheless misrepresented Town Code 36-414(b) at Variance Hearing Youtube video 3:09-3:12, 3:48-3:51. Lastly, **APPLICANT'S MOTION TO PRECLUDE APPEAL OF JANUARY 21, 2025 LOT SUBDIVISION DENIAL AND APPROVE APPLICANT'S LOT SUBDIVISION BASED ON THE "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN", INCLUDING FEDERAL WITNESS TAMPERING LAW VIOLATIONS OF 18 U.S. CODE § 1512** is hereby incorporated into the response of this averment as if each fact was set forth individually.

9. Admitted in part. Denied in part. It is admitted that res judicata prevents relitigating **IDENTICAL** matters. It is denied that Res Judicata applies to the January 6, 2025 subdivision application because of the new material facts and Wes Haskett's fraudulent concealment and misrepresentation of Town Code 36-414(b)'s strictures being complied with. As such, **APPLICANT'S MOTION TO PRECLUDE APPEAL OF JANUARY 21, 2025 LOT SUBDIVISION DENIAL AND APPROVE APPLICANT'S LOT SUBDIVISION**

BASED ON THE "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN", INCLUDING FEDERAL WITNESS TAMPERING LAW VIOLATIONS OF 18 U.S. CODE § 1512 is hereby incorporated into the response of this averment as if each fact was set forth individually.

10. Admitted in part. Denied in part. It is admitted that the doctrine of res judicata applies to local zoning decisions. It is denied that the doctrine of res judicata applies to the January 6, 2025 subdivision application which stated on the first page of supporting documentation:

    "RE: 75 E. Dogwood Trail Subdivision Application Based On New Evidence From Wes Haskett Dated October 14, 2024, October 21, 2024, October 30, 2024 & November 19, 2024 Proving Notification Requirements Needed Prior To Zoning Amendments Being Effectuated On 75 E Dogwood Trail Were Not Complied With As Wes Haskett Claims To Believe. This Application is submitted based on the new evidence and Wes Haskett's contradictions which indicate Wes Haskett either lacks the reading comprehension skills and intelligence to decide sub division applications or Wes Haskett is intentionally harassing Applicant with unenforceable zoning codes and zoning codes not being enforced on other property owners in a real estate scam.

    PLEASE NOTE THAT DARE COUNTY PROPERTY TAXES ARE DUE JANUARY 6, 2025 AND DESPITE APPLICANT'S PROPERTY BEING DOWNZONED FROM SUB-DIVIDABLE BY RIGHT TO UNSUBDIVIDABLE (AS PER WES HASKETT'S JULY 16, 2024 DENIAL) WES HASKETT HAS REFUSED TO ORDER A TAX REASSESSMENT FOR DEVALUING THE PROPERTY. AS SUCH, WES HASKETT IS ALSO IN VIOLATION OF TAX FRAUD LAWS WITH HIS SUB-DIVISION DENIALS. PLEASE SEE "EXHIBIT X" "

    APPLICANT'S MOTION TO PRECLUDE APPEAL OF JANUARY 21, 2025 LOT SUBDIVISION DENIAL AND APPROVE APPLICANT'S LOT SUBDIVISION BASED ON THE "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN", INCLUDING FEDERAL WITNESS TAMPERING LAW VIOLATIONS OF 18 U.S. CODE § 1512 is hereby incorporated into the response of this averment as if each fact was set forth individually.

11. Admitted. It has been clearly proven that Applicant's January 6, 2025 lot subdivision denial can not be characterized as the same claim for many reasons, one of which is Southern Shores refused to order a tax reassessment on 75 E Dogwood Trail after they claimed to rezone the property from subdividable to unsubdividable on July 16, 2024. Devaluing property by taking a property right requires a tax assessment which would have needed to be completed prior to January 6, 2025. Wes Haskett's claims that 75 E Dogwood Trail is now unsubdividable violate property tax laws and substantiate tax fraud against Applicant being committed by Southern Shores.

12. Denied. Applicant's Application for lot subdivision dated January 6, 2025 clearly documented new material facts that needed to be considered. As such, **APPLICANT'S MOTION TO PRECLUDE APPEAL OF JANUARY 21, 2025 LOT SUBDIVISION DENIAL AND APPROVE APPLICANT'S LOT SUBDIVISION BASED ON THE "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN", INCLUDING FEDERAL WITNESS TAMPERING LAW VIOLATIONS OF 18 U.S. CODE § 1512** is hereby incorporated into the response of this averment as if each fact was set forth individually.
13. Denied. Wes Haskett's attempts to deny the 75 E Dogwood Trail lot subdivision with illegally adopted zoning code amendments that Applicant has proven were made without posted notification at 75 E Dogwood Trail prove Wes Haskett has orchestrated a criminal conspiracy against Applicant which now includes embezzling Southern Shores property owners tax money to pay attorneys to fraudulently misrepresent Town Code 36-414(b), violating Federal Witness Intimidation Laws, violating property tax laws and violating insurance fraud laws. As such, **APPLICANT'S MOTION TO PRECLUDE APPEAL OF JANUARY 21, 2025 LOT SUBDIVISION DENIAL AND APPROVE APPLICANT'S LOT SUBDIVISION BASED ON THE "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN", INCLUDING FEDERAL WITNESS TAMPERING LAW VIOLATIONS OF 18 U.S. CODE § 1512** is hereby incorporated into the response of this averment as if each fact was set forth individually.
14. Denied. Applicant has proven the July 16, 2024 lot subdivision denials are based on fraud. The July 16, 2024 lot subdivision denials are based on illegally adopted zoning codes that did not have posted notice at 75 E Dogwood Trail as required by Town Code 36-414(b). Wes Haskett had a legal obligation to correct his wrong-doing and refused to do so. Wes Haskett, Cliff Ogburn and their attorneys retaliated with a witness intimidation conspiracy against Applicant. Furthermore, Applicant's Subdivision Application dated January 6, 2024 clearly stated:

    "RE: 75 E. Dogwood Trail Subdivision Application Based On New Evidence From Wes Haskett Dated October 14, 2024, October 21, 2024, October 30, 2024 & November 19, 2024 Proving Notification Requirements Needed Prior To Zoning Amendments Being Effectuated On 75 E Dogwood Trail Were Not Complied With As Wes Haskett Claims To Believe. This Application is submitted based on the new evidence and Wes Haskett's contradictions which indicate Wes Haskett either lacks the reading comprehension skills and intelligence to decide sub division applications or Wes Haskett is intentionally harassing Applicant with unenforceable zoning codes and zoning codes not being enforced on other property owners in a real estate scam.

    **PLEASE NOTE THAT DARE COUNTY PROPERTY TAXES ARE DUE JANUARY 6, 2025 AND DESPITE APPLICANT'S PROPERTY BEING DOWNZONED FROM SUB-DIVIDABLE BY RIGHT TO UNSUBDIVIDABLE (AS PER WES HASKETT'S JULY 16, 2024 DENIAL) WES

HASKETT HAS REFUSED TO ORDER A TAX REASSESSMENT FOR DEVALUING THE PROPERTY. AS SUCH, WES HASKETT IS ALSO IN VIOLATION OF TAX FRAUD LAWS WITH HIS SUB-DIVISION DENIALS. PLEASE SEE "EXHIBIT X"** "
As such, **APPLICANT'S MOTION TO PRECLUDE APPEAL OF JANUARY 21, 2025 LOT SUBDIVISION DENIAL AND APPROVE APPLICANT'S LOT SUBDIVISION BASED ON THE "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN", INCLUDING FEDERAL WITNESS TAMPERING LAW VIOLATIONS OF 18 U.S. CODE § 1512** is hereby incorporated into the response of this averment as if each fact was set forth individually.

15. Denied. Res Judicata does not bar Applicant's lot subdivision application as Applicant has repeatedly stated numerous reasons the January 6, 2025 subdivision application is not identical to the July, 2024 subdivision applications from the fraudulent use of illegally adopted zoning codes made without complying with Town Code 36-414(b), to fraudulent misrepresentations made by Wes Haskett (and fraudulent concealment), to the new material facts, including property tax records that must be factored into the decision. Applicant's subdivision application dated January 6, 2025 clearly stated:

"RE: 75 E. Dogwood Trail Subdivision Application Based On New Evidence From Wes Haskett Dated October 14, 2024, October 21, 2024, October 30, 2024 & November 19, 2024 Proving Notification Requirements Needed Prior To Zoning Amendments Being Effectuated On 75 E Dogwood Trail Were Not Complied With As Wes Haskett Claims To Believe. This Application is submitted based on the new evidence and Wes Haskett's contradictions which indicate Wes Haskett either lacks the reading comprehension skills and intelligence to decide sub division applications or Wes Haskett is intentionally harassing Applicant with unenforceable zoning codes and zoning codes not being enforced on other property owners in a real estate scam.

PLEASE NOTE THAT DARE COUNTY PROPERTY TAXES ARE DUE JANUARY 6, 2025 AND DESPITE APPLICANT'S PROPERTY BEING DOWNZONED FROM SUB-DIVIDABLE BY RIGHT TO UNSUBDIVIDABLE (AS PER WES HASKETT'S JULY 16, 2024 DENIAL) WES HASKETT HAS REFUSED TO ORDER A TAX REASSESSMENT FOR DEVALUING THE PROPERTY. AS SUCH, WES HASKETT IS ALSO IN VIOLATION OF TAX FRAUD LAWS WITH HIS SUB-DIVISION DENIALS. PLEASE SEE "EXHIBIT X" "
As such, **APPLICANT'S MOTION TO PRECLUDE APPEAL OF JANUARY 21, 2025 LOT SUBDIVISION DENIAL AND APPROVE APPLICANT'S LOT SUBDIVISION BASED ON THE "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN", INCLUDING FEDERAL WITNESS TAMPERING LAW VIOLATIONS OF 18 U.S. CODE § 1512** is hereby incorporated into the response of this averment as if each fact was set forth individually.

To sum things up, Wes Haskett's res judicata claim only proves a Southern Shores criminal conspiracy to steal property owners property rights (to subdivide) without complying with Town Code 36-414(b), then engaging in Witness Intimidation crimes against Applicant with the Southern Shores Beacon for identifying the misconduct and then into an embezzlement scheme to steal property owner's tax money to pay attorneys to aid the fraudulent zoning code adoptions that are victimizing property owners.

Southern Shores, specifically Wes Haskett, was made aware prior to the October 21, 2024 Variance hearing that Applicant has a fraud insurance claim filed with an insurance company against Wes Haskett and the Town of Southern Shores. Applicant specifically asked Wes Haskett to correct his false statements in his Variance staff report and Wes Haskett would not, Wes Haskett encouraged the Planning Board, Jay Wheless and Lauren Womble to also fraudulently misrepresent notification requirements knowing the information was part of an insurance fraud investigation.

Town Code Section 22-1 states:

Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:

(8) Frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device, or attempt to do so.

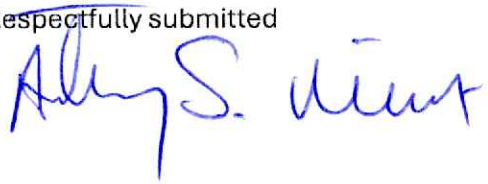
Southern Shores Town Planning Board/ Board of Adjustments, Town Office Employee Wes Haskett and Southern Shores paid attorneys are all guilty of disorderly conduct at the October 21, 2024 Variance Hearing for their fraudulent scheme to misrepresent Town Code 36-414(b). Southern Shores Planning Board will be guilty of another count of disorderly conduct on March 19, 2025 (about 6 months after they aided Wes Haskett's fraud at the Variance hearing) when they aid Wes Haskett's fraud again, which currently involves being in contempt of a Dare County Superior Court Order requiring a complete copy of the Variance hearing to be provided to the court within 30 days of December 18, 2024. Applicant has been forced to pay for Applications, Appeals and a Variance and has yet to have Southern Shores Town make a decision not based on an illegal, fraudulent scheme. Wes Haskett, Cliff Ogburn and the Planning Board's use of Southern Shores Town money to misrepresent 36-414(b) with claims that posted notice is not required for zoning amendments rezoning subdividable property to unsubdividable property when the code clearly states that in addition to 36-414(a) posted notice is required also violates embezzlement laws. Applicant's filing fees for subdivision denials based on illegally adopted zoning codes were $200, Applicant paid $350 for the Variance hearing, $200 for the Variance Appeal, $100 for the January 6, 2025 subdivision application and $350 for the February 14, 2025 Appeal of the January 21, 2025 Subdivision Denial. Wes Haskett has knowingly committed $1200 worth of false pre-tense theft crimes against Applicant by collecting filing fees and opposing applications with code he knows is based on fraud.

As such, Wes Haskett is again guilty of disorderly conduct the second he steps foot into Town Hall on March 19, 2025 and all of the board members and attorneys will also be guilty of disorderly conduct as Applicant has clearly proven Southern Shores does not even have a legal right to spend property owners tax dollars on a Motion to Dismiss or expenses associated with the Opposition to Applicant's lot subdivision application because the zoning code(s) used to deny the lot subdivision were not effectuated at 75 E Dogwood Trail. A true and correct copy of an email titled "Southern Shores Town Insurance Fraud Scheme And Embezzlement Scheme" dated March 11, 2025 providing notice of the scheduled disorderly conduct for March 19, 2025 that Wes Haskett has caused is attached hereto and marked "Exhibit C"

WHEREFORE, for the reasons set forth, Applicant respectfully requests the Board of Adjustments deny Wes Haskett's Amended Motion to Dismiss and file a police report with the Town of Southern Shores' Police Department against Wes Haskett and his embezzlement scheme he is committing when paying attorneys to aid his fraudulent zoning code amendment made without complying with Town Code 36-414(b).

March 16, 2025

Respectfully submitted



I, [illegible] CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, (RECORDED IN M B 2, PG. 182 OF THE DARE COUNTY REGISTRY.) THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000 ; THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN M B 2, PG. 182 AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 5TH DAY OF MARCH A.D., 19 97.

L - 2801
REGISTRATION NUMBER

SEAL
KIRK R FOREMAN
REGISTERED LAND SURVEYOR

VICINITY MAP
(N.T.S.)

CANAL

N 87° 04' 05" W 158.34'

N 70° 17' 07" W 8.21'
N 41° 20' 38" W 8.87'

12.0'

N 88° 29' 41" W 158.67'

TIE

DYP

WOOD & WIRE FENCE

SHED

APPROX SHORE LINE

N 02° 55' 42" W 32.55'

327.37'

40.0'

MARSH TIE
M B 2, PG 82

22.06'
N 09° 25' 11" E

21.60'
N 59° 51' 02" E

44.0'

14.0'

3' CANT

2 3'FF PSN

FURROW

29.0'

38.7'

15.09'
N 02° 55' 30" W

PIER

14.10'
N 45° 48' 16" W

192.64'

26.2'

2

BRICK WALK

CANAL

65.82'
N 15° 31' 57" E

LOT 1
48,853 SQ. FT.
F.I.R.M. ZONE "AE" (8')

25.3'
N 0° 21' 44" E

40.11'
N 23° 05' 30" W

S 02° 25' 00" E 81.69'

73'

P/B

117.79'
N 76° 11' 45" E

30.14'
N 83° 03' 05" E

125.09'

TRAIL

DOGWOOD (100')

LEGEND:
⊙ EX. C.M.
⊙ SET I.R.
• POINT

SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 105
SOUTHERN SHORES
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA

DATE: MARCH 6, 1997	SCALE: 1" = 40'
FILE 4827 - 72 - 71	DR. BY: BDB
REF: M. B. 2, PG. 182	
F.I.R.M. # 370430 0001 C (4/2/93)	
PIN #	

KIRK R. FOREMAN
LAND SURVEYING COMPANY
P.O. BOX 1961
KILL DEVIL HILLS, NC 27948
(919) 261 - 1221

"EXHIBIT A"

E

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
www.southernshores-nc.gov

June 5, 2024

PROOF OF WES HASKETT'S SPECIAL INTEREST IN 75 E. DOGWOOD TRAIL

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision

Dear Mr. Mina and Ms. Franz:

Following further review, the administrative decision to deny your application to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000) has been revised. However, the decision to deny the application has not been revised. The reason for the denial remains that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

2. There is no drive aisle shown on proposed Parcel B providing access from E. Dogwood Trl. to the existing single-family dwelling. Town Code Section 36-163(4)a.1.ii. states that an eight-foot-wide drive aisle shall be provided, which must be separate from any parking spaces, such that no vehicle will be required to back into the public right-of-way.

3. There are no parking spaces shown on proposed Parcel B for the existing single-family dwelling. Town Code Section 36-163(4)a.1 requires three parking spaces for each dwelling unit with up to eight-person septic capacity and one additional space for each two persons of septic capacity, or fraction thereof, in excess of eight-person septic capacity up to 12-person septic capacity and one additional space for each person of septic capacity over 12.

Per Town Code Section 36-132(c) and Section 36-132(c)(1), the existing single-family dwelling on proposed Parcel B that encroaches the minimum side yard (setback) requirement has been determined legally nonconforming and it can remain as is or it can be enlarged or altered as long as the enlargement or alternation doesn't increase the nonconformity. As a result, the encroachment is no longer applicable to the decision to deny your application.

Should you wish to appeal this revised administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/bc-pb. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov. if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

75 E Dogwood Trail

chestercountyla.../Sent

Jun 4 at 2:18 PM

Anthony Mina <chestercountylawn@yahoo.com>
To: Marcey Baum <mbaum@southernshores-nc.gov>,
Southernshores Nc Info <info@southernshores-nc.gov>, Kevin Clark <kclark@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>

Hello.

Please find the attached building permit application to:
-repair first floor sagging problems, as needed.
-enlarge the foyer/first floor family room opening.
-replace a defective beam supporting the second floor family room floor.
-remove walls on each side of the 2nd floor fireplace.
-remove the section of 75 E. Dogwood Trail Wes Haskett claims prevents a lot subdivision plan from being approved.

Engineered approved plans for all the jobs are attached to this email.

Thank you,
Anthony S Mina

3 Files 16.7MB

75DogwoodPermitApp.pdf
1MB

NC0519_ Anthony Mina_ 75 E Dogwood Trail Kitchen Renovation REV 1_ Sealed.pdf
14MB

NC0519_ Anthony Mina_ 75 E Dogwood_ 2nd Floor Ext Wall Revision_ Sealed.pdf
1MB

— PLAN SUBMITTED TO REMOVE 1' SECTION OF HOUSE

Submittal Date: 6/4/24

Page 1 of 2
Page 2 is Building Plan Specification Form

TOWN OF SOUTHERN SHORES
PLANNING AND CODE ENFORCEMENT
5375 N. Virginia Dare Trail, Southern Shores, NC 27949
(252) 261-2394 phone (252) 255-0876 fax
www.southernshores-nc.gov

BUILDING/FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

***Applications WILL NOT be accepted until all required information is provided

PROPERTY INFORMATION:

Project Address: 75 E. Dogwood Trl.
Lot Number: 1 Block: 165 Section: ____
Property ID Number (PIN #): 986817213502
Lot Area: 46,500 sq ft
Property Owner: Anthony S. Mina
Mailing Address: 75 E. Dogwood Trail
City: Southern Shores State: NC Zip Code: 27949
Tele #: 610-842-3905
Flood Zone (circle): AE 4 ft – AE 5 ft – AO 1 ft depth – AO 2 ft depth – VE 11 ft – VE 12 ft – VE 13 ft – (Shaded X) (Unshaded X)
Base Flood Elevation: ____ft / Plus 3ft of Freeboard or LES 6 ft = ____ft = Regulatory Flood Protection Elevation
Zoning District: RS1 Septic Permit # ____ Permit Date: ____ # Person Septic Capacity ____
CAMA Permit required? Yes or (No) CAMA Permit # ____ CAMA AEC (circle): ___Estuarine Shoreline or _Ocean Hazard

CONTRACTOR INFORMATION: Home owner is doing work

Business Name: ____
Contractor Name: ____
Mailing Address: ____
City: ____ State: ____ Zip Code: ____
Business # ____ Cell # ____
Fax # ____ Email ____

NC G. C. Licensed Contractor ____ OR ____ Non-Licensed Contractor
NC G. C. License Number: ____
Limitation: ____
Classification: ____
Qualifier: ____

DESCRIPTION OF WORK: Make structural improvement to first floor, widen family room/foyer doorway, remove walls on each side of second floor fireplace ~~and remove section of house Wes Haskett claims prevents the lot subdivision~~ Please see engineered approved plans for more information

PERMIT TYPE (X): ___ COMMERCIAL X RESIDENTIAL
___RESIDENCE ___2ND HOME ___RENTAL (> 30 days) ___VACATION COTTAGE (< 30 days)

TYPE OF CONSTRUCTION (X): ___NEW CONSTRUCTION ___ADDITION/EXPANSION X REMODEL/RENOVATION/REPAIR ___ACCESSORY ___OTHER

PROPERTY USE (X): X SINGLE FAMILY ___DUPLEX ___MULTI-FAMILY ___GOVERNMENT - INSTITUTIONAL ___COMMERCIAL

COMMERCIAL USE ONLY: ____CURRENT USE ____PROPOSED USE

SQUARE FOOTAGE AND/OR DIMENSIONS: 3543 ____GARAGE ____SHED ____SWIMMING POOL
____GAZEBO ____DUNE DECK ____RETAINING WALL ____BULKHEAD ____PIER/DOCK
____DECK(S) ____PORCH(ES) ____STORAGE ENCLOSURE ____OTHER

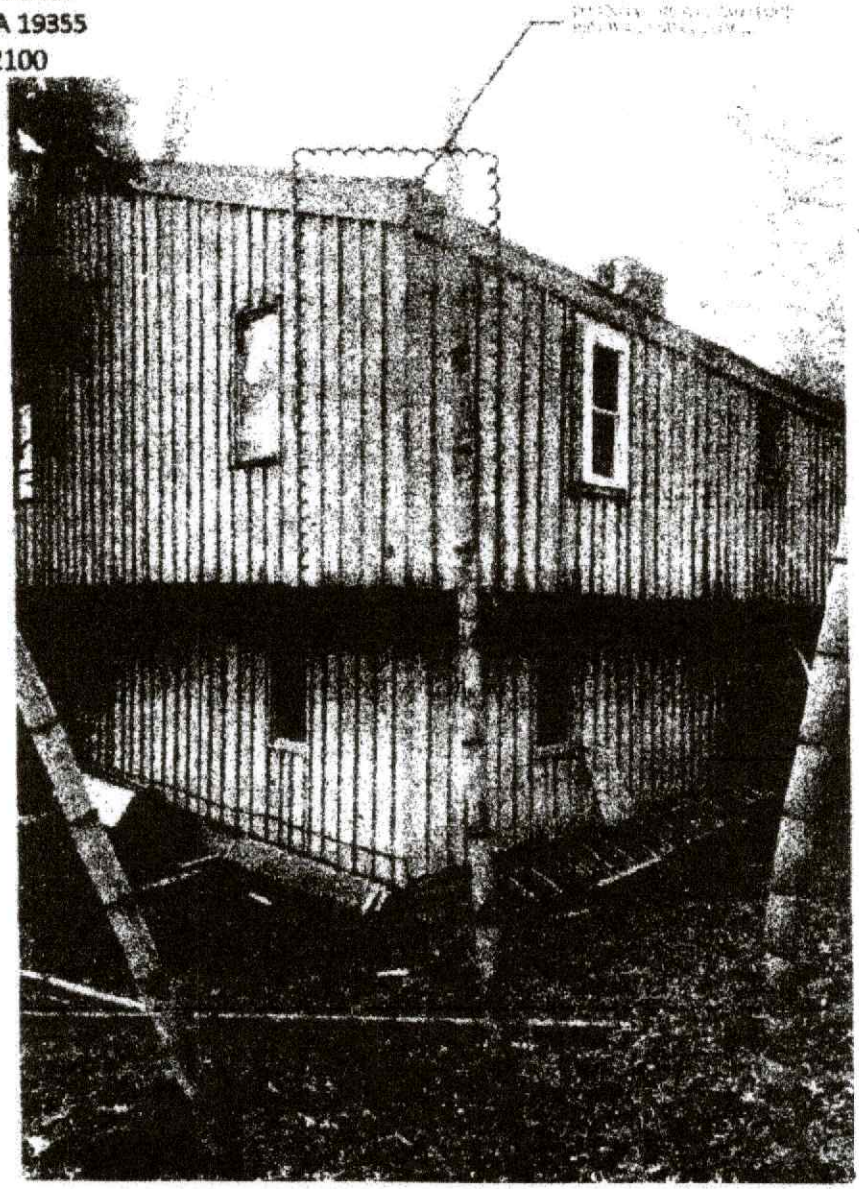
PROPOSED BUILDING AREA: n/a SQ FT - HEATED / LIVING AREAS (NEW SPACE)
____SQ FT - NON-HEATED AREAS (NEW SPACE)

Asm $1600.— $1800.— COST OF REMODEL/RENOVATION/REPAIR - ONLY (DO NOT INCLUDE NEW SQ FT)
$1600.— $1800.— ESTIMATED CONSTRUCTION COST OF TOTAL PROJECT

NOTE: Although the Town of Southern Shores does not enforce or consider the effect of covenants in the various subdivisions of Southern Shores, applicants for a building permit should be advised that their building plans may be affected by subdivision covenants and are advised to consult with the appropriate property owners' association. You are strongly urged to obtain approval from the appropriate association before you apply for a permit and begin construction. Failure to do so could result in legal action by the association to enforce the covenants.

* Please note Wes Haskett now does not claim existing side set back distances prevent a lot subdivision so Applicant will not be removing any of the existing house

UZMAN ENGINEERING, LLC
116 E. King Street
Malvern, PA 19355
(610) 320-2100



Due to the existing setback requirements, there are questions whether the existing 2nd floor cantilever is outside of the required property setback. Although the house has been there since 1970, the Homeowner has considered removing an approximate 1'-0" section of the 2nd floor cantilever corner to meet the requirements. The corner of the building would be removed, new 2x4 framing installed from 2nd floor to roof, flashing and roof patching as well as siding re-configuring to meet the setback. Uzman recommends the installation of Simpson Strong Hurricane ties to the revised roof rafters and SDS wood screws to the joists and built up 2x10 below. UE also recommends mid height blocking of the joists along with exterior sheathing nailed to the new studs @ 4" o.c. vert spacing.

ENGINEERED PLANS SUBMITTED
NC0519
6/4/2024 TO REMOVE 1' OF REAR
CORNER OF HOUSE

Anthony Stocker Mina

5/24/2024

---------- Forwarded Message ----------
From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Friday, May 24, 2024 at 03:51:32 PM EDT
Subject: RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Mr. Mina:

You are free to submit any application you wish to submit. However, in response to your specific question, please understand that, unless all four reasons are satisfied, the proposal would be denied, and you would have the option to appeal.

I strongly suggest you consult with an attorney as I cannot give you legal advice, as attorney for the Town.

Thank you.

Phil Hornthal

REFUSAL TO ACCEPT SIDE SETBACK AS CONFORMING FROM TOWN ATTORNEY PHIL HORNTHAL ON BEHALF OF WES HASKETT AND SOUTHERN SHORES

L. Phillip Hornthal, III
Attorney at Law

Direct:252.698.0214

Office:252.335.0871

Fax:252.335.4223 Attn: P. Hornthal

Email:phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

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From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 24, 2024 2:27 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

>>Warning: The source of this email is from outside of the firm.<<

Hello,

Southern Shores Town Insurance Fraud Scheme And Embezzlement Scheme

chestercoun

Anthony Mina <chestercountylawn@yahoo.com> Mar 11 at 7:47 AM
To: Phillip Hornthal <phornthal@hrem.com>, W. Jay Wheless <jay@whelesslawfirm.com>, Lauren Arizaga-Womble <lawomble@hrem.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>, Planning Board <planningboard@southernshores-nc.gov>
Cc: FBI <philadelphia.complaints@ic.fbi.gov>, ncago@ncdoj.gov, ncago@ncdoj.gov, Andrea C. Powell <andrea.powell@nccourts.org>, olivia.s.hines@nccourts.org more...

Dear Mr. Hornthal & Southern Shores,

Please be advised that Southern Shores, specifically Wes Haskett, was made aware prior to the October 21, 2024 Variance hearing that I have a fraud insurance claim filed with an insurance company against Wes Haskett and the Town of Southern Shores. I specifically asked Wes Haskett to correct his false statements in his Variance staff report and Wes Haskett would not, Wes Haskett encouraged the Planning Board, Jay Wheless and Lauren Womble to also fraudulently misrepresent notification requirements knowing the information was part of an insurance fraud investigation.

Please also be advised that Town Code Section 22-1 states:

Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:

(8) Frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device, or attempt to do so.

Southern Shores Town Planning Board/ Board of Adjustments, Town Office Employee Wes Haskett and Southern Shores paid attorneys are all guilty of disorderly conduct at the October 21, 2024 Variance Hearing for their fraudulent scheme to misrepresent Town Code 36-414(b). Southern Shores Planning Board will be guilty of another count of disorderly conduct on March 19, 2025 (about 6 months after they aided Wes Haskett's fraud at the Variance hearing) when they aid Wes Haskett's fraud again, which currently involves being in contempt of a Dare County Superior Court Order requiring a complete copy of the Variance hearing to be provided to the court within 30 days of December 18, 2024. I am being forced to pay for Applications, Appeals and a Variance and have yet to have Southern Shores Town make a decision not based on an illegal, fraudulent scheme. Wes Haskett, Cliff Ogburn and the Planning Board's use of Southern Shores Town money to misrepresent 36-414(b) with claims that posted notice is not required for zoning amendments rezoning subdividable property to unsubdividable property when the code clearly states that in addition to 36-414(a) posted notice is required also violates embezzlement laws. My filing fees for subdivision denials based on illegally adopted zoning codes were $200, I paid $350 for the Variance hearing, $200 for the Variance Appeal, $100 for the January 6, 2025 subdivision application and $350 for the February 14, 2025 Appeal of the January 21, 2025 Subdivision Denial. Wes Haskett has knowingly committed $1200 worth of false pre-tense theft crimes against me by collecting filing fees and opposing my applications with code he knows is based on fraud.

Andy Ward agreed to comply with the Southern Shores Code of Ethics on October 21, 2024 and as of right now I can only see criminal law violations being committed by Andy Ward and the Planning Board...including insurance fraud (Wes Haskett hiding his March 31, 2023 lot width amendment from me in May of 2023 allowed Linda Lauby to negotiate an additional $75,000 from me).

Anthony S Mina

PS. It is my position that Wes Haskett and the Planning Board do not even have a legal right to turn on the lights that tax payers pay for at Town Hall on March 19, 2025. Wes Haskett and Southern Shores were notified a long time ago about their fraudulent zoning code amendment dated March 31, 2023 and have done nothing but continue the fraud and engage in witness intimidation schemes. I suggest Wes Haskett, the Planning Board and their paid attorneys stop embezzling Southern Shores tax payers money for their fraudulent scheme and correct their wrong doing prior to March 19, 2025.

----- Forwarded Message -----
From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, March 10, 2025 at 08:59:51 AM EDT
Subject: RE: Southern Shores Town Embezzlement Scheme Aiding Fraudulent Transactions Victimizing Property Owners

Forwarded to Planning Board attorney.

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.698.0214
Office: 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

www.hrem.com

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-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Sunday, March 9, 2025 10:39 PM
To: Phillip Hornthal <PHornthal@hrem.com>; W. Jay Wheless <jay@whelesslawfirm.com>; Lauren Arizaga-Womble <lawomble@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Planning Board <planningboard@southernshores-nc.gov>
Cc: FBI <philadelphia.complaints@ic.fbi.gov>; ncago@ncdoj.gov; ncago@ncdoj.gov; Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; opengov@ncdoj.gov; opengov@ncdoj.gov
Subject: Southern Shores Town Embezzlement Scheme Aiding Fraudulent Transactions Victimizing Property Owners

EXHIBIT C

>>Warning! The source of this email is from outside of the firm.<<

Dear Mr. Hornthal,

Thank you for the email dated March 6, 2025 indicating I must provide any additional information for my subdivision denial Appeal at least 48 hours prior to the March 19, 2025 3:00 PM hearing (the hearing referenced as the "March 17, 2025 Appeal" in my filings provided before the March 19, 2025 special meeting was scheduled).

Please be advised that Section 36-414(b) of the Southern Shores Town Code requires posted notice at property(s) effected by a zoning amendment prior to the zoning amendment being effectuated at the property. Public records requests proved posted notice was not placed at 75 E Dogwood Trail for Wes Haskett's March 31, 2023 zoning amendment application and there was no notification records in the 75 E Dogwood Trail file for the lot width amendment.

I have included Section 36-414(a) and Section 36-414(b) below with copies of emails from Wes Haskett and Philip Hornthal both making false claims that notification requirements were complied with prior to the June 6, 2023 lot width amendment.

My Motion To Prohibit Wes Haskett From Using Town Money On the March 17, 2025 Appeal proves Wes Haskett made false statements about notification requirements being complied with for his March 31, 2023 lot width amendment.

My Motion to Ban Jay Wheless From The March 17, 2025 Appeal proves Jay Wheless made false statements about the strictures of Town Code 36-414(b) at the October 21, 2024 Variance Hearing.

My Motion to ban HREM attorneys from the March 17, 2025 Appeal proves Lauren Womble made false statements about the strictures of Town Code 36-414(b) at the October 21, 2024 Variance Hearing.

My Motion For Andy Ward's recusal proves the Southern Shores Beacon published Andy Ward's false claims that the June 6, 2023 lot width amendment was not illegally adopted.

The email below dated May 28, 2024 shows Philip Hornthal falsely claiming the June 6, 2023 lot width amendment was properly adopted.

And, the May 21, 2024 email below to me and Chief Kole violates false reports to law enforcement laws because Wes Haskett deleted Section 36-414(b) from the applicable codes as he claims he had a legal basis to change lot width requirements (Cliff Ogburn may be the author of the email that Wes Haskett sent).

As such, Wes Haskett, HREM law firm and the Planning Board's refusal to approve my lot subdivision violates criminal laws including but not limited to: embezzlement of town money to pay attorneys to aid fraudulent transactions (the June 6, 2023 lot width amendment), criminal conspiracy, false sworn statements, a false report to law enforcement and Tampering With A Witness, Victim or Informant.

Southern Shores is not in position to do anything but approve my lot subdivision and notify all Southern Shores property owners of their illegally adopted zoning codes that have yet to be corrected.

Anthony S Mina

Sec. 36-414. - Motion to amend.
(a)The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

(b)In addition and where a zoning map amendment is proposed, the town shall cause to be placed a sign on the subject property announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning.

----- Forwarded Message -----
From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Tuesday, May 28, 2024 at 03:04:09 PM EDT
Subject: RE: Criminal Conspiracy To Steal Land Value At 75 E. Dogwood Trail

Mr. Mina:

As to your first question, exemption criteria #4 in the definition of "Subdivision" in Town Code Section 30-2 states "The division of a tract of land in single ownership, the entire area of which is no greater than two acres, into not more than three lots, where no street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of the town as required by this chapter." "Equal to or exceed the standards of the town as required by this chapter" means that all zoning requirements in Chapter 36 must also be satisfied per Town Code Section 30-97(2). The existing single-family dwelling at 75 E. Dogwood Trl. which encroaches into the applicable 15 ft. side yard (setback) on the east side is currently considered legally nonconforming due to the encroachment and it can remain as is or it can be enlarged or altered as long as the enlargement or alternation doesn't increase the nonconformity. However, in order to approve a subdivision of the property, the lot would have to meet all current zoning requirements to satisfy Town Code Section 30-97(2) which states" Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans." The subdivision request is what triggers bringing the structure into compliance.

As to your second question, I've previously advised that the June 6, 2023, ZTA was properly adopted, and legally, doesn't give rise to a taking. This is the last time we will answer this question. Again, you have the right to consult with an attorney if you do not agree with the Town's interpretation.

Sincerely,

EXHIBIT

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law

Direct: 252.698.0214

Office: 252.335.0871

Fax: 252.335.4223 Attn: P. Hornthal

Email: phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Tuesday, May 21, 2024 at 02:27:31 PM EDT
Subject: RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.
(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section _____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ... ." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.
(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.
(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
https://urldefense.proofpoint.com/v2/url?u=http-3A__www.southernshores-2Dnc.gov&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-

EXHIBIT

v5A_CdpgnVfiiMM&r=zBENyS0zSsu3R4FL3ligGIIYhkWuaaF3YYSF9Tw9LzU&m=ogPGrShcSYH5ss3LalLmc2eFqzV2oJUxWgoqxiuWwXJoZP6ugwkD4HDI-x0q2Ntx&s=9hbQUzrxr5OqmeF3XT0wIwUGgnBQOfKMaShz8aVhfaQ&e=

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Cc: David Kole <dkole@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Jonathan Slegel <jslegel@southernshores-nc.gov>; Matt Cooke <mcooke@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Tracy Mann <tmann@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner <rdeaner@southernshores-nc.gov>; Thomas Long <tlong@southernshores-nc.gov>; Jason Thompson <JThompson@southernshores-nc.gov>; Andrew Spottswood <jspottswood@southernshores-nc.gov>; Jennifer Couture <jcouture@southernshores-nc.gov>; FBI <https://urldefense.proofpoint.com/v2/url?u=http-3A__philadelphia.complaints-40ic.fbi.gov&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=zBENyS0zSsu3R4FL3ligGIIYhkWuaaF3YYSF9Tw9LzU&m=ogPGrShcSYH5ss3LalLmc2eFqzV2oJUxWgoqxiuWwXJoZP6ugwkD4HDI-x0q2Ntx&s=ioA66a8mBWeiF8MEqMm8pxescKBxJBr5bna1t5DbYKI&e=>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@kittyhawktown.net>; cgarriss@kittyhawktown.net; cgarriss@kittyhawktown.net; Casey Varnell <varnell@ncobxlaw.com>; Mike Talley <mike.talley@kittyhawktown.net>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <dryan@chesco.org>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <mmoskowitz@chesco.org>; mkichline@chesco.org; mkichline@chesco.org

Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov, if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

My concerns are the following:

Wes Haskett and Philip Hornthal are not in touch with reality and a danger to other people's physical and emotional well being. Wes Haskett has refused to answer how he believes he is legally changing land use with a zoning amendment since last summer. Changing land use from a 2 single home property (with a subdivision by right) to a 1 single home property causes land value monetary damages to some Southern Shores tax payers of significantly more than $100,000. In the real world $100,000 is easily the difference between life and death. $100,000 can be the difference between the medical care someone needs and accepting that their life is coming to an end. If you walk into a bank demanding $100,000 you are lucky if you are not killed. Wes Haskett and Philip Hornthal refuse to explain how they legally think they can cause some Southern Shores home owners more than $100,000 in monetary damages with a zoning code amendment which changes land use. Applicant without a doubt will not be committing any crimes in response to Wes Haskett and Philip Hornthal stealing land value from Southern Shores home owners, but has serious concerns that Wes Haskett and Philip Hornthal are a danger to the physical and emotional well being of others and should be involuntarily committed to a psychiatric hospital for evaluation. Applicant will give Wes Haskett and Philip Hornthal 48 hours to explain how they legally are changing land use without an eminent domain transaction and highly suggests law enforcement not to wait half as long.

Anthony Stocker Mina

PS When I testified in front of Federal Judge Edward G Smith against Chester County's labor trafficking conspiracy against me I explained that the conspirators designed me a spin move. 172 and 174 S. Dogwood Trail appear to me to be another example of the pre-meditated conspiracy which I am expected to use certain evidence against corruption a specific way. I will let law enforcement figure out if the home owners are pawned because of meanings within their names or play a role in the conspiracy that repeatedly forces me in the middle of government scandals as a way of hiding Pennsylvania's corruption like I am their undercover internal affairs guerilla. Since there is a white crosstour at 172 S. Dogwood Trail and I live in the Dick White house I feel like I am being forced in the middle of a whole lot of crossing without being paid (as Wes Haskett tries stealing more than $100,000 of land value from my family).

EXHIBIT

ANTHONY S MINA
75 E. DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
610 842 3905
chestercountylawn@yahoo.com

March 16, 2025

CASE: APA -25-01

APPLICANT'S MOTION TO PRECLUDE THE MARCH 19, 2025 HEARING AND APPROVE JANUARY 6, 2025 LOT SUBDIVISION APPLICATION BASED ON THE RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF A $75,000 CRIMINAL CONSPIRACY INVOLVING WES HASKETT, LAUREN WOMBLE, JAY WHELESS AND THE PLANNING BOARD FRAUDLENTLY MISREPRESENTING ZONING CODE, ILLEGALLY USING TOWN MONEY TO PAY THE ATTORNEYS TO AID THE FRAUD (EMBEZZLEMENT), COMMITING DISORDERLY CONDUCT, COMMITTING INSURANCE FRAUD AND COMMITTING CRIMES THAT VIOLATE18 U.S. CODE § 1512- TAMPERING WITH A WITNESS, VICTIM OR AN INFORMANT

I, Applicant Anthony S Mina hereby Motion to Preclude The March 19, 2025 hearing and approve the January 6, 2025 lot subdivision due to Wes Haskett's criminal conspiracy and in support thereof aver the following:

1. Applicant Anthony Mina does not have any type of relationship with Wes Haskett, Cliff Ogburn, Southern Shores Town Government, the Hornthal Reilly Ellis and Maland Law Firm, Jay Wheless and the Planning Board/Board of Adjustments members... meaning he is not a friend, colleague, client, partner, student, cooperating witness/informant or any other person besides a Variance Applicant on October 21, 2024, Subdivision Applicant and Southern Shores resident and tax payer.
2. When attorney Lauren Womble referred to Wes Haskett's denial of the 75 E Dogwood Trail lot subdivision/Variance as a "Blanket denial" or "Blank-it denial" or "Blanket" at 3:26 of the October 21, 2024 youtube video of the Variance Hearing Applicant did not agree to be a part of a "blank-kit", "blank-it" or "Blanket" scheme with Wes Haskett and Lauren Womble and Wes Haskett would be coercing a labor/human trafficking scheme against Applicant if they claimed the word pronounced "blanket" had a meaning involving a relationship or agreement with Applicant.
3. Wes Haskett filed a lot width amendment on March 31, 2023 to prevent future lot subdivisions.
4. Town Code Section 36-414-Motion to Amend provides:

(a)The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

(b) In addition and where a zoning map amendment is proposed, the town shall cause to be placed a sign on the subject property announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning.

5. Wes Haskett did not place a sign on 75 E Dogwood Trail notifying people of the proposed rezoning of subdividable property to unsubdividable property with his March 31, 2023 zoning amendment.
6. Wes Haskett responded to (4) emails from Applicant in May of 2023 asking about the 75 E. Dogwood Trail subdivision and lot width requirements and Wes Haskett refused to tell Applicant about the March 31, 2023 lot width amendment.
7. During the month of May, 2023 the previous owner of 75 E Dogwood Trail, Linda Lauby negotiated an additional $75,000 for a subdividable lot (as proven with Wes Haskett's July 16, 2024 denied lot subdivision with the only reason being the March 31, 2023 lot width amendment) that she would not have received if Wes Haskett was not hiding the March 31, 2023 lot width amendment from Applicant.
8. Prior to the March 31, 2023 lot width amendment Wes Haskett discussed the 75 E Dogwood Trail lot subdivision with the previous owner of 75 E Dogwood Trail and her realtor and Wes Haskett was told to "Stay Tuned", then there is no other communication between them on the record.
9. Wes Haskett's paid attorney Lauren Womble was quoted in the Southern Shores Beacon stating "We question the Town's decision even to let Mr. Mina file a request for a variance , inasmuch as a variance is not the "appropriate remedy".
10. Wes Haskett provided Applicant a Variance Application on November 1, 2023 when Applicant asked how leniency is asked for in Southern Shores and on May 17, 2023 Wes Haskett emailed Applicant and stated "An exception would be in the form of a variance" when asked the proper way to ask Southern Shores to make an exception to their local code.

11. The Southern Shores Beacon article and/or Lauren Womble publicly stated Applicant is the cause of a waste of town money for the Variance hearing when the facts are Wes Haskett indicated Applicant should file a Variance Application to ask for his lot subdivision approval.
12. On October 14, 2024 Wes Haskett claimed in his VA-24-01 Staff Report "All applicable notification requirements established in N.C.G.S. 160D-601 and in the Town's Zoning Ordinance were satisfied prior to the adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Amendment."
13. Wes Haskett's March 31, 2023 lot width amendment (which was the only reason Applicant's July 3, 2024 subdivision Application with "Exhibit A" was denied was scheduled to be heard by the Planning Board on May 15, 2023 and heard by the Planning Board on May 15, 2023.
14. Town Code 36-362(b) provides: *Notices.* Notice of hearings conducted pursuant to this article shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing**; (ii) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing;** (iii) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and (iv**) to any other persons entitled to receive notice as provided by this CHAPTER.** In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. A true and correct copy of Town Code Section 36-362 governing the Planning Board/Board of Adjustments is attached hereto and marked "Exhibit D of the January 6 subdivision application".
15. A Southern Shores Public Records Request Response dated June 20, 2024 states mailed letters were not provided for the May 15, 2023 Planning Board hearing on Wes Haskett's March 31, 2023 lot width amendment and Posted Notice was not placed at 75 E. Dogwood Trail.
16. On October 30, 2024 Wes Haskett responded to a Southern Shores Public Records Request for proof of notification pursuant to Town Code 36-362(b) for the May 15, 2023 Planning Board meeting and **WES HASKETT FALSELY CLAIMED** "The Planning Board did not hold a hearing for TCA-21-06 on July 19, 2021 or ZTA-23-03 on May 15, 2023 because no hearings were required (hearings were subsequently required and held by the Town Council). There also was no posted or mailed notices for the Planning Board's consideration of TCA-21-06 on July 19, 2021 and ZTA-23-03 on May 15, 2023 because they weren't required
17. **THE TRUTH IS** Wes Haskett knows the Planning Board heard his March 31, 2023 lot width amendment on May 15, 2023 pursuant to Town Code 36-415 and recommended approval because Wes Haskett emailed Applicant on June 1, 2023 and stated "...we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and Town Council will be holding a public hearing on June 6th.
18. **UNFORTUNATELY FOR WES HASKETT'S FALSE STATEMENTS,** the June 6, 2023 Town Council meeting minutes state "The Planning Board recommended approval of the application (4-1) at the May 15, 2023 Planning Board Meeting

19. **WES HASKETT MADE A FALSE REPORT TO LAW ENFORCEMENT ON MAY 21, 2024 IN VIOLATION OF N.C.G.S. 14-225** claiming he had a legal basis to amend zoning code on June 6, 2023 at 75 E. Dogwood Trail but, **WES HASKETT FRAUDULENTLY DELETED TOWN CODE NOTIFICATION REQUIREMENTS AT SECTION 36-414(b) AND OMITTED NOTIFICATION REQUIRMENTS AT TOWN CODE 36-362(b**
20. **WES HASKETT'S ABUSE OF ZONING CODES (IN A MANNER DIFFERENT THAN ENFORCMENT AGAINST OTHER PROPERTY OWNERS) IS A CONTINUING PATTERN OF CORRUPTION PROVING WES HASKETT HAS AN UNDISCLOSED SPECIAL INTEREST IN 75 E DOGWOOD TRAIL.**
21. Wes Haskett signed a plat at 172 Ocean Boulevard and a plat at 233 N. Dogwood Trail that did not meet setback and/or lot width requirements but Wes Haskett is harassing Applicant with a lot width amendment at 75 E. Dogwood Trail that has never been effectuated at 75 E. Dogwood Trail with notification prior to a hearing and also was harassing Applicant with a set back encroachment claim for months until Applicant filed a building permit to remove Wes Haskett's claimed setback encroachment (Wes Haskett said the setback encroachment no longer prevented the subdivision one day after Applicant filed a building permit to remove 1' of his house
22. **WES HASKETT CLAIMED 233 N. DOGWOOD TRAIL AND THE 0 DOGWOOD TRAIL ADJACENT LOTS WERE CREATED PRIOR TO THE TOWN'S INCORPORATION IN 1979 BUT A SECOND PUBLIC RECORDS REQUEST PROVED WES HASKETT SIGNED THE PLAT ON 7-21-16 WHICH DID NOT MEET LOT WIDTH REQUIREMENTS.**
23. Wes Haskett's refusal to correct his wrong doing in his subdivision application denials using unenforceable zoning codes prove Wes Haskett's illegal special interest in 75 E Dogwood Trail that he fraudulently demonstrated in May of 2023 when hiding the lot width amendment Haskett used to deny the subdivision as the previous owner Linda Lauby negotiated an additional $75,000 from Applicant for a lot that was subdividable.
24. Jay Wheless would not allow Applicant to testify to his Federal Law Suit during the October 21, 2024 Variance Hearing and stated the law suit would be a part of the record and would be a preserved for Appeals. See you tube video 2:09-2:11.
25. Dare County Superior Court Ordered Wes Haskett and Southern Shores to provide a complete verified record from the Variance hearing within 30 days of December 18, 2024.
26. Despite Southern Shores and Town Council being served by U.S. Mail with electronic receipt of service and the Planning Board being served by email the Order dated December 18, 2024, Wes Haskett, Southern Shores and/or the Planning Board are in Contempt of Dare County Superior Court's Order requiring a complete copy of the record from the Variance hearing VA-24-01.
27. On October 21, 2024 Lauren Womble misrepresented Town Code 36-414(b) by removing the 1st 3 words from the code and claimed the code does not apply to text amendments. See youtube video 1:42-1:44.
28. On October 21, 2024 Lauren Womble argued Wes Haskett's statement that notification requirements were met in his staff report was not cross examinable when Town Code 36-414(b) was stated by Applicant. See youtube video 3:24-3:29.

29. On October 21, 2024 Lauren Womble again claimed notification requirements were met and also claimed the use of 75 E Dogwood Trail was not changed when Wes Haskett's email dated June 7, 2023 indicated the lot width requirement was adopted to prevent future subdivisions (Wes Haskett's June 1, 2023 email proves Wes Haskett knew the new lot width requirement prevented the 75 E Dogwood Trail subdivision. See youtube video 3:48-3:51.
30. On October 21, 2024 Lauren Womble claimed the zoning ordinances Applicant was seeking a variance from, which did not have posted notice pursuant to Town Code 36-414(b) prior to their adoption were "valid, legal, enforceable laws". See youtube video 5:09-5:11.
31. On October 21, 2024 Jay Wheless and Wes Haskett misrepresented Town Code 36-414(b)'s posted notice requirements which requires posted notice when Town Code 36-414(a) is used to amend code, regardless of whether a map amendment is made. See you tube video 3:09-3:12.
32. On October 21, 2024 Jay Wheless misrepresented Town Code 36-414(b) again to pretend notification requirements were met. See youtube video 3:48-3:51.
33. Paragraph 1 of the Code of Ethics provides: I will always obey the law and will not try in any way to influence the application of the law by any of the town's authorities or personnel.

Paragraph 2 of the Code of Ethics provides: I will always uphold the integrity and independence of my job.
Paragraph 3 of the Code of Ethics provides: I will always avoid any impropriety in all of my activities.
Paragraph 4 of the Code of Ethics provides: I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
Paragraph 7 of the Code of Ethics provides: I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.

34. Andy Ward agreed the Code of Ethics would be complied with at the October 21, 2024 Variance Hearing.
35. On October 21, 2024 when Applicant objected to Jay Wheless and Lauren Womble misrepresenting zoning code 36-414(b) and stated they were colluding Andy Ward stated to Applicant "you are not helping your case, you are accusing the whole town of impropriety". See youtube video 3:26-3:29.
36. Andy Ward misrepresented Town Code 36-414(b) at youtube video 4:27 by claiming the code only applies to map amendments.
37. Andy Ward signed an Order denying Applicant's Variance on November 19, 2024 that stated at #12 "There has been no competent evidence presented to support Applicant's motion to preclude. There is no evidence of fraud, criminal conspiracy or misconduct by the staff".
38. The Code of Ethics prohibits Southern Shores money from being spent on HREM law firm, as their fraudulent misrepresentations violate Town Code #1, 2, 3, 4 and 7.

39. Rule4.1 OF THE RULES OF PROFESSIONAL CONDUCT STATES: TRUTHFULNESS IN STATEMENTS TO OTHERS: In the course of representing a client a lawyer shall not knowingly make a false statement of material fact or law to a third person.

Misrepresentation

[1] A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts. A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements. For dishonest conduct that does not amount to a false statement or for misrepresentations by a lawyer other than in the course of representing a client, see Rule 8.4.

Statements of Fact

[2] This Rule refers to statements of fact. Whether a particular statement should be regarded as one of fact can depend on the circumstances. Under generally accepted conventions in negotiation, certain types of statements ordinarily are not taken as statements of material fact. Estimates of price or value placed on the subject of a transaction and a party's intentions as to an acceptable settlement of a claim are ordinarily in this category, and so is the existence of an undisclosed principal except where nondisclosure of the principal would constitute fraud. Lawyers should be mindful of their obligations under applicable law to avoid criminal and tortious misrepresentation.

Crime or Fraud by Client

[3] Under Rule 1.2(d), a lawyer is prohibited from counseling or assisting a client in conduct that the lawyer knows is criminal or fraudulent. Ordinarily, a lawyer can avoid assisting a client's crime or fraud by withdrawing from the representation. Sometimes it may be necessary for the lawyer to give notice of the fact of withdrawal and to disaffirm an opinion, document, affirmation or the like. In extreme cases, substantive law may require a lawyer to disclose information relating to the representation to avoid being deemed to have assisted the client's crime or fraud. Rule 1.6(b)(1) permits a lawyer to disclose information when required by law. Similarly, Rule 1.6(b)(4) permits a lawyer to disclose information when necessary to prevent, mitigate, or rectify the consequences of a client's criminal or fraudulent act in the commission of which the lawyer's services were used.

40. Rule 4.1 Of The Rules Of Professional Conduct prohibit Jay Wheless and HREM Law Firm's conduct.
41. 18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant provides: **(a)**
(1) Whoever kills or attempts to kill another person, with intent to—
(A)prevent the attendance or testimony of any person in an official proceeding;
(D) prevent the production of a record, document, or other object, in an official proceeding; or

(C)prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;shall be punished as provided in paragraph (3).
(2) Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—
(A)influence, delay, or prevent the testimony of any person in an official proceeding;
(B)cause or induce any person to—
(i)withhold testimony, or withhold a record, document, or other object, from an official proceeding;
(ii)alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding;
(iii)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or
(iv)be absent from an official proceeding to which that person has been summoned by legal process; or
(C)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;shall be punished as provided in paragraph (3).**(3)**The punishment for an offense under this subsection is—
(A)in the case of a killing, the punishment provided in sections 1111 and 1112;
(B)in the case of—
(i)an attempt to murder; or
(ii)the use or attempted use of physical force against any person;imprisonment for not more than 30 years; and
(C)in the case of the threat of use of physical force against any person, imprisonment for not more than 20 years.
(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—
(1)influence, delay, or prevent the testimony of any person in an official proceeding;
(2)cause or induce any person to—
(A)withhold testimony, or withhold a record, document, or other object, from an official proceeding
(B)alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;
(C)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or
(D)be absent from an official proceeding to which such person has been summoned by legal process; or
(3)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a

Federal offense or a violation of conditions of probation [1] supervised release,,[1] parole, or release pending judicial proceedings;
shall be fined under this title or imprisoned not more than 20 years, or both.
(c) Whoever corruptly—
(1)alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or
(2)otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,shall be fined under this title or imprisoned not more than 20 years, or both.**(d)**Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from—
(1)attending or testifying in an official proceeding;
(2)reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation [1] supervised release,,[1] parole, or release pending judicial proceedings;
(3)arresting or seeking the arrest of another person in connection with a Federal offense; or
(4)causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding;
or attempts to do so, shall be fined under this title or imprisoned not more than 3 years, or both.
(e) In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.
(f) For the purposes of this section—
(1)an official proceeding need not be pending or about to be instituted at the time of the offense; and

(6) the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

(7) **(g)**In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

(1)that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or
(2)that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.
(h) There is extraterritorial Federal jurisdiction over an offense under this section.
(i)A prosecution under this section or section 1503 may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.
(j) If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher

of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(k) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

42. Wes Haskett, Cliff Ogburn, Philip Hornthal, Lauren Womble, Jay Wheless and the Planning Board/Board of Adjustments are in violation of 18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant laws.
43. HREM Law Firm is involved with interfering with Applicant filing documents with the Planning Board/Board of Adjustments in October, 2024.
44. HREM Law Firm is involved with preventing police reports from being filed against Wes Haskett, even after Philip Hornthal said the police report could be provided to Philip Hornthal for filing (but a public records proves the police reports were never filed as Philip Hornthal claimed was occurring).
45. HREM Law Firm is involved with helping Cliff Ogburn prevent Applicant from obtaining the Southern Shores Newsletter email list for the purpose of notifying property owners that Southern Shores claims to have taken the right to subdivide from property owners without notifying property owners pursuant to Town Code 36-414(b) and without ordering a property tax reduction for devaluing property(s).
46. Town Code Section 22-1 states:

    Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:

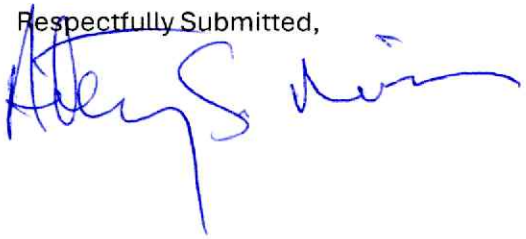
    (8) Frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device, or attempt to do so.
47. Southern Shores Town Planning Board/ Board of Adjustments, Town Office Employee Wes Haskett and Southern Shores paid attorneys are all guilty of disorderly conduct at the October 21, 2024 Variance Hearing for their fraudulent scheme to misrepresent Town Code 36-414(b). Southern Shores Planning Board will be guilty of another count of disorderly conduct on March 19, 2025 (about 6 months after they aided Wes Haskett's fraud at the Variance hearing) when they aid Wes Haskett's fraud again, which currently involves being in contempt of a Dare County Superior Court Order requiring a complete copy of the Variance hearing to be provided to the court within 30 days of December 18, 2024. Applicant is being forced to pay for Applications, Appeals and a Variance and has yet to have Southern Shores Town make a decision not based on an illegal, fraudulent scheme. Wes Haskett, Cliff Ogburn and the Planning Board's use of Southern Shores Town money to misrepresent 36-414(b) with claims that posted notice is not required for zoning amendments rezoning subdividable property to unsubdividable property when the code clearly states that in addition to 36-414(a) posted notice is required also violates embezzlement laws. Applicant's filing fees for subdivision denials based on illegally adopted zoning codes were $200, $350 for the Variance hearing, $200 for the Variance Appeal, $100 for the January 6, 2025 subdivision application and $350 for the February 14, 2025 Appeal of the January 21, 2025 Subdivision Denial. Wes Haskett has knowingly committed $1200 worth of false pre-tense theft crimes against Applicant by collecting filing fees and opposing applications with code he knows is based on fraud because Town Code 36-414(b) posted notice requirements were not complied with. Wes Haskett was also notified prior to the October 21, 2024 Variance hearing that Applicant has filed a fraud insurance claim against the Town of Southern Shores, specifically Wes Haskett and the Variance documents were going to be a part of the insurance investigation. Wes

Haskett refused to correct his false statements regarding Town Code 36-414(b) being complied with and encouraged the attorneys and Planning Board members to contribute to his fraudulent misrepresentations.

WHEREFORE, Applicant Anthony S Mina respectfully requests that the March 19, 2025 Hearing is Precluded because of the proof of a criminal conspiracy against Applicant and an Order granting the January 6, 2025 lot subdivision is entered.

March 16, 2025

Respectfully Submitted,



ANTHONY S. MINA	:	DARE COUNTY SUPERIOR COURT
Petitioner	:	
V.	:	No. 24CV001667-270
	:	
SOUTHERN SHORES/WES HASKETT	:	SOUTHERN SHORES NO. VA-24-01
Respondent	:	

MOTION TO SANCTION RESPONDENT SOUTHERN SHORES/ WES HASKETT FOR REFUSING TO COMPLY WITH THE COURT'S DECEMBER 18, 2024 ORDER AND THE RESPONDENTS CONTINUED EMBEZZLEMENT OF SOUTHERN SHORES TAX PAYER'S MONEY TO PAY ATTORNEYS TO AID WES HASKETT'S FRAUDULENT TRANSACTIONS WHICH INCLUDE $75,000 OF MISCONDUCT AND VIOLATIONS OF 18 U.S. CODE § 1512(c)(1),(2)- TAMPERING WITH A WITNESS, VICTIM OR AN INFORMANT

****THIS DOCUMENT CONTAINS PROOF OF FEDERAL CRIMES BEING COMMITTED BY RESPONDENT SOUTHERN SHORES/WES HASKETT----PLEASE NOTIFY THE FBI****

I, Anthony S Mina, Petitioner in case no. 24CV001667-270 hereby Motion To Sanction Respondent and in support thereof aver the following:

1. The respondent Southern Shores/Wes Haskett and the entire town council (the town mayor is on town council) were served the Order dated December 18, 2024 requiring Southern Shores to provide a complete certified copy of the Variance VA-24-01 proceedings within 30 days of December 18, 2024 (along with the Petition For Writ Of Certiorari). A true and correct copy of the Order is attached hereto as "Exhibit A" and a true and correct copy of the electronic receipt of service is attached hereto as "Exhibit B".
2. The respondent Southern Shores/Wes Haskett was served a "Petitioner's Motion/Petition To Grant Unopposed Writ Of Certiorari on January 29, 2025 (Cliff Ogburn is the Town Manager). A true and correct copy of proof of service with return signature is attached hereto and marked "Exhibit C".
3. Applicant Anthony Mina does not have any type of relationship with Wes Haskett, Cliff Ogburn, Southern Shores Town Government, the Hornthal Reilly Ellis and Maland Law Firm, Jay Wheless and the Planning Board/Board of Adjustments members... meaning he is not a friend, colleague, client, partner, student, cooperating witness/informant or any other

person besides a Variance Applicant on October 21, 2024, Subdivision Applicant and Southern Shores resident and tax payer.

4. When attorney Lauren Womble referred to Wes Haskett's denial of the 75 E Dogwood Trail lot subdivision/Variance as a "Blanket denial" or "Blank-it denial" or "Blanket" at 3:26 of the October 21, 2024 youtube video of the Variance Hearing Applicant did not agree to be a part of a "blank-kit", "blank-it" or "Blanket" scheme with Wes Haskett and Lauren Womble and Wes Haskett would be coercing a labor/human trafficking scheme against Applicant if they claimed the word pronounced "blanket" had a meaning involving a relationship or agreement with Applicant.
5. Wes Haskett filed a lot width amendment on March 31, 2023 to prevent future lot subdivisions.
6. Town Code Section 36-414-Motion to Amend provides:

   (a)The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

   (b) <u>In addition</u> and where a zoning map amendment is proposed, the town shall cause to be placed a sign on the subject property announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning.

7. Wes Haskett did not place a sign on 75 E Dogwood Trail notifying people of the proposed rezoning of subdividable property to unsubdividable property with his March 31, 2023 zoning amendment.

8. Wes Haskett responded to (4) emails from Applicant in May of 2023 asking about the 75 E. Dogwood Trail subdivision and lot width requirements and Wes Haskett refused to tell Applicant about the March 31, 2023 lot width amendment.

9. During the month of May, 2023 the previous owner of 75 E Dogwood Trail, Linda Lauby negotiated an additional $75,000 for a subdividable lot (as proven with Wes Haskett's July 16, 2024 denied lot subdivision with the only reason being the March 31, 2023 lot width amendment) that she would

not have received if Wes Haskett was not hiding the March 31, 2023 lot width amendment from Applicant.

10. Prior to the March 31, 2023 lot width amendment Wes Haskett discussed the 75 E Dogwood Trail lot subdivision with the previous owner of 75 E Dogwood Trail and her realtor and Wes Haskett was told to "Stay Tuned", then there is no other communication between them on the record.
11. Wes Haskett's paid attorney Lauren Womble was quoted in the Southern Shores Beacon stating "We question the Town's decision even to let Mr. Mina file a request for a variance , inasmuch as a variance is not the "appropriate remedy".
12. Wes Haskett provided Applicant a Variance Application on November 1, 2023 when Applicant asked how leniency is asked for in Southern Shores and on May 17, 2023 Wes Haskett emailed Applicant and stated "An exception would be in the form of a variance" when asked the proper way to ask Southern Shores to make an exception to their local code.
13. The Southern Shores Beacon article and/or Lauren Womble publicly stated Applicant is the cause of a waste of town money for the Variance hearing when the facts are Wes Haskett indicated Applicant should file a Variance Application to ask for his lot subdivision approval.
14. On October 14, 2024 Wes Haskett claimed in his VA-24-01 Staff Report "All applicable notification requirements established in N.C.G.S. 160D-601 and in the Town's Zoning Ordinance were satisfied prior to the adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Amendment."
15. Wes Haskett's March 31, 2023 lot width amendment (which was the only reason Applicant's July 3, 2024 subdivision Application was denied) was scheduled to be heard by the Planning Board on May 15, 2023 and heard by the Planning Board on May 15, 2023.
16. Town Code 36-362(b) provides: *Notices.* Notice of hearings conducted pursuant to this article shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing**; (ii) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing;** (iii) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and (iv**) to any other persons entitled to receive notice as provided by this CHAPTER.** In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. A true and correct copy of Town Code Section 36-362 governing the Planning Board/Board of Adjustments is attached hereto and marked "Exhibit D of the January 6 subdivision application".
17. A Southern Shores Public Records Request Response dated June 20, 2024 states mailed letters were not provided for the May 15, 2023 Planning Board hearing on Wes Haskett's March 31, 2023 lot width amendment and Posted Notice was not placed at 75 E. Dogwood Trail.
18. On October 30, 2024 Wes Haskett responded to a Southern Shores Public Records Request for proof of notification pursuant to Town Code 36-362(b) for the May 15, 2023 Planning Board meeting and **WES HASKETT FALSELY CLAIMED** "The Planning Board did not hold a hearing for

TCA-21-06 on July 19, 2021 or ZTA-23-03 on May 15, 2023 because no hearings were required (hearings were subsequently required and held by the Town Council). There also was no posted or mailed notices for the Planning Board's consideration of TCA-21-06 on July 19, 2021 and ZTA-23-03 on May 15, 2023 because they weren't required

19. **THE TRUTH IS** Wes Haskett knows the Planning Board heard his March 31, 2023 lot width amendment on May 15, 2023 pursuant to Town Code 36-415 and recommended approval because Wes Haskett emailed Applicant on June 1, 2023 and stated "...we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and Town Council will be holding a public hearing on June 6th.
20. **UNFORTUNATELY FOR WES HASKETT'S FALSE STATEMENTS,** the June 6, 2023 Town Council meeting minutes state "The Planning Board recommended approval of the application (4-1) at the May 15, 2023 Planning Board Meeting
21. **WES HASKETT MADE A FALSE REPORT TO LAW ENFORCEMENT ON MAY 21, 2024 IN VIOLATION OF N.C.G.S. 14-225** claiming he had a legal basis to amend zoning code on June 6, 2023 at 75 E. Dogwood Trail but, **WES HASKETT FRAUDULENTLY DELETED TOWN CODE NOTIFICATION REQUIREMENTS AT SECTION 36-414(b) AND OMITTED NOTIFICATION REQUIRMENTS AT TOWN CODE 36-362(b).**
22. **WES HASKETT'S ABUSE OF ZONING CODES (IN A MANNER DIFFERENT THAN ENFORCMENT AGAINST OTHER PROPERTY OWNERS) IS A CONTINUING PATTERN OF CORRUPTION PROVING WES HASKETT HAS AN UNDISCLOSED SPECIAL INTEREST IN 75 E DOGWOOD TRAIL.**
23. Wes Haskett signed a plat at 172 Ocean Boulevard and a plat at 233 N. Dogwood Trail that did not meet setback and/or lot width requirements but Wes Haskett is harassing Applicant with a lot width amendment at 75 E. Dogwood Trail that has never been effectuated at 75 E. Dogwood Trail with notification prior to a hearing and also was harassing Applicant with a set back encroachment claim for months until Applicant filed a building permit to remove Wes Haskett's claimed setback encroachment (Wes Haskett said the setback encroachment no longer prevented the subdivision one day after Applicant filed a building permit to remove 1' of his house).
24. **WES HASKETT CLAIMED 233 N. DOGWOOD TRAIL AND THE 0 DOGWOOD TRAIL ADJACENT LOTS WERE CREATED PRIOR TO THE TOWN'S INCORPORATION IN 1979 BUT A SECOND PUBLIC RECORDS REQUEST PROVED WES HASKETT SIGNED THE PLAT ON 7-21-16 WHICH DID NOT MEET LOT WIDTH REQUIREMENTS.**
25. Wes Haskett's refusal to correct his wrong doing in his subdivision application denials using unenforceable zoning codes prove Wes Haskett's illegal special interest in 75 E Dogwood Trail that he fraudulently demonstrated in May of 2023 when hiding the lot width amendment Haskett used to deny the subdivision as the previous owner Linda Lauby negotiated an additional $75,000 from Applicant for a lot that was subdividable.
26. Jay Wheless would not allow Applicant to testify to his Federal Law Suit during the October 21, 2024 Variance Hearing and stated the law suit would be a part of the record and would be a preserved for Appeals. See you tube video 2:09-2:11.
27. Dare County Superior Court Ordered Wes Haskett and Southern Shores to provide a complete verified record from the Variance hearing within 30 days of December 18, 2024 but the Planning Boards Attorney, Jay Wheless has not provided the record.

28. On October 21, 2024 Lauren Womble misrepresented Town Code 36-414(b) by removing the 1st 3 words from the code and claimed the code does not apply to text amendments. See youtube video 1:42-1:44.
29. On October 21, 2024 Lauren Womble argued Wes Haskett's statement that notification requirements were met in his staff report was not cross examinable when Town Code 36-414(b) was stated by Applicant. See youtube video 3:24-3:29.
30. On October 21, 2024 Lauren Womble again claimed notification requirements were met and also claimed the use of 75 E Dogwood Trail was not changed when Wes Haskett's email dated June 7, 2023 indicated the lot width requirement was adopted to prevent future subdivisions (Wes Haskett's June 1, 2023 email proves Wes Haskett knew the new lot width requirement prevented the 75 E Dogwood Trail subdivision. See youtube video 3:48-3:51.
31. On October 21, 2024 Lauren Womble claimed the zoning ordinances Applicant was seeking a variance from, which did not have posted notice pursuant to Town Code 36-414(b) prior to their adoption were "valid, legal, enforceable laws". See youtube video 5:09-5:11.
32. On October 21, 2024 Jay Wheless and Wes Haskett misrepresented Town Code 36-414(b)'s posted notice requirements which requires posted notice when Town Code 36-414(a) is used to amend code, regardless of whether a map amendment is made. See you tube video 3:09-3:12.
33. On October 21, 2024 Jay Wheless misrepresented Town Code 36-414(b) again to pretend notification requirements were met. See youtube video 3:48-3:51.
34. Paragraph 1 of the Code of Ethics provides: I will always obey the law and will not try in any way to influence the application of the law by any of the town's authorities or personnel.
    Paragraph 2 of the Code of Ethics provides: I will always uphold the integrity and independence of my job.
    Paragraph 3 of the Code of Ethics provides: I will always avoid any impropriety in all of my activities.
    Paragraph 4 of the Code of Ethics provides: I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
    Paragraph 7 of the Code of Ethics provides: I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
35. Planning Board Chair Andy Ward agreed the Code of Ethics would be complied with at the October 21, 2024 Variance Hearing.
36. On October 21, 2024 when Applicant objected to Jay Wheless and Lauren Womble misrepresenting zoning code 36-414(b) and stated they were colluding Andy Ward stated to Applicant "you are not helping your case, you are accusing the whole town of impropriety". See youtube video 3:26-3:29.
37. Andy Ward misrepresented Town Code 36-414(b) at youtube video 4:27 by claiming the code only applies to map amendments.
38. Andy Ward signed an Order denying Applicant's Variance on November 19, 2024 that stated at #12 "There has been no competent evidence presented to support Applicant's motion to preclude. There is no evidence of fraud, criminal conspiracy or misconduct by the staff".

39. The Code of Ethics prohibits Southern Shores money from being spent on Hornthal, Reilly, Ellis &Maland (HREM) law firm, as their fraudulent misrepresentations violate Town Code #1, 2, 3, 4 and 7.
40. Rule4.1 OF THE RULES OF PROFESSIONAL CONDUCT STATES: TRUTHFULNESS IN STATEMENTS TO OTHERS: In the course of representing a client a lawyer shall not knowingly make a false statement of material fact or law to a third person.

Misrepresentation

[1] A lawyer is required to be truthful when dealing with others on a client's behalf, but generally has no affirmative duty to inform an opposing party of relevant facts. A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements. For dishonest conduct that does not amount to a false statement or for misrepresentations by a lawyer other than in the course of representing a client, see Rule 8.4.

Statements of Fact

[2] This Rule refers to statements of fact. Whether a particular statement should be regarded as one of fact can depend on the circumstances. Under generally accepted conventions in negotiation, certain types of statements ordinarily are not taken as statements of material fact. Estimates of price or value placed on the subject of a transaction and a party's intentions as to an acceptable settlement of a claim are ordinarily in this category, and so is the existence of an undisclosed principal except where nondisclosure of the principal would constitute fraud. Lawyers should be mindful of their obligations under applicable law to avoid criminal and tortious misrepresentation.

Crime or Fraud by Client

[3] Under Rule 1.2(d), a lawyer is prohibited from counseling or assisting a client in conduct that the lawyer knows is criminal or fraudulent. Ordinarily, a lawyer can avoid assisting a client's crime or fraud by withdrawing from the representation. Sometimes it may be necessary for the lawyer to give notice of the fact of withdrawal and to disaffirm an opinion, document, affirmation or the like. In extreme cases, substantive law may require a lawyer to disclose information relating to the representation to avoid being deemed to have assisted the client's crime or fraud. Rule 1.6(b)(1) permits a lawyer to disclose information when required by law. Similarly, Rule 1.6(b)(4) permits a lawyer to disclose information when necessary to prevent, mitigate, or rectify the consequences of a client's criminal or fraudulent act in the commission of which the lawyer's services were used.

41. Rule 4.1 Of The Rules Of Professional Conduct prohibit Jay Wheless and HREM Law Firm's conduct.
42. 18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant provides: **(a)** **(1)**Whoever kills or attempts to kill another person, with intent to—

(A)prevent the attendance or testimony of any person in an official proceeding;
(E) prevent the production of a record, document, or other object, in an official proceeding; or
(C)prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings;shall be punished as provided in paragraph (3).
(2) Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to—
(A)influence, delay, or prevent the testimony of any person in an official proceeding;
(B)cause or induce any person to—
(i)withhold testimony, or withhold a record, document, or other object, from an official proceeding;
(ii)alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding;
(iii)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or
(iv)be absent from an official proceeding to which that person has been summoned by legal process; or
(C)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings;shall be punished as provided in paragraph (3).**(3)**The punishment for an offense under this subsection is—
(A)in the case of a killing, the punishment provided in sections 1111 and 1112;
(B)in the case of—
(i)an attempt to murder; or
(ii)the use or attempted use of physical force against any person;imprisonment for not more than 30 years; and
(C)in the case of the threat of use of physical force against any person, imprisonment for not more than 20 years.
(b) Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—
(1)influence, delay, or prevent the testimony of any person in an official proceeding;
(2)cause or induce any person to—
(A)withhold testimony, or withhold a record, document, or other object, from an official proceeding
(B)alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;
(C)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or
(D)be absent from an official proceeding to which such person has been summoned by legal process; or

(3)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation [1] supervised release,,[1] parole, or release pending judicial proceedings;
shall be fined under this title or imprisoned not more than 20 years, or both.
(c) Whoever corruptly—
(1)alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or
(2)otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,shall be fined under this title or imprisoned not more than 20 years, or both.**(d)**Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from—
(1)attending or testifying in an official proceeding;
(2)reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation [1] supervised release,,[1] parole, or release pending judicial proceedings;
(3)arresting or seeking the arrest of another person in connection with a Federal offense; or
(4)causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding;
or attempts to do so, shall be fined under this title or imprisoned not more than 3 years, or both.
(e) In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.
(f) For the purposes of this section—
(1)an official proceeding need not be pending or about to be instituted at the time of the offense; and

(8) the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

(9) **(g)**In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance—

(1)that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or
(2)that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.
(h) There is extraterritorial Federal jurisdiction over an offense under this section.
(i)A prosecution under this section or section 1503 may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.

(j) If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.

(k) Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

43. Wes Haskett, Cliff Ogburn, Philip Hornthal, Lauren Womble, Jay Wheless and the Planning Board/Board of Adjustments are in violation of 18 U.S. Code § 1512(c)(1),(2)- Tampering with a witness, victim, or an informant laws.
44. HREM Law Firm is involved with preventing police reports from being filed against Wes Haskett, even after Philip Hornthal said the police report could be provided to Philip Hornthal for filing (but a public records proves the police reports were never filed as Philip Hornthal claimed was occurring).
45. HREM Law Firm is involved with helping Cliff Ogburn prevent Applicant from obtaining the Southern Shores Newsletter email list for the purpose of notifying property owners that Southern Shores claims to have taken the right to subdivide from property owners without notifying property owners pursuant to Town Code 36-414(b) and without ordering a property tax reduction for devaluing property(s).
46. Town Code Section 22-1 states:

    Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:

    (8) Frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device, or attempt to do so.
47. Southern Shores Town Planning Board/ Board of Adjustments, Town Office Employee Wes Haskett and Southern Shores paid attorneys are all guilty of disorderly conduct at the October 21, 2024 Variance Hearing which cost Applicant $350 for their fraudulent scheme to misrepresent Town Code 36-414(b).

WHEREFORE, Petitioner respectfully requests this Honorable Court to enter an Order Sanctioning Wes Haskett with fines, jail time and also requests the court to notify the FBI of Wes Haskett's violations of **18 U.S. CODE § 1512(c)(1),(2)- TAMPERING WITH A WITNESS, VICTIM OR AN INFORMANT.**

March 17, 2025

Respectfully Submitted,

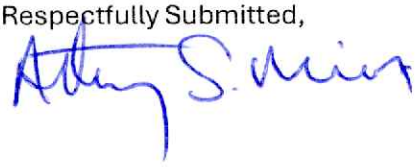
ANTHONY S. MINA	:	DARE COUNTY SUPERIOR COURT
Petitioner	:	
V.	:	No. 24CV001667-270
	:	
SOUTHERN SHORES/WES HASKETT	:	SOUTHERN SHORES NO. VA-24-01
Respondent	:	

VERIFICATION

I, Anthony S Mina, Petitioner hereby verify under penalty of law that facts set forth in the Motion To Sanction are true and correct to the best of my knowledge.

March 17, 2025

Respectfully Submitted,



24CV001667-270

ANTHONY S. MINA	: DARE COUNTY SUPERIOR COURT	
Petitioner	:	FILED DATE: December 18, 2024
V.	: No.	TIME: 2:48:51 PM DARE COUNTY
SOUTHERN SHORES/WES HASKETT	:	CLERK OF SUPERIOR COURT
Respondent	: Southern Shores No. VA-24-01	BY: L. Watts
	:	

PROPOSED WRIT OF CERTIORARI

Now, that on this 12/18/2024 day, of _____, 2024 a Petition For Writ Of Certiorari has been filed in the Dare County Superior Court, Respondent Southern Shores/Wes Heskett is hereby ORDERED to prepare and certify to the court a complete record from the proceedings Variance No. VA-24-01 within 30 days of the date 12/18/2024.

Petitioner is hereby ORDERED to serve the Petition For Writ of Certiorari and Proposed Writ of Certiorari on the Respondent pursuant to Rule4(j) of the Rules of Civil Procedure.

Additional requirements, if any, are: _____

Date: 12/18/2024 Signature: Lynn Watts
Asst. Clerk

[redacted]

2

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Anthony S Mina
75 E Dogwood Trail
Southern Shores, NC 279

TO:
Southern Shores Town
Wes Haskett
5375 N. Virginia Dare
Southern Shores, NC 279

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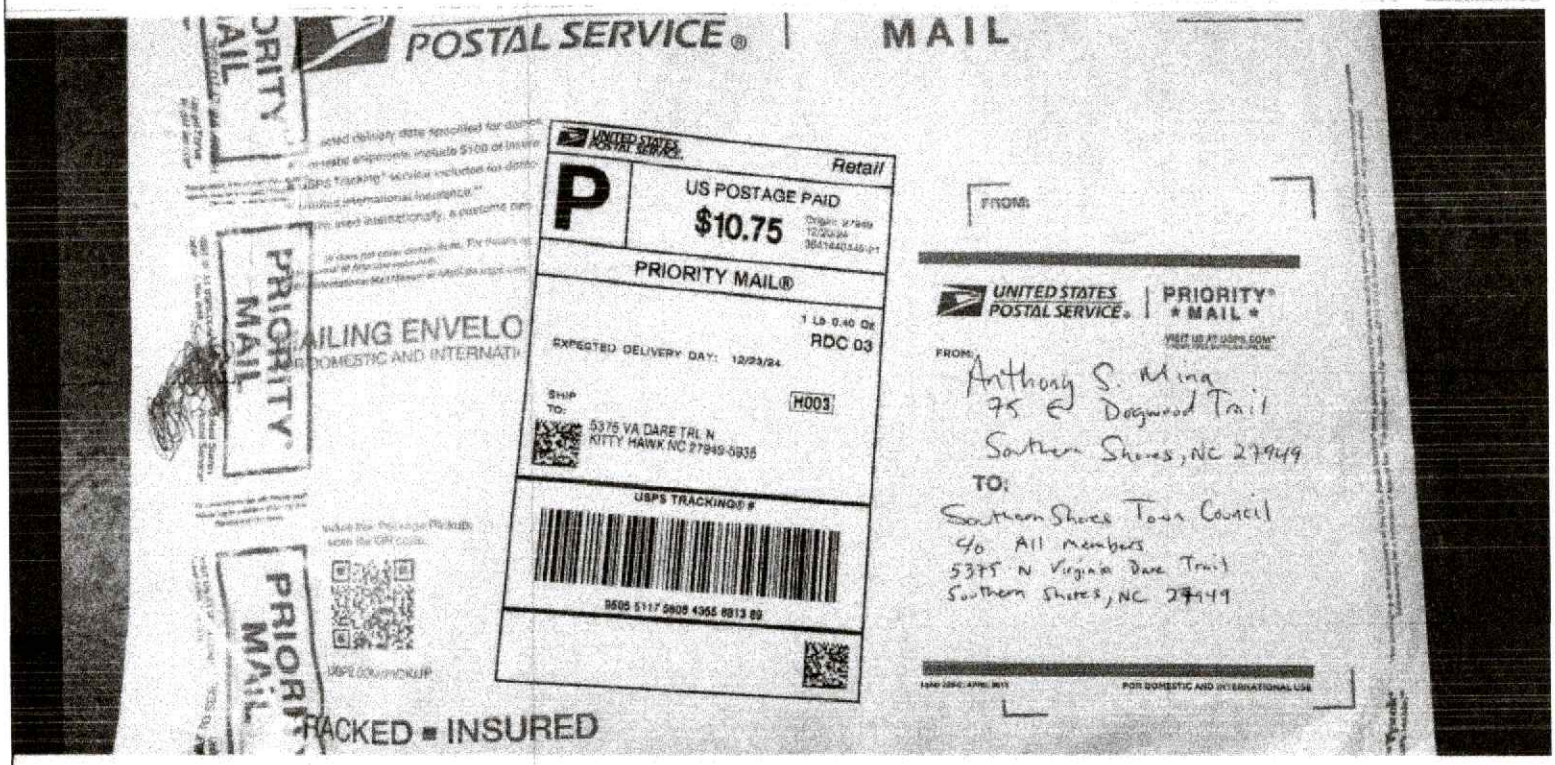
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Southern Shores Town Council
c/o All members
5375 N Virginia Dare Trail
Southern Shores, NC 27949
FOR DOMESTIC AND INTERNATIONAL USE

"EXHIBIT B"

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Product	Qty	Unit Price	Price
Priority Mail®	1		$10.75
Kitty Hawk, NC 27949			
Weight: 1 lb 0.40 oz			
Expected Delivery Date			
Mon 12/23/2024			
Tracking #:			
9505 5117 5808 4355 8813 89			
Insurance			$0.00
Up to $100.00 included			
Total			$10.75
Grand Total:			$10.75
Credit Card Remit			$10.75
Card Name: AMEX			
Account #: XXXXXXXXXXX3000			
Approval #: 841553			
Transaction #: 228			
AID: A0000000250108O1			Chip
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PIN: Not Required			

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Legal FR Env			
Kitty Hawk, NC 27949			
Flat Rate			
Expected Delivery Date			
Mon 12/23/2024			
Tracking #:			
9505 5117 5807 4354 7507 24			
Insurance			$0.00
Up to $100.00 included			
Total			$10.75
Grand Total:			$10.75
Credit Card Remit			$10.75
Card Name: MasterCard			
Account #: XXXXXXXXXXXX7631			
Approval #: 06570P			
Transaction #: 728			
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PIN: Not Required			CAPITAL ONE

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or call 1-800-410-7420.

EXHIBIT B

UFN: 364144-0449
Receipt #: 840-52700344-2-5444315-2
Clerk: 16

ALERT: WINTER STORMS IN THE NORTHEAST AND WILDFIRES AND EMERGENCY EVENTS IN...

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KITTY HAWK, NC 27949
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ALERT: WINTER STORMS IN THE NORTHEAST AND WILDFIRES AND EMERGENCY EVENTS IN...

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December 23, 2024, 10:16 pm

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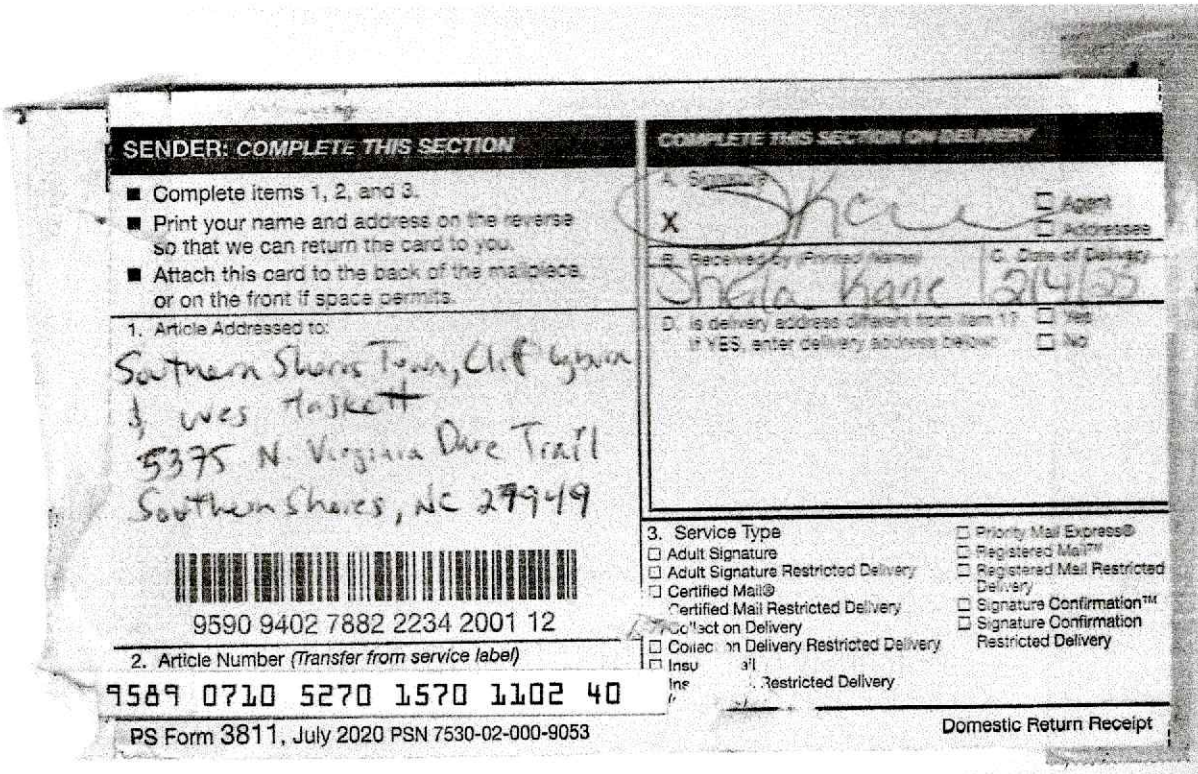
"EXHIBIT B"



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Southern Shores Town, Chief Lynn
& Wes Haskett
5375 N. Virginia Dare Trail
Southern Shores, NC 27949

9590 9402 7882 2234 2001 12

2. Article Number (Transfer from service label)

9589 0710 5270 1570 1102 40

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Sheila Kane ☐ Agent ☐ Addressee

B. Received by (Printed Name) Sheila Kane C. Date of Delivery 12/4/25

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
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- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

"EXHIBIT C"

TOWN OF SOUTHERN SHORES
5375 N Virginia Dare Trl, Southern Shores, NC 27949
(252) 261-2394 tel (252) 255-0876 fax
www.southernshores-nc.gov

Application No. APA-25-01 Date 2-14-2025

Application Fee $350.00 Receipt No. 379913

THIS FORM IS A NOTICE OF APPEAL TO THE BOARD OF ADJUSTMENT. THE BOARD OF ADJUSTMENT MAY HEAR AND DECIDE APPEALS OF ADMINISTRATIVE DECISIONS OF ADMINISTRATIVE OFFICIALS CHARGED WITH ENFORCEMENT OF THE TOWN'S ZONING ORDINANCE OR ANY OTHER ORDINANCE THAT REGULATES LAND USE OR DEVELOPMENT AS PROVIDED UNDER THE TOWN CODE OF ORDINANCES. ADDITIONAL PAGES MAY BE ATTACHED TO ANSWER ANY QUESTIONS IN THE APPLICATION OR TO PROVIDE ANY SUPPLEMENTAL INFORMATION.

1. Applicant Name Anthony Mina
   Mailing Address 75 E. Dogwood Trail
   City Southern Shores State NC Zip Code 27949
   Telephone 610-842-3905
2. Property Owner Name (If different from Applicant) _____
   Mailing Address _____
   City N/A State _____ Zip Code _____
   Telephone _____
3. Property (If decision being appealed is specific to a particular property):
   Street Address 75 E. Dogwood Trail
   Tax Parcel Identification Number 021731000
   Subdivision Name Southern Shores Block Section# 105 Lot# 1
   Zoning District Classification RS-1
   Current Use of Property Single Family Home
4. Date of administrative decision being appealed January 21, 2025
5. Attach a copy of the administrative decision being appealed. (Please consult Town Code Sec. 36-366 (a)(1) for examples of appealable administrative decisions.) – attached as "ORDER" – Please see attached exhibit
6. Describe the specific provisions or portions of the decision being appealed.
   1) Res Judicata does not prohibit approval of the January 6, 2025 subdivision application due to new material facts and evidence that must be considered (evidence obtained after July 16, 2024)
   2) The decision does not make sense for a subdivision application and is indicative of a criminal conspiracy Wes Haskett is involved with where he helped Linda Lavby defraud Applicant out of $ 75,000 by hiding the March 31, 2023 Zoning Amendment from Applicant.

3) Wes Haskett lacks standing to decide applications submitted by Anthony Mina (and most importanty, lacks standing to deny applications submitted by Anthony Mina) because of his involvement with a witness tampering conspiracy against Anthony Mina because Anthony Mina caught Wes Haskett lying about notification requirements being complied with to effectuate a lot width amendment at 75 E. Dogwood Trail. Wes Haskett's violations include contempt of Dare County Superior Court's Order

7. Specify the grounds for your appeal. Fully explain how the administrative official inaccurately interpreted and/or applied the terms of the Town's Zoning Ordinance or other applicable ordinance. What do you believe to be the correct answer, and why?

Please see Exhibit X for a complete record from Variance VA-24-01 and not providing the Board of Adjustments Anthony Mina's filing dated:

10/28/24- Motion for Reconsideration of motion to Preclude Variance

10/29/24- Motion to Reverse Denial of Variance

10/31/24 Notice of Wes Haskett's False Sworn Testimony

8. If you are not the property owner, or if the decision was not issued to you, explain the facts which give you standing to appeal the administrative decision. (Please consult Town Code Sec. 36-366(b)(1) and G.S. 160D-1402(c) to determine whether or not you have standing. If you have questions about standing, you may wish to consult an attorney.)

n/a

9. List the names and addresses of all abutting property owners and the owners of property immediately across the street from the property affected. The list shall be current according to the most recent tax listing abstract as filed in the office of the Dare County Tax Supervisor. (If you posted a sign on the property affected in the manner provided by Town Code Sec. 36-362(b), please indicate the date of such posting and provide any pictures you may have of the posting).

1) 73 E. Dogwood Trail, Southern Shores, NC 27949 - Cad 2 LLC

2) 72 Hickory Trail, Southern Shores, NC 27949 - Susan & Benton Capps

3) Southern Shores Department of Public Works

10. Are any attachments being submitted with this application? Yes X No ___

If yes, please identify attachments and number of pages.

1) Applicants Motion to Reconsider Motion to Preclude, VA-24-01 27 pages

2) Applicants Brief in Support of motion to Reverse Variance Denial, VA-24-01 26 pages

3) Applicants Notice of Wes Haskett's false reports, VA-24-01 6 pages

4) Dare County Superior Court Order of Variance records with 30 days of 12/18/24 2 pages

5) Petition for Writ of Certiorari with Proof of Wes Haskett's false pretense, false sworn testimony and false report to law enforcement with (Exhibits A-H) 48 pages

6) — Variance Application — Exhibit I of Petition for writ 84 pages

7) Petitioners Motion to Grant Petition for Writ of Certiorari against respondent, who is in contempt of the December 18, 2024 order 69 pages

8) January 6, 2025 subdivision application 50 pages

Total pages of attachments 1-8 = 312 pages

FILING OF APPLICATION

Notice of Appeal applications are filed with the Town Clerk at Town Hall located at 5375 N. Virginia Dare Trail, Southern Shores, NC. Applications may be filed in person Monday through Friday during normal office hours or may be mailed to the previously listed address. In order for an application to be considered complete all questions and information requested in the application must be answered and provided. Applications must have original notarized signatures of the applicant and must be accompanied by the required application fee. Applications found to be incomplete will not be accepted and will be returned to the applicant.

SCHEDULING OF APPLICATION

The monthly filing deadline and Board meeting dates for the year are listed on the Town's website at www.southernshores-nc.gov under Planning and Code Enforcement Department or you may receive a copy by contacting the Department at (252) 261-2394. The Board shall hear and decide the appeal within a reasonable time.

HEARING OF APPLICATION

The Planning Board serves as the Board of Adjustment which is a quasi-judicial body governed by the North Carolina General Statutes and Chapter 36, Article XII of the Southern Shores Town Code. Meetings are held in the Pitts Center located at the Town of Southern Shores Municipal Complex. At the meeting, the Board will hear testimony and receive evidence from the applicant, Town Staff and other interested parties. Board members cannot discuss any case with any interested parties or persons prior to the public hearing of the case. Any person who testifies at the hearing must be sworn in and any written or physical evidence presented to the Board will be retained by the Board.

BOARD DECISION

A majority of the members shall be required to determine an appeal made in the nature of certiorari. The board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board's decision will be made, reduced to writing, filed, served and subject to appeal in the manner provided by Section 36-368 of the Southern Shores Town Code. Decisions of the Board may be appealed by any aggrieved party to Superior Court within 30 days from the effective date of the Board's decision.

ADDITIONAL INFORMATION

Persons seeking additional information or assistance concerning appeal applications should contact the Zoning Administrator at the Planning and Code Enforcement Department at (252) 261-2394.

CERTIFICATION

I certify that the information filed by me in this application is accurate to the best of my knowledge, information, and belief.

Property Owner Signature — Date: 2/13/2025

STATE OF North Carolina, COUNTY OF Dare

On this 13 day of Febuary, 20 25 _____ personally appeared before me and is known to me to be the person who signed the foregoing instrument and he/she acknowledged that he/she signed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

Signature of Notary Public _____

My Commission expires 2/28/29, 20____

CERTIFICATION BY APPLICANT OTHER THAN PROPERTY OWNER

I _____ (your name) file this application on the behalf of _____ (property owner name).

I am the _____(attorney, contractor, etc.) for the property owner in this matter and file this application with the full knowledge and consent of the property owner. I certify that the information filed by me in this application is accurate to the best of my knowledge, information, and belief.

Signature — Date

STATE OF _____, COUNTY OF _____

On this _____ day of _____, 20____ _____ personally appeared before me and is known to me to be the person who signed the foregoing instrument and he/she acknowledged that he/she signed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

Signature of Notary Public _____

My Commission expires _____, 20____

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
www.southernshores-nc.gov

January 21, 2025

Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision (Application Received on January 6, 2025)

Dear Mr. Mina:

(1) Res Judicata prohibits approval of your January 6, 2025, subdivision application. On July 3, 2024, you submitted a subdivision application proposing the same subdivision plan and plat. The July 3, 2024, application was denied on July 16, 2024, due to non-compliance with the Town of Southern Shores Zoning Ordinance. The application you submitted on January 6, 2025, does not present any material change such that the concerns warranting denial of the July 3, 2024, application remain unresolved. (2) Should you wish to appeal this administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/bc-pb.

Sincerely,

(3) Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney
Jennifer L. Franz

"ORDER"

ANTHONY S MINA

75 E DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

chestercountylawn@yahoo.com

February 13, 2025

RE: Appeal of January 21, 2025 Subdivision Denial

GROUNDS OF APPEAL

1) **Wes Haskett's involvement with violations of Title 18, U.S.C., Section 241 - Conspiracy Against Rights, Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law, 18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant and Southern Shores' Code of Ethics prohibit Wes Haskett from deciding Anthony Mina's Subdivision Application (and most importantly, denying Anthony Mina's Subdivision Application).**
2) **Dare County Tax Records Prohibit Wes Haskett from denying the 75 E Dogwood Trail lot subdivision because Wes Haskett & Southern Shores did not order a tax reassessment prior to January 6, 2025 (the property tax deadline) on 75 E Dogwood Trail after their claimed rezoning of 75 E Dogwood Trail from subdividable to unsubdividable on July 16, 2024. Devaluing property by taking a right to the property requires a tax reassessment, which Wes Haskett refused to Order.**
3) **Res Judicata does not apply to the January 6, 2025 lot subdivision application due to new material evidence obtained after July 16, 2024, including additional evidence of Wes Haskett's fraud and false reports to other Southern Shores government employees/board members.**

STATEMENT OF GROUNDS OF APPEAL

1) Wes Haskett does not have standing to deny Anthony Mina's subdivision application due to crimes he is currently committing against applicant including, but not limited to **CONSPIRACY AGAINST RIGHTS, DEPRIVATION OF RIGHTS AND TAMPERING WITH A WITNESS/VICTIM/INFORMANT.** Wes Haskett's crimes against Anthony Mina include not providing the Board of Adjustments:

a) **APPLICANT'S MOTION TO RECONSIDER ORDER DENYING MOTION TO PRECLUDE VARIANCE HEARING BASED ON THE RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT BY WES HASKETT, CLIFF OGBURN, PHILIP HORNTHAL, LAUREN WOMBLE AND THE PLANNING BOARD ATTORNEY TO FRAUDULENTLY MISREPRESENT**

EXHIBIT X

THE NOTIFICATION REQUIREMENTS OF ZONING AMENDMENTS USED TO PREVENT APPLICANT'S SUBDIVISION PLANS AND REQUIRE THE VARIANCE HEARING-filed October 28, 2024.

b) **APPLICANT'S BRIEF IN SUPPORT OF MOTION TO REVERSE OCTOBER 21, 2024 DECISION TO DENY APPLICANT'S VARIANCE BASED ON THE RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT BY WES HASKETT, CLIFF OGNBURN, PHILIP HORNTHAL, LAUREN WOMBLE AND THE PLANNING BOARD ATTORNEY PRIOR TO AND AT THE VARIANCE HEARING-** filed 10/29/2024

c) **APPLICANT'S NOTICE OF FALSE REPORTS, INCLUDING VIOLATIONS OF NORTH CAROLINA'S PUBLIC RECORDS REQUEST LAWS THAT WES HASKETT MADE ON OCTOBER 30, 2024 PERTAINING TO HIS SWORN TESTIMONY AND OCTOBER 21, 2024 STAFF REPORT CLAIMING NOTIFICATION REQUIREMENTS WERE MET PRIOR TO THE JUNE 6, 2023 & AUGUST 3, 2021 AMENDMENTS**-filed October 31, 2024

Each of the filings listed above that were not provided to the Board of Adjustments is included with this application. Proof that these filings were provided to Southern Shores' Town is also attached to this Application with a Public Records Response which proved they were never provided to the Board of Adjustments/Planning Board as Applicant was told they were-this Exhibit is marked "Exhibit 1".

Southern Shores' Ethics policy also prohibits Wes Haskett from deciding applicant's subdivision application due his false reports to the Planning Board in his staff report dated October 21, 2024 (which claimed notification requirements were complied with) and false report to Chief Kole on May 21, 2024 where he deleted Town Code 36-414(b) notification requirements when claiming he had a legal basis to amend lot width with his March 31, 2023 Amendment Application (Exhibit I of the January 6, 2025 subdivision application). Wes Haskett is currently in contempt of the Dare County Superior Court's Order dated December 18, 2024 which required Wes Haskett to provide the court a complete copy of the records from Variance VA-24-01, which the Planning Board heard on October 21, 2024, within 30 days of December 18, 2024. A copy of the Order dated December 18, 2024 along with the **PETITION FOR WRIT OF CERTITORARI WITH PROOF OF FALSE PRETENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT** filed on December 18, 2024 is included with this Application. Applicant's **PETITIONER'S MOTION/PETITION TO GRANT PETITION FOR WRIT OF CERTIORARI AGAINST RESPONDENT, WHO IS IN CONTEMPT OF THE ORDER DATED DECEMBER 18, 2024 REQUIRING A COMPLETE COPY OF THE RECORD TO BE PROVIDED TO THE DARE COUNTY SUPERIOR COURT WITHIN 30 DAYS** filed on January 29, 2025 is also included with this Appeal application.

Wes Haskett's started a conspiracy against Anthony Mina in May of 2023 when he was supposed to have posted notice of the March 31, 2023 lot width amendment at effected property(s) pursuant to Town Code 36-414(b) and/or Town Code 36-362(b) notifying the property owner of the rezoning of subdividable property to unsubdividable. Not only did Wes Haskett not have posted notice at 75 E Dogwood Trail prior to the May 15, 2023 Planning Board hearing or June 6, 2023 Town Council hearing, Wes Haskett also withheld the proposed lot width amendment from Anthony Mina in (4) emails during the month of May, 2023 when Anthony Mina specifically asked about the 75 E

EXHIBIT X

Dogwood Trail subdivision and lot width requirements. As Wes Haskett withheld the March 31, 2023 lot width amendment, the previous owner of 75 E Dogwood Trail negotiated an additional $75,000 from Anthony Mina for a lot that was subdividable, as Anthony Mina has proven with Wes Haskett's subdivision denial on July 16, 2024 where the only reason for the subdivision denial is the March 31, 2023 lot width amendment. The July 16, 2024 subdivision denial is included with the January 6, 2025 subdivision application as "Exhibit B" Wes Haskett's fraud and witness intimidation against Applicant, Anthony Mina is specified in the January 6, 2025 subdivision application which is included with this Appeal application.

The appellate review should consider all facts of Applicant's subdivision application dated January 6, 2025 because Wes Haskett has no standing to make decisions on Anthony Mina's applications.

2) Southern Shores can not deny a lot subdivision for 75 E Dogwood Trail because they refused to Order Dare County to reassess property taxes at 75 E Dogwood Trail after the July 16, 2024 claim that 75 E Dogwood Trail has been rezoned from subdividable to unsubdividable because of the lot width amendment Wes Haskett applied for on March 31, 2023. The attached public records request dated July 22, 2024 and response from Southern Shores proves Southern Shores did not have property taxes reduced at 75 E Dogwood Trail as required when taking a property right and/or reducing property value. Applicant filed his subdivision application on January 6, 2025 (at the Dare County Tax deadline) to prove Southern Shores intentionally did not reduce taxes at 75 E Dogwood Trail and therefore cannot claim 75 E Dogwood Trail is a less valuable, unsubdividable lot since they intentionally charged Applicant taxes on the value of a subdividable lot. Wes Haskett's non-compliance with Town Code 36-414(b) and/or Town Code 36-362(b) which require posted notice at property effected by a zoning amendment warrants the approval of Applicant's subdivision plan alone. The fact that Wes Haskett is intentionally having Applicant taxed for a subdividable lot when claiming the lot is unsubdividable substantiates tax fraud crime violations being committed by Wes Haskett. "Exhibit 2" is documentation dated July 22, 2024 proving Wes Haskett's intentional fraudulent taxing/subdivision denial of 75 E Dogwood Trail.

3) Res Judicata does not apply to Applicant's January 6, 2025 lot subdivision plan because of the July 16, 2024 subdivision denial for reasons including but not limited to:

   a) Wes Haskett refused to Order a tax reassessment after his July 16, 2024 claim that 75 E Dogwood Trail has had the right to subdivide taken and has been rezoned from subdividable to unsubdividable. Devaluing property by taking a property right requires a tax reassessment. The tax reduction had to be ordered prior to January 6, 2025 and Wes Haskett refused to do so (making a subdivision denial substantiate tax fraud violations by Wes Haskett). Exhibit X of Applicants Subdivision Application dated January 6, 2025 proves Wes Haskett was aware in July of 2024 that a tax reassessment was required for

EXHIBIT X

properties rezoned from subdivdable to unsubdividable, but refused to Order a reassessment.

b) On October 14, 2024 Wes Haskett claimed to believe all notification requirements were complied with to effectuate the March 31, 2023 lot width amendment in his staff report dated October 21, 2024 for Variance Hearing VA-24-01. Exhibit E, F & G of Applicants January 6, 2025 subdivision application proves Wes Haskett's claims that notification requirements were met are false.
c) On October 21, 2024 at the Variance Hearing Wes Haskett and/or his attorney Lauren Womble claimed notification requirements for the lot width amendment applied for on March 31, 2023 were complied with.
d) On October 30, 2024 Wes Haskett claimed in a Public Records Response (Exhibit F of the January 6, 2025 subdivision application) that there was not a Planning Board/Adjustment Board Hearing on May 15, 2023 that heard his March 31, 2023 lot width amendment (which required posted notice at effected properties pursuant to Town Code 36-414(b) and Town Code 36-362(b)). Exhibit H of the subdivision application proves the Planning Board heard the March 31, 2023 lot width amendment on May 15, 2023 and recommended approval.
e) North Carolina Fraudulent Concealment laws prohibit Wes Haskett from lying about the May 15, 2023 hearing on the March 31, 2023 lot width amendment to deceive Applicant, the Planning Board/Board of Adjustment and the insurance company investigating the fraud claim against Wes Haskett and Southern Shores.

CONCLUSION

Wes Haskett's res judicata defense to the January 6, 2025 subdivision application proved Haskett's undisclosed special interest in 75 E Dogwood Trail because Exhibit K of the January 6, 2025 subdivision application shows Wes Haskett claiming for months that there was a 1' setback encroachment preventing the lot subdivision at 75 E Dogwood Trail. Wes Haskett paid Philip Hornthal to also claim there was a 1' setback encroachment and denied Applicant's subdivision plan with claims there was a setback encroachment. THEN, 1 day after Applicant filed a building permit to remove the 1' of claimed setback encroachment from the house Wes Haskett provided Applicant a revised subdivision denial indicating there was no longer a 1' setback encroachment preventing the subdivision. Not only was Wes Haskett abusing zoning code to prevent the lot subdivision he also proved he does not want 1' of the 75 E Dogwood Trail house removed, which is something that he is not permitted to have an interest in. The January 21, 2025 Res Judicata defense is a fraudulent attempt to prevent real facts and law from being applied to Applicant's lot subdivision application. The real facts and law are the March 31, 2023 lot width amendment was never effectuated at 75 E Dogwood Trail with posted notice of the May 15, 2023 Planning Board Hearing and June 6, 2023 Town Council Hearing. Notification to the property owner is a required pre-requisite to a zoning amendment effecting a property making the March 31, 2023 lot width amendment unenforceable at 75 E Dogwood Trail. Furthermore, Wes Haskett then refused to order a tax reassessment at 75 E Dogwood Trail with his claims that 75 E Dogwood Trail has lost the right to subdivide. Wes Haskett is committing tax fraud by continuing to tax property as subdividable but refusing to approve the lot subdivision.

EXHIBIT X

Lastly, Wes Haskett's January 21, 2025 decision does not make sense using the English language. Wes Haskett's statement "The application you submitted on January 6, 2025, does not present any material change such that the concerns warranting denial of the July 3, 2024, application remain unresolved" makes absolutely no sense. Wes Haskett helped Linda Lauby defraud Anthony Mina of $75,000 by hiding the March 31, 2023 proposed lot width amendment when Anthony Mina was specifically asking about lot width requirements and the 75 E Dogwood Trail subdivision. Wes Haskett appears to be a part of a fraudulent scheme to trick board members into making bad decisions that will eventually cost them their chair to a political rival using blackmail to force them to step down. Anthony Mina has been forced to "split and sit" boards before and is not in agreement with Wes Haskett pawning Anthony Mina as his victim to "split and sit" Southern Shores Town Council, Planning Board and Police Department (Anthony Mina has experience forcing corrupt District Attorney's to find a new job and forcing Chief Kole to step down is nothing but a 2-3 day job costing Anthony Mina under $3000). Applicant suggests Southern Shores investigate Wes Haskett for attempting to undermine their entire government by using Anthony Mina as his pawned victim.

As such, Applicant Anthony S Mina respectfully requests the Planning Board/Board of Adjustments to approve the 75 E Dogwood Trail lot subdivision and take any and all necessary legal action against Wes Haskett for his intentional victimization of civilians.

Sincerely,

Anthony S. Mina

EXHIBIT X

TOWN OF SOUTHERN SHORES

PUBLIC RECORDS REQUEST

Pursuant to N.C.G.S. Chapter 132, the Town of Southern Shores makes available to the public all records in its custody and control that are defined as "public records" under N.C.G.S. §132-1. Persons making the request should provide the following information and the Town Clerk will assist in gathering, providing for inspection, or copying the information requested. Please provide the Town with sufficient information to describe those public records being requested.

☐ Inspection (no charge) ☐ Copying ☒ Email

Records will be available for inspection or pick-up as promptly as reasonably possible, but in any event within five (5) business days if the documents being requested are small in nature (minutes, agendas, resolutions, current personnel policy etc). If the documents being requested are archived or extensive in nature the time frame could be as long as fifteen (15) business days, but hopefully would not exceed that time frame. Requests requiring legal review may exceed stated time frames. Requestor will be notified by mail when the records request has been completed and available.

The Town requires payment in accordance with the adopted Fee Schedule and the signature or initials of the requester prior to releasing any documents.

Name of Person Making Request: Anthony S. Mina

Mailing Address 75 E. Dogwood Trail

Email Address chestercountylaw@yahoo.com

Phone Number to Contact Person Making Request: (610-812-3005

Date of Request: 7-22-2024

Public Records Being Requested: 1) A list of all properties reported to Dare County tax department for 2023 tax decrease due to the June 6, 2023 zoning amendment intended to prevent lot subdivisions ("downsizing" 2 single family home lots to 1 single family home lots). 2) Proof that Southern Shores informed Dare County of the proposed amendment made without properly notifying effected residents as per NC Gen. Stat. § 160A-384 (b) and NC Gen. Stat. § 160A-385

Total Copies provided: _____ Amount Due (25¢/copy B/W- 30¢ Color):$ _____

Payment Received (method): Check _____ Cash _____ Money Order _____

Signature or Initials of Requesting Party Confirming Receipt of Requested Materials *(please ~~do not sign or initial~~ until you have received the items requested above)* :

EXHIBIT 1

_____ Date: _____

Town Staff Filling Request: _____ Date Request Fulfilled: _____

5375 N Virginia Dare Trail
Southern Shores NC 27949 (252) 261-2394
Complete and email Town Clerk: skane@southernshores-nc.gov

Public Records Request 07.22.2024_List of properties reported to Dare County

From: Sheila Kane (skane@southernshores-nc.gov)

To: chestercountylawn@yahoo.com

Date: Monday, July 29, 2024 at 01:36 PM EDT

Dear Mr. Mina:

On July 22, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

- a list of all properties reported to Dare County tax department for a property decrease due to June 6, 2023 zoning amendment intended to prevent future lot subdivisions ("downsizing" 2 single family home lots to 1 single family home lot).
- Proof that Southern Shores informed Dare County.

Following review of your request, no records exist pertaining to your request.

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

EXHIBIT 1

RE: Notice Of Wes Haskett's False Sworn Testimony- Case: VA-24-01

From: Phillip Hornthal (phornthal@hrem.com)

To: chestercountylawn@yahoo.com

Date: Thursday, October 31, 2024 at 03:36 PM EDT

Forwarded to client.

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.698.0214
Office: 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

www.hrem.com

Click here to read our Disclaimer,
Legal Notices & Privacy Policy

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Thursday, October 31, 2024 1:10 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Norwood Blanchard <norwood@cnclawfirm.com>
Cc: FBI <philadelphia.complaints@ic.fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; ncago@ncdoj.gov; ncago@ncdoj.gov
Subject: Notice Of Wes Haskett's False Sworn Testimony- Case: VA-24-01

>>Warning! The source of this email is from outside of the firm.<<

Mr. Hornthal,

Please provide this email and the attached document to the Planning Board/Adjustment Board and Town Council for filing.

Please note that Andy Ward was conditionally allowed to hear my October 21, 2024 without me asking for his recusal because he agreed the Town Ethics Policy would be complied with. Paragraph #7 provides "I will always respond promptly to any concern brought to me by any town employee or town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen."

On June 1, 2023 Wes Haskett emailed Applicant an email that stated in part "The Town Planning Board recommended approval of the attached amendments (Wes Haskett's March 31, 2023 Amendment Application) on May 15th and the Town Council will be holding a public hearing on June 6." A true and correct copy of Wes Haskett's email is attached hereto and marked "Exhibit A". On October 30, 2023 Wes Haskett responded to a public records request for "all notification records including paid receipts of posted notice and postal records (including letters sent) pursuant to Section 36-362(b) for the May 15, 2023 Planning Board/Board of Adjustments hearing on Wes Haskett's 3/31/2023 zoning amendment application and the zoning amendment (including Planning Board/Board of Adjustments meeting notification) notifications for the 8/3/2021 zoning amendment." with a claim that the Planning Board did not hold a hearing on May 15, 2023 (like his June 1, 2023 email states occurred). A true and correct copy

EXHIBIT 1

of Wes Haskett's email is attached hereto and marked "Exhibit A". Wes Haskett's staff report and sworn testimony state notification requirements were met for his amendments, but yet again I am catching Wes Haskett lying in violation of North Carolina law.

Paragraph 7 requires Southern Shores, their Planning Board (especially Andy Ward) and Town Council to file a police report against Wes Haskett for:

§ 20-112. Making false affidavit perjury. Any person who shall knowingly make any false affidavit or shall knowingly swear or affirm falsely to any matter or thing required by the terms of this Article to be sworn or affirmed to shall be guilty of a Class I felony.

§ 14-209. Punishment for perjury.
If any person knowingly and intentionally makes a false statement under oath or affirmation in any suit, controversy, matter or cause, or in any unsworn declaration deemed sufficient pursuant to G.S. 7A-98 depending in any of the courts of the State; in any deposition or affidavit taken pursuant to law; in any oath or affirmation duly administered of or concerning any matter or thing where such person is lawfully required to be sworn or affirmed, that person is guilty of perjury, and punished as a Class F felon

§ 14-226. Intimidating or interfering with witnesses.
(a) If any person shall by threats, menaces or in any other manner intimidate or attempt to intimidate any person who is summoned or acting as a witness in any of the courts of this State, or prevent or deter, or attempt to prevent or deter any person summoned or acting as such witness from attendance upon such court, the person shall be guilty of a Class G felony.

18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant U.S. Code
(a)
(1)Whoever kills or attempts to kill another person, with intent to— (A)prevent the attendance or testimony of any person in an official proceeding; (B)prevent the production of a record, document, or other object, in an official proceeding; or (C)prevent the communication by any person to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, parole, or release pending judicial proceedings; shall be punished as provided in paragraph (3).
(2)Whoever uses physical force or the threat of physical force against any person, or attempts to do so, with intent to — (A)influence, delay, or prevent the testimony of any person in an official proceeding; (B)cause or induce any person to— (i)withhold testimony, or withhold a record, document, or other object, from an official proceeding; (ii)alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding; (iii)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or (iv)be absent from an official proceeding to which that person has been summoned by legal process; or (C)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation, supervised release, parole, or release pending judicial proceedings; shall be punished as provided in paragraph (3).
(3)The punishment for an offense under this subsection is— (A)in the case of a killing, the punishment provided in sections 1111 and 1112; (B)in the case of— (i)an attempt to murder; or (ii)the use or attempted use of physical force against any person; imprisonment for not more than 30 years; and (C)in the case of the threat of use of physical force against any person, imprisonment for not more than 20 years.
(b)Whoever knowingly uses intimidation, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to— (1)influence, delay, or prevent the testimony of any person in an official proceeding; (2)cause or induce any person to— (A)withhold testimony, or withhold a record, document, or other object, from an official proceeding; (B)alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding; (C)evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; or (D)be absent from an official proceeding to which such person has been summoned by legal process; or (3)hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States of information relating to the commission or possible commission of a Federal offense or a violation of conditions of probation [1] supervised release,,[1] parole, or release pending judicial proceedings; shall be fined under this title or imprisoned not more than 20 years, or both.
(c)Whoever corruptly—
(1)alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or (2)otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.

EXHIBIT B

(d)Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from— (1)attending or testifying in an official proceeding; (2)reporting to a law enforcement officer or judge of the United States the commission or possible commission of a Federal offense or a violation of conditions of probation 1 supervised release,,1 parole, or release pending judicial proceedings; (3)arresting or seeking the arrest of another person in connection with a Federal offense; or (4)causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding; or attempts to do so, shall be fined under this title or imprisoned not more than 3 years, or both.
(e)In a prosecution for an offense under this section, it is an affirmative defense, as to which the defendant has the burden of proof by a preponderance of the evidence, that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to testify truthfully.
(f)For the purposes of this section—
(1)an official proceeding need not be pending or about to be instituted at the time of the offense; and (2)the testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.
(g)In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance— (1)that the official proceeding before a judge, court, magistrate judge, grand jury, or government agency is before a judge or court of the United States, a United States magistrate judge, a bankruptcy judge, a Federal grand jury, or a Federal Government agency; or (2)that the judge is a judge of the United States or that the law enforcement officer is an officer or employee of the Federal Government or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant.
(h)There is extraterritorial Federal jurisdiction over an offense under this section.
(i)A prosecution under this section or section 1503 may be brought in the district in which the official proceeding (whether or not pending or about to be instituted) was intended to be affected or in the district in which the conduct constituting the alleged offense occurred.
(j)If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.
(k)Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

Wes Haskett's menacing abuse of the town zoning code has interfered with my work for about one year now. Wes Haskett has done nothing but lie, commit crimes and intimidate me with the application of zoning code not used on other property owners. Please have Wes Haskett arrested.

Thank you,
Anthony S Mina

ANTHONY S MINA
75 E DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
610 842 3905
chestercountylawn@yahoo.com

October 31, 2024

CASE: VA-24-01

APPLICANT'S NOTICE OF FALSE REPORTS, INCLUDING VIOLATIONS OF NORTH CAROLINA'S PUBLIC RECORDS REQUEST LAWS THAT WES HASKETT MADE ON OCTOBER 30, 2024 PERTAINING TO HIS SWORN TESTIMONY AND OCTOBER 21, 2024 STAFF REPORT CLAIMING NOTIFICATION REQUIREMENTS WERE MET PRIOR TO THE JUNE 6, 2023 & AUGUST 3, 2021 AMENDMENTS

I, Anthony S. Mina, Applicant in the October 21, 2024 Zoning Variance Hearing hereby notify the Southern Shores' Planning Board/Adjustment Board and Town Council that Wes Haskett made additional false reports in violation of North Carolina's Public Records Request Laws. In support thereof, I hereby aver the following facts:

1. On June 1, 2023 Wes Haskett emailed Applicant an email that stated in part "The Town Planning Board

EXHIBIT B

recommended approval of the attached amendments (Wes Haskett's March 31, 2023 Amendment Application) on May 15th and the Town Council will be holding a public hearing on June 6." A true and correct copy of Wes Haskett's email is attached hereto and marked "Exhibit A".

2. On October 30, 2023 Wes Haskett responded to a public records request for "all notification records including paid receipts of posted notice and postal records (including letters sent) pursuant to Section 36-362(b) for the May 15, 2023 Planning Board/Board of Adjustments hearing on Wes Haskett's 3/31/2023 zoning amendment application and the zoning amendment (including Planning Board/Board of Adjustments meeting notification) notifications for the 8/3/2021 zoning amendment." with a claim that the Planning Board did not hold a hearing on May 15, 2023 (like his June 1, 2023 email states occurred). A true and correct copy of Wes Haskett's email is attached hereto and marked "Exhibit A".

3. Southern Shores Town Ethics Policy states:

1) I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.

2) I will always uphold the integrity and independence of my job.

3) I will always avoid any impropriety or the appearance of impropriety in all of my activities.

4) I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.

5) #7 I will always respond promptly to any concern brought to me by any town employee or town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen

A true and correct copy of the town ethics policy is attached hereto and marked "Exhibit B".

4. Planning Board Chairman Andy Ward agreed to conduct the October 21, 2024 Variance hearing in compliance with the Southern Shores Code of Ethics as Applicant's condition to not asking Mr. Ward to recuse hisself due to a sign complaint made against Applicant but not other property owners violating sign code, as Applicant was.

5. Compliance with the Ethics policy prohibits Wes Haskett's conduct, requires a police report to be filed against Wes Haskett and requires Southern Shores and Andy Ward to "respond promptly to any concern brought to me by any town employee or town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen."

Wherefore, Applicant Anthony S. Mina hereby provides the Planning Board/Board of Adjustments and Town Council Notice of Southern Shores obligation to respond to Applicant's proof of false reports and false sworn statements against Wes Haskett with a police report filed against Wes Haskett, as required by law.

Respectfully Submitted,

_____

EXHIBIT 1

RE: Motion To Reverse Variance Denial Explaining Wes Haskett's Ulterior Motives

From: Phillip Hornthal (phornthal@hrem.com)

To: chestercountylawn@yahoo.com

Date: Tuesday, October 29, 2024 at 06:52 PM EDT

Mr. Mina:

Forwarded to my clients.

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.698.0214
Office: 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

www.hrem.com

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-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, October 29, 2024 5:15 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>
Cc: FBI <philadelphia.complaints@ic.fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; ncago@ncdoj.gov; ncago@ncdoj.gov
Subject: Motion To Reverse Variance Denial Explaining Wes Haskett's Ulterior Motives

>>Warning! The source of this email is from outside of the firm.<<

Dear Mr. Hornthal,

Please forward this email to Southern Shores Planning Board Members, Southern Shores Town Council and Southern Shores Police Chief.

The document attached is my Motion To Reverse The October 21, 2024 Decision Of The Planning Board/Adjustment Board.

I made my document real easy to understand Wes Haskett intentionally presenting a case based on lies that he knew he was caught in as he allowed Planning Board members to ridicule me, like I was the problem. Ridiculing me, the victim of Wes Haskett's misconduct makes Planning Board members in violation of Witness Intimidation laws referenced in the Motion.

I recognize Wes Haskett's corruption as part of a scheme to acquire power, using me as the pawned victim in a real estate scam. I am not in agreement with Wes Haskett's corruption and think Southern Shores should immediately

EXHIBIT 1

arrest Wes Haskett for crimes including labor trafficking me. There is no reason a competent Southern Shores employee could force me to file a Variance from zoning codes I have proven were illegally adopted.

I did not object to Andy Ward being a part of my Variance hearing when I had evidence that Andy Ward complained about real estate sign violations of mine, but not other property owner's signs you could not miss when leaving Southern Shores. My agreement to not object to Andy Ward not recusing his self was based on the condition that the Southern Shores Town Ethics Policy would be upheld.

The Southern Shores Town Ethics Policy has yet to be upheld for my October 21, 2024 Variance hearing. There is a long list of crimes and fraudulent conduct documented in the attached document that must be corrected with the reversal of the denial of my Variance... and however else Southern Shores/North Carolina law enforcement deems appropriate.

Anthony S Mina

EXHIBIT 1

RE: Reconsideration Of Motion To Preclude Variance Hearing With Proof Of Conspiracy To Falsify Records

From: Phillip Hornthal (phornthal@hrem.com)

To: chestercountylawn@yahoo.com

Date: Tuesday, October 29, 2024 at 07:40 AM EDT

Mr. Mina:

Forwarded to my client.

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.698.0214
Office: 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

www.hrem.com

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-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, October 28, 2024 11:01 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Norwood Blanchard <norwood@ncnclawfirm.com>
Cc: olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; ncago@ncdoj.gov; ncago@ncdoj.gov; FBI <philadelphia.complaints@ic.fbi.gov>; David Kole <dkole@southernshores-nc.gov>
Subject: Reconsideration Of Motion To Preclude Variance Hearing With Proof Of Conspiracy To Falsify Records

>>Warning! The source of this email is from outside of the firm.<<

Dear Mr. Hornthal,

Please provide the attached Motion For Reconsideration of Motion To Preclude Variance Hearing to the Southern Shores Planning Board/Adjustment Board, Town Council and Police Chief Kole.

The attached Motion includes another email to be used as evidence of Wes Haskett's intentional deception claiming he had a legal basis to rezone 75 E. Dogwood Trail from subdividable to unsubdividable with his March 31, 2023 zoning amendment application, May 15, 2023 planning board/adjustment board hearing thereon and town council hearing approving the amendment on June 6, 2023. The email is dated November 9, 2023 (marked Exhibit 5) and admits mailed notice was not sent to 75 E. Dogwood Trail.

The attached Motion also includes an email from Wes Haskett dated October 15, 2024 in which he states he will not revise his staff report or answer any questions about my application prior to the Variance Hearing when I asked if he

EXHIBIT 1

could provide a staff report that does not falsely claim all town and state notification requirements were met when making the June 6, 2023 and August 3, 2021 zoning amendments.

Wes Haskett's false reports and pre-meditated false sworn statements at the Variance Hearing require Wes Haskett to be arrested and the Planning Board/Adjustment Board to reverse their decisions.

Advising Wes Haskett to take his corruption all the way to the Planning Board/Adjustment Board knowing all along that notification requirements were not met pursuant to Town Code 36-414(b) and Town Code 36-362(b) substantiates a criminal conspiracy.

I suggest you advise the Planning Board/Adjustment Board that Wes Haskett's misconduct is not in Southern Shores best interests.

Thank you,
Anthony S Mina

EXHIBIT 1

Southern Shores Property Tax Fraud Scheme Involving The Deception Of Southern Shores Police Chief

From: Anthony Mina (chestercountylawn@yahoo.com)

To: summer.stevens@thecoastlandtimes.com; summer.stevens@thecoastlandtimes.com; theresa.schneider@thecoastlandtimes.com; theresa.schneider@thecoastlandtimes.com; danielle.puleo@thecoastlandtimes.com; danielle.puleo@thecoastlandtimes.com; greg.clark@thecoastlandtimes.com; greg.clark@thecoastlandtimes.com; hannah.russ@thecoastlandtimes.com; maryhelen.goodloemurphy@thecoastlandtimes.com; maryhelen.goodloemurphy@thecoastlandtimes.com; philip.ruckle@thecoastlandtimes.com; philip.ruckle@thecoastlandtimes.com; donna@islandfreepress.org; joy@islandfreepress.org; m.jurkowitz@yahoo.com; l.jurkowitz@yahoo.com; desk@wtkr.com; nworshambagley@nexstar.tv

Cc: whaskett@southernshores-nc.gov; cogburn@southernshores-nc.gov; info@southernshores-nc.gov; davec@darenc.gov; davec@darenc.gov; emorey@southernshores-nc.gov; dkole@southernshores-nc.gov; philadelphia.complaints@ic.fbi.gov; ncago@ncdoj.gov; ncago@ncdoj.gov; andrea.powell@nccourts.org; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; mbatenic@southernshores-nc.gov; mneal@southernshores-nc.gov; psherlock@southernshores-nc.gov; rneilson@southernshores-nc.gov; jeffrey.cruden@nccourts.org; jeffrey.cruden@nccourts.org

Date: Monday, July 22, 2024 at 11:27 AM EDT

Dear Dare County News Source,

I am writing you to make sure you are aware of a property tax fraud scheme Southern Shores government is committing against Southern Shores property owners.

The facts, which are supported by emails attached below are:

1) Southern Shores Deputy Town Manager Wes Haskett had Southern Shores town council approve a lot width requirement change on June 6, 2023 to "prevent future subdivisions" (as Wes Haskett indicated in his email attached below dated June 7, 2023).

2) Changing 2 single home lots (by right) to 1 single home lots (without the right to subdivide) is "downsizing", requires the property owners Notice and a reduction of property taxes due to the significant loss of land value.

3) Wes Haskett did not notify the property owners with posted notice on the effected properties as required by Town Code 36-414(b). What Wes Haskett did was delete town code 36-414(b) from the Notice Requirements and send an email to me, Southern Shores Police Chief David Kole and Southern Shores Mayor claiming the June 6, 2023 property width requirement change was properly adopted after properly notifying property residents (Wes Haskett's email had town code 36-414(b) deleted).

4) Wes Haskett also did not comply with notification requirements for an AMENDMENT OF ZONING CODE at:
-NC Art. 6 ss160D-601-requiring notice to US Army Bases within 5 miles such as the Duck Facility
-NC Art. 6 ss160D-602- requiring mailed notice to each effected property owner or 1/2 page sized advertising in the Coastland Times
(Wes Haskett claims NC Art. 6 ss160D-601 governing AMENDMENTS TO DEVELOPMENT REGULATIONS GOVERNS HIS AMENDMENT TO ZONING CODE)

5) The undeceptive way to prevent lot subdivisions is to adopt a zoning code prohibiting lot subdivisions after complying with all notification requirements. Wes Haskett intentionally tried preventing lot subdivisions with a lot width requirement change as he concealed the upcoming zoning amendment from me (I was asking Wes Haskett questions about Southern Shores zoning code from May 1, 2023 through May and on June 2, 2023 Wes Haskett told me the lot width on the property I entered into an agreement to purchase as a sub-dividable lot on May 7, 2023 wasn't going to be sub-dividable after June 6, 2023... During the month of May 2023 the old property owner negotiated an additional $75,000 from me for the sale price).

EXHIBIT 2

6) Dare County's tax department has not responded to my emails pertaining to the property value reduction in Southern Shores, but they received their first email from me last Friday and have yet to intentionally contribute to Southern Shores tax fraud scheme, to my knowledge.

Feel free to contact me with any questions,
Anthony S Mina

PS The Public Records Request below will prove whether or not Dare County's Tax Department has knowledge of Southern Shores scheme to steal property value and collect taxes on property value that does not exist due to the illegally adopted zoning code.

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Southernshores Nc Info <info@southernshores-nc.gov>
Cc: "davec@darenc.gov" <davec@darenc.gov>; "davec@darenc.gov" <davec@darenc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; "jeffrey.cruden@nccourts.org" <jeffrey.cruden@nccourts.org>; "jeffrey.cruden@nccourts.org" <jeffrey.cruden@nccourts.org>
Sent: Monday, July 22, 2024 at 08:58:00 AM EDT
Subject: Public Records Request Regarding Southern Shores Property Tax Fraud Scheme

Dear Southern Shores,

Please provide me:

1) A list of all properties reported to Dare County Tax Department for a property tax decrease due to the June 6, 2023 zoning amendment intended to prevent future lot subdivisions ("downsizing" 2 single family home lots-with a subdivision by right, to 1 single family home lots without the right to subdivide).

2)Proof that Southern Shores Informed Dare County of the proposed amendment made without properly notifying effected residents as per:
-Town Code 36-414(b)- requiring posted notice at effected properties
-NC Art. 6 ss160D-601-requiring notice to US Army Bases within 5 miles such as the Duck Facility
-NC Art. 6 ss160D-602- requiring mailed notice to each effected property owner or 1/2 page sized advertising in the Coastland Times

(Proof is needed to document Dare County's knowledge of the Southern Shores tax fraud conspiracy scheme Wes Haskett and Cliff Ogburn are running from the town office which benefits Dare County's tax department)

Thank you,
Anthony S Mina

PS Please immediately provide me my property tax credit for reducing the value of the land at 75 E. Dogwood Trail more than $100,000 without my permission or the previous owner's permission.
----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Wednesday, June 7, 2023 at 09:10:34 AM EDT
Subject: RE: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Good morning, Mr. Mina. The Town Council voted 3-2 to approve the text amendment. That means that at this time, all new lot must be 100 ft. wide measured from the front lot line to the rear lot line. The meeting video recording will soon be available on YouTube here: https://www.southernshores-nc.gov/meetings. As I told the Town Council during the

EXHIBIT 2

public hearing, we realize that these requirements are more strict than what has been in place, but we believe that they're unambiguous and will prevent future subdivisions and recombinations with higher densities. Town Staff will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, June 7, 2023 8:35 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Good Morning,

Could you please provide me the results to the vote to increase the street frontage zoning requirement to 100' per lot.

Thank you,
Anthony S Mina

----------Separate Email With Proof Wes Haskett Is Falsifying Records To Police Chief Kole and Mayor Morey----------

----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Tuesday, May 21, 2024 at 02:27:31 PM EDT
Subject: RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.
(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section _____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: … ." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.
(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.
(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days

EXHIBIT 2

of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Cc: David Kole <dkole@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Jonathan Slegel <jslegel@southernshores-nc.gov>; Matt Cooke <mcooke@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Tracy Mann <tmann@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner <rdeaner@southernshores-nc.gov>; Thomas Long <tlong@southernshores-nc.gov>; Jason Thompson <JThompson@southernshores-nc.gov>; Andrew Spottswood <jspottswood@southernshores-nc.gov>; Jennifer Couture <jcouture@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@kittyhawktown.net>; cgarriss@kittyhawktown.net; cgarriss@kittyhawktown.net; Casey Varnell <varnell@ncobxlaw.com>; Mike Talley <mike.talley@kittyhawktown.net>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <dryan@chesco.org>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <mmoskowitz@chesco.org>; mkichline@chesco.org; mkichline@chesco.org
Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

EXHIBIT 2

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov. if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

IMG_1806.jpeg
4.6MB

EXHIBIT 2

ANTHONY S MINA
75 E DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
610 842 3905
chestercountylawn@yahoo.com

October 28, 2024

APPLICANT'S MOTION TO RECONSIDER ORDER DENYING MOTION TO PRECLUDE VARIANCE HEARING BASED ON THE RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT BY WES HASKETT, CLIFF OGBURN, PHILIP HORNTHAL, LAUREN WOMBLE AND THE PLANNING BOARD ATTORNEY TO FRAUDULENTLY MISREPRESENT THE NOTIFICATION REQUIREMENTS OF ZONING AMENDMENTS USED TO PREVENT APPLICANT'S LOT SUB-DIVISION PLANS AND REQUIRE THE VARIANCE HEARING

****THE PLANNING BOARD'S REFUSAL TO GRANT APPLICANT'S MOTION TO PRECLUDE SUBSTANTIATES A CRIMINAL CONSPIRACY WITH THE AFORESAID CONSPIRATORS****

I, Applicant Anthony S Mina hereby Motion For Reconsideration of the Order Denying Motion to Preclude Variance Hearing and in support thereof aver the following:

1. On October 21, 2024 the Planning Board Attorney instructed the Planning Board/Board of Adjustments that they must grant Applicant's Motion To Preclude if there is "relevant, competent and substantial evidence of neglect, unlawful acts, conspiracy and intentional misconduct on the part of the town" prior to making a decision on Applicants Motion to Preclude. A true and correct copy of Applicant's Motion To Preclude Variance Hearing is attached hereto and marked "Exhibit 1".
2. On October 21, 2024 the Planning Board Attorney and Southern Shores' Attorney were misrepresenting the language of Town Code Section 36-414(b) which requires posted notice at the subject property for the purpose of notifying people of the proposed rezoning scheduled pursuant to Town Code Section 36-414(a).
3. On October 21, 2024 Applicant objected to the misrepresented language of Town Code Section 36-414(b), told the Planning Board Attorney and Southern Shores' Attorney they were colluding then was accused by the Planning Board Attorney of accusing the whole town of impropriety.
4. Town Ethics Policy # 4 prohibits Southern Shores Town money from being spent on attorneys mispresenting codes as it states: "I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in

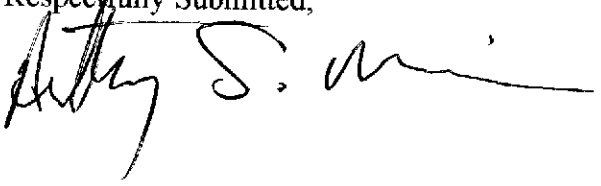
mind in the expenditure of these funds." A true and correct copy of the Southern Shores Code of Ethics is attached hereto and marked "Exhibit D" in Exhibit 1.

5. Wes Haskett did not post notice pursuant to Town Code Section 36-414(b) at 75 E. Dogwood Trail prior to rezoning 75 E. Dogwood Trail from subdividable to unsubdividable as his June 7, 2023 email stated his intentions were to do. A true and correct copy of Wes Haskett's June 7, 2023 email was in Applicant's Application for Variance at "Exhibit 4" and is also attached hereto as "Exhibit 2".
6. Applicant repeatedly complained to Wes Haskett and Philip Hornthal that the June 6, 2023 zoning amendment was illegally adopted and Wes Haskett responded with an email dated May 21, 2024 to Applicant and Police Chief Kole claiming to legally amend zoning code by citing town code and state law with notification requirements at Town Code Section 36-414(b) deleted and notification requirements at Town Code Section 36-362(b) omitted. A true and correct copy of Wes Haskett's May 21, 2024 email is attached hereto and marked "Exhibit D" in Exhibit 1.
7. Wes Haskett's staff report to the Planning Board dated October 21, 2024 states "All applicable notification requirements established in N.C.G.S. 160D-601 and in the Town's Zoning Ordinance were satisfied prior to the adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Amendment. A true and correct copy of Wes Haskett's Staff Report is attached hereto and marked "Exhibit E" in "Exhibit 1".
8. On October 15, 2024 Wes Haskett was provided an email asking him to provide a staff report that does not falsely claim notification requirements were met for the June 6, 2023 and August 3, 2021 zoning amendments and Wes Haskett responded in an email "I will not revise the staff report nor will I answer any questions about your application prior to the hearing." A true and correct copy of Wes Haskett's refusal to correct false statements is attached hereto and marked "Exhibit 3".
9. Wes Haskett testified under oath at the October 21, 2024 hearing that notification requirements were met prior to the zoning amendments being adopted that were used to prevent the 75 E. Dogwood Trail subdivision.
10. Southern Shores' attorney Lauren Womble repeatedly stated that Applicant was incorrect in his characterization of the TCA-21-06 and ZTA-23-03 amendments as illegally adopted and also claimed they were legally adopted.
11. On October 23, 2024 Wes Haskett emailed Applicant and stated the requirements for posted notice for Variances can be found in 36-362(b) when explaining why he emailed Applicant on October 10, 2024 and posted notice of the Planning Board's October 21, 2024 meeting. A true and correct copy of Wes Haskett's emails is attached hereto and marked "Exhibit 4".
12. Wes Haskett did not comply with Town Code Section 36-362(b) notification requirements when he filed the March 31, 2023 Zoning Amendment pursuant to Chapter 36.
13. Wes Haskett did not comply with Town Code Section 36-362(b) notification requirements prior to the May 15, 2023 Planning Board/Adjustment Board hearing on his March 31, 2023 amendment application.

14. Wes Haskett admitted in an email to Applicant on November 9, 2023 that mailed notification of the lot width amendment he applied for on March 31, 2023 was not provided to the owner of 75 E. Dogwood Trail. A true and correct copy of Wes Haskett's November 9, 2023 email is attached hereto and marked "Exhibit 5".
15. Wes Haskett's staff report raised one reason why a subdivision plan at 75 E. Dogwood Trail (which is more than 46,000 sq. ft. in a zone requiring 20,000 sq. ft lots) is not exactly what the town is trying to promote because he claims the density of the population needs to be managed.
16. Wes Haskett's staff report completely contradicts itself by claiming "The district is intended to promote stable, PERMANENT NEIGHBORHOODS..." as Wes Haskett argues Applicant's lot should not be allowed to be sub-divided because Applicant can build an Accessory Dwelling Unit with living space at his property when ADUs are known for short term vacation rentals, not being used as permanent residences.
17. Wes Haskett refused to enter into a pre-variance sub-division agreement for 75 E. Dogwood Trail with a conditional subdivision plan that split town occupancy limits of 14 people per single home to 14 people between both lots when adding an ADU on Applicant's 1 acre property could increase the population to 28 people (14 in the single family home and 14 in the ADU).
18. Wes Haskett proved his ulterior motives prior to the Variance Hearing by declining to agree to a conditional sub-division plan that would reduce the density of the population from 28 people to 14 people.
19. Wes Haskett also proved his special interests and ulterior motives in Applicant's property by claiming a 2nd floor overhang of the house built in 1970 violated setback requirements by 1' and prohibited the lot subdivision. After months of telling Applicant and surveyor Douglas Styons they were wrong and the 1' overhang was not acceptable Wes Haskett hired Attorney Philip Hornthal to also claim the 1' overhang was a reason for prohibiting the sub-division. THEN, when Applicant filed a building permit to remove the 1' of house supposedly preventing the lot sub-division, Wes Haskett revised his sub-division denial the next day and allowed applicable zoning code at Town Code Section 36-132(c) and 36-132(c)(1) to govern Applicant's subdivision plan (Wes Haskett claimed under oath that he changed his mind because he spoke to a college about zoning code) . A true and correct copy of Wes Haskett's special interest and abuse of zoning codes against Applicant is attached hereto and marked "Exhibit 6".

WHEREFORE, Applicant respectfully requests the Southern Shores Planning Board/Adjustment Board reverse their decision to deny Applicant's Motion To Preclude Hearing, Grant Applicant's Variances from Section 30-96(f) and 36-202(d) and refund Applicant's $350 Variance fee as the entire Variance hearing requirement imposed upon Applicant by Wes Haskett is based on Wes Haskett's fraud, false statements and illegally adopted zoning codes made without meeting notification requirements.

Respectfully Submitted,



ANTHONY S MINA
75 E DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
610 842 3905
chestercountylawn@yahoo.com

October 28, 2024

APPLICANT'S BRIEF IN SUPPORT OF MOTION TO RECONSIDER ORDER DENYING MOTION TO PRECLUDE VARIANCE HEARING BASED ON THE RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT BY WES HASKETT, CLIFF OGBURN, PHILIP HORNTHAL, LAUREN WOMBLE AND THE PLANNING BOARD ATTORNEY TO FRAUDULENTLY MISREPRESENT THE NOTIFICATION REQUIREMENTS OF ZONING AMENDMENTS USED TO PREVENT APPLICANT'S LOT SUB-DIVISION PLANS AND REQUIRE THE VARIANCE HEARING

****THE PLANNING BOARD'S REFUSAL TO GRANT APPLICANT'S MOTION TO PRECLUDE SUBSTANTIATES A CRIMINAL CONSPIRACY WITH THE AFORESAID CONSPIRATORS****

Wes Haskett is the epitome of town corruption which substantiates relevant, competent, and substantial evidence of neglect, unlawful acts, conspiracy and intentional misconduct. Wes Haskett went from filing a zoning amendment on 3/31/2023 to prevent lot subdivisions with a lot width change without notifying effected property owners pursuant to Town Code Section 36-414(b) and Town Code Section 36-362(b), to refusing to tell Applicant about the proposed zoning amendment scheduled for approval on June 6, 2023 until June 1, 2023 as Applicant asked 3 times about codes governing subdivisions and lot width requirements.

After Wes Haskett tricked the planning board and town council into illegally amending zoning codes without meeting notification requirements he provided Applicant and Police Chief Kole a false report claiming to have had a legal basis to amend zoning code with Section 36-414(b) deleted and notification requirements at Town Code Section 36-362(b) omitted. Wes Haskett's email to Police Chief Kole violates North Carolina Code ss 14-225 regarding false reports to law enforcement. Wes Haskett's abuse of zoning codes continued with the refusal to accept Applicant's house's 1' corner overhanging the setback requirement line (the house was built in 1970) until Applicant filed a building permit to remove the 1' of house. Wes Haskett then added some discriminatory misconduct to his abuse of power such as refusing to answer Applicant's questions about lot subdivisions without a subdivision application being submitted with a filing fee.

Wes Haskett denied Applicant's sub-division applications with knowledge he did not meet notification requirements prior to amending the codes being used to prevent the lot sub-division. Wes Haskett then continued his fraud by claiming in his staff report that notification requirements were met and making sworn statements claiming notification requirements were met.

Wes Haskett is determined to bring as many Southern Shores employees, board members and council members down with his disreputable, illegal conduct when he has been repeatedly told there is a simple solution which is correcting his wrong doing. Correcting his wrong doing would enable Applicant to obtain a lot subdivision that he would have obtained prior to June 6, 2023 if Wes Haskett was not hiding the proposed zoning amendment and would have given Southern Shores the opportunity to take corrective measures without the unnecessary burden and embarrassment of several different kinds of litigation required because of Wes Haskett's misconduct.

Simply put, at this point refusing to grant Applicant's Motion To Reconsider Motion To Preclude substantiates a criminal conspiracy with Wes Haskett to file false reports, make false sworn statements, harass Applicant for objecting to his misconduct and allow illegally adopted zoning codes to be used as weapons against Applicant in Wes Haskett's retaliation against Applicant for refusing to be a victim of his corruption that has actually victimized all of Southern Shores property owners.

Respectfully Submitted,

Arthur S. Nunn

CONTAINS STAFF REPORT

ANTHONY S MINA

75 E DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

610 842 3905

chestercountylawn@yahoo.com

October 15, 2024

APPLICANT'S MOTION TO PRECLUDE VARIANCE HEARING SCHEDULED FOR OCTOBER 21, 2024 DUE TO SOUTHERN SHORES' CONSPIRACY TO FALSIFY MATERIAL INFORMATION TO THE PUBLIC AND PLANNING BOARD, GRANT APPLICANT'S VARIANCES FROM SECTION 30-96(f) AND SECTION 36-202(d) AND REFUND APPLICANT'S $350 VARIANCE APPLICATION FEE

I, Anthony S. Mina, Applicant in the October 21, 2024 Zoning Variance Hearing hereby Motion to Preclude Variance Hearing scheduled for October 21, 2024 due to Southern Shores' conspiracy to falsify material information to the public and Planning Board, Grant Applicant's Variances from Section 30-96(f) and Section 36-202(d) and refund Applicant's $350 Variance Application fee. In support thereof, I hereby aver the following facts:

1. Applicant has a Variance Hearing Scheduled on October 21, 2024 because of hardships including Wes Haskett's refusal to tell Applicant about the June 6, 2023 zoning amendment to prevent sub-divisions until June 1, 2023 despite Applicant's 4 emails during May 2023 asking about the 75 E. Dogwood Trail sub-division which Applicant was told by Outer Banks Realty that Southern Shores said was possible. During the month of May 2023 Outer Banks realty negotiated an additional $75,000 from Applicant for a lot that was sub-dividable as proven by Wes Haskett's June 1, 2023 email which is attached hereto, made a part hereof and marked "Exhibit A".
2. Wes Haskett and Southern Shores did not comply with town and state notification requirements when making the June 6, 2023 & August 3, 2021 zoning amendments because Wes Haskett did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated **AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b).** A true and correct copy of a Public Records Request proving Notification requirements were not met for TCA-21-06 & ZTA-23-03 is attached hereto, made a part hereof and marked "Exhibit B".
3. Wes Haskett falsified Southern Shores' Town Code Notification requirements to Applicant, Police Chief Kole and Mayor Morey on May 21, 2023 by deleting Section 36-414(b) requiring posted notice of the Zoning Amendment at effected properties. A true and correct copy of Wes Haskett's May 21, 2023 email is attached hereto, made a part hereof and marked "Exhibit C".
4. **North Carolina Code - General Statutes § 14-225. False reports to law enforcement agencies or officers provides:** Any person who shall willfully make or cause to be made to a law

"EXHIBIT 1"

enforcement agency or officer any false, misleading or unfounded report, for the purpose of interfering with the operation of a law enforcement agency, or to hinder or obstruct any law enforcement officer in the performance of his duty, shall be guilty of a Class 2 misdemeanor.

5. **Wes Haskett is guilty of making false reports to law enforcement.**
6. Wes Haskett, Cliff Ogburn and Philip Hornthal have knowingly refused to correct their illegally adopted zoning codes (which violate all Southern Shores property owner's 4th Amendment Due Process Rights) for at least 5 months now when the only thing Federal Law, State Law and Southern Shores Town Code & Ethics Policy permits Southern Shores to do is remedy their wrong doing.
7. Wes Haskett is in violation of Southern Shores Town Ethics Policy #1, #2, #3 & #6 which provide:
   1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
   2. I will always uphold the integrity and independence of my job.
   3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
   6. I will never use my position to harass or adversely influence any of the town's other employees.

   A true and correct copy of the town's ethics policy is attached hereto made a part hereof and marked "Exhibit D".
8. **Wes Haskett prepared a "Staff Report" on October 14, 2024 and again falsely claimed all applicable notification requirements were met.** A true and correct copy of Wes Haskett's falsified "Staff Report" is attached hereto, made a part hereof and marked "Exhibit E"
9. **SOUTHERN SHORES LACKS JURISDICTION TO ENFORCE ILLEGALLY ADOPTED ZONING CODES, THEREFORE, FORCING APPLICANT TO PAY $350 FOR A VARIANCE HEARING SUBSTANTIANTES A CRIMINAL CONSPIRACY TO STEAL $350 FROM APPLICANT AND HARASS APPLICANT WITH UNENFORCABLE ZONING CODES.**

Wherefore, Applicant Anthony S. Mina hereby respectfully requests Southern Shores and/or the Planning Board to Preclude Variance Hearing scheduled for October 21, 2024 due to Southern Shores' conspiracy to falsify material information to the public and Planning Board, Grant Applicant's Variances from Section 30-96(f) and Section 36-202(d) and refund Applicant's $350 Variance Application fee.

Respectfully Submitted,

Anthony S. Mina
75 E Dogwood Trail
Southern Shores, NC 27949
610 842 3905
chestercountylawn@yahoo.com

"EXHIBIT 1"

RE: 75 E Dogwood Trail Subdivision

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 1, 2023 at 9:44 AM

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

On Tuesday, May 30, 2023 at 04:41:19 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. Thank you for sending the drawing. How much frontage would Lot B have and at what point is it 100 ft. wide?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

I really only want enough street frontage to build some walls at the beginning of the driveway like in the attached picture. I'll be able to give you a much more accurate subdivision plan after I purchase 75 E Dogwood Trail and get some legal advice about all my possible subdivision plans. But I am thinking that I may want both lots sharing one driveway opening that I own, if zoning code allows a subdivision plan like this (if not Lot A could use the existing driveway).

"EXHIBIT 1" — "EXHIBIT A"

Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

Thank you for your help.

Anthony S Mina

1 File 2.2MB

5-16-23 ZTA-23-03 Lot Width.pdf
2MB

"EXHIBIT 1" _ "EXHIBIT A"

Public Records Request Regarding TCA-21-06 and ZTA-23-03 Not Meeting Public Notice Requirements

chestercountyla

Anthony Mina <chestercountylawn@yahoo.com> Jun 21 at 11:02 AM
To: Sheila Kane <skane@southernshores-nc.gov>,
Southernshores Nc Info <info@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>

Dear Southern Shores,

Please provide me all public records, including Southern Shores' employees names who claim that mailed letters, 1/2 page newspaper advertising, posted notice on effected properties and direct communication with the property owner are not required for TCA-21-06 and ZTA-23-03 as town code Sec. 36-414(b) and Article 6 ss 160D-602(a),(b),(c) and (d) indicate is required as notification for an AMENDMENT OF A ZONING REGULATION, such as TCA-21-06 and ZTA-23-03.

Thank you,
Anthony S Mina

---- Forwarded Message ----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: Sheila Kane <skane@southernshores-nc.gov>
Sent: Thursday, June 20, 2024 at 07:03:28 PM EDT
Subject: Re: Public Records Request Regarding TCA-21-06 and ZTA-23-03

Thank you for the email. Could you please tell me who stated that the public notice requirements in paragraphs 1, 2 and 4 where not required. Thank you, Anthony S Mina

On Thursday, June 20, 2024 at 05:07:47 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03.NOT REQUIRED

2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.
   1. Coastland Times Advertisement invoices and copies of notices are attached. A ½ of a page size is NOT REQUIRED

3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
   1. Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.

4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
   1. NOT REQUIRED
   2. Communication with one property owner attached (Anthony Mina).

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax

1 File 4.3MB

IMG_1328.jpeg
4MB

"EXHIBIT ", " — " EXHIBIT B"

mkichline@chesco.org;
Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit 1 of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

My concerns are the following:

Wes Haskett and Philip Hornthal are not in touch with reality and a danger to other people's physical and emotional well being. Wes Haskett has refused to answer how he believes he is legally changing land use with a zoning amendment since last summer. Changing land use from a 2 single home property (with a subdivision by right) to a 1 single home property causes land value monetary damages to some Southern Shores tax payers of significantly more than $100,000. In the real world $100,000 is easily the difference between life and death. $100,000 can be the difference between the medical care someone needs and accepting that their life is coming to an end. If you walk into a bank demanding $100,000 you are lucky if you are not killed. Wes Haskett and Philip Hornthal refuse to explain how they legally think they can cause some Southern Shores home owners more than $100,000 in monetary damages with a zoning code amendment which changes land use. Applicant without a doubt will not be committing any crimes in response to Wes Haskett and Philip Hornthal stealing land value from Southern Shores home owners, but has serious concerns that Wes Haskett and Philip Hornthal are a danger to the physical and emotional well being of others and should be involuntarily committed to a psychiatric hospital for evaluation. Applicant will give Wes Haskett and Philip Hornthal 48 hours to explain how they legally are changing land use without an eminent domain transaction and highly suggests law enforcement not to wait half as long.

Anthony Stocker Mina

PS When I testified in front of Federal Judge Edward G Smith against Chester County's labor trafficking conspiracy against me I explained that the conspirators designed me a spin move. 172 and 174 S. Dogwood Trail appear to me to be another example of the pre-meditated conspiracy which I am expected to use certain evidence against corruption a specific way. I will let law enforcement figure out if the home owners are pawned because of meanings within their names or play a role in the conspiracy that repeatedly forces me in the middle of government scandals as a way of hiding Pennsylvania's corruption like I am their undercover internal affairs guerilla. Since there is a white crosstour at 172 S. Dogwood Trail and I live in the Dick White house I feel like I am being forced in the middle of a whole lot of crossing without being paid (as Wes Haskett tries stealing more than $100,000 of land value from my family).

----- Forwarded Message -----
From: Anthony Mina <
To: "dkole@southernshores-nc.gov" <>; "dkole@southernshores-nc.gov" <>; Elizabeth Morey <>; Phillip Hornthal <>; Cliff Ogburn <>
Cc: "jslegel@southernshores-nc.gov" <>; "mcooke@southernshores-nc.gov" <>; "ebrinkley@southernshores-nc.gov" <>; "dbrickhouse@southernshores-nc.gov" <>; "tmann@southernshores-nc.gov" <>; "csimpson@southernshores-nc.gov" <>; "rdeaner@southernshores-nc.gov" <>; "tlong@southernshores-nc.gov" <>; "jthompson@southernshores-nc.gov" <>; "jspottswood@southernshores-nc.gov" <>; "jcouture@southernshores-nc.gov" <>; FBI <

"olivia.s.hines@nccourts.org" <>; "olivia.s.hines@nccourts.org" <>; Andrea C. Powell <>; Elizabeth Morey <>; Jasper Rogers <>; "cgarriss@kittyhawktown.net" <>; "cgarriss@kittyhawktown.net" <>; Casey Varnell <>; Mike Talley <>; "mike.palkovics@kittyhawktown.net" <

"mike.palkovics@kittyhawktown.net" <>;

"chambers_of_chief_judge_sanchez@paed.uscourts.gov" <>; "chambers_of_judge_edward_g_smith@paed.uscourts.gov" <>; "chambers_of_judge_pappert@paed.uscourts.gov" <>; "chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov" <>; "chambers_of_judge_timothy_j_savage@paed.uscourts.gov" <>; Dryan <>; "cccommissioners@chesco.org" <>; "cccommissioners@chesco.org" <>; "jmaxwell@chesco.org" <>; "jmaxwell@chesco.org" <>; Marian Moskowitz <>; "mkichline@chesco.org" <>; "mkichline@chesco.org" <>; Wes Haskett <>

Sent: Friday, May 17, 2024 at 05:35:45 PM EDT
Subject: Criminal Conspiracy Being Committed By Wes Haskett And Southern Shores

Dear Law Enforcement,

"EXHIBIT 1" — "SHORTS"

RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Divisio n

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

May 21 at 2:27 PM

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.
(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section ____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ... ." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.
(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.
(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <[redacted]>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <[redacted]>; Phillip Hornthal <[redacted]>
Cc: David Kole <[redacted]>; David Kole <[redacted]>; Elizabeth Morey <[redacted]>; Phillip Hornthal <[redacted]>; Cliff Ogburn <[redacted]>; Jonathan Siegel <[redacted]>; Matt Cooke <[redacted]>; Eric Brinkley <[redacted]>; Darrell Brickhouse <[redacted]>; Tracy Mann <[redacted]>; Chris Simpson <[redacted]>; Richard Deaner <[redacted]>; Thomas Long <[redacted]>; Jason Thompson <[redacted]>; Andrew Spottswood <[redacted]>; Jennifer Couture <[redacted]>; FBI <[redacted]>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <[redacted]>; Elizabeth Morey <[redacted]>; Jasper Rogers <[redacted]>; cgarriss@kittyhawktown.net; cgarriss@kittyhawktown.net; Casey Varnell <[redacted]>; Mike Talley <[redacted]>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <[redacted]>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <[redacted]>;

"Exhibit 1" "EXHIBIT C"

Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

"EXHIBIT 1" — "EXHIBIT D"

STAFF REPORT

To: Southern Shores Planning Board
Date: October 21, 2024
Case: VA-24-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Property Owners: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Requested Action: Variance to seek relief from Town Code Section 30-96(f), Lots and Town Code Section 36-202(d), Dimensional Requirements to allow a subdivision of the property located at 75 E. Dogwood Trl.

PIN #: 986817213502
Location: 75 E. Dogwood Trl.
Zoning: RS-1 Single-Family Residential District

Existing Land Use: "Residential"

Surrounding Land Use & Zoning:

North- Residential; RS-1, Single-Family Residential District
South- Canal
East- Residential; RS-1, Single-Family Residential District
West- Canal

Physical Characteristics: Developed (existing single-family dwelling)

Applicable Regulations: Chapter 30, Subdivision Ordinance: Section 30-6, Exceptions, Section 30-96(f), Lots and Section 30-97, Design Standards. Chapter 36, Zoning Ordinance: Section 36-57, Definition of Specific Terms and Words, Section 36-202(d), Dimensional Requirements, and Article XII, Board of Adjustment

ANALYSIS

The Applicant is requesting a Variance to seek relief from Town Code Section 30-96(f) and 36-202(d) to allow a subdivision of 75 E. Dogwood Trl. On July 3, 2024, the Applicant submitted two applications to subdivide the subject property. The first application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because both lots did not front upon a public road. Town Code Section

"EXHIBIT I" — "EXHIBIT E"

30-96(f) states that all lots shall front upon a public road. The denial was not appealed.

The second application was also denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2). Specifically, the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district and as a result did not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots did not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

The denial was not appealed.

In accordance with N.C.G.S. 160D-705(d), Town Code Section 36-367 in the Town's Zoning Ordinance establishes that the Planning Board, when performing the duties of the Town Board of Adjustment, shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.

- There is no unnecessary hardship. The property is zoned single-family residential. There is a single-family dwelling which exists on the property. The Applicant's desire to upgrade and improve the existing structure is not restricted by the ordinance sections sought to be varied. Additionally, the size of the lot could allow for an addition to the existing single-family dwelling and/or an accessory building with living space which could also increase the value of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

- The alleged hardship by the Applicant is not peculiar to the property and rather is one of personal circumstances. The Applicant's application fails to demonstrate how the alleged hardship is peculiar to the property. The Applicant makes false allegations that Town Staff illegally adopted zoning requirements and was helping a real estate scam which are not related to the property's size, location, or topography.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- The Applicant claims that the unnecessary hardship is the result of Town Staff not meeting notification requirements for a Town Code Text Amendment that was

adopted on August 3, 2021 and a Zoning Ordinance Text Amendment that was adopted on June 6, 2023 and because Town Staff withheld material information prior to the Applicant's purchase of the property.

- All applicable notification requirements established in N.C.G.S 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Text Amendment. Neither amendment was appealed.
- Town Staff reviewed several sketches showing the Applicant's ideas for a subdivision of the property between May 1, 2023 and June 1, 2023 and never confirmed that any of them met all applicable requirements (which would have been advisory and not subject to judicial review). The Applicant moved forward with the purchase of the property on July 7, 2023.

(4) The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

- The RS-1, Single-Family Residential zoning district is established to provide for the low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area. The district is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses. In order to meet this intent, the density of population in the district is managed by establishment of minimum lot sizes, building setback and height limits, parking regulations and maximum occupancy limits for single-family residences used as vacation cottages.
- The Applicant claims that the spirit, purpose, and intent of the ordinance will be able to be utilized by granting a Variance from illegally adopted zoning code(s) and because Town Staff is involved with a false pre-tense real estate scam.
  - The Town Code Tex Amendment that was adopted on August 3, 2021 removed the possibility of creating lots that only have frontage on an access easement. The intent of the Town Code Text Amendment was to eliminate the possibility of subdividing property that did not have frontage on a public street, as directed by the Town Council at the June 1, 2021 Town Council meeting, which was a result of a preliminary subdivision plat application that was considered by the Town Council on June 1, 2021.
  - The Zoning Ordinance Text Amendment that was adopted on June 6, 2023 established that lots created after June 6, 2023 in the RS-1, Single-Family Residential zoning district shall be 100 ft. wide measured from the front lot line at right angles to the rear lot line. The intent of the Zoning Ordinance Text Amendment was to clarify the Town's lot width requirements by making them unambiguous, as directed by the Town Council at the March 21, 2023 Town Council meeting, which was a result of an appeal application that was considered by the Planning Board, performing the duties of the Board of Adjustment, on October 5, 2022.
  - Town Staff believes that granting the requested Variance would be inconsistent with the spirit, purpose, and intent of the ordinance.

"EXHIBIT 1" - "EXHIBIT

Re: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>,
Elizabeth Morey <emorey@southernshores-nc.gov>

Jun 7, 2023 at 3:22 PM

Hello,

Thank you for the email.

Could you please tell me how Southern Shores residents and home owners were notified of the proposed amendment to the zoning code dated 3/31/2023 (the zoning code adopted last night). I asked my realtor Alan Creech and Southern Shores questions about Southern Shores zoning code prior to providing a $5000 due diligence fee and June 1, 2023 is the first time I was informed about the proposed amendment (75 E. Dogwood Trail was listed for sale as being potentially sub-dividable).

Could you please explain how and when Southern Shores "will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots". How will this next amendment reverse the fact that the amendment passed last night literally steals land value from Southern Shores residents that have been paying property taxes on enough square footage to sub-divide (In the world of finance, land is considered an asset and owning enough property to sub-divide is a financial plan that is taxed at a higher rate than owning not enough square footage to sub divide)?

Thank you for your help,
Anthony S Mina

On Wednesday, June 7, 2023 at 09:10:34 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Mr. Mina. The Town Council voted 3-2 to approve the text amendment. That means that at this time, all new lot must be 100 ft. wide measured from the front lot line to the rear lot line. The meeting video recording will soon be available on YouTube here: https://www.southernshores-nc.gov/meetings. As I told the Town Council during the public hearing, we realize that these requirements are more strict than what has been in place, but we believe that they're unambiguous and will prevent future subdivisions and recombinations with higher densities. Town Staff will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

----Original Message----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, June 7, 2023 8:35 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Good Morning,

Could you please provide me the results to the vote to increase the street frontage zoning requirement to 100' per lot.

Thank you,
Anthony S Mina

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:
https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logreq&mail_id=1686141321-EWeUaGXDxNzC&r_address=whaskett%40southernshores-nc.gov&report=1

"EXHIBIT 2"

"EXHIBIT 4" of variance

RE: 75 E. Dogwood Trl. Variance Materials With False Information From Wes Haskett

Wes Haskett <whaskett@southernshores-nc.gov> Oct 15 at 1:52 PM
To: Anthony Mina <chestercountylawn@yahoo.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>, Norwood Blanchard <norwood@cmclawfirm.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Andrea C. Powell <andrea.powell@nccourts.org>, olivia.s.hines@nccourts.org <olivia.s.hines@nccourts.org>, olivia.s.hines@nccourts.org <olivia.s.hines@nccourts.org>, FBI <philadelphia.complaints@ic.fbi.gov>

Good afternoon, Mr. Mina. See attached application with page two that is not cut off. I will not revise the staff report nor will I answer any questions about your application prior to the hearing.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, October 15, 2024 9:58 AM
To: Cliff Ogburn <cogburn@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>
Cc: David Kole <dkole@southernshores-nc.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; FBI <philadelphia.complaints@ic.fbi.gov>; ncago@ncdoj.gov; ncago@ncdoj.gov; Planning Board <PlanningBoard@southernshores-nc.gov>; Planning Board <PlanningBoard@southernshores-nc.gov>; council@southernshores-nc.gov; council@southernshores-nc.gov; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Balenic <mbatenic@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>
Subject: 75 E. Dogwood Trl. Variance Materials With False Information From Wes Haskett

Mr. Haskett,

Thank you for the email.

Could you please rescan my Variance Application so the last sentence on page 2 which states "Wes Haskett started communicating with Applicant on May 1, 2023 and his withholding of material information allowed the previous owner to negotiate an additional $75,000 from applicant." is not cut off from my Variance Application.

Could you please provide me a staff report that does not falsely claim all town and state notification requirements were met when making the June 6, 2023 & August 3. 2021 zoning amendments when "Exhibit 2C" from Sheila Kane proves Southern Shores did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b).

Could you please define the "spirit" of the town code for me?

Exhibit 6 of my Variance Application is the Code of Ethics for Town of Southern Shores Employees and since May 1, 2023 Wes Haskett and people working with Wes Haskett have refused to comply with:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of Southern Shores taxpayers in mind in the expenditure of these funds.

Being forced to spend $350 to ask for a variance from illegally adopted zoning codes violates theft and conspiracy laws. To me, the spirit of the town code should mean town employees/town council are attempting to preserve and enhance the natural beauty of Southern Shores with ethical standards meeting the town ethics policy. So far, Wes Haskett, Cliff Ogburn and Philip Hornthal have not done anything but hide pertinent information from property owners and when they were caught continued their deception of property owners in reports to people including law enforcement and the planning board.

Thank you,
Anthony S Mina

----- Forwarded Message -----

"EXHIBIT 3"

RE: 75 E. Dogwood Trl. Variance Notice

Wes Haskett <whaskett@southernshores-nc.gov> Oct 23 at 10:54 AM
To: Anthony Mina <chestercountylawn@yahoo.com>,
Norwood Blanchard <norwood@cmclawfirm.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>
Cc: Andrea C. Powell <andrea.powell@nccourts.org>,
olivia.s.hines@nccourts.org <olivia.s.hines@nccourts.org>,
olivia.s.hines@nccourts.org <olivia.s.hines@nccourts.org>, FBI <philadelphia.complaints@ic.fbi.gov>,
David Kole <dkole@southernshores-nc.gov> more...

Good morning, Mr. Mina. The Order will be prepared and sent to you following approval. The requirement for posted notice for Variances can be found in Town Code Section 36-362(b).

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, October 22, 2024 5:34 PM
To: Norwood Blanchard <norwood@cmclawfirm.com>; Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Cc: Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; FBI <philadelphia.complaints@ic.fbi.gov>; David Kole <dkole@southernshores-nc.gov>; ncago@ncdoj.gov; ncago@ncdoj.gov; Elizabeth Morey <emorey@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; council@southernshores-nc.gov; council@southernshores-nc.gov; Planning Board <PlanningBoard@southernshores-nc.gov>
Subject: 75 E. Dogwood Trl. Variance Notice

Dear Southern Shores,

In addition to providing me the Orders from the Variance hearing on October 21, 2024 and the first subdivision denial I was provided from Wes Haskett for 75 E. Dogwood Trail, could you please also provide me the town code that required the posted notice at 75 E. Dogwood Trail of the variance from section 30-96(f) and section 36-202(d).

Last night Southern Shores Town Attorney and the Planning Board Attorney both misrepresented town code 36-414(b) to make excuses why Notice was not posted at 75 E. Dogwood Trail when Section 30-96(f) and Section 36-202(d) were illegally adopted but the email from Wes Haskett below clearly shows Wes Haskett explaining posted Notice is required for a variance from Sections 30-96(f) and 36-202(d).

Wes Haskett also claimed last night under oath that section 36-414(b) did not apply to adopting the codes yet the email below proves he believes posted notice is required to get a variance from the codes (unadopt the codes for a specific property).

Please explain to me where Town Code has different Notification requirements for adopting and getting a variance from codes.

Thank you,
Anthony S Mina

PS This issue is part of my legal argument in my Reconsideration of Motion To Preclude so all the town code stating the difference between Notification for adopting a code and obtaining a variance is needed. The only information I have found is Section 36-414(b) governs the adoption of codes and the variance of codes, meaning Wes Haskett committed sworn perjury repeatedly last night.

---- Forwarded Message ----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Sent: Thursday, October 10, 2024 at 10:18:27 AM EDT
Subject: 75 E. Dogwood Trl. Variance Notices

Good morning, Mr. Mina. FYI: We are required to post a sign with a copy of the public notice for your Variance hearing that is scheduled for October 21st. Our Public Works Dept. will be posting the sign in the right-of-way adjacent to your property this afternoon. We will also be mailing a copy of the notice via certified mail to you and Ms. Franz.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)

"EXHIBIT 4"

RE: Southern Shores Zoning Code

chestercountyla

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>

Nov 9, 2023 at 1:29 PM

Good afternoon, Mr. Mina. Mailed notice isn't required for Zoning Text Amendments so no notices were sent for the lot width Zoning Text Amendment that was adopted on June 6, 2023. We did publish a public notice of the public hearing for the Zoning Text Amendment twice in the Coastland Times newspaper, as required (see attached images of the published notices). Approval for accessory structures with living space can be obtained by submitting an application, site plan, building plans, and required documents for a Building Permit and Zoning Permit. If all applicable requirements are met, the Town will issue the permits.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES DID NOT MEET NOTIFICATION REQUIREMENTS

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, November 8, 2023 6:57 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: Re: Southern Shores Zoning Code

Hello,

Could you please send me the notifications Southern Shores sent 75 East Dogwood Trail, Southern Shores and Linda Lauby (at her High Dune Loop address) prior to the zoning code change in regards to the front set back minimum lot width distance.

Could you please tell me the way an accessory unit approval like in the attached picture at 144 Beech Trail at 75 East Dogwood Trail would be obtained. Dominion Power was at my house a few weeks ago and explained my lot is wired for 2 homes (that's why there is 2 Dominion Power electric boxes on my property). I'm trying to find the quickest, cheapest solution to starting to build the second home on my lot, even if I start with an accessory dwelling unit like at 144 Beech Trail then submit my lot subdivision application.

Thank you for your help,
Anthony S Mina

On Monday, November 6, 2023 at 10:38:35 AM EST, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Mr. Mina. The requirements for accessory structures with living space can be found in Town Code Sections 36-102, 36-202(b)(2), and 36-202(d). There aren't currently any requirements or exemptions for irregular, pie shaped lots but they will probably be discussed by our Planning Board within the next few months when they revisit lot width.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Sunday, November 5, 2023 11:50 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Southern Shores Zoning Code

Hello,

I hope you are doing good.

"EXHIBIT 5"

Could you please tell me where the zoning code regulating Accessory Dwelling Units is in Southern Shores zoning code and where zoning code regulating "irregular, pie shaped" lots which would be exempt from lot width set back requirements is.

I live at 75 East Dogwood Trail.

Thank you,
Anthony S Mina

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

3 Files 148.6kB

5-24-23 Notice1 JPG
35kB

5-24-23 Notice2.JPG
33kB

5-31-23 Notice.JPG
81kB

"EXHIBIT 5"

E

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
www.southernshores-nc.gov

June 5, 2024

PROOF OF WES HASKETT'S SPECIAL INTEREST IN 75 E. DOGWOOD TRAIL

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision

Dear Mr. Mina and Ms. Franz:

Following further review, the administrative decision to deny your application to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000) has been revised. However, the decision to deny the application has not been revised. The reason for the denial remains that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

"EXHIBIT 6"

2. There is no drive aisle shown on proposed Parcel B providing access from E. Dogwood Trl. to the existing single-family dwelling. Town Code Section 36-163(4)a.1.ii. states that an eight-foot-wide drive aisle shall be provided, which must be separate from any parking spaces, such that no vehicle will be required to back into the public right-of-way.

3. There are no parking spaces shown on proposed Parcel B for the existing single-family dwelling. Town Code Section 36-163(4)a.1 requires three parking spaces for each dwelling unit with up to eight-person septic capacity and one additional space for each two persons of septic capacity, or fraction thereof, in excess of eight-person septic capacity up to 12-person septic capacity and one additional space for each person of septic capacity over 12.

Per Town Code Section 36-132(c) and Section 36-132(c)(1), the existing single-family dwelling on proposed Parcel B that encroaches the minimum side yard (setback) requirement has been determined legally nonconforming and it can remain as is or it can be enlarged or altered as long as the enlargement or alternation doesn't increase the nonconformity. As a result, the encroachment is no longer applicable to the decision to deny your application.

Should you wish to appeal this revised administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/fac-pb. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

"EXHIBIT 6"

75 E Dogwood Trail

Anthony Mina <chestercountylawn@yahoo.com>
To: Marcey Baum <mbaum@southernshores-nc.gov>,
Southernshores Nc Info <info@southernshores-nc.gov>, Kevin Clark <kclark@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>

Jun 4 at 2:18 PM

Hello,

Please find the attached building permit application to:
-repair first floor sagging problems, as needed.
-enlarge the foyer/first floor family room opening.
-replace a defective beam supporting the second floor family room floor.
-remove walls on each side of the 2nd floor fireplace.
-remove the section of 75 E. Dogwood Trail Wes Haskett claims prevents a lot subdivision plan from being approved.

Engineered approved plans for all the jobs are attached to this email.

Thank you,
Anthony S Mina

3 Files 16.7MB

75DogwoodPermitApp.pdf
1MB

NC0519_ Anthony Mina_ 75 E Dogwood Trail Kitchen Renovation REV 1_ Sealed.pdf
14MB

NC0519_ Anthony Mina_ 75 E Dogwood_ 2nd Floor Ext Wall Revision_ Sealed.pdf
1MB

"EXHIBIT 6"

— PLAN SUBMITTED TO REMOVE 1' SECTION OF HOUSE

Submittal Date: 6/4/24

Page 1 of 2
Page 2 is Building Plan Specification Form

TOWN OF SOUTHERN SHORES
PLANNING AND CODE ENFORCEMENT
5375 N. Virginia Dare Trail, Southern Shores, NC 27949
(252) 261-2394 phone (252) 255-0876 fax
www.southernshores-nc.gov

BUILDING/FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

***Applications WILL NOT be accepted until all required information is provided

PROPERTY INFORMATION:

Project Address: 75 E. Dogwood Trl.
Lot Number: 1 Block: 105 Section: ____
Property ID Number (PIN #): 986817213507
Lot Area: 46,530 sq ft

Property Owner: Anthony S. Mina
Mailing Address: 75 E. Dogwood Trail
City: Southern Shores State: NC Zip Code: 27949
Tele #: 610-842-3905

Flood Zone (circle): AE 4 ft – AE 5 ft – AO 1 ft depth – AO 2 ft depth – VE 11 ft – VE 12 ft – VE 13 ft – (Shaded X) – (Unshaded X)
Base Flood Elevation: ____ ft / Plus 3ft of Freeboard or LES 8 ft = ____ ft = Regulatory Flood Protection Elevation
Zoning District: RS1 Septic Permit # ____ Permit Date: ____ # Person Septic Capacity ____
CAMA Permit required? Yes or (No) CAMA Permit # ____ CAMA AEC (circle): ____Estuarine Shoreline or _Ocean Hazard

CONTRACTOR INFORMATION: Homeowner is doing work

Business Name: ____
Contractor Name: ____
Mailing Address: ____
City: ____ State: ____ Zip Code: ____
Business # ____ Cell # ____
Fax # ____ Email ____

NC G. C. Licensed Contractor ____ OR ____ Non-Licensed Contractor
NC G. C. License Number: ____
Limitation: ____
Classification: ____
Qualifier: ____

DESCRIPTION OF WORK: Make structural improvement to first floor, widen family room/foyer doorway, remove walls on each side of second floor fireplace ~~and remove section of house Wes Haskett claims prevents the lot subdivision~~ Please see engineered approved plans for more information

ASM

PERMIT TYPE (X): ____ COMMERCIAL X RESIDENTIAL
____RESIDENCE ____2ND HOME ____RENTAL (> 30 days) ____VACATION COTTAGE (< 30 days)

TYPE OF CONSTRUCTION (X): ____NEW CONSTRUCTION ____ADDITION/EXPANSION X REMODEL/RENOVATION/REPAIR ____ACCESSORY ____OTHER

PROPERTY USE (X): X SINGLE FAMILY ____DUPLEX ____MULTI-FAMILY ____GOVERNMENT - INSTITUTIONAL ____COMMERCIAL

COMMERCIAL USE ONLY: ____CURRENT USE ____PROPOSED USE

SQUARE FOOTAGE AND/OR DIMENSIONS: 3543 ____GARAGE ____SHED ____SWIMMING POOL
____GAZEBO ____DUNE DECK ____RETAINING WALL ____BULKHEAD ____PIER/DOCK
____DECK(S) ____PORCH(ES) ____STORAGE ENCLOSURE ____OTHER

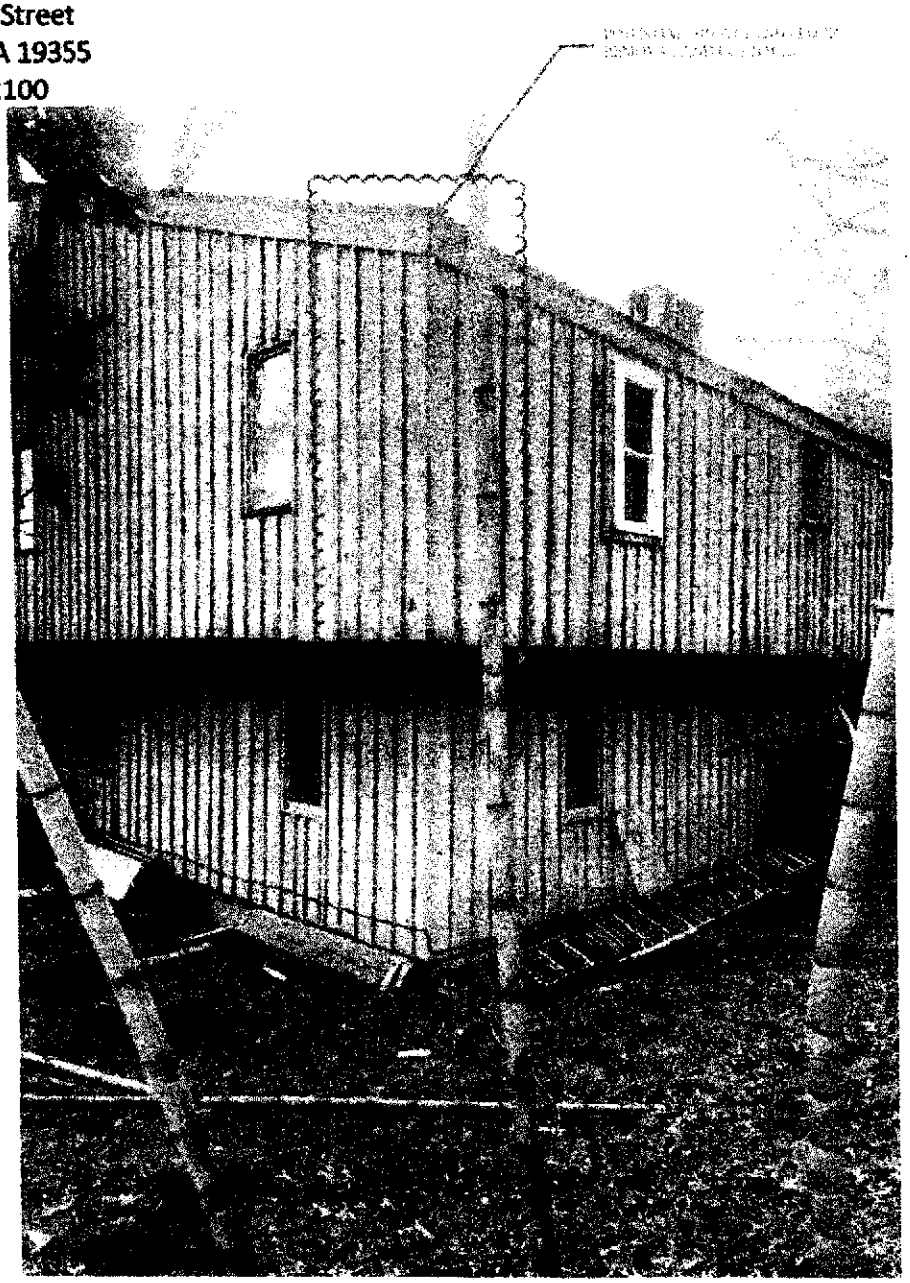
PROPOSED BUILDING AREA: n/a SQ FT - HEATED / LIVING AREAS (NEW SPACE)
____SQ FT - NON HEATED AREAS (NEW SPACE)

ASM
$ 1600.— $ 1800.— COST OF REMODEL/RENOVATION/REPAIR - ONLY (DO NOT INCLUDE NEW SQ FT)
$ 1600.— $ 1800.— ESTIMATED CONSTRUCTION COST OF TOTAL PROJECT

NOTE: Although the Town of Southern Shores does not enforce or consider the effect of covenants in the various subdivisions of Southern Shores, applicants for a building permit should be advised that their building plans may be affected by subdivision covenants and are advised to consult with the appropriate property owners' association. You are strongly urged to obtain approval from the appropriate association before you apply for a permit and begin construction. Failure to do so could result in legal action by the association to enforce the covenants.

* Please note Wes Haskett now does not claim existing side set back distances prevent a lot subdivision so Applicant will not be removing any of the existing "EXHIBIT 6"

UZMAN ENGINEERING, LLC
116 E. King Street
Malvern, PA 19355
(610) 320-2100



Due to the existing setback requirements, there are questions whether the existing 2nd floor cantilever is outside of the required property setback. Although the house has been there since 1970, the Homeowner has considered removing an approximate 1'-0" section of the 2nd floor cantilever corner to meet the requirements. The corner of the building would be removed, new 2x4 framing installed from 2nd floor to roof, flashing and roof patching as well as siding re-configuring to meet the setback. Uzman recommends the installation of Simpson Strong Hurricane ties to the revised roof rafters and SDS wood screws to the joists and built up 2x10 below. UE also recommends mid height blocking of the joists along with exterior sheathing nailed to the new studs @ 4" o.c. vert spacing.

ENGINEERED PLANS SUBMITTED
NC0519
6/4/2024 TO REMOVE 1' OF REAR
CORNER OF HOUSE

"EXHIBIT 6"

Anthony Stocker Mina

5/24/2024

---- Forwarded Message ----
From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Friday, May 24, 2024 at 03:51:32 PM EDT
Subject: RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Mr. Mina:

You are free to submit any application you wish to submit. However, in response to your specific question, please understand that, unless all four reasons are satisfied, the proposal would be denied, and you would have the option to appeal.

I strongly suggest you consult with an attorney as I cannot give you legal advice, as attorney for the Town.

Thank you.

Phil Hornthal

REFUSAL TO ACCEPT SIDE SETBACK AS CONFORMING FROM TOWN ATTORNEY PHIL HORNTHAL ON BEHALF OF WES HASKETT AND SOUTHERN SHORES

L. Phillip Hornthal, III
Attorney at Law

Direct:252.698.0214

Office:252.335.0871

Fax:252.335.4223 Attn: P. Hornthal

Email:phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

Click here to read ourDisclaimer,
Legal Notices & Privacy Policy

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 24, 2024 2:27 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

>>Warning: The source of this email is from outside of the firm.<<

Hello,

"EXHIBIT 6"

ANTHONY S MINA
75 E DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
610 842 3905
chestercountylawn@yahoo.com

October 29, 2024

APPLICANT'S BRIEF IN SUPPORT OF MOTION TO REVERSE OCTOBER 21, 2024 DECISION TO DENY APPLICANT'S VARIANCE BASED ON THE RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT BY WES HASKETT, CLIFF OGBURN, PHILIP HORNTHAL, LAUREN WOMBLE AND THE PLANNING BOARD ATTORNEY PRIOR TO AND AT THE VARIANCE HEARING

****THE PLANNING BOARD'S REFUSAL TO GRANT APPLICANT'S MOTION TO REVERSE OCTOBER 21, 2024 DECISION SUBSTANTIATES A CRIMINAL CONSPIRACY WITH THE AFORESAID CONSPIRATORS****

Wes Haskett did not present a case to the Southern Shores Planning Board/Board of Adjustments based on the "spirit, intent and purpose of the zoning ordinance", Wes Haskett presented a case of lies he knew he was caught in and let the Planning Board violate laws by trying to act like Applicant was the problem. Wes Haskett appears to be scheming on positions of power like Applicant is his pawn and Wes Haskett's misconduct, which includes illegally adopting zoning codes upon the entire town, is the bait for Southern Shores Planning Board and Town Council to try and hide so they inevitably lose their position of power to a political opponent.

What Wes Haskett did was present a case that proved Applicant's proposed lot subdivision plan (with a conditional occupancy limit offer on the table) was much better than the "spirit, purpose and intent of the zoning ordinance" and allowed Jan Collins and Robert McClendon to ridicule Applicant for being a victim of his corruption, in violation of N.C.G.S. 14-226-Intimidating And Interfering With Witnesses and 18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant.

Applicant did as much as he could to explain to the Planning Board he was not happy about so much of his case being about Wes Haskett's misconduct and not how beautifully Applicant's lot will exceed the "spirit, purpose and intent of the zoning ordinance" if granted a Variance for the lot subdivision and Jan Collins and Robert McClendon still ridiculed Applicant for being a victim of Wes Haskett's corruption. Jan Collins was literally arguing that Applicant is at fault for accepting Wes Haskett's answers to questions about zoning codes as the truth and should have had his realtor draft a contingency agreement. And Robert McClendon was arguing that Applicant did not have an argument because 24 hours before closing the old owner of 75 E

Dogwood Trail offered for the first time a refund of Applicant's deposit. Applicant spent about $50,000 on his last house in preparation of selling the house which was not refundable. Applicant also was surrounded at his last house by properties owned by the Meredith family and were permitted to be turned into illegal junkyards with extremely dangerous abandon vehicles abandon on the right of way. The Kitty Hawk Town Zoning Inspector was intentionally allowing the Meredith family to ruin the neighborhood with trash and also was involved with Mike Meredith's house fire which the fire department allowed to get so huge the tops of trees 50' were burned and 15 trees on Applicant's property were destroyed. Mike Meredith yelling and cursing at Applicant for cleaning up fire damage on his own property as he refused to provide compensation was also stated in the law suit provided with Applicant's Variance Application. If Robert McClendon wants to ridicule Applicant for needing to move his family out of a dangerous neighborhood with a corrupt zoning inspector allowing an obnoxious illegal junkyard to be installed, he can save his argument for re-election, where he will not be subjected to the witness intimidation laws governing Plaintiff's position as Wes Haskett's victim.

Wes Haskett is the epitome of town corruption which substantiates relevant, competent, and substantial evidence of neglect, unlawful acts, conspiracy and intentional misconduct. Wes Haskett went from filing a zoning amendment on 3/31/2023 to prevent lot subdivisions with a lot width change without notifying effected property owners pursuant to Town Code Section 36-414(b) and Town Code Section 36-362(b), to refusing to tell Applicant about the proposed zoning amendment scheduled for approval on June 6, 2023 until June 1, 2023 as Applicant asked 3 times about codes governing subdivisions and lot width requirements.

After Wes Haskett tricked the planning board and town council into illegally amending zoning codes without meeting notification requirements he provided Applicant and Police Chief Kole a false report claiming to have had a legal basis to amend zoning code with Section 36-414(b) deleted and notification requirements at Town Code Section 36-362(b) omitted. Wes Haskett's email to Police Chief Kole violates North Carolina Code ss 14-225 regarding false reports to law enforcement. Wes Haskett's abuse of zoning codes continued with the refusal to accept Applicant's house's 1' corner overhanging the setback requirement line (the house was built in 1970) until Applicant filed a building permit to remove the 1' of house. Wes Haskett then added some discriminatory misconduct to his abuse of power such as refusing to answer Applicant's questions about lot subdivisions without a subdivision application being submitted with a filing fee.

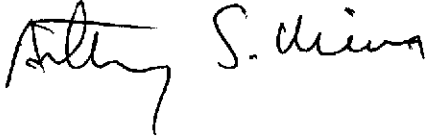
Wes Haskett denied Applicant's sub-division applications with knowledge he did not meet notification requirements prior to amending the codes being used to prevent the lot sub-division. Wes Haskett then continued his fraud by claiming in his staff report that notification requirements were met and making sworn statements claiming notification requirements were met.

Wes Haskett is determined to bring as many Southern Shores employees, board members and council members down with his disreputable, illegal conduct when he has been repeatedly told there is a simple solution which is correcting his wrong doing. Correcting his wrong doing would enable Applicant to obtain a lot subdivision that he would have obtained prior to June 6,

2023 if Wes Haskett was not hiding the proposed zoning amendment and would have given Southern Shores the opportunity to take corrective measures without the unnecessary burden and embarrassment of several different kinds of litigation required because of Wes Haskett's misconduct.

Simply put, at this point refusing to grant Applicant's Motion To Reverse Variance Denial substantiates a criminal conspiracy with Wes Haskett to file false reports, make false sworn statements, harass Applicant for objecting to his misconduct and allow illegally adopted zoning codes to be used as weapons against Applicant in Wes Haskett's retaliation against Applicant for refusing to be a victim of his corruption that has actually victimized all of Southern Shores property owners.

Respectfully Submitted,



ANTHONY S MINA
75 E DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
610 842 3905
chestercountylawn@yahoo.com

October 29, 2024

APPLICANT'S MOTION TO REVERSE OCTOBER 21, 2024 DECISION TO DENY APPLICANT'S VARIANCE BASED ON THE RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT BY WES HASKETT, CLIFF OGBURN, PHILIP HORNTHAL, LAUREN WOMBLE AND THE PLANNING BOARD ATTORNEY PRIOR TO AND AT THE VARIANCE HEARING

****THE PLANNING BOARD'S REFUSAL TO GRANT APPLICANT'S MOTION TO REVERSE OCTOBER 21, 2024 DECISION SUBSTANTIATES A CRIMINAL CONSPIRACY WITH THE AFORESAID CONSPIRATORS****

I, Applicant Anthony S Mina hereby Motion To Reverse The October 21, 2024 Decision of the Planning Board/Adjustment Board and in support thereof aver the following:

1. Wes Haskett did not present an argument on October 21, 2024 that showed Applicant's Variance request is inconsistent with the "spirit, purpose and intent of the zoning ordinance", Wes Haskett presented an argument indicating to Applicant that Wes Haskett must be conspiring with a power broker to scheme on Planning Board and/or Town Council positions of powers by being deceptive (and positions of power within Southern Shores Police Department).
2. Wes Haskett states in paragraph 1 of his staff report that there is no unnecessary hardship caused by not allowing a Variance which will be used for a lot sub-division because Applicant can build an Accessory Dwelling Unit with living space.
3. Wes Haskett states in paragraph 4 of his staff report that the "district is intended to promote stable, PERMANENT NEIGHBORHOODS..."
4. Arguing that Applicant can build an ADU, when ADUs are known for short term vacation rentals appears to Applicant to be trickery to bait Planning Board members into making a decision against Applicant that can be used against them in fights over power within Southern Shores government.
5. Wes Haskett states in paragraph 2 that Applicant makes false allegations that Town Staff illegally adopted zoning requirements and was helping a real estate scam.

6. On October 15, 2024 Wes Haskett was provided an email asking him to provide a staff report that does not falsely claim notification requirements were met for the June 6, 2023 and August 3, 2021 zoning amendments and Wes Haskett responded in an email "I will not revise the staff report nor will I answer any questions about your application prior to the hearing." A true and correct copy of Wes Haskett's refusal to correct false statements is attached hereto and marked "Exhibit 1".
7. Wes Haskett testified under oath at the October 21, 2024 hearing that notification requirements were met prior to the zoning amendments being adopted that were used to prevent the 75 E. Dogwood Trail subdivision.
8. Southern Shores' attorney Lauren Womble repeatedly stated that Applicant was incorrect in his characterization of the TCA-21-06 and ZTA-23-03 amendments as illegally adopted and also claimed they were legally adopted.
9. Applicant proved that Wes Haskett did not post notice at 75 E. Dogwood Trail or mail letters to 75 E. Dogwood Trail prior to the June 6, 2023 and August 3, 2021 zoning amendments pursuant to Town Code Section 36-414(b) & Town Code Section 36-362(b) with Variance "Exhibit 2C".
10. On October 21, 2024 the Planning Board Attorney and Southern Shores' Attorney were misrepresenting the language of Town Code Section 36-414(b) which requires posted notice at the subject property for the purpose of notifying people of the proposed rezoning scheduled pursuant to Town Code Section 36-414(a).
11. On October 21, 2024 Applicant objected to the misrepresented language of Town Code Section 36-414(b), told the Planning Board Attorney and Southern Shores' Attorney they were colluding then was accused by the Planning Board Attorney of accusing the whole town of impropriety.
12. Town Ethics Policy # 4 prohibits Southern Shores Town money from being spent on attorneys mispresenting codes as it states: "I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds." A true and correct copy of the Southern Shores Code of Ethics is attached the Variance Application and marked "Exhibit 6".
13. Applicant proved Wes Haskett hid the lot width amendment adopted on June 6, 2023 from Applicant until June 1, 2023 when Applicant repeatedly asked about lot width requirements for a subdivision. Applicant's exhibit proving this fraud was entered into evidence on October 21, 2024 as "Exhibit A" and is attached hereto as "Exhibit 2".
14. Wes Haskett did not comply with Town Code Section 36-362(b) notification requirements prior to the May 15, 2023 Planning Board/Adjustment Board hearing on his March 31, 2023 amendment application.
15. Proving a hardship caused by Wes Haskett hiding a lot width amendment from a property owner in the middle of a real estate transaction that involves selling a sub-dividable lot is the absolute definition of hardship that is peculiar to the property since the lot width amendment changed lot width requirements to 100' wide for the entire lot when prior to the amendment having a 30' wide access to the wider part of the lot was sufficient.
16. Applicant also proved that his lot is peculiar because the house faces the canal, not the street so Applicant's house faces 326.75' of canal and has about 153' of frontage on

Dogwood Trail at the lot line (approximately 175' frontage on the street). Applicant should also be allowed to subdivide and build a second home facing the canal because both properties would meet all requirements if the direction the houses both faced was considered the front property line. Applicant's surveyor's plot plans proving the lot dimensions was attached to the Variance Application as "Exhibit 2A" and "Exhibit 2B".

17. Paragraph 3 of Wes Haskett's staff report states Applicant purchased the property on July 7, 2024 with knowledge of the June 6, 2023 lot width amendment requiring a Variance and goes on to falsely claim all notification requirements were met prior to the June 6, 2023 lot width amendment.
18. Applicant entered into an agreement to purchase 75 E. Dogwood Trail on May 7, 2023 after Outer Banks Realty group (a real estate company a public records request found Wes Haskett communicating with about 75 E. Dogwood Trail off the record) negotiated an additional $75,000 from Applicant for a potentially subdividable lot.
19. At the time Outer Banks realty group negotiated the additional $75,000 Wes Haskett was hiding the proposed June 6, 2023 lot width amendment from Applicant and a sub-division would have been approved based on the town codes available on the Southern Shores website and the town codes Wes Haskett told Applicant about when specifically asking about sub-divisions and lot width requirements.
20. Applicant's Exhibit 1B of the Variance Application proves the lot subdivision would have been approved because Wes Haskett's only reason for denial is the lot width amendment he was hiding from Applicant during the month of May, 2023. Exhibit 1B is based on the sketch Wes Haskett admitted in his June 1, 2023 email may be ok per the current code then told Applicant for the first time about the June 6, 2023 proposed amendment. The June 1, 2023 email was admitted into evidence with Exhibit A at the Variance hearing on October 21, 2023 (Exhibit 2 of this filing).
21. Wes Haskett's false and misleading statements in paragraph 3 caused Planning Board/Board of Adjustment Board member Jan Collins to publicly ridicule Applicant for accepting Wes Haskett's answers to zoning questions as facts and the Southern Shores websites town codes as the governing code. Jan Collins main argument was that Applicant and his realtor should have made the lot subdivision a condition in the purchase agreement.
22. Wes Haskett's false and misleading statements in paragraph 3 caused Planning Board/Board of Adjustments member Robert McClendon to claim Applicant was at fault for purchasing 75 E Dogwood Trail because on July 6, 2023 (about 24 hours before the closing) Applicant was offered a refund of his deposit for the first time. Robert McClendon did not reference the next paragraph in Applicant's Federal Law Suit which stated "On July 6, 2023 Plaintiff responded to Linda Lauby "at this point my fiancé and I are forced to purchase 75 E. Dogwood Trail, Southern Shores, NC with the $625,000 agreement that was supposed to be for purchasing a potentially subdividable lot and will be forced to use North Carolina's legal system to determine if Outer Banks Realty and Linda Lauby are legally entitled to the extra $75,000 they obtained with lies. My fiancé and me have spent the last approximately 6 months looking at homes and our plans can not be changed now".

23. Southern Shore Planning Board would not allow Applicant to go into detail about the dangers Applicant's family was in at 4809 Vista Lane or the approximately $50,000 he already spent on 4809 Vista Lane in preparation of selling the property and was ridiculed because the house did not close until December 27, 2023 which proves one of Applicant's reasons for having to move which was the neighbors were intentionally destroying the street, including Applicant's property and the Kitty Hawk Zoning Officer was allowing their vandalism to ruin the neighborhood. Plaintiff's Federal Law Suit was included with the Variance Application as evidence of the dangers forcing Applicant to purchase 75 E. Dogwood Trail and use North Carolina's legal system.
24. North Carolina's legal system prohibits Wes Haskett's false sworn statements with N.C.G.S. ss 20-112-Making False Affidavit Perjury
25. North Carolina's legal system prohibits Wes Haskett's false police report to Chief Kole on May 21, 2023 with N.C.G.S. 14-225-False Reports To Law Enforcement.
26. North Carolina's legal system prohibits the Planning Board/Adjustment Board from intimidating and interfering with witnesses with N.C.G.S. 14-226. Applicant attempted to answer the Planning Boards questions and explain Wes Haskett's misconduct associated with forcing Applicant into the unnecessary Variance Application Process and Jan Collins and Robert McClendon publicly ridiculed Applicant for accepting Wes Haskett's answers as truths like Applicant being a victim of Wes Haskett's corruption was the problem, and not Wes Haskett.
27. 18 U.S. Code § 1512 - Tampering with a witness, victim, or an informant prohibits Wes Haskett, Southern Shores attorneys and the Planning Board from ridiculing Applicant for being a victim of Wes Haskett's corruption and also prohibits Applicant from being provided an opportunity to present all of his evidence proving Wes Haskett's misconduct is a major cause of the hardships and that Wes Haskett has ulterior motives adverse to the "spirit, purpose and intent of the ordinance".
28. The United States Constitution prohibits the August 3, 2021 and June 6, 2023 zoning amendments without properly notifying property owners as per applicable codes and laws with "Due Process Rights". Wes Haskett has violated all Southern Shores property owners "Due Process Rights" with illegally adopted zoning codes.
29. Paragraph 4 of Wes Haskett's staff report claims to meet the intent of the zoning district, the density of the population is managed.
30. Since Wes Haskett argues Applicant's property can be used for an Accessory Dwelling Unit the occupancy of Applicant's property is 28 people (14 people in the ADU, 14 people in the existing home).
31. Applicant offered Wes Haskett and Southern Shores a pre-variance conditional offer for sub-division plan limiting both lots to a total occupancy of 14 people (14 less than the 28 limit Applicant's occupancy limit currently is with an ADU) which Wes Haskett and Southern Shores did not accept, proving their ulterior motives to use illegally adopted zoning codes as a means to harass Applicant for catching them defrauding all Southern Shores property owners with zoning codes adopted without property owners being notified as required by law and town code.

by 1' and prohibited the lot subdivision. After months of telling Applicant and surveyor Douglas Styons they were wrong and the 1' overhang was not acceptable Wes Haskett hired Attorney Philip Hornthal to also claim the 1' overhang was a reason for prohibiting the sub-division. THEN, when Applicant filed a building permit to remove the 1' of house supposedly preventing the lot sub-division, Wes Haskett revised his sub-division denial the next day and allowed applicable zoning code at Town Code Section 36-132(c) and 36-132(c)(1) to govern Applicant's subdivision plan (Wes Haskett claimed under oath that he changed his mind because he spoke to a college about zoning code) . A true and correct copy of Wes Haskett's special interest and abuse of zoning codes against Applicant is attached hereto and marked "Exhibit 3".

33. Board Chairman Andy Ward committed reversable error not recusing hisself from the October 21, 2024 Variance hearing. Andy Ward reported Applicant's business signs advertising a real estate opportunity at 75 E. Dogwood Trail but did not report other signs in violation of town code that could not be missed when leaving the Southern Shores neighborhood. A true and correct copy of Andy Ward's sign complaint along with documentation of the other signs at the time of the complaint is attached hereto and marked "Exhibit 4".
34. Applicant agreed to allow Chairman Andy Ward to be a part of the October 21, 2024 Variance hearing if he could comply with the Southern Shores Town Ethics Policy.
35. The Southern Shores Town Ethics Policy was not complied with because:
    -paragraph 1 requires the law to be obeyed without influencing the application of the law by any of the town's authorities or personnel and Wes Haskett repeatedly violated the law and obviously was allowed to influence the application of the law.
    -paragraph 2 requires the integrity to be upheld and even though Wes Haskett was the person caught committing crimes, Applicant was being ridiculed for being a victim of Wes Haskett's crimes and needing to ask for a Variance.
    -paragraph 3 requires impropriety to be avoided and the appearance of impropriety to be avoided... Wes Haskett, the Planning Board Attorney and Southern Shores attorney were all fraudulently misrepresenting Town Code Section 36-414(b) as Wes Haskett made false claims indicating he complied with zoning codes.

WHEREFORE, Applicant respectfully requests the Southern Shores Planning Board/Adjustment Board reverse their decision to deny Applicant's Variances from Section 30-96(f) and 36-202(d).

Respectfully Submitted,

Attny S. Nixon

75 E. Dogwood Trl. Variance Materials With False Information From Wes Haskett

Wes Haskett <whaskett@southernshores-nc.gov> Oct 15 at 1:52 PM
To: Anthony Mina <chestercountylawn@yahoo.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>, Norwood Blanchard <norwood@cmclawfirm.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Andrea C. Powell <andrea.powell@nccourts.org>, olivia.s.hines@nccourts.org <olivia.s.hines@nccourts.org>, olivia.s.hines@nccourts.org <olivia.s.hines@nccourts.org>, FBI <philadelphia.complaints@ic.fbi.gov>

Good afternoon, Mr. Mina. See attached application with page two that is not cut off. I will not revise the staff report nor will I answer any questions about your application prior to the hearing.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (p)
(252) 255-0876 (f)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, October 15, 2024 9:58 AM
To: Cliff Ogburn <cogburn@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>
Cc: David Kole <dkole@southernshores-nc.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; FBI <philadelphia.complaints@ic.fbi.gov>; ncago@ncdoj.gov; ncago@ncdoj.gov; Planning Board <PlanningBoard@southernshores-nc.gov>; Planning Board <PlanningBoard@southernshores-nc.gov>; council@southernshores-nc.gov; council@southernshores-nc.gov; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>
Subject: 75 E. Dogwood Trl. Variance Materials With False Information From Wes Haskett

Mr. Haskett,

Thank you for the email.

Could you please rescan my Variance Application so the last sentence on page 2 which states "Wes Haskett started communicating with Applicant on May 1, 2023 and his withholding of material information allowed the previous owner to negotiate an additional $75,000 from applicant." is not cut off from my Variance Application.

Could you please provide me a staff report that does not falsely claim all town and state notification requirements were met when making the June 6, 2023 & August 3, 2021 zoning amendments when "Exhibit 2C" from Sheila Kane proves Southern Shores did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b).

Could you please define the "spirit" of the town code for me?

Exhibit 6 of my Variance Application is the Code of Ethics for Town of Southern Shores Employees and since May 1, 2023 Wes Haskett and people working with Wes Haskett have refused to comply with:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of Southern Shores taxpayers in mind in the expenditure of these funds.

Being forced to spend $350 to ask for a variance from illegally adopted zoning codes violates theft and conspiracy laws. To me, the spirit of the town code should mean town employees/town council are attempting to preserve and enhance the natural beauty of Southern Shores with ethical standards meeting the town ethics policy. So far, Wes Haskett, Cliff Ogburn and Philip Hornthal have not done anything but hide pertinent information from property owners and when they were caught continued their deception of property owners in reports to people including law enforcement and the planning board.

Thank you,
Anthony S Mina

— Forwarded Message —

"EXHIBIT 1"

"EXHIBIT 2"

RE: 75 E Dogwood Trail Subdivision

chestercountyla.../

Jun 1, 2023 at 9:44 AM

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

Wes Haskett's July 16th, 2024 sub-division denial (variance "Exhibit 1B") confirmed lot widths met town code as the drawing referenced in this email was provided on a plat prepared by a surveyor and is found as Variance "EXHIBIT 2B"

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

On Tuesday, May 30, 2023 at 04:41:19 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. Thank you for sending the drawing. How much frontage would Lot B have and at what point is it 100 ft. wide?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT ADMITTING ON JUNE 1, 2023 THE LOT WIDTH REQUIREMENTS FOR A SUBDIVISION WERE MET, BUT THEN TELLING APPLICANT FOR THE 1ST TIME THAT LOT WIDTH REQUIREMENTS OF 100' AT THE FRONT BUILDING SETBACK LINE WERE BEING CHANGED ON JUNE 6, 2023 TO REQUIRE THE ENTIRE LOT TO BE 100' WIDE. (ATTACHMENT EXPLAINED PROPOSED "EXHIBIT 2" ZONING AMENDMENT)

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

I really only want enough street frontage to build some walls at the beginning of the driveway like in the attached picture. I'll be able to give you a much more accurate subdivision plan after I purchase 75 E Dogwood Trail and get some legal advice about all my possible subdivision plans. But I am thinking that I may want both lots sharing one driveway opening that I own, if zoning code allows a subdivision plan like this (if not Lot A could use the existing driveway).

Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

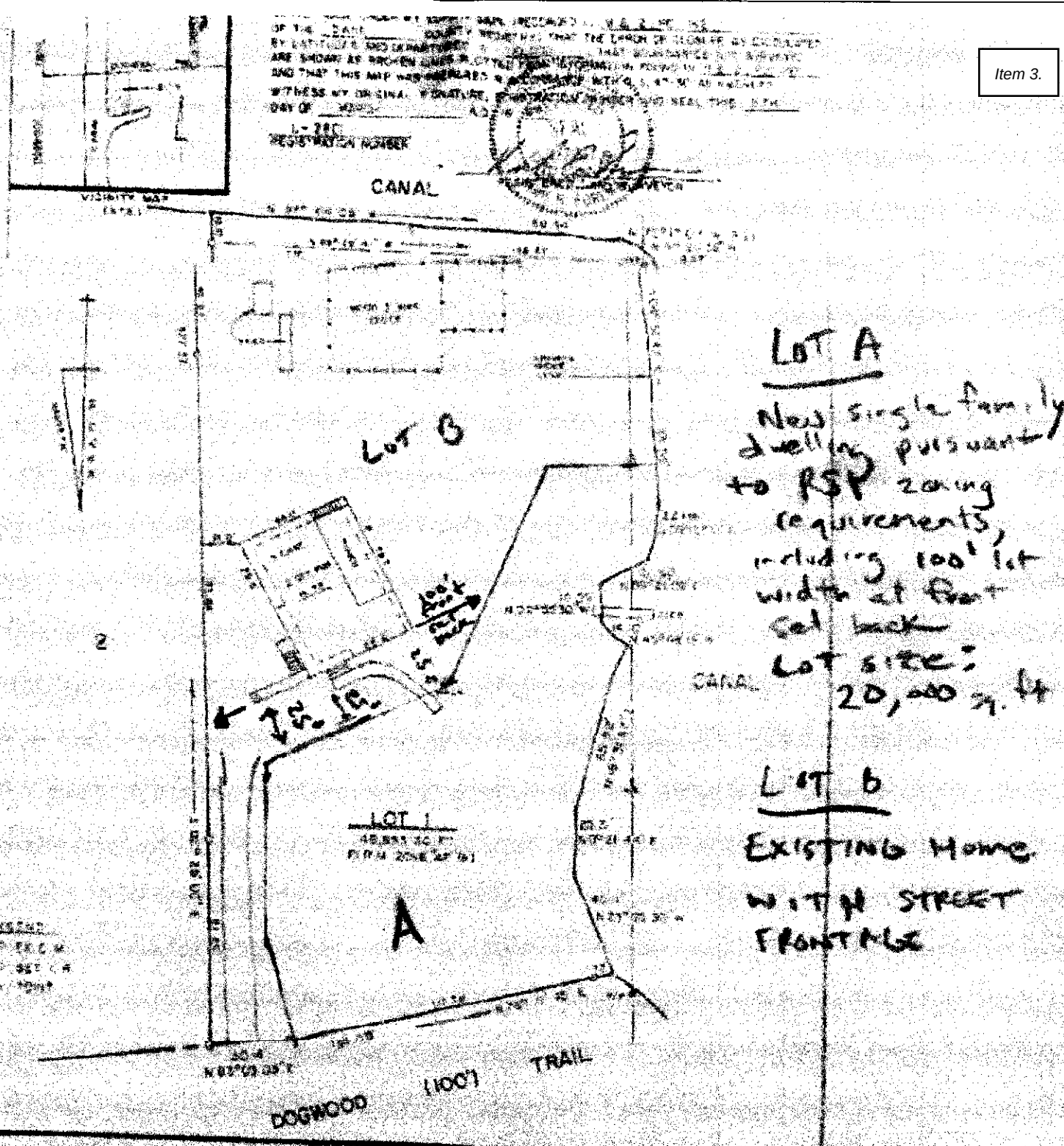
Thank you for your help.

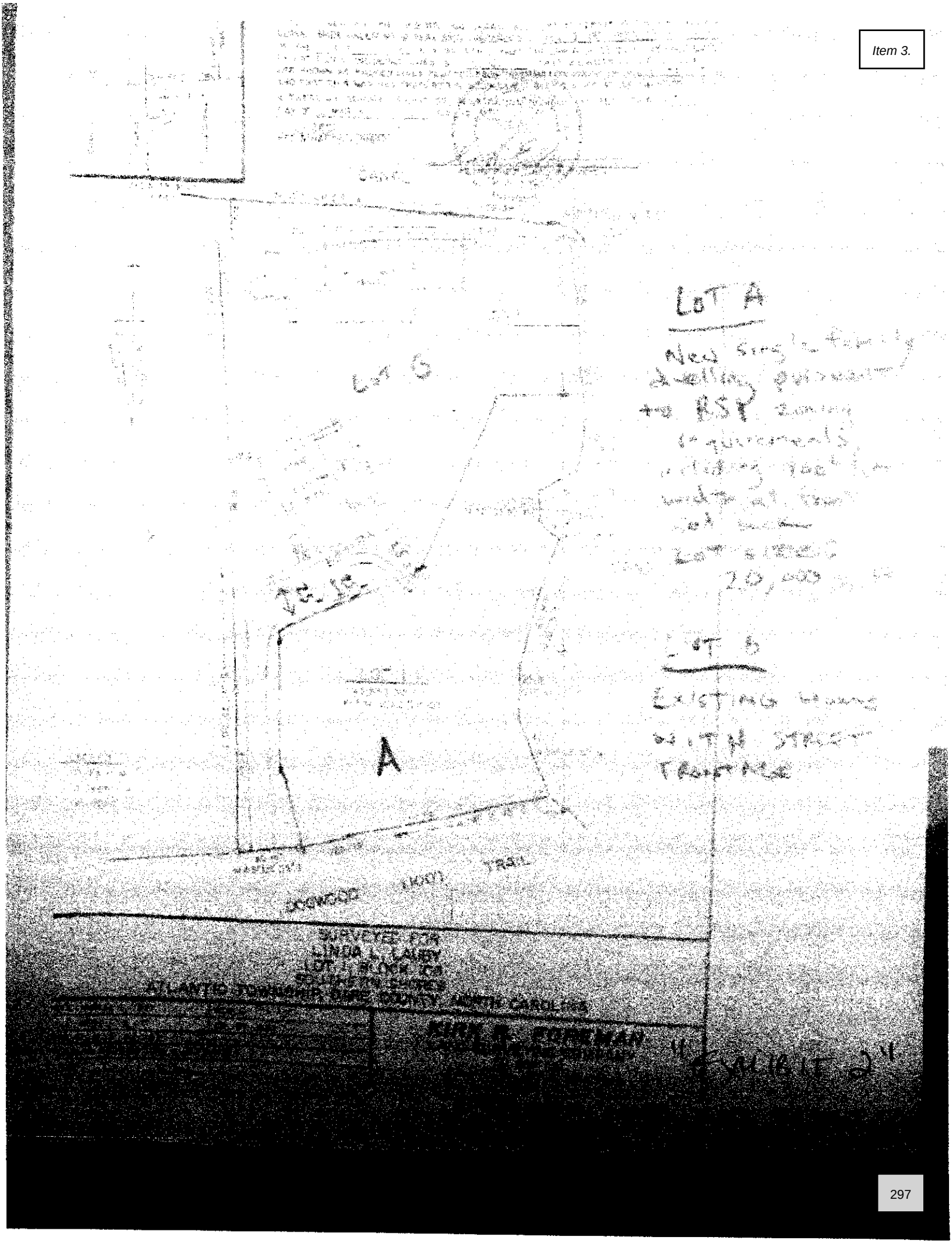
Anthony S Mina

1 File 2.2MB

5-16-23 ZTA-23-03 Lot Width.pdf
2MB

4 EXHIBIT 2 '1


CANAL
LOT B
LOT A
New single family dwelling pursuant to RSP zoning requirements, including 100' lot width at front set back
LOT SIZE: 20,000 sq. ft
LOT b
EXISTING HOME WITH STREET FRONTAGE
LOT 1
A
CANAL
TRAIL
DOGWOOD (100')
SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 105
SOUTHERN SHORES
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA
KIRK R. FOREMAN
LAND SURVEYING COMPANY
KILL DEVIL HILLS, NC 27948
SUBDIVISION LINES NOT TO SCALE
"EXHIBIT 2"


LOT A
New single family dwelling
to RSF zoning
LOT B
EXISTING
A
TRAIL
SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 6A
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA
SCALE: 1" = 30'
JULY 8, FOREMAN
EXHIBIT "2"

RE: 75 E. Dogwood Trail Subdivision

chestercountyla..

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

May 23, 2023 at 2:13 PM

Good afternoon. I had a good weekend and I hope the same for you. Purchasing land from the adjacent property owner (both properties and structures meet all requirements) or removing a portion of the building would resolve the setback issue. Can you please explain or show on a drawing how the Town's 100 ft. lot width requirement would be satisfied for both lots?

WES HASKETT
HIDING JUNE 6, 2023
LOT WIDTH AMENDMENT

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 22, 2023 12:41 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Subdivision

Hello,

I hope you had a good weekend.

I am writing you again about 75 E. Dogwood Trail. I apologize if I am asking a lot of questions. My last job in Pennsylvania was building an addition onto a house on a non-conforming lot and I feel like the job went smoothly because I asked the building inspector lots of questions before I even started getting my building plans (and as of right now, I still don't even live at 75 E Dogwood Trail).

Can I ask you how you would suggest I go about subdividing 75 E. Dogwood Trail if it was your property and you wanted to make it two properties (or how you think the smartest way to get Southern Shores approval would be)?

I believe my options are (assuming the house is 14' from the 73 E. Dogwood Trail property line):
- Remove one foot of the existing home (the back left corner of the home) and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

-Apply for a variance and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

-Purchase a few square feet of property from 73 E. Dogwood Trail so the property line angles around the house of 75. E Dogwood Trail so there is at least 15' between the house and property line. Some examples of property lines literally wrapping around houses like I am describing are at. 233 N Dogwood Trail and 378 Sea Oats Trail. Then the lot would then again be subdivided with a "flag lot" in the back.

Thank you for your help,
Anthony S Mina

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https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1684773651-ibkTs-23fsX5&r_address=whaskett%40southernshores-nc.gov&report=1

"EXHIBIT 2"

Re: 75 E. Dogwood Trail Zoning Question

Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>

May 18, 2023 at 2:54 PM

Thank you for your help. I am not going to ask to meet with you next Tuesday to review my prosposed subdivision for 75 E. Dogwood Trail, but I hope to provide you the drawing of the subdivision before then. I will talk to you soon. Anthony S Mina

On Thursday, May 18, 2023, 01:51:04 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. See my responses below.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT HIDING JUNE 6, 2023 PROPOSED LOT WIDTH AMENDMENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 17, 2023 12:18 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Hello,

Thank you for your help.

-Could you please tell me which ordinance I need to read to understand the zoning requirements for subdividing a lot that has an existing structure that could possibly be 14' from the property line. See Town Code Section 30-97(2): https://library.municode.com/nc/southern_shores/codes/code_of_ordinances?nodeId=PTIICOOR_CH30SU_ARTIVMISTDEGE_S30-97DEST.

-Could you also please tell me about Southern Shores' procedure for asking Southern Shores to make an exception to their local code. For example, if I hired an attorney to file my applications and ask Town Council or Dare County to approve the subdivision. An exception would be in the form of a Variance. Our Town Planning Board considers Variances which are only granted if the applicant can demonstrate that there is a hardship involved if a Variance is not granted. See attached application which includes questions that address the criteria for granting a Variance.

75 E. Dogwood Trail can be divided so each property has street frontage and a 100' lot width at the front of the building (by making the existing lot similar to a "flag lot"). I would just prefer not to literally remove 1' of the existing home if the home was really built 14' from a property line that required 15'. Please submit a drawing showing what you have in mind, including the existing structure and measurements from existing and proposed property lines.

If you would like, I am available to meet with you to make sure I am creating a subdivision plan consistent with other approved subdivisions and existing zoning requirements. I am available to meet next Tuesday at 10:30 or 2:00 if you'd like to meet to discuss and review your drawing.

Thank you,
Anthony S Mina

On Wednesday, May 17, 2023, 11:31:21 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Anthony. I'm doing well and I hope the same for you. I don't believe that creating two lots that front E. Dogwood Trl. would work either, unfortunately. This is due to our minimum lot width requirement which is 100 ft. so both lots would have to be 100 ft. wide and front E. Dogwood Trl. However, I'd be glad to take a look at a sketch if you'd like to draw what you have in mind. The other issue is the existing structure not being at least 15 ft. from the side property line. Our ordinance requires compliance with all zoning requirements whenever new lots are created.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT HIDING JUNE 6, 2023 PROPOSED LOT WIDTH REQUIREMENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, May 16, 2023 11:51 AM

EXHIBIT 7

To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Good Morning,

I hope you are doing good. I'm a little confused about the Southern Shores local codes governing subdivision plans. Can you tell me why 75 E. Dogwood Trail could not be divided so each of the (2) new lots has street frontage. There is about 155' of street frontage and it does not matter to me if the lots shared the driveway or each had their own driveway. I believe that a second house could be built at 75 E Dogwood Trail and positioned so each lot has at least a 75' width at the side of the house closest to Dogwood Trail.

Thank you for your help,
Anthony S Mina

On Monday, May 1, 2023, 01:54:54 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. I'm doing well and I hope the same for you. I don't think a subdivision of 75 E. Dogwood Trl. would be allowed per Town Code Section 30-96(f) in our Subdivision Ordinance which states: All lots shall front upon a public road. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 1, 2023 12:50 PM
To: Kevin Clark <kclark@southernshores-nc.gov>; Kevin Clark <kclark@southernshores-nc.gov>; Marcey Baum <mbaum@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Zoning Question

Hello,

I hope you are doing good,

I have attached a survey with a sketch of a proposed subdivision for 75 E. Dogwood Trail and wanted to make sure I am correct to believe that the lot can be subdivided as a right to the homeowner because the lot is larger than one acre. The only thing I noticed that did not meet the current zoning code requirements is a 14' setback from the existing home to the property line on the left side (I believe there should be 15').

Could you please tell me anything that would prevent me from subdividing the 75 E. Dogwood Trail lot so I could build another house. I do not own the property but have made an offer on the property.

Thank you,
Anthony S Mina

CC Ashton Harrell, MM & J Law Firm

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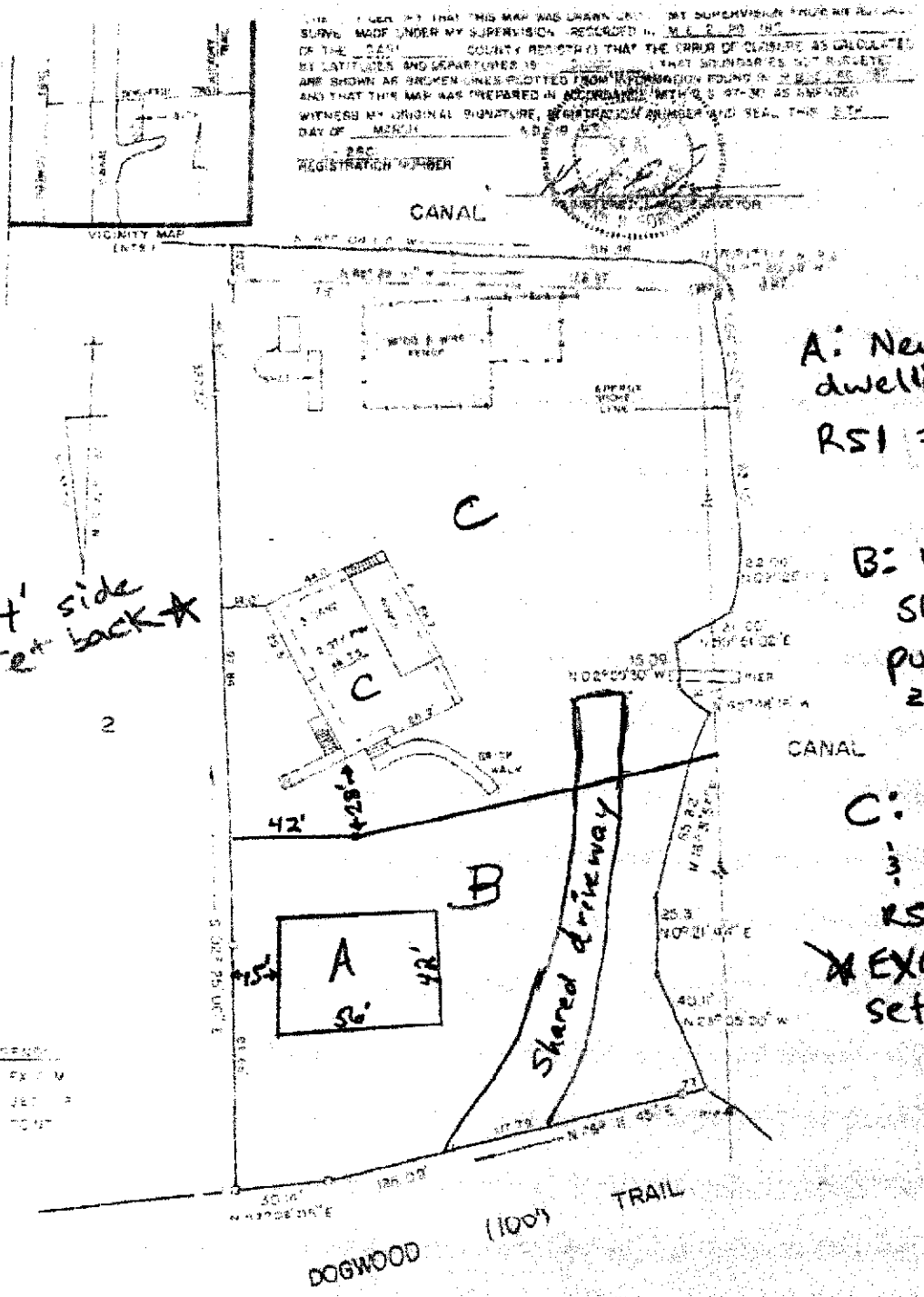
EXHIBIT 300



SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 105
SOUTHERN SHORES
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA

DATE: MARCH 6, 1997	SCALE: 1" = 40'
FILE: 4R97-72.7	DR. BY: BDB
REF: M. B. 2, PG. 182	
F.I.R.M. # 370430 0001 C (4/2/93)	

KIRK R. FOREMAN
LAND SURVEYING COMPANY
P.O. BOX 1961
KILL DEVIL HILLS, NC 27948
(919) 261-1221

"EXHIBIT 2"

E

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
www.southernshores-nc.gov

June 5, 2024

PROOF OF WES HASKETT'S SPECIAL INTEREST IN 75 E. DOGWOOD TRAIL

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision

Dear Mr. Mina and Ms. Franz:

Following further review, the administrative decision to deny your application to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000) has been revised. However, the decision to deny the application has not been revised. The reason for the denial remains that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

"EXHIBIT 3"

2. There is no drive aisle shown on proposed Parcel B providing access from E. Dogwood Trl. to the existing single-family dwelling. Town Code Section 36-163(4)a.1.ii. states that an eight-foot-wide drive aisle shall be provided, which must be separate from any parking spaces, such that no vehicle will be required to back into the public right-of-way.

3. There are no parking spaces shown on proposed Parcel B for the existing single-family dwelling. Town Code Section 36-163(4)a.1 requires three parking spaces for each dwelling unit with up to eight-person septic capacity and one additional space for each two persons of septic capacity, or fraction thereof, in excess of eight-person septic capacity up to 12-person septic capacity and one additional space for each person of septic capacity over 12.

Per Town Code Section 36-132(c) and Section 36-132(c)(1), the existing single-family dwelling on proposed Parcel B that encroaches the minimum side yard (setback) requirement has been determined legally nonconforming and it can remain as is or it can be enlarged or altered as long as the enlargement or alternation doesn't increase the nonconformity. As a result, the encroachment is no longer applicable to the decision to deny your application.

Should you wish to appeal this revised administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/bc-ph. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov, if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

"EXHIBIT 3"

75 E Dogwood Trail

chestercountyla

Anthony Mina <chestercountylawn@yahoo.com>
To: Marcey Baum <mbaum@southernshores-nc.gov>,
Southernshores Nc Info <info@southernshores-nc.gov>, Kevin Clark <kclark@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>

Jun 4 at 2:18 PM

Hello,

Please find the attached building permit application to:
-repair first floor sagging problems, as needed.
-enlarge the foyer/first floor family room opening.
-replace a defective beam supporting the second floor family room floor.
-remove walls on each side of the 2nd floor fireplace.
-remove the section of 75 E. Dogwood Trail Wes Haskett claims prevents a lot subdivision plan from being approved.

Engineered approved plans for all the jobs are attached to this email.

Thank you,
Anthony S Mina

3 Files 16.7MB

75DogwoodPermitApp.pdf
1MB

NC0519_ Anthony Mina_ 75 E Dogwood Trail Kitchen Renovation REV 1_ Sealed.pdf
14MB

NC0519_ Anthony Mina_ 75 E Dogwood_ 2nd Floor Ext Wall Revision_ Sealed.pdf
1MB

"EXHIBIT 3"

— PLAN SUBMITTED TO REMOVE 1' SECTION OF HOUSE

Submittal Date: 6/4/24

Page 1 of 2
Page 2 is Building Plan Specification Form

TOWN OF SOUTHERN SHORES
PLANNING AND CODE ENFORCEMENT
5375 N. Virginia Dare Trail, Southern Shores, NC 27949
(252) 261-2394 phone (252) 255-0876 fax
www.southernshores-nc.gov

BUILDING/FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

***Applications WILL NOT be accepted until all required information is provided

PROPERTY INFORMATION:

Project Address: 75 E. Dogwood Trl.
Lot Number: 1 Block: 105 Section: ____
Property ID Number (PIN #): 986817213507
Lot Area: 46,500 sq ft

Property Owner: Anthony S. Mina
Mailing Address: 75 E. Dogwood Trail
City: Southern Shores State: NC Zip Code: 27949
Tele #: 610-842-3905

Flood Zone (circle): AE 4 ft – AE 5 ft – AO 1 ft depth – AO 2 ft depth – VE 11 ft – VE 12 ft – VE 13 ft – (Shaded X) (Unshaded X)
Base Flood Elevation: ____ft / Plus 3ft of Freeboard or LES 8 ft = ____ft = Regulatory Flood Protection Elevation
Zoning District: RS1 Septic Permit # ____ Permit Date: ____ # Person Septic Capacity ____
CAMA Permit required? Yes or (No) CAMA Permit # ____ CAMA AEC (circle): ____Estuarine Shoreline or _Ocean Hazard

CONTRACTOR INFORMATION: Homeowner is doing work

Business Name: ____
Contractor Name: ____
Mailing Address: ____
City: ____ State: ____ Zip Code: ____
Business # ____ Cell # ____
Fax # ____ Email ____

NC G. C. Licensed Contractor ____ OR ____ Non-Licensed Contractor
NC G. C. License Number: ____
Limitation: ____
Classification: ____
Qualifier: ____

DESCRIPTION OF WORK: Make structural improvement to first floor, widen family room/fireplace doorway, remove walls on each side of second floor fireplace ~~and remove section of house lies Haskett claims prevents the lot subdivision~~ Please see engineered approved plans for more information

PERMIT TYPE (X): ____ COMMERCIAL X RESIDENTIAL
____RESIDENCE ____2ND HOME ____RENTAL (> 30 days) ____VACATION COTTAGE (< 30 days)

TYPE OF CONSTRUCTION (X): ____NEW CONSTRUCTION ____ADDITION/EXPANSION X REMODEL/RENOVATION/REPAIR ____ACCESSORY ____OTHER

PROPERTY USE (X): X SINGLE FAMILY ____DUPLEX ____MULTI-FAMILY ____GOVERNMENT - INSTITUTIONAL ____COMMERCIAL

COMMERCIAL USE ONLY: ____CURRENT USE ____PROPOSED USE

SQUARE FOOTAGE AND/OR DIMENSIONS: 3543 GARAGE ____SHED ____SWIMMING POOL
____GAZEBO ____DUNE DECK ____RETAINING WALL ____BULKHEAD ____PIER/DOCK
____DECK(S) ____PORCH(ES) ____STORAGE ENCLOSURE ____OTHER

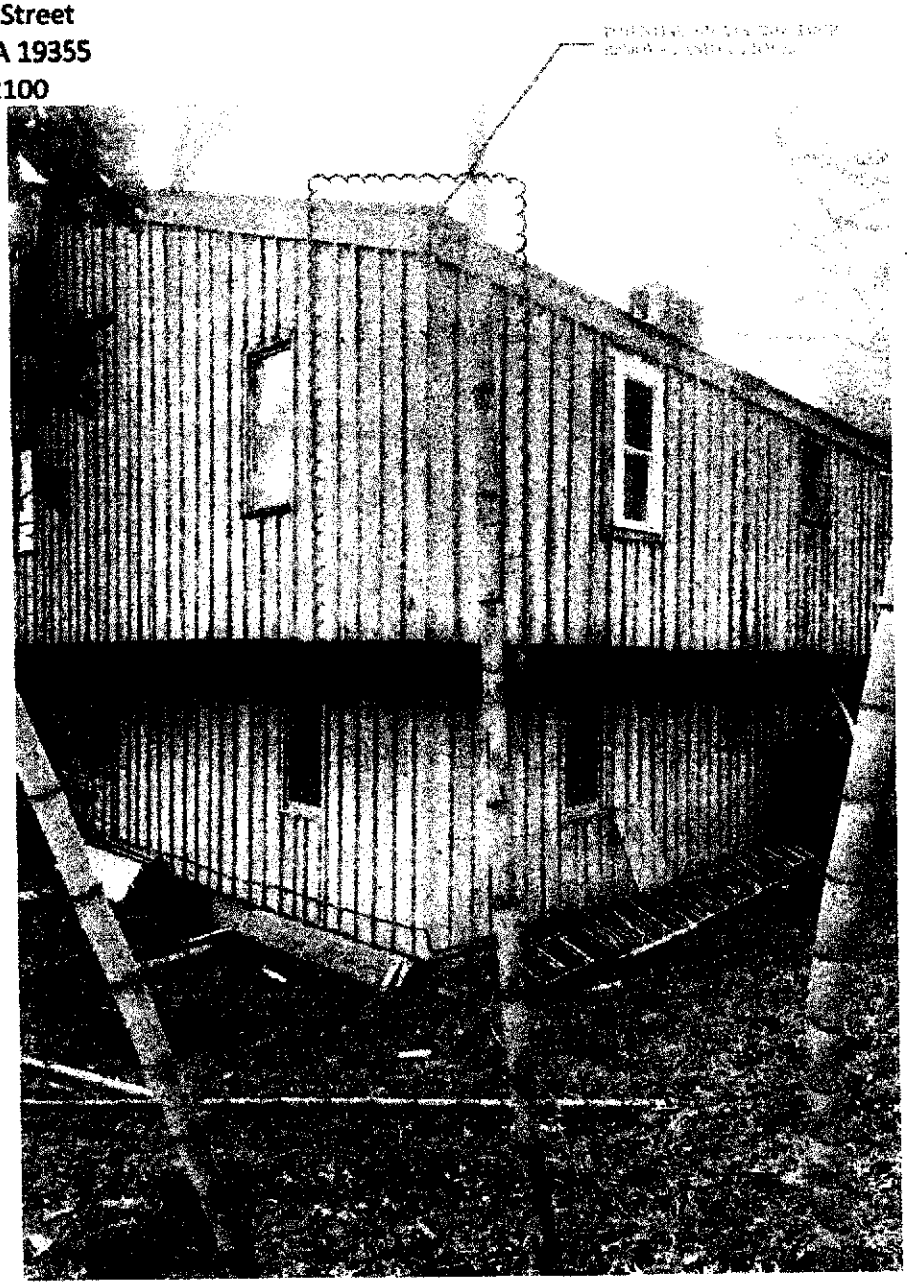
PROPOSED BUILDING AREA: n/a SQ FT - HEATED / LIVING AREAS (NEW SPACE)
____SQ FT - NON HEATED AREAS (NEW SPACE)
$1600.— $1800.— COST OF REMODEL/RENOVATION/REPAIR - ONLY (DO NOT INCLUDE NEW SQ FT)
$1600.— $1800.— ESTIMATED CONSTRUCTION COST OF TOTAL PROJECT

NOTE: Although the Town of Southern Shores does not enforce or consider the effect of covenants in the various subdivisions of Southern Shores, applicants for a building permit should be advised that their building plans may be affected by subdivision covenants and are advised to consult with the appropriate property owners' association. You are strongly urged to obtain approval from the appropriate association before you apply for a permit and begin construction. Failure to do so could result in legal action by the association to enforce the covenants.

* Please note Ives Haskett now does not claim existing side set back distances prevent a lot subdivision so Applicant will not be removing any of the existing

"EXHIBIT 3"

UZMAN ENGINEERING, LLC
116 E. King Street
Malvern, PA 19355
(610) 320-2100



Due to the existing setback requirements, there are questions whether the existing 2nd floor cantilever is outside of the required property setback. Although the house has been there since 1970, the Homeowner has considered removing an approximate 1'-0" section of the 2nd floor cantilever corner to meet the requirements. The corner of the building would be removed, new 2x4 framing installed from 2nd floor to roof, flashing and roof patching as well as siding re-configuring to meet the setback. Uzman recommends the installation of Simpson Strong Hurricane ties to the revised roof rafters and SDS wood screws to the joists and built up 2x10 below. UE also recommends mid height blocking of the joists along with exterior sheathing nailed to the new studs @ 4" o.c. vert spacing.

ENGINEERED PLANS SUBMITTED
NC0519
6/4/2024 TO REMOVE 1' OF REAR
CORNER OF HOUSE

"EXHIBIT

Anthony Stocker Mina

5/24/2024

---- Forwarded Message ----
From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Friday, May 24, 2024 at 03:51:32 PM EDT
Subject: RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Mr. Mina:

You are free to submit any application you wish to submit. However, in response to your specific question, please understand that, unless all four reasons are satisfied, the proposal would be denied, and you would have the option to appeal.

I strongly suggest you consult with an attorney as I cannot give you legal advice, as attorney for the Town.

Thank you.

Phil Hornthal

REFUSAL TO ACCEPT SIDE SETBACK AS CONFORMING FROM TOWN ATTORNEY PHIL HORNTHAL ON BEHALF OF WES HASKETT AND SOUTHERN SHORES

L. Phillip Hornthal, III
Attorney at Law

Direct:252.698.0214

Office:252.335.0871

Fax:252.335.4223 Attn: P. Hornthal

Email:phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

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Legal Notices & Privacy Policy

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 24, 2024 2:27 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

>>Warning: The source of this email is from outside of the firm.<<

Hello,

"EXHIBIT 3

Wes Haskett

From: Andy Ward <andyward147@gmail.com>
Sent: Wednesday, June 19, 2024 2:23 PM
To: Wes Haskett
Subject: Signs
Attachments: IMG_3276.HEIC; IMG_3277.HEIC

Hey Wes and Cliff,

I'm pretty sure these signs are in the Town's right-of-way advertising this fantastic investment opportunity:

https://outerbankshomeimprovements.com/dream-investment

I've had several people asking how this stands up against the sign ordinance. I'm assuming they can display the signs on their property but not in the Town's RoW, which is pretty far off the road and sidewalk on E.Dogwood.

Your thoughts?

Andy

"EXHIBIT 4"

RE: Public Records Request Re: signs placed in right-of-way

Jun 20 at 10:56 AM

Cliff Ogburn <cogburn@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Sheila Kane <skane@southernshores-nc.gov>,
info@southernshores-nc.gov <info@southernshores-nc.gov>

Town Code Section 36-165 (3) Sign permit required.

> No sign shall hereafter be erected or attached to, suspended from, or supported on a building or structure, nor shall any existing sign or outdoor advertising structure be structurally altered, remodeled, or relocated, until a sign permit for same has been issued by the zoning administrator. No permit is required for signs in residential districts, temporary signs, or any sign not exceeding three square feet in area.

Response to the 6 locations you referenced in your email below:

1. Not allowed in this location. This sign has been addressed.
2. Organizational leaders were notified and made aware of the regulations and given the same opportunity to comply on their own that you were.
3. Not allowed in this location. This sign has been addressed.
4. temporary sign legally placed – no permit required.
5. Not allowed in this location. These signs have been addressed.
6. This sign does not exist at this location.

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Thursday, June 20, 2024 7:48 AM
To: Cliff Ogburn <cogburn@southernshores-nc.gov>; Sheila Kane <skane@southernshores-nc.gov>; info@southernshores-nc.gov
Subject: Public Records Request Re: signs placed in right-of-way

Southern Shores,

Please provide me:
1) All permits issued to allow Beach Realty & Construction sign at 108 S. Dogwood Trail.
2) All permits issued to allow Vacation Bible School signs at "Welcome Southern Shores" entrance at S. Dogwood Trail.
3) All permits issued to allow Village Realty sign at 20 S. Dogwood Trail.
4) All permits issued to allow "join our team" sign at Duck Woods Country Club.
5) All permits issued to allow Beach Realty Sign and "Oh-So Sandy" sign at 18 E. Dogwood Trail.
6)All permits issued to allow Outer Banks Realty sign at 75 E. Dogwood Trail.

Thank you,
Anthony S Mina

On Wednesday, June 19, 2024 at 02:56:43 PM EDT, Cliff Ogburn <cogburn@southernshores-nc.gov> wrote:

Mr. Mina – in reference to the two signs in the below picture in front of your property at 75 East Dogwood Trl, please be advised that Town Code Section 36-165 prohibits temporary signs in the right-of-way (except from 30 days before early voting begins and 10 days after an election). Please either remove these signs or have them moved back outside of the right-of-way. Otherwise, they may be

subject to removal.
If you have any questions or would like to discuss this further, please contact me at 261-2394.
Thank you.
Cliff Ogburn
Town Manager
Town of Southern Shores

"EXHIBIT 4"

1 **File** 1.3MB

image001.png
1MB

"EXHIBIT 4"

ANTHONY S MINA
75 E DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
610 842 3905
chestercountylawn@yahoo.com

October 31, 2024

CASE: VA-24-01

APPLICANT'S NOTICE OF FALSE REPORTS, INCLUDING VIOLATIONS OF NORTH CAROLINA'S PUBLIC RECORDS REQUEST LAWS THAT WES HASKETT MADE ON OCTOBER 30, 2024 PERTAINING TO HIS SWORN TESTIMONY AND OCTOBER 21, 2024 STAFF REPORT CLAIMING NOTIFICATION REQUIREMENTS WERE MET PRIOR TO THE JUNE 6, 2023 & AUGUST 3, 2021 AMENDMENTS

I, Anthony S. Mina, Applicant in the October 21, 2024 Zoning Variance Hearing hereby notify the Southern Shores' Planning Board/Adjustment Board and Town Council that Wes Haskett made additional false reports in violation of North Carolina's Public Records Request Laws. In support thereof, I hereby aver the following facts:

1. On June 1, 2023 Wes Haskett emailed Applicant an email that stated in part "The Town Planning Board recommended approval of the attached amendments (Wes Haskett's March 31, 2023 Amendment Application) on May 15th and the Town Council will be holding a public hearing on June 6." A true and correct copy of Wes Haskett's email is attached hereto and marked "Exhibit A".
2. On October 30, 2023 Wes Haskett responded to a public records request for "all notification records including paid receipts of posted notice and postal records (including letters sent) pursuant to Section 36-362(b) for the May 15, 2023 Planning Board/Board of Adjustments hearing on Wes Haskett's 3/31/2023 zoning amendment application and the zoning amendment (including Planning Board/Board of Adjustments meeting notification) notifications for the 8/3/2021 zoning amendment." with a claim that the Planning Board did not hold a hearing on May 15, 2023 (like his June 1, 2023 email states occurred). A true and correct copy of Wes Haskett's email is attached hereto and marked "Exhibit A".
3. Southern Shores Town Ethics Policy states:
    1) I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
    2) I will always uphold the integrity and independence of my job.
    3) I will always avoid any impropriety or the appearance of impropriety in all of my activities.
    4) I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
    5) #7 I will always respond promptly to any concern brought to me by any town employee or town resident. In this regard I will grant no special consideration,

treatment or advantage to any citizen beyond that which is available to any other citizen
A true and correct copy of the town ethics policy is attached hereto and marked "Exhibit B".

4. Planning Board Chairman Andy Ward agreed to conduct the October 21, 2024 Variance hearing in compliance with the Southern Shores Code of Ethics as Applicant's condition to not asking Mr. Ward to recuse hisself due to a sign complaint made against Applicant but not other property owners violating sign code, as Applicant was.
5. Compliance with the Ethics policy prohibits Wes Haskett's conduct, requires a police report to be filed against Wes Haskett and requires Southern Shores and Andy Ward to "respond promptly to any concern brought to me by any town employee or town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen."

Wherefore, Applicant Anthony S. Mina hereby provides the Planning Board/Board of Adjustments and Town Council Notice of Southern Shores obligation to respond to Applicant's proof of false reports and false sworn statements against Wes Haskett with a police report filed against Wes Haskett, as required by law.

Respectfully Submitted,

Fw: Proof Of A Crime Committed By Wes Haskett Fw: Public Records Request For Proo f Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

Anthony Mina <chestercountylawn@yahoo.com>
To: Phillip Hornthal <phornthal@hrem.com>, Norwood Blanchard <norwood@cmclawfirm.com>

Oct 30 at 3:47 PM

Please also provide this email to all Southern Shores Town Council and Southern Shores Planning Board Members.

Thank you,
Anthony S Mina

---- Forwarded Message ----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: Phillip Hornthal <phornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>
Cc: "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; FBI <philadelphia.complaints@ic.fbi.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>
Sent: Wednesday, October 30, 2024 at 03:46:05 PM EDT
Subject: Proof Of A Crime Committed By Wes Haskett Fw: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

Dear Philip Hornthal.

Please provide this email to Chief Kole.

As you can see, Wes Haskett's June 1, 2023 email (which I have provided below this email) states: "The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th." (Wes Haskett's attached amendment was dated March 31, 2023.)

The last email in this chain/thread of emails is from Wes Haskett falsely reporting to Cliff Ogburn and Sheila Kane claiming a hearing was not held on May 15, 2023 for the lot width amendment when responding to a Public Records Request for notification of the May 15, 2023 hearing.

Providing False information in response to a public records request violates North Carolina law.

Please have Wes Haskett arrested.

Anthony Stocker Mina

----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Thursday, June 1, 2023 at 09:44:07 AM EDT
Subject: RE: 75 E Dogwood Trail Subdivision

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett

Deputy Town Manager/Planning Director

Town of Southern Shores

(252) 261-2394 (ph)

(252) 255-0876 (fx)

www.southernshores-nc.gov

image001

----- Forwarded Message -----
From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Sheila Kane <skane@southernshores-nc.gov>
Sent: Wednesday, October 30, 2024 at 02:57:50 PM EDT
Subject: FW: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

Mr. Mina:

Please find attached and below the Town's response to your earlier, above referenced, Public Records Request.

Thank you.

Phil Hornthal

"EXHIBIT A"

L. Phillip Hornthal, III
Attorney at Law
Direct:252.698.0214

Office:252.335.0871
Fax:252.335.4223 Attn: P. Hornthal
Email:phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

www.hrem.com

HRE&M LLP
HORNTHAL, RILEY, ELLIS & MALAND
ATTORNEYS AT LAW

Click here to read our Disclaimer, Legal Notices & Privacy Policy

From: Sheila Kane <skane@southernshores-nc.gov>
Sent: Wednesday, October 30, 2024 2:09 PM
To: Phillip Hornthal <PHornthal@hrem.com>
Subject: FW: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

>>Warning! The source of this email is from outside of the firm.<<
Phillip:

On October 24, 2024, Mr. Mina filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

• All notification records including paid receipts of posted notice and postal records (including letters sent) pursuant to Section 36-362(b) for the May 15, 2023 Planning Board/Board of Adjustments hearing on Wes Haskett's 3/31/2023 zoning amendment application and the zoning amendment (including Planning Board/Board of Adjustments meeting notification) notifications for the 8/3/2021 zoning amendment.

Please find all records that pertain to this request attached. Also, a response from Wes Haskett can be seen in the email below, explaining the notice requirements.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

From: Wes Haskett <whaskett@southernshores-nc.gov>
Sent: Wednesday, October 30, 2024 10:37 AM
To: Sheila Kane <skane@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: FW: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

See attached documents to be included with the response to Mr. Mina's request below. The Planning Board did not hold a hearing for TCA-21-06 on July 19, 2021 or ZTA-23-03 on May 15, 2023 because no hearings were required (hearings were subsequently required and held by the Town Council). There also were no posted or mailed notices for the Planning Board's consideration of TCA-21-06 on July 19, 2021 and ZTA-23-03 on May 15, 2023 because they weren't required.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

"EXHIBIT A"

9 Files 9.3MB

- **7-19-21 PB Mtg Public Notice.pdf** 78kB
- **7-14-21 PB Mtg Notice.pdf** 346kB
- **7-19-21 PB Mtg Sunshine List Notice.pdf** 416kB
- **5-15-23 REVISED PB Mtg Public Notice.pdf** 133kB
- **5-10-23 PB Meeting NoticeJPG** 59kB
- **8-3-21 TC Mtg Public Notice.pdf** 79kB
- **Published Notices.pdf** 5MB
- **Additional Planning Board mtg Notices.pdf** 1MB
- **August 3 2021 Council Mtg. Notices.pdf** 2MB

"EXHIBIT A"

Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

"EXHIBIT B"

24CV001667-270

ANTHONY S. MINA	: DARE COUNTY SUPERIOR COURT	
Petitioner	:	FILED
V.	: No.	DATE: December 18, 2024 TIME: 2:48:51 PM
SOUTHERN SHORES/WES HASKETT	:	DARE COUNTY CLERK OF SUPERIOR COURT
Respondent	: Southern Shores No. VA-24-01	BY: L. Watts
	:	

PROPOSED WRIT OF CERTIORARI

Now, that on this 12/18/2024 day, of _____, 2024 a Petition For Writ Of Certiorari has been filed in the Dare County Superior Court, Respondent Southern Shores/Wes Haskett is hereby ORDERED to prepare and certify to the court a complete record from the proceedings Variance No. VA-24-01 within 30 days of the date 12/18/2024.

Petitioner is hereby ORDERED to serve the Petition For Writ of Certiorari and Proposed Writ of Certiorari on the Respondent pursuant to Rule4(j) of the Rules of Civil Procedure.

Additional requirements, if any, are:_____

Date: 12/18/2024 Signature: Lynn Watts
Asst. Clerk

ANTHONY S. MINA	: DARE COUNTY SUPERIOR COURT	
Petitioner	:	FILED
V.	: No.	DATE: December 18, 2024 TIME: 2:12:55 PM
SOUTHERN SHORES/WES HASKETT	:	DARE COUNTY CLERK OF SUPERIOR COURT
Respondent	:	BY: L. Watts
	: Southern Shores No. VA-24-01	

PETITION FOR WRIT OF CERTIORARI
WITH PROOF OF FALSE PRETENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT

Petitioner, Anthony S Mina hereby petitions to the Honorable Dare County Superior Court to reverse the decision of the Planning Board/Board of Adjustments pursuant to Article 14 160A-393(L) and order injunctive relief/legal sanctions, including a request for criminal prosecution of Wes Haskett to the District Attorney's Office for violating false pretense, false reports to law enforcement and false sworn testimony laws. In support thereof, Petitioner avers the following:

FACTS

1. Petitioner is Anthony S. Mina, owner of 75 E. Dogwood Trail, Southern Shores, NC 27949
2. Respondent is Wes Haskett, Deputy Town Manager of Southern Shores 5375 N. Virginia Dare Trail, Southern Shores, NC 27949
3. Southern Shores Board of Adjustments/Planning Board signed an Order on November 19, 2024 Denying Petitioner's Application For Variance and Petitioner's Motion To Preclude Variance Hearing. A true and correct copy of the November 19, 2024 Order is attached hereto and marked "Exhibit A".
4. The Order dated November 19, 2024 ("Exhibit A") was written by Wes Haskett and his attorney, Lauren Womble and not written by the Planning Board/Board of Adjustments.
5. Paragraph 12 of the Order dated November 19, 2024 ("Exhibit A") states "There has been no competent evidence present to support Applicant's motion to preclude. There is no evidence of fraud, criminal conspiracy or misconduct by Town Staff."
6. Town Code Section 36-414(b) requires posted notice at the subject property(s) of zoning amendments announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning (prior to the zoning amendment's adoption).
7. Town Code Section 36-362(b) provides: *Notices.* Notice of hearings conducted pursuant to this article (Article XII-governing Planning Board/Board of Adjustment hearings) shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing; (ii) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; (iii) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and (iv) to any other persons entitled to receive notice as provided by this chapter. In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed

ANTHONY S. MINA	: DARE COUNTY SUPERIOR COURT
Petitioner	:
V.	: No.
SOUTHERN SHORES/WES HASKETT	:
Respondent	:
	:

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notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

8. Wes Haskett and Southern Shores did not post Notice at 75 E. Dogwood Trail (Petitioner's property) or mail notice to the property owner of 75 E. Dogwood Trail for Wes Haskett's zoning amendment application (changing lot width requirements) filed on March 31, 2023 which was heard and recommended for approval by the Planning Board/Board of Adjustments on May 15, 2023 and approved by town council on June 6, 2023. A true and correct copy of a public records request response from Southern Shores stating mailed notice was not provided and posted notice was not placed at 75 E. Dogwood Trail is attached hereto as "Exhibit B".
9. Complying with Town Code Notification requirements and North Carolina notification requirements to affected property owners is a pre-requisite to adopting and/or amending zoning code.
10. The proof that Wes Haskett and Southern Shores did not properly notify the 75 E Dogwood Trail property owner prior to the lot width requirement amendment on June 6, 2023 or an easement restriction amendment on August 3, 2021 was included with Petitioner's Variance Application as "Exhibit 2C" and Petitioner's Motion To Preclude Variance Hearing as "Exhibit B".
11. Wes Haskett made a false report to law enforcement on May 21, 2024 claiming he legally amended lot width requirements on June 6, 2023 but what Wes Haskett did was delete Town Code notification requirement Sec. 36-414(b) and omit Town Code notification requirement 36-362(b) from the report that he emailed to Petitioner, Police Chief Kole and Mayor Morey. A true and correct copy of the false report to law enforcement made by Wes Haskett is attached hereto as "Exhibit C".
12. Petitioner's Variance Application proves at "Exhibit 1A" the only thing preventing the 75 E. Dogwood Trail lot being subdivided with a shared driveway is the illegally adopted August 3, 2021 amendment preventing easement lot access and proves at "Exhibit 1B" the only thing preventing the 75 E. Dogwood Trail lot subdivision with 2 separate driveways is the illegally adopted June 6, 2023 lot width amendment.
13. Exhibit 1B is based on land surveyor Douglas Styons plat designed according to the plat sketch Wes Haskett reviewed on June 1, 2023 and emailed Petitioner about (found in Exhibit F").
14. Wes Haskett's false report to law enforcement ("Exhibit C") was included in Petitioner's Variance Application as "Exhibit 5" and Petitioner's Motion To Preclude Variance Hearing as "Exhibit C".
15. "Exhibit 2" of Petitioner's Variance Application references North Carolina Chapter 14 ss 14-225 false reports to law enforcement being violated by Wes Haskett on May 21, 2024.
16. Wes Haskett emailed Petitioner a staff report for Petitioner's Variance Application on October 14, 204 stating "All applicable notification requirements established in N.C.G.S. 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Amendment". A

true and correct copy of Wes Haskett's staff report is attached hereto and marked "Exhibit D".

17. Petitioner responded to Wes Haskett's emailed staff report with an email on October 15, 2024 that stated in part: "Could you please provide me a staff report that does not falsely claim all town and state notification requirements were met when making the June 6, 2023 & August 3, 2021 zoning amendments when "Exhibit 2C" from Sheila Kane proves Southern Shores did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b). A true and correct copy of Petitioner's email is attached hereto and marked "Exhibit E".
18. Wes Haskett refused to stop claiming he met/complied with notification requirements prior to the lot width amendment on June 6, 2023 and Wes Haskett and/or his attorney Lauren Womble also repeatedly claimed to satisfy notification requirements at the Variance Hearing on October 21, 2024.
19. At the Variance Hearing on October 21, 2024 Planning Board attorney Jay Wheless stated Petitioner was "accusing the whole town of impropriety" when Petitioner objected to attorney Jay Wheless and Wes Haskett's attorney Lauren Womble misrepresenting the language of the Town Notification requirement that posted notice must be at affected properties prior to zoning amendments at Town Code Sec. 36-414(b) when Petitioner stated the attorneys were colluding.
20. Wes Haskett's staff report claims "the district is intended to promote stable, **PERMANENT NEIGHBORHOODS**..." and then completely contradicts itself by arguing Petitioner's Variance for his subdivision should be denied because Petitioner can build an Accessory Dwelling Unit (ADU) when ADU's are known for short term vacation rentals.
21. Wes Haskett's staff report claims "the density of the population is managed" but contradicts hisself by refusing to approve a conditional subdivision plan limiting each of the (2) lots to seven occupants for a total of fourteen occupants when using Petitioner's lot for a single family home and ADU allows a total occupancy of twenty eight people (14 people at the home and 14 people at the ADU).
22. Petitioner entered into evidence (4) emails from Wes Haskett during May of 2023 (when posted notice was required at properties affected by his March 31, 2023 zoning amendment application) that prove Wes Haskett was being asked specifically about the 75 E Dogwood Trail lot subdivision and lot width requirements and Wes Haskett refused to tell Petitioner about the March 31, 2023 proposed zoning amendment to change lot width requirements. A true and correct copy of the exhibit entered into evidence is attached hereto as "Exhibit F".
23. On October 21, 2024 at the Variance hearing Petitioner proved Wes Haskett has an undisclosed special interest in Petitioner's property by getting Wes Haskett to admit that he did not allow Petitioner's side setback on his 50+ year old home to be considered "legally non-conforming" until June 5, 2024 which was one day after Petitioner emailed Wes Haskett a building permit application to remove the one foot of Wes Haskett's claimed "non-conforming" section of Petitioner's house and after months of Wes Haskett claiming there

was a non-conforming setback preventing the subdivision so much that he even hired attorney Philip Hornthal to also contact Petitioner to claim the side setback prevented the subdivision. A true and correct copy of the documentation presented to Wes Haskett on October 21, 2024 as an Exhibit is attached hereto and marked "Exhibit G".

24. Planning Board Jay Wheless advised the Planning Board/Board of Adjustments that **"RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN"** require the Planning Board/Board of Adjustments to grant Petitioner's Motion to Preclude Variance Hearing and Grant Petitioner's Variance.
25. Wes Haskett's lies that notification requirements were met/complied with prior to the June 6, 2023 and August 3, 2021 zoning amendments is **"RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".**
26. Wes Haskett's refusal to tell Petitioner about his March 31, 2023 zoning Application in 4 emails responding to subdivision/lot width questions in May of 2023 (when posted notice at affected properties was required) is **"RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".**
27. Wes Haskett's refusal to allow Town Code Section 36-132(c) and Section 36-132(c)(1) to admit Petitioner's house's setback is "legally non-conforming" for months until Petitioner filed a building permit to remove the 1' of house Wes Haskett claimed was non-conforming is **"RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".**
28. Wes Haskett and his attorney Lauren Womble's argument on October 21, 2024 that notification requirements for the June 6, 2023 and August 3, 2021 zoning amendment were met/complied with when Southern Shores Public Records Request Response (Exhibit B) proves they were not is **"RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".**
29. Wes Haskett's false report to law enforcement on May 21, 2024 found in "Exhibit C" (in violation of North Carolina Chapter 14 ss 14-225 false reports) is **"RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".**
30. Wes Haskett's refusal to correct his wrong-doing as required by Southern Shores Town Code Ethics Policy #7 (found as Exhibit 6 of Petitioner's Variance Application) which states "I will respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen" is **"RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".**
31. A true and correct copy of Petitioner's "MOTION TO PRECLUDE VARIANCE HEARING SCHEDULED FOR OCTOBER 21, 2024 DUE TO SOUTHERN SHORES' CONSPIRACY TO FALSIFY MATERIAL INFORMATION TO THE PUBLIC AND PLANNING BOARD, GRANT

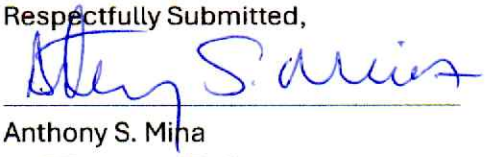
APPLICANT'S VARIANCES FROM SECTION 30-96(f) AND SECTION 36-202(d) AND REFUND APPLICANT'S $350 VARIANCE APPLICATION FEE" is attached hereto as "Exhibit H".

32. A true and correct copy of Petitioner's Variance Application is attached hereto as "Exhibit I".
33. The previous owner of 75 E Dogwood Trail was able to negotiate an additional $75,000 from Petitioner in May of 2023 for the purchase of 75 E Dogwood Trail (when Petitioner's lot was subdividable, as proven with "Exhibit 1B" of Petitioner's Variance Application) because Wes Haskett did not have posted notice at 75 E. Dogwood Trail and refused to tell Petitioner about his March 31, 2023 zoning amendment application.
34. Wes Haskett communicated with the previous owner and the listing agent of 75 E. Dogwood Trail on and off the record about the lot subdivision, as proven with Exhibit 3 of Petitioner's Variance Application.
35. Wes Haskett's claim at paragraph 17(d) of the Order denying Variance that "On July 6, 2023, Mr. Mina was given the opportunity to rescind the offer to purchase the subject property with a full refund of his due diligence funds prior to closing on the subject property and declined to do so" is a fraudulently misrepresented fact because the truth is on July 5, 2023 Petitioner emailed the previous owner's attorney stating that if the real estate transaction was not legally conforming on July 7, 2023 Petitioner would be using the legal system to seek his damages the previous owner procured with fraud, including Wes Haskett's fraud. The previous owner did not offer a refund of Petitioner's legal costs, inspection fees or approximately $50,000 Petitioner was in the process of spending on his previous home in preparation for the move to 75 E. Dogwood Trail.
36. Wes Haskett is guilty of being a part of a false pretense real estate scam and Wes Haskett is guilty of false pretense theft for repeatedly forcing Petitioner to pay hundreds of dollars on subdivision applications and a Variance Application that require law, town code and facts to be used when deciding but providing Petitioner nothing but misrepresented facts and the use of zoning code Wes Haskett's knows are inapplicable for reasons including that a pre-requisite to the zoning code being enforced is the property owner being notified, which did not occur at 75 E. Dogwood Trail.
37. Planning Board Chairman Andy Ward agreed to comply with Southern Shores Town Ethic's policy when admitting he made a sign complaint against Petitioner for having a real estate sign in the right of way. Andy Ward did not make sign Complaints against other Southern Shores Property owners and a church that had signs in the "right of way" in locations you can not miss when coming and going from Dogwood Trail when the complaint was made against Petitioner. Petitioner did not ask Andy Ward to recuse his self from the Variance proceedings because he agreed to comply with Southern Shores Code of Ethics (Exhibit 6 of Petitioner's Variance Application).
38. Andy Ward has yet to comply with Southern Shores Code of Ethics.
39. The Planning Board/Board of Adjustment's November 19, 2024 Order is in violation of constitutional provisions including those protecting the right to hearing without fabricated evidence, false sworn testimony and due process violations, the decision is inconsistent with applicable procedures specified by statute and ordinance, the decision is affected by error of law and the decision is unsupported by substantial competent evidence (the decision is based on ridiculous amounts of Wes Haskett's lies).

WHEREFORE, Petitioner respectfully requests this Honorable Court to REVERSE the decision of the Planning Board/Board of Adjustments, REMAND the case to Southern Shores, Request that the Dare County District Attorney's Office review this case and grant Petitioner other relief the court deems appropriate, such as a refund of Southern Shores filing fees and an order requiring Wes Haskett to pay Petitioner's legal costs.

December 18, 2024

Respectfully Submitted,



Anthony S. Mina
75 E Dogwood Trail
Southern Shores, NC 27949
610 842 3905
chestercountylawn@yahoo.com

NORTH CAROLINA

BOARD OF ADJUSTMENT

TOWN OF SOUTHERN SHORES

Case: VA-24-01

In Re: Application for a Variance by Anthony S. Mina for 75 East Dogwood Trail (Pin # 986817213502)

ORDER

THIS MATTER was heard before the Town of Southern Shores Board of Adjustment (the "Board") on October 21, 2024, after due notice as required by law was provided. At issue was the application for a variance (the "Application") by Anthony S. Mina for 75 East Dogwood Trail, Pin # 86817213502. Present were W. Jay Wheless, Board Attorney; Lauren Arizaga-Womble, Town Attorney; Wes Haskett, Deputy Town Manager/Planning Director; and the Applicant, Anthony S. Mina, appearing pro se. Jennifer L. Franz was sent notice of the hearing, but did not appear.

On October 15, 2024, Mr. Mina submitted a motion to preclude variance hearing scheduled for October 21, 2024 due to Southern Shores' alleged conspiracy to falsify material information to the public and Planning Board, grant applicant's variance from section 30-96(f) and section 36-202(d) and refund applicant's $350 variance application fee. ("motion to preclude").

Prior to the commencement of proceedings, the Board Attorney, Mr. Wheless, made a conflict inquiry of the Board. There were no conflicts noted. It was documented Chairman Ward previously made a complaint to Town Staff regarding potential sign posting violations at or near the subject property after Chairman Ward was notified of the same by community members. Chairman Ward did not participate in enforcement or have any other involvement regarding the Applicant or subject property following the written complaint. Chairman Ward confirmed he could be fair and impartial and had no preconceived opinions regarding the variance requests before the Board. There was no objection by any party regarding the impartiality of any member of Board.

"EXHIBIT A"

At the time this matter was called for hearing, Mr. Mina requested the Board first consider his motion to preclude. The Board considered this request and then tabled ruling on the motion to preclude until the end of the hearing, following the full presentation of evidence. All parties consented to this procedure.

Based on a review of the record proper and the evidence and arguments presented, the Board of Adjustment makes the following:

FINDINGS OF FACT

1. Anthony S. Mina and Jennifer L. Franz are the owners of record for 75 East Dogwood Trail. The property was purchased on July 7, 2023.

2. The subject property is a 47,000 square foot lot with an existing single-family residence thereon. The property is zoned RS-1, single-family residential.

3. Mr. Mina testified that prior to executing a contract for the subject property, he communicated with Town Staff and realtors about his desire to subdivide the property. Both Town Staff and the realtors reported to Mr. Mina it may be possible, but he must submit a proposed plan at the time of the formal subdivision application.

4. On June 1, 2023, Mr. Mina became aware of the proposed Town Code text amendment to establish a minimum lot width of 100 feet in Town Code Section 36-202(d). The Amendment was adopted by Town Council on June 6, 2023, and Mr. Mina was notified of the change on June 7, 2023.

5. On July 6, 2023, the seller of the subject property offered Mr. Mina an option by the seller of the subject property an option to terminate the contract with a full refund of due diligence money due to the change in the Town Code and the impact it could have on a potential

"EXHIBIT A"

subdivision of the property. On July 7, 2023, Mr. Mina declined the offer and proceeded with the closing.

6. On July 3, 2024, Mr. Mina submitted two applications to subdivide the subject property.

7. On July 16, 2024, the Town denied both applications. The first application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-96(f), which requires both lots front a public road. The second application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97, which requires lot width of 100 feet in the RS-1 Single-Family Residential zoning district. The denials were not appealed by Mr. Mina.

8. On August 30, 2024, Mr. Mina, filed a variance application seeking relief from Town Code Section 30-96(f), Lots, or Town Code Section 36-202(d), Dimensional Requirements, to facilitate the subdivision of the subject property.

9. The current standards in Town Code Section 30-96(f) and Town Code Section 36-202(d) were adopted on August 3, 2021, and June 6, 2023, respectively. The aforesaid Town Code sections remain in full force and effect.

10. Mr. Mina desires to subdivide the property, sell the new lot and use the proceeds to upgrade his residence. Mr. Mina has experience in home renovations and has engaged in substantial home makeover projects in Pennsylvania. Mr. Mina testified that he is familiar with complying with local code standards. Mr. Mina contends the inability to subdivide his property creates a personal financial hardship.

11. Mr. Mina contends his variance should be summarily granted in his motion to preclude in that:

"EXHIBIT A"

a. He was told by Outer Banks Realty that a subdivision was possible;

b. Wes Haskett did not tell him about the Town Code Text Amendment to Section 36-202(d) until June 1, 2023;

c. Southern Shores did not comply with notice requirements for Town Code Section 30-96(f) and Town Code Section 36-202(d) in that Wes Haskett did not give notice to the U.S. Army's Duck Facility and he did not post notice pursuant to Town Code Section 36-414(b);

d. Wes Haskett has made false reports to law enforcement agencies;

e. Wes Haskett, Cliff Ogburn and Town Attorney, Phil Hornthal, are violating federal law, state law and the Southern Shores Town Code and Ethics Policy;

f. Wes Haskett's staff report is false; and

g. Southern Shores lacks jurisdiction and forcing Applicant to pay $350 for a variance hearing substantiates a criminal conspiracy to steal $350 from Applicant and harass applicant with unenforceable codes.

12. There has been no competent evidence presented to support Applicant's motion to preclude. There is no evidence of fraud, criminal conspiracy or misconduct by Town Staff.

13. There is no legal authority upon which the Board can grant Applicant's motion to preclude to avoid Town Code and state law requirements to consider and grant a variance.

14. Applicant's motion to preclude should be denied.

15. There is no unnecessary hardship that results from the strict application of the ordinance in that:

a. The property is zoning single-family residential and there exists a single-family residence on the property;

"EXHIBIT A"

b. Mr. Mina's desire to upgrade and improve the existing structure is not restricted by the ordinance sections from which he is requesting a variance;

c. The size of Mr. Mina's parcel could allow for an accessory building with living space in addition to the single-family dwelling, which could also increase the value of his property;

d. There are other expansions in use or site improvements which could be made to Mr. Mina's property without a variance; and

e. Other than his unsubstantiated allegations of fraud and conspiracy, the only hardship alleged by Mr. Mina is financial in that he cannot subdivide his property, sell the new lot, and use the proceeds to upgrade his home.

16. Mr. Mina's alleged hardship does not result from conditions that are peculiar to the property, such as location, size or topography in that:

a. The subject property is approximately 47,000 square feet with approximately 150 foot of road frontage;

b. The subject property is similar to other properties in the neighborhood, including but not limited to being located near/on the canal and lagoon and zoned single-family residential;

c. Mr. Mina's alleged hardship is financial and one of personal circumstances;

d. The ordinance sections Mr. Mina seeks to vary are applicable to all residential parcels in the Town, whereby the conditions which prevent the subdivision are common to the neighborhood and general public; and

"EXHIBIT A"

e. Mr. Mina alleges Town Staff is engaged in a real estate scam, multiple conspiracies and fraud. These allegations are not relevant to the standards for a variance and there is no evidence of the same.

17. The alleged hardship is a result of actions taken by the applicant or property owner in that:

a. Mr. Mina contends the alleged hardship was created by the Town through illegally adopting the Town Code sections he seeks to vary. The current standards in Town Code Section 30-96(f) and Town Code Section 36-202(d) were lawfully adopted on August 3, 2021, and June 6, 2023, respectively;

b. Town Staff conducted preliminary reviews of several sketches from Mr. Mina for a subdivision of the subject property between May 1, 2023 and June 1, 2023. Town Staff provided advisory comments to Mr. Mina and advised a formal application would be required to determine if his proposed subdivision was allowable;

c. On June 1, 2023, Town Staff notified Mr. Mina of the proposed Town Code text amendment to establish a minimum lot width of 100 feet in Town Code Section 36-202(d). The Amendment was adopted by Town Council on June 6, 2023, and Mr. Mina was notified of the adopted change on June 7, 2023;

d. On July 6, 2023, Mr. Mina was given an opportunity to rescind the offer to purchase the subject property with a full refund of his due diligence funds prior to closing on the subject property and declined to do so; and

e. On July 7, 2023, Mr. Mina proceeded with the purchase of the subject property with specific knowledge of town regulations, and did not make his purchase contingent on subdivision approval.

"EXHIBIT A"

18. The requested variance is inconsistent with the spirit, purpose, and intent of the ordinance in that:

a. RS-1, single- family residential zoning district is established to provide for low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area;

b. RS-1 is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses;

c. The Town Code meets the intent of the RS-1, the density of population in the district is managed by establishment of minimum lot sizes, building set back and height limits, parking regulations and maximum occupancy limits for single-family residences used as vacation cottages;

d. Town Code Section 30-96(f) was adopted on August 3, 2021, removing the possibility of creating lots that only have frontage on an access easement. The intent of the Town Code amendment was to eliminate subdivisions where new lots did not have frontage on a public street; and

e. Town Code Section 36-202(d) was adopted on June 6, 2023, to clarify the definition of lot width to be 100-foot wide measured from the front lot lines at right angles to the rear lot line. The intent of the Town Code amendment was to clarify the Town Code lot width requirements which was prompted by an appeal of a formal staff determination in October 2022.

"EXHIBIT A"

Based on the foregoing Findings of Fact and the additional findings of fact incorporated with the following Conclusions of Law, the Board makes the following:

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear and consider the Application.

2. Notifications of the hearing on the Application were appropriately provided as required by law.

3. The parties consented to the individual members of the Board hearing the application after inquiries regarding members conflicts of interest.

4. There is no legal authority upon which the Board can grant Applicant's motion to preclude to avoid Town Code and state law requirements to consider and grant a variance.

5. Applicant's motion to preclude should be denied.

6. Unnecessary hardship would not result from the strict application of the Town Code.

7. The alleged hardship is not a result of conditions that are peculiar to the property, such as location, size, or topography.

8. The alleged hardship is a result of actions taken by the applicant or the property owner.

9. The requested variance is inconsistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice would not be achieved if a variance was granted.

10. The requested variance will not authorize the initiation of a nonconforming use of land.

"EXHIBIT A"

11. The Board acknowledges that there are or may be numerous conclusions of law set forth in the section of this Order denominated "Findings of Fact," and the Board hereby ratifies and accepts any such conclusions of law contained in the same.

Based on the foregoing Findings of Fact and Conclusions of Law, it is, therefore, **ORDERED, ADJUDGED, and DECREED, by a unanimous vote, the Applicants' Motion to Preclude and Application for Variance request are DENIED.**

Entered in open session the 21st day of October 2024 and signed this 19th day of November 2024.

Andy Ward

ANDY WARD, Chairman
Town of Southern Shores
Board of Adjustment

"EXHIBIT A"

CERTIFICATE OF SERVICE

I, Wes Haskett, Deputy Town Manager/Planning Director of the Town of Southern Shores, do hereby certify that a copy of the Order to Deny Applicant's Motion to Preclude and Application for Variance Request submitted by Anthony S. Mina to seek relief from Town Code Section 30-96(f), Lots and Town Code Section 36-202(d), Dimensional Requirements to allow a subdivision of the property located at 75 E. Dogwood Trl. hereto attached was mailed via certified U.S. mail to the persons listed below at the addresses indicated on the 19th day of November, 2024.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949
Phone: (252) 261-2394
Fax: (252) 255-0876

SERVED:

Mina, Anthony Stocker
75 E. Dogwood Trl.
Southern Shores, NC 27949

Franz, Jennifer Lynn
75 E. Dogwood Trl.
Southern Shores, NC 27949

"EXHIBIT A"

Public Records Request Regarding TCA-21-06 and ZTA-23-03

chestercountyla...

Sheila Kane <skane@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 20 at 5:07 PM

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03. **NOT REQUIRED**

2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.

    1. **Coastland Times Advertisement Invoices and copies of notices are attached. A ½ of a page size is NOT REQUIRED**

3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
    1. **Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.**

4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
    1. **NOT REQUIRED**
    2. **Communication with one property owner attached (Anthony Mina).**

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

11 Files 13.9MB

"EXHIBIT B"

RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Divisio n

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

May 21 at 2:27 PM

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.

(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section _____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ...." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.

(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.

(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <[redacted]>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <[redacted]>; Phillip Hornthal <[redacted]>
Cc: David Kole <[redacted]>; David Kole <[redacted]>; Elizabeth Morey <[redacted]>; Phillip Hornthal <[redacted]>; Cliff Ogburn <[redacted]>; Jonathan Siegel <[redacted]>; Matt Cooke <[redacted]>; Eric Brinkley <[redacted]>; Darrell Brickhouse <[redacted]>; Tracy Mann <[redacted]>; Chris Simpson <[redacted]>; Richard Deaner <[redacted]>; Thomas Long <[redacted]>; Jason Thompson <[redacted]>; Andrew Spottswood <[redacted]>; Jennifer Couture <[redacted]>; FBI <[redacted]>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <[redacted]>; Elizabeth Morey <[redacted]>; Jasper Rogers <[redacted]>; cgarriss@kittyhawktown.net; cgarriss@kittyhawktown.net; Casey Varnell <[redacted]>; Mike Talley <[redacted]>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <[redacted]>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <[redacted]>;

"EXHIBIT G"

mkichline@chesco.org;
Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or [redacted] if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit 1 of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

My concerns are the following:

Wes Haskett and Philip Hornthal are not in touch with reality and a danger to other people's physical and emotional well being. Wes Haskett has refused to answer how he believes he is legally changing land use with a zoning amendment since last summer. Changing land use from a 2 single home property (with a subdivision by right) to a 1 single home property causes land value monetary damages to some Southern Shores tax payers of significantly more than $100,000. In the real world $100,000 is easily the difference between life and death. $100,000 can be the difference between the medical care someone needs and accepting that their life is coming to an end. If you walk into a bank demanding $100,000 you are lucky if you are not killed. Wes Haskett and Philip Hornthal refuse to explain how they legally think they can cause some Southern Shores home owners more than $100,000 in monetary damages with a zoning code amendment which changes land use. Applicant without a doubt will not be committing any crimes in response to Wes Haskett and Philip Hornthal stealing land value from Southern Shores home owners, but has serious concerns that Wes Haskett and Philip Hornthal are a danger to the physical and emotional well being of others and should be involuntarily committed to a psychiatric hospital for evaluation. Applicant will give Wes Haskett and Philip Hornthal 48 hours to explain how they legally are changing land use without an eminent domain transaction and highly suggests law enforcement not to wait half as long.

Anthony Stocker Mina

PS When I testified in front of Federal Judge Edward G Smith against Chester County's labor trafficking conspiracy against me I explained that the conspirators designed me a spin move. 172 and 174 S. Dogwood Trail appear to me to be another example of the pre-meditated conspiracy which I am expected to use certain evidence against corruption a specific way. I will let law enforcement figure out if the home owners are pawned because of meanings within their names or play a role in the conspiracy that repeatedly forces me in the middle of government scandals as a way of hiding Pennsylvania's corruption like I am their undercover internet affairs guerilla. Since there is a white crosstour at 172 S. Dogwood Trail and I live in the Dick White house I feel like I am being forced in the middle of a whole lot of crossing without being paid (as Wes Haskett tries stealing more than $100,000 of land value from my family).

----- Forwarded Message -----
From: Anthony Mina <[redacted]>
To: "dkole@southernshores-nc.gov" <[redacted]>; "dkole@southernshores-nc.gov" <[redacted]>; Elizabeth Morey <[redacted]>; Phillip Hornthal <[redacted]>; Cliff Ogburn <[redacted]>
Cc: "jsiegel@southernshores-nc.gov" <[redacted]>; "mcooke@southernshores-nc.gov" <[redacted]>; "ebrinkley@southernshores-nc.gov" <[redacted]>; "dbrickhouse@southernshores-nc.gov" <[redacted]>; "tnann@southernshores-nc.gov" <[redacted]>; "clmpson@southernshores-nc.gov" <[redacted]>; "rleanar@southernshores-nc.gov" <[redacted]>; "dong@southernshores-nc.gov" <[redacted]>; "jthompson@southernshores-nc.gov" <[redacted]>; "japottswood@southernshores-nc.gov" <[redacted]>; "jcouture@southernshores-nc.gov" <[redacted]>; FBI <[redacted]>

"olivia.s.hines@nccourts.org" <[redacted]>; "olivia.s.hines@nccourts.org" <[redacted]>; Andrew C. Powell <[redacted]>; Elizabeth Morey <[redacted]>; Jasper Rogers <[redacted]>; "cgarriss@kittyhawktown.net" <[redacted]>; "cgarriss@kittyhawktown.net" <[redacted]>; Casey Varnell <[redacted]>; Mike Talley <[redacted]>; "mike.palkovics@kittyhawktown.net" <[redacted]>

"mike.palkovics@kittyhawktown.net" <[redacted]>

"chambers_of_chief_judge_sanchez@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_edward_g_smith@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_peppert@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_timothy_j_savage@paed.uscourts.gov" <[redacted]>; Dryan <[redacted]>; "cccommissioners@chesco.org" <[redacted]>; "cccommissioners@chesco.org" <[redacted]>; "jmaxwell@chesco.org" <[redacted]>; "jmaxwell@chesco.org" <[redacted]>; Marian Moskowitz <[redacted]>; "mkichline@chesco.org" <[redacted]>; "mkichline@chesco.org" <[redacted]>; Wes Haskett <[redacted]>

Sent: Friday, May 17, 2024 at 05:35:15 PM EDT
Subject: Criminal Conspiracy Being Committed By Wes Haskett And Southern Shores

Dear Law Enforcement,

"Exhibit C"

STAFF REPORT

To: Southern Shores Planning Board
Date: October 21, 2024
Case: VA-24-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Property Owners: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Requested Action: Variance to seek relief from Town Code Section 30-96(f), Lots and Town Code Section 36-202(d), Dimensional Requirements to allow a subdivision of the property located at 75 E. Dogwood Trl.

PIN #: 986817213502
Location: 75 E. Dogwood Trl.
Zoning: RS-1 Single-Family Residential District

Existing Land Use: "Residential"

Surrounding Land Use & Zoning:
North- Residential; RS-1, Single-Family Residential District
South- Canal
East- Residential; RS-1, Single-Family Residential District
West- Canal

Physical Characteristics: Developed (existing single-family dwelling)

Applicable Regulations: Chapter 30, Subdivision Ordinance: Section 30-6, Exceptions, Section 30-96(f), Lots and Section 30-97, Design Standards. Chapter 36, Zoning Ordinance: Section 36-57, Definition of Specific Terms and Words, Section 36-202(d), Dimensional Requirements, and Article XII, Board of Adjustment

ANALYSIS

The Applicant is requesting a Variance to seek relief from Town Code Section 30-96(f) and 36-202(d) to allow a subdivision of 75 E. Dogwood Trl. On July 3, 2024, the Applicant submitted two applications to subdivide the subject property. The first application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because both lots did not front upon a public road. Town Code Section

EXHIBIT D

30-96(f) states that all lots shall front upon a public road. The denial was not appealed.

The second application was also denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2). Specifically, the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district and as a result did not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots did not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

The denial was not appealed.

In accordance with N.C.G.S. 160D-705(d), Town Code Section 36-367 in the Town's Zoning Ordinance establishes that the Planning Board, when performing the duties of the Town Board of Adjustment, shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.

- There is no unnecessary hardship. The property is zoned single-family residential. There is a single-family dwelling which exists on the property. The Applicant's desire to upgrade and improve the existing structure is not restricted by the ordinance sections sought to be varied. Additionally, the size of the lot could allow for an addition to the existing single-family dwelling and/or an accessory building with living space which could also increase the value of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

- The alleged hardship by the Applicant is not peculiar to the property and rather is one of personal circumstances. The Applicant's application fails to demonstrate how the alleged hardship is peculiar to the property. The Applicant makes false allegations that Town Staff illegally adopted zoning requirements and was helping a real estate scam which are not related to the property's size, location, or topography.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- The Applicant claims that the unnecessary hardship is the result of Town Staff not meeting notification requirements for a Town Code Text Amendment that was

"4"

EXHIBIT D"

adopted on August 3, 2021 and a Zoning Ordinance Text Amendment that was adopted on June 6, 2023 and because Town Staff withheld material information prior to the Applicant's purchase of the property.

- All applicable notification requirements established in N.C.G.S 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Text Amendment. Neither amendment was appealed.
- Town Staff reviewed several sketches showing the Applicant's ideas for a subdivision of the property between May 1, 2023 and June 1, 2023 and never confirmed that any of them met all applicable requirements (which would have been advisory and not subject to judicial review). The Applicant moved forward with the purchase of the property on July 7, 2023.

(4) The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

- The RS-1, Single-Family Residential zoning district is established to provide for the low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area. The district is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses. In order to meet this intent, the density of population in the district is managed by establishment of minimum lot sizes, building setback and height limits, parking regulations and maximum occupancy limits for single-family residences used as vacation cottages.
- The Applicant claims that the spirit, purpose, and intent of the ordinance will be able to be utilized by granting a Variance from illegally adopted zoning code(s) and because Town Staff is involved with a false pre-tense real estate scam.
  - The Town Code Tex Amendment that was adopted on August 3, 2021 removed the possibility of creating lots that only have frontage on an access easement. The intent of the Town Code Text Amendment was to eliminate the possibility of subdividing property that did not have frontage on a public street, as directed by the Town Council at the June 1, 2021 Town Council meeting, which was a result of a preliminary subdivision plat application that was considered by the Town Council on June 1, 2021.
  - The Zoning Ordinance Text Amendment that was adopted on June 6, 2023 established that lots created after June 6, 2023 in the RS-1, Single-Family Residential zoning district shall be 100 ft. wide measured from the front lot line at right angles to the rear lot line. The intent of the Zoning Ordinance Text Amendment was to clarify the Town's lot width requirements by making them unambiguous, as directed by the Town Council at the March 21, 2023 Town Council meeting, which was a result of an appeal application that was considered by the Planning Board, performing the duties of the Board of Adjustment, on October 5, 2022.
  - Town Staff believes that granting the requested Variance would be inconsistent with the spirit, purpose, and intent of the ordinance.

"EXHIBIT D"

75 E. Dogwood Trl. Variance Materials With False Information From Wes Haskett

chestercountyla

Anthony Mina <chestercountylawn@yahoo.com>
To: Cliff Ogburn <cogburn@southernshores-nc.gov>, Wes Haskett <whaskett@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>, Norwood Blanchard <norwood@cmclawfirm.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Andrea C. Powell <andrea.powell@nccourts.org>, olivia.s.hines@nccourts.org, olivia.s.hines@nccourts.org, FBI <philadelphia.complaints@ic.fbi.gov>
more...

Oct 15 at 9:58 AM

Mr. Haskett,

Thank you for the email.

Could you please rescan my Variance Application so the last sentence on page 2 which states "Wes Haskett started communicating with Applicant on May 1, 2023 and his withholding of material information allowed the previous owner to negotiate an additional $75,000 from applicant." is not cut off from my Variance Application.

Could you please provide me a staff report that does not falsely claim all town and state notification requirements were met when making the June 6, 2023 & August 3, 2021 zoning amendments when "Exhibit 2C" from Sheila Kane proves Southern Shores did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b).

Could you please define the "spirit" of the town code for me?

Exhibit 6 of my Variance Application is the Code of Ethics for Town of Southern Shores Employees and since May 1, 2023 Wes Haskett and people working with Wes Haskett have refused to comply with:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of Southern Shores taxpayers in mind in the expenditure of these funds.

Being forced to spend $350 to ask for a variance from illegally adopted zoning codes violates theft and conspiracy laws. To me, the spirit of the town code should mean town employees/town council are attempting to preserve and enhance the natural beauty of Southern Shores with ethical standards meeting the town ethics policy. So far, Wes Haskett, Cliff Ogburn and Philip Hornthal have not done anything but hide pertinent information from property owners and when they were caught continued their deception of property owners in reports to people including law enforcement and the planning board.

Thank you,
Anthony S Mina

----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Sent: Monday, October 14, 2024 at 03:59:17 PM EDT
Subject: 75 E. Dogwood Trl. Variance Materials

Good afternoon, Mr. Mina. Please find the attached materials for your Variance application. Do you have an email address for Ms. Franz that I can use to send her the materials since she is a property owner who did not submit the application?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

5 Files 11.4MB

"EXHIBIT E"

RE: 75 E Dogwood Trail Subdivision

A

chestercountyla...

Jun 1, 2023 at 9:44 AM

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

Wes Haketts July 16th, 2024 sub-division denial (variance "Exhibit 1B") confirmed lot widths met town code as the drawing referenced in this email was provided on a plat prepared by a surveyor and is found as Variance "EXHIBIT 2B"

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

On Tuesday, May 30, 2023 at 04:41:19 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. Thank you for sending the drawing. How much frontage would Lot B have and at what point is it 100 ft. wide?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT ADMITTING ON JUNE 1, 2023 THE LOT WIDTH REQUIREMENTS FOR A SUBDIVISION WERE MET, BUT THEN TELLING APPLICANT FOR THE 1ST TIME THAT LOT WIDTH REQUIREMENTS OF 100' AT THE FRONT BUILDING SETBACK LINE WERE BEING CHANGED ON JUNE 6, 2023 TO REQUIRE THE ENTIRE LOT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

I really only want enough street frontage to build some walls at the beginning of the driveway like in the attached picture. I'll be able to give you a much more accurate subdivision plan after I purchase 75 E Dogwood Trail and get some legal advice about all my possible subdivision plans. But I am thinking that I may want both lots sharing one driveway opening that I own, if zoning code allows a subdivision plan like this (if not Lot A could use the existing driveway).

TO BE 100' WIDE. (ATTACHMENT EXPLAINED PRIOR TO ZONING AMENDMENT "EXHIBIT F"

Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

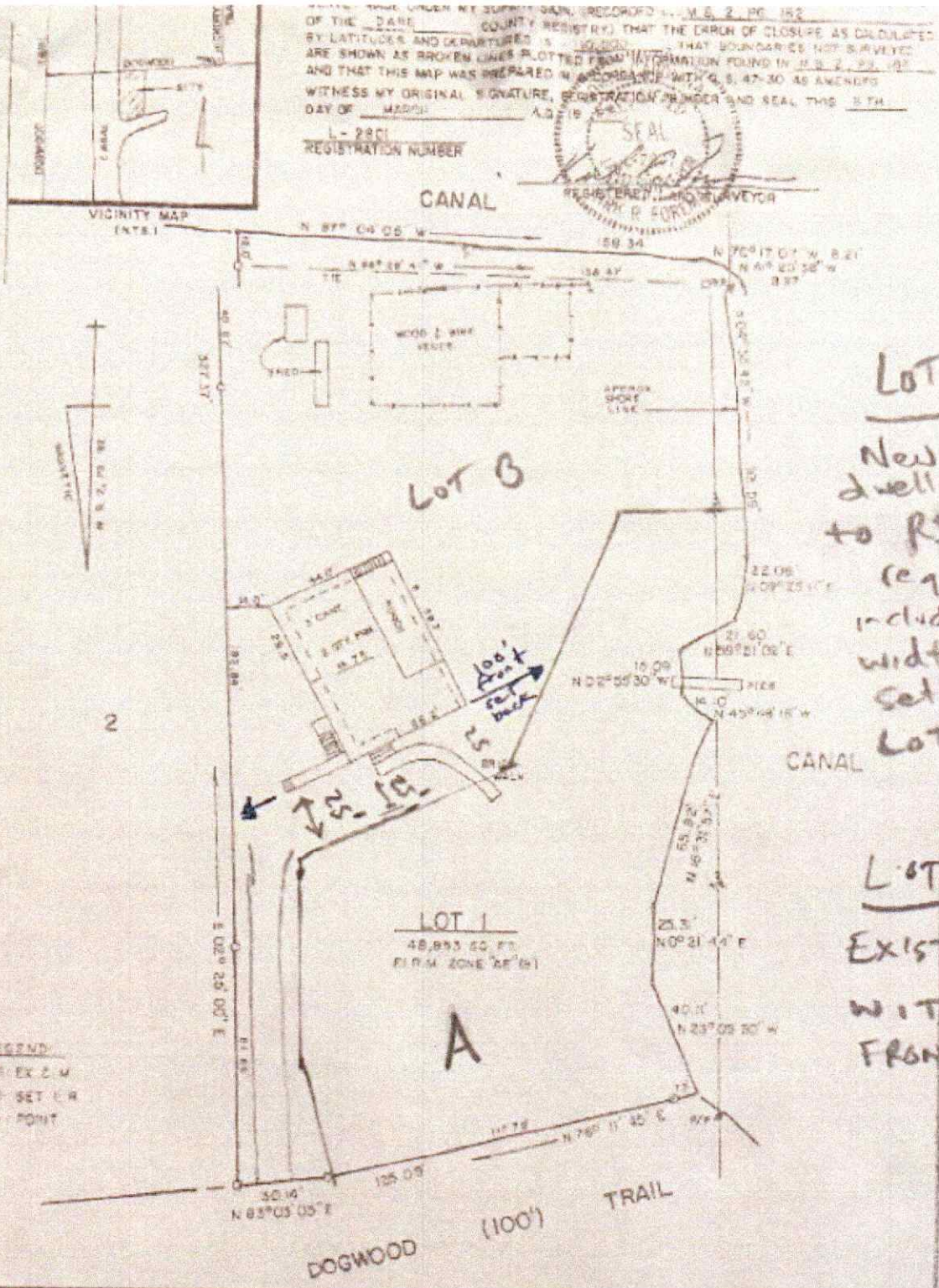
Thank you for your help.

Anthony S Mina

1 File 2.2MB

5-16-23 ZTA-23-03 Lot Width.pdf
2MB

"EXHIBIT F"



LOT A

New single family dwelling pursuant to RSP zoning requirements, including 100' lot width at front set back

Lot size: 20,000 sq. ft

LOT B

EXISTING HOME WITH STREET FRONTAGE

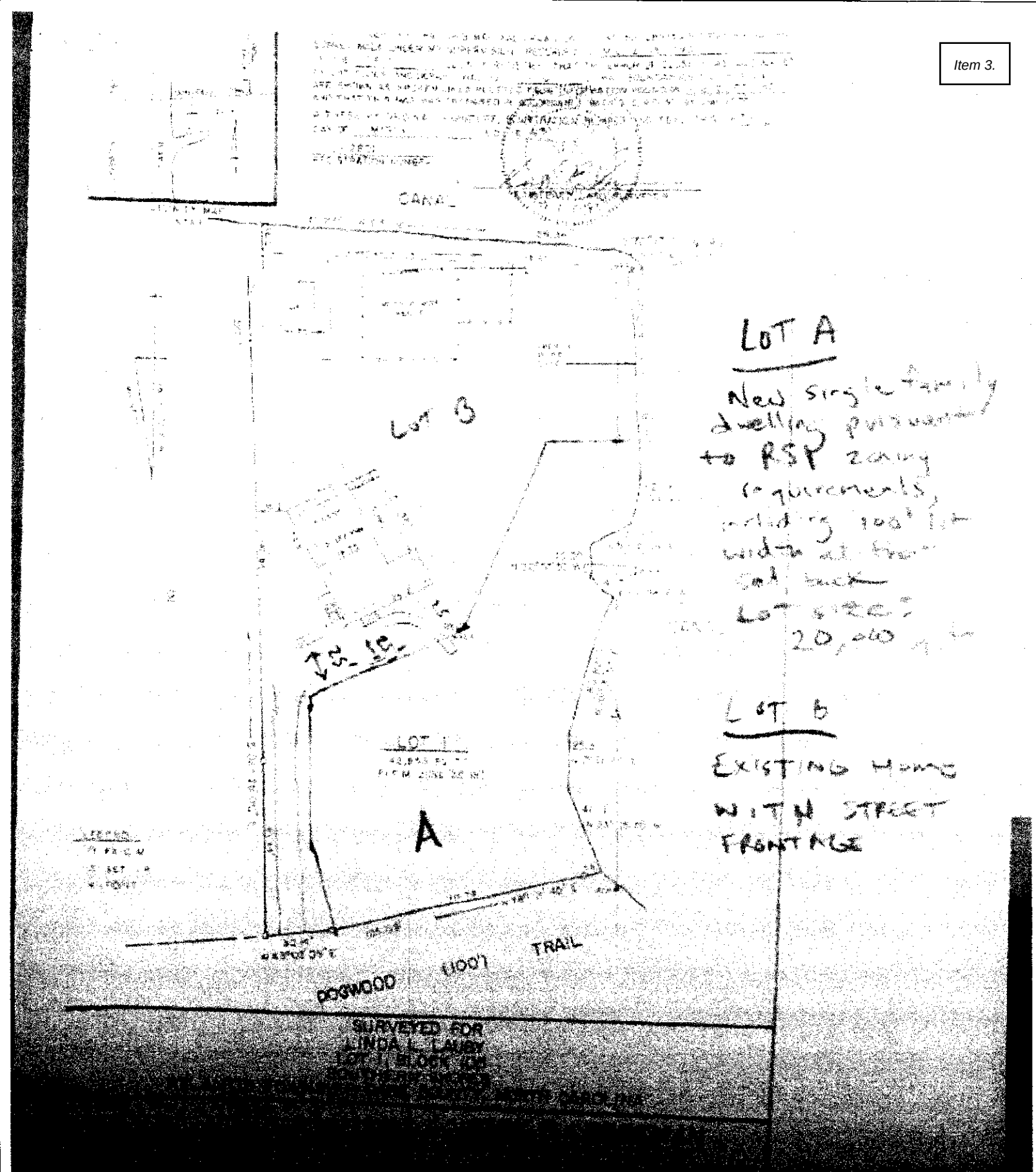
SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 105
SOUTHERN SHORES
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA

DATE: MARCH 5, 1997	SCALE: 1" = 40'
FILE: 4827-72-71	DR. BY: BDB
REF: M.B. 2, PG. 182	
I.R.M. #s 370430 0001 D (4/2/93)	
TIN #s	

KIRK R. FOREMAN
LAND SURVEYING COMPANY
P.O. BOX 1961
KILL DEVIL HILLS, NC 27948
(919) 261-1221

SUBDIVISION LINES NOT TO SCALE

"EXHIBIT F"


CANAL
LOT A
New single family dwelling pursuant to RSP zoning requirements, including 100' lot width at front set back
Lot size 20,000
LOT B
EXISTING HOME WITH STREET FRONTAGE
LOT 5
A
DOGWOOD
100'
TRAIL
SURVEYED FOR
LINDA L. LAUBY

RE: 75 E. Dogwood Trail Subdivision

chestercountyla...

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

May 23, 2023 at 2:13 PM

Good afternoon. I had a good weekend and I hope the same for you. Purchasing land from the adjacent property owner (both properties and structures meet all requirements) or removing a portion of the building would resolve the setback issue. Can you please explain or show on a drawing how the Town's 100 ft. lot width requirement would be satisfied for both lots?

WES HASKETT
HIDING JUNE 6, 2023
LOT WIDTH AMENDMENT

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 22, 2023 12:41 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Subdivision

Hello,

I hope you had a good weekend.

I am writing you again about 75 E. Dogwood Trail. I apologize if I am asking a lot of questions. My last job in Pennsylvania was building an addition onto a house on a non-conforming lot and I feel like the job went smoothly because I asked the building inspector lots of questions before I even started getting my building plans (and as of right now, I still don't even live at 75 E Dogwood Trail).

Can I ask you how you would suggest I go about subdividing 75 E. Dogwood Trail if it was your property and you wanted to make it two properties (or how you think the smartest way to get Southern Shores approval would be)?

I believe my options are (assuming the house is 14' from the 73 E. Dogwood Trail property line):
- Remove one foot of the existing home (the back left corner of the home) and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

-Apply for a variance and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

-Purchase a few square feet of property from 73 E. Dogwood Trail so the property line angles around the house of 75. E Dogwood Trail so there is at least 15' between the house and property line. Some examples of property lines literally wrapping around houses like I am describing are at. 233 N Dogwood Trail and 378 Sea Oats Trail. Then the lot would then again be subdivided with a "flag lot" in the back.

Thank you for your help,
Anthony S Mina

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https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1684773651-ibKTs-23fsXS&r_address=whaskett%40southernshores-nc.gov&report=1

"EXHIBIT F"

Re: 75 E. Dogwood Trail Zoning Question

Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>

May 18, 2023 at 2:54 PM

Thank you for your help. I am not going to ask to meet with you next Tuesday to review my prosposed subdivision for 75 E. Dogwood Trail, but I hope to provide you the drawing of the subdivision before then. I will talk to you soon. Anthony S Mina

On Thursday, May 18, 2023, 01:51:04 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. See my responses below.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT HIDING JUNE 6, 2023 PROPOSED LOT WIDTH AMENDMENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 17, 2023 12:18 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Hello,

Thank you for your help.

-Could you please tell me which ordinance I need to read to understand the zoning requirements for subdividing a lot that has an existing structure that could possibly be 14' from the property line. See Town Code Section 30-97(2): https://library.municode.com/nc/southern_shores/codes/code_of_ordinances?nodeId=PTIICOOR_CH30SU_ARTIVMISTDEGE_S30-97DEST.

-Could you also please tell me about Southern Shores' procedure for asking Southern Shores to make an exception to their local code. For example, if I hired an attorney to file my applications and ask Town Council or Dare County to approve the subdivision. An exception would be in the form of a Variance. Our Town Planning Board considers Variances which are only granted if the applicant can demonstrate that there is a hardship involved if a Variance is not granted. See attached application which includes questions that address the criteria for granting a Variance.

75 E. Dogwood Trail can be divided so each property has street frontage and a 100' lot width at the front of the building (by making the existing lot similar to a "flag lot"). I would just prefer not to literally remove 1' of the existing home if the home was really built 14' from a property line that required 15'. Please submit a drawing showing what you have in mind, including the existing structure and measurements from existing and proposed property lines.

If you would like, I am available to meet with you to make sure I am creating a subdivision plan consistent with other approved subdivisions and existing zoning requirements. I am available to meet next Tuesday at 10:30 or 2:00 if you'd like to meet to discuss and review your drawing.

Thank you,
Anthony S Mina

On Wednesday, May 17, 2023, 11:31:21 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Anthony. I'm doing well and I hope the same for you. I don't believe that creating two lots that front E. Dogwood Trl. would work either, unfortunately. This is due to our minimum lot width requirement which is 100 ft. so both lots would have to be 100 ft. wide and front E. Dogwood Trl. However, I'd be glad to take a look at a sketch if you'd like to draw what you have in mind. The other issue is the existing structure not being at least 15 ft. from the side property line. Our ordinance requires compliance with all zoning requirements whenever new lots are created.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT HIDING JUNE 6, 2023 PROPOSED LOT WIDTH REQUIREMENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, May 16, 2023 11:51 AM

"EXHIBIT F"

To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Good Morning,

I hope you are doing good. I'm a little confused about the Southern Shores local codes governing subdivision plans. Can you tell me why 75 E. Dogwood Trail could not be divided so each of the (2) new lots has street frontage. There is about 155' of street frontage and it does not matter to me if the lots shared the driveway or each had their own driveway. I believe that a second house could be built at 75 E Dogwood Trail and positioned so each lot has at least a 75' width at the side of the house closest to Dogwood Trail.

Thank you for your help,
Anthony S Mina

On Monday, May 1, 2023, 01:54:54 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. I'm doing well and I hope the same for you. I don't think a subdivision of 75 E. Dogwood Trl. would be allowed per Town Code Section 30-96(f) in our Subdivision Ordinance which states: All lots shall front upon a public road. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 1, 2023 12:50 PM
To: Kevin Clark <kclark@southernshores-nc.gov>; Kevin Clark <kclark@southernshores-nc.gov>; Marcey Baum <mbaum@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Zoning Question

Hello,

I hope you are doing good.

I have attached a survey with a sketch of a proposed subdivision for 75 E. Dogwood Trail and wanted to make sure I am correct to believe that the lot can be subdivided as a right to the homeowner because the lot is larger than one acre. The only thing I noticed that did not meet the current zoning code requirements is a 14' setback from the existing home to the property line on the left side (I believe there should be 15').

Could you please tell me anything that would prevent me from subdividing the 75 E. Dogwood Trail lot so I could build another house. I do not own the property but have made an offer on the property.

Thank you,
Anthony S Mina

CC Ashton Harrell, MM & J Law Firm

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"EXHIBIT F"

SURVEY MADE UNDER MY SUPERVISION (RECORDED IN M.B. 2, PG. 182 OF THE DARE COUNTY RECORDS); THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+; THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN M.B. 2, PG. 182; AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 6TH DAY OF MARCH, A.D., 19 97.

2901
REGISTRATION NUMBER

REGISTERED LAND SURVEYOR

VICINITY MAP
(NTS)

CANAL

N 87° 04' 05" W 98.34'

N 86° 28' 31" W 98.87'

WOOD & WIRE FENCE

APPROX. SHORE LINE

N 02° 55' 30" W 15.09'

PIER

N 65° 44' 16" W 4.10'

CANAL

22.00'
N 09° 25' E

21.00'
N 59° 51' 02" E

N 02° 55' 30" W 323.26'

BRICK WALK

42'

+25'

+15'

56'

42'

A

B

C

C

2

14' side set back *

Shared driveway

65.82'
N 16° 31' 57" E

25.3'
N 09° 21' 44" E

40.11'
N 23° 05' 30" W

111.78'
N 76° 11' 45" E

125.09'
N 83° 05' 05" E

DOGWOOD TRAIL (100')

A: New single family dwelling pursuant to RS1 zoning requirements

B: New lot with shared driveway pursuant to RS1 zoning requirements

C: EXISTING HOME ⅓ Lot Pursuant to RS1 ZONING requirements * EXCEPT for 14' side setback *

SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 105
SOUTHERN SHORES
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA

DATE: MARCH 6, 1997	SCALE: 1" = 40'
FILE 4827-72 7	DR. BY: BDB
REF: M. B. 2, PG. 182	
F.I.R.M. # 370430 0001 C (4/2/93)	
PIN #	

KIRK R. FOREMAN
LAND SURVEYING COMPANY
P.O. BOX 1961
KILL DEVIL HILLS, NC 27948
(919) 261-1221

"EXHIBIT F"

E

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
www.southernshores-nc.gov

June 5, 2024

PROOF OF WES HASKETT'S SPECIAL INTEREST IN 75 E. DOGWOOD TRAIL

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision

Dear Mr. Mina and Ms. Franz:

Following further review, the administrative decision to deny your application to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000) has been revised. However, the decision to deny the application has not been revised. The reason for the denial remains that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

"EXHIBIT G"

2. There is no drive aisle shown on proposed Parcel B providing access from E. Dogwood Trl. to the existing single-family dwelling. Town Code Section 36-163(4)a.1.ii. states that an eight-foot-wide drive aisle shall be provided, which must be separate from any parking spaces, such that no vehicle will be required to back into the public right-of-way.

3. There are no parking spaces shown on proposed Parcel B for the existing single-family dwelling. Town Code Section 36-163(4)a.1 requires three parking spaces for each dwelling unit with up to eight-person septic capacity and one additional space for each two persons of septic capacity, or fraction thereof, in excess of eight-person septic capacity up to 12-person septic capacity and one additional space for each person of septic capacity over 12.

Per Town Code Section 36-132(c) and Section 36-132(c)(1), the existing single-family dwelling on proposed Parcel B that encroaches the minimum side yard (setback) requirement has been determined legally nonconforming and it can remain as is or it can be enlarged or altered as long as the enlargement or alternation doesn't increase the nonconformity. As a result, the encroachment is no longer applicable to the decision to deny your application.

Should you wish to appeal this revised administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/bc-pb. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

"EXHIBIT 6"

75 E Dogwood Trail

chestercountyla.../Sent

Anthony Mina <chestercountylawn@yahoo.com>
To: Marcey Baum <mbaum@southernshores-nc.gov>,
Southernshores Nc Info <info@southernshores-nc.gov>, Kevin Clark <kclark@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>

Jun 4 at 2:18 PM

Hello,

Please find the attached building permit application to:
-repair first floor sagging problems, as needed.
-enlarge the foyer/first floor family room opening.
-replace a defective beam supporting the second floor family room floor.
-remove walls on each side of the 2nd floor fireplace.
-remove the section of 75 E. Dogwood Trail Wes Haskett claims prevents a lot subdivision plan from being approved.

Engineered approved plans for all the jobs are attached to this email.

Thank you,
Anthony S Mina

3 Files 16.7MB

75DogwoodPermitApp.pdf
1MB

NC0519_ Anthony Mina_ 75 E Dogwood Trail Kitchen Renovation REV 1_ Sealed.pdf
14MB

NC0519_ Anthony Mina_ 75 E Dogwood_ 2nd Floor Ext Wall Revision_ Sealed.pdf
1MB

"EXHIBIT 6"

— PLAN SUBMITTED TO REMOVE 1' SECTION OF HOUSE

Submittal Date: 6/4/24

Page 1 of 2
Page 2 is Building Plan Specification Form

TOWN OF SOUTHERN SHORES
PLANNING AND CODE ENFORCEMENT
5375 N. Virginia Dare Trail, Southern Shores, NC 27949
(252) 261-2394 phone (252) 255-0876 fax
www.southernshores-nc.gov

BUILDING/FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

***Applications WILL NOT be accepted until all required information is provided**

PROPERTY INFORMATION:

Project Address: 75 E. Dogwood Trl.
Lot Number: 1 Block: 105 Section: ____
Property ID Number (PIN #): 986817213507
Lot Area: 41,500 sq ft

Property Owner: Anthony S. Mina
Mailing Address: 75 E. Dogwood Trail
City: Southern Shores State: NC Zip Code: 27949
Tele #: 610-842-3905

Flood Zone (circle): AE 4 ft – AE 5 ft – AO 1 ft depth – AO 2 ft depth – VE 11 ft – VE 12 ft – VE 13 ft – (Shaded X) – (Unshaded X)
Base Flood Elevation: ____ft / Plus 3ft of Freeboard or LESS ft = ____ft = Regulatory Flood Protection Elevation
Zoning District: RS1 Septic Permit # ____ Permit Date: ____ # Person Septic Capacity ____
CAMA Permit required? Yes or (No) CAMA Permit # ____ CAMA AEC (circle): ____Estuarine Shoreline or _Ocean Hazard

CONTRACTOR INFORMATION: Home owner is doing work

Business Name: ____
Contractor Name: ____
Mailing Address: ____
City: ____ State: ____ Zip Code: ____
Business # ____ Cell # ____
Fax # ____ Email ____

NC G. C. Licensed Contractor ____ OR ____ Non-Licensed Contractor
NC G. C. License Number: ____
Limitation: ____
Classification: ____
Qualifier: ____

DESCRIPTION OF WORK: Make structural improvement to first floor, widen family room/foyer doorway, remove walls on each side of second floor fireplace ~~and remove section of house Wes Haskett claims prevents the lot subdivision~~ Please see engineered approved plans for more information

PERMIT TYPE (X): ____ COMMERCIAL X RESIDENTIAL
____RESIDENCE ____2ND HOME ____RENTAL (> 30 days) ____VACATION COTTAGE (< 30 days)

TYPE OF CONSTRUCTION (X): ____NEW CONSTRUCTION ____ADDITION/EXPANSION X REMODEL/RENOVATION/REPAIR ____ACCESSORY ____OTHER

PROPERTY USE (X): X SINGLE FAMILY ____DUPLEX ____MULTI-FAMILY ____GOVERNMENT - INSTITUTIONAL ____COMMERCIAL

COMMERCIAL USE ONLY: ____CURRENT USE ____PROPOSED USE

SQUARE FOOTAGE AND/OR DIMENSIONS: 3543 GARAGE ____SHED ____SWIMMING POOL
____GAZEBO ____DUNE DECK ____RETAINING WALL ____BULKHEAD ____PIER/DOCK
____DECK(S) ____PORCH(ES) ____STORAGE ENCLOSURE ____OTHER

PROPOSED BUILDING AREA: n/a SQ FT - HEATED / LIVING AREAS (NEW SPACE)
____SQ FT - NON HEATED AREAS (NEW SPACE)
$1600.— $1800. COST OF REMODEL/RENOVATION/REPAIR - ONLY (DO NOT INCLUDE NEW SQ FT)
$1600.— $1800. ESTIMATED CONSTRUCTION COST OF TOTAL PROJECT

NOTE: Although the Town of Southern Shores does not enforce or consider the effect of covenants in the various subdivisions of Southern Shores, applicants for a building permit should be advised that their building plans may be affected by subdivision covenants and are advised to consult with the appropriate property owners' association. We are strongly urged to obtain approval from the appropriate association before you apply for a permit and begin construction. Failure to do so could result in legal action by the association to enforce the covenants.

* Please note Wes Haskett now does not claim existing side set back distances prevent a lot subdivision so Applicant will not be removing any of the existing h

"EXHIBIT 6"

UZMAN ENGINEERING, LLC
116 E. King Street
Malvern, PA 19355
(610) 320-2100

Due to the existing setback requirements, there are questions whether the existing 2nd floor cantilever is outside of the required property setback. Although the house has been there since 1970, the Homeowner has considered removing an approximate 1'-0" section of the 2nd floor cantilever corner to meet the requirements. The corner of the building would be removed, new 2x4 framing installed from 2nd floor to roof, flashing and roof patching as well as siding re-configuring to meet the setback. Uzman recommends the installation of Simpson Strong Hurricane ties to the revised roof rafters and SDS wood screws to the joists and built up 2x10 below. UE also recommends mid height blocking of the joists along with exterior sheathing nailed to the new studs @ 4" o.c. vert spacing.

ENGINEERED PLANS SUBMITTED 6/4/2024 TO REMOVE 1' OF REAR CORNER OF HOUSE

NC0519

"EXHIBIT 6"

Anthony Stocker Mina

5/24/2024

---- Forwarded Message ----
From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Friday, May 24, 2024 at 03:51:32 PM EDT
Subject: RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Mr. Mina:

You are free to submit any application you wish to submit. However, in response to your specific question, please understand that, unless all four reasons are satisfied, the proposal would be denied, and you would have the option to appeal.

I strongly suggest you consult with an attorney as I cannot give you legal advice, as attorney for the Town.

Thank you.

Phil Hornthal

REFUSAL TO ACCEPT SIDE SETBACK AS CONFORMING FROM TOWN ATTORNEY PHIL HORNTHAL ON BEHALF OF WES HASKETT AND SOUTHERN SHORES

L. Phillip Hornthal, III
Attorney at Law

Direct:252.698.0214

Office:252.335.0871

Fax:252.335.4223 Attn: P. Hornthal

Email:phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

Click here to read ourDisclaimer,
Legal Notices & Privacy Policy

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 24, 2024 2:27 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

>>Warning! The source of this email is from outside of the firm.<<

Hello,

"EXHIBIT 6"

ANTHONY S MINA

75 E DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

610 842 3905

chestercountylawn@yahoo.com

October 15, 2024

APPLICANT'S MOTION TO PRECLUDE VARIANCE HEARING SCHEDULED FOR OCTOBER 21, 2024 DUE TO SOUTHERN SHORES' CONSPIRACY TO FALSIFY MATERIAL INFORMATION TO THE PUBLIC AND PLANNING BOARD, GRANT APPLICANT'S VARIANCES FROM SECTION 30-96(f) AND SECTION 36-202(d) AND REFUND APPLICANT'S $350 VARIANCE APPLICATION FEE

I, Anthony S. Mina, Applicant in the October 21, 2024 Zoning Variance Hearing hereby Motion to Preclude Variance Hearing scheduled for October 21, 2024 due to Southern Shores' conspiracy to falsify material information to the public and Planning Board, Grant Applicant's Variances from Section 30-96(f) and Section 36-202(d) and refund Applicant's $350 Variance Application fee. In support thereof, I hereby aver the following facts:

1. Applicant has a Variance Hearing Scheduled on October 21, 2024 because of hardships including Wes Haskett's refusal to tell Applicant about the June 6, 2023 zoning amendment to prevent sub-divisions until June 1, 2023 despite Applicant's 4 emails during May 2023 asking about the 75 E. Dogwood Trail sub-division which Applicant was told by Outer Banks Realty that Southern Shores said was possible. During the month of May 2023 Outer Banks realty negotiated an additional $75,000 from Applicant for a lot that was sub-dividable as proven by Wes Haskett's June 1, 2023 email which is attached hereto, made a part hereof and marked "Exhibit A".
2. Wes Haskett and Southern Shores did not comply with town and state notification requirements when making the June 6, 2023 & August 3, 2021 zoning amendments because Wes Haskett did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated **AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b).** A true and correct copy of a Public Records Request proving Notification requirements were not met for TCA-21-06 & ZTA-23-03 is attached hereto, made a part hereof and marked "Exhibit B".
3. Wes Haskett falsified Southern Shores' Town Code Notification requirements to Applicant, Police Chief Kole and Mayor Morey on May 21, 2023 by deleting Section 36-414(b) requiring posted notice of the Zoning Amendment at effected properties. A true and correct copy of Wes Haskett's May 21, 2023 email is attached hereto, made a part hereof and marked "Exhibit C".
4. **North Carolina Code - General Statutes § 14-225. False reports to law enforcement agencies or officers provides:** Any person who shall willfully make or cause to be made to a law

V EXHIBIT H"

enforcement agency or officer any false, misleading or unfounded report, for the purpose of interfering with the operation of a law enforcement agency, or to hinder or obstruct any law enforcement officer in the performance of his duty, shall be guilty of a Class 2 misdemeanor.

5. **Wes Haskett is guilty of making false reports to law enforcement.**
6. Wes Haskett, Cliff Ogburn and Philip Hornthal have knowingly refused to correct their illegally adopted zoning codes (which violate all Southern Shores property owner's 4th Amendment Due Process Rights) for at least 5 months now when the only thing Federal Law, State Law and Southern Shores Town Code & Ethics Policy permits Southern Shores to do is remedy their wrong doing.
7. Wes Haskett is in violation of Southern Shores Town Ethics Policy #1, #2, #3 & #6 which provide:

   1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
   2. I will always uphold the integrity and independence of my job.
   3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
   6. I will never use my position to harass or adversely influence any of the town's other employees.

   A true and correct copy of the town's ethics policy is attached hereto made a part hereof and marked "Exhibit D".
8. **Wes Haskett prepared a "Staff Report" on October 14, 2024 and again falsely claimed all applicable notification requirements were met.** A true and correct copy of Wes Haskett's falsified "Staff Report" is attached hereto, made a part hereof and marked "Exhibit E"
9. **SOUTHERN SHORES LACKS JURISDICTION TO ENFORCE ILLEGALLY ADOPTED ZONING CODES, THEREFORE, FORCING APPLICANT TO PAY $350 FOR A VARIANCE HEARING SUBSTANTIANTES A CRIMINAL CONSPIRACY TO STEAL $350 FROM APPLICANT AND HARASS APPLICANT WITH UNENFORCABLE ZONING CODES.**

Wherefore, Applicant Anthony S. Mina hereby respectfully requests Southern Shores and/or the Planning Board to Preclude Variance Hearing scheduled for October 21, 2024 due to Southern Shores' conspiracy to falsify material information to the public and Planning Board, Grant Applicant's Variances from Section 30-96(f) and Section 36-202(d) and refund Applicant's $350 Variance Application fee.

Respectfully Submitted,

Anthony S. Mina
75 E Dogwood Trail
Southern Shores, NC 27949
610 842 3905
chestercountylawn@yahoo.com

"EXHIBIT H"

RE: 75 E Dogwood Trail Subdivision

chestercountyla.../Inbox

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 1, 2023 at 9:44 AM

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

On Tuesday, May 30, 2023 at 04:41:19 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. Thank you for sending the drawing. How much frontage would Lot B have and at what point is it 100 ft. wide?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

I really only want enough street frontage to build some walls at the beginning of the driveway like in the attached picture. I'll be able to give you a much more accurate subdivision plan after I purchase 75 E Dogwood Trail and get some legal advice about all my possible subdivision plans. But I am thinking that I may want both lots sharing one driveway opening that I own, if zoning code allows a subdivision plan like this (if not Lot A could use the existing driveway).

(EXHIBIT H OF PETITION) "EXHIBIT A"

Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

Thank you for your help.

Anthony S Mina

1 File 2.2MB

5-16-23 ZTA-23-03 Lot Width.pdf
2MB

EXHIBIT H OF PETITION "EXHIBIT A"

Public Records Request Regarding TCA-21-06 and ZTA-23-03 Not Meeting Public Notice Requirements

chestercountyla.../Sent

Anthony Mina <chestercountylawn@yahoo.com>
To: Sheila Kane <skane@southernshores-nc.gov>,
Southernshores Nc Info <info@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>

Jun 21 at 11:02 AM

Dear Southern Shores,

Please provide me all public records, including Southern Shores' employees names who claim that mailed letters, 1/2 page newspaper advertising, posted notice on affected properties and direct communication with the property owner are not required for TCA-21-06 and ZTA-23-03 as town code Sec. 36-414(b) and Article 6 ss 160D-602(a),(b),(c) and (d) indicate is required as notification for an AMENDMENT OF A ZONING REGULATION, such as TCA-21-06 and ZTA-23-03.

Thank you,
Anthony S Mina

---- Forwarded Message ----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: Sheila Kane <skane@southernshores-nc.gov>
Sent: Thursday, June 20, 2024 at 07:03:26 PM EDT
Subject: Re: Public Records Request Regarding TCA-21-06 and ZTA-23-03

Thank you for the email. Could you please tell me who stated that the public notice requirements in paragraphs 1, 2 and 4 where not required. Thank you, Anthony S Mina

On Thursday, June 20, 2024 at 05:07:47 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03.NOT REQUIRED

2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.
   1. Coastland Times Advertisement invoices and copies of notices are attached. A ½ of a page size is NOT REQUIRED

3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
   1. Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunsetting list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.

4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
   1. NOT REQUIRED
   2. Communication with one property owner attached (Anthony Mina).

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax

1 File 4.3MB

IMG_1328.jpeg
4MB

EXHIBIT H OF PETITION " EXHIBIT B"

mkichline@chesco.org;
Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

My concerns are the following:

Wes Haskett and Philip Hornthal are not in touch with reality and a danger to other people's physical and emotional well being. Wes Haskett has refused to answer how he believes he is legally changing land use with a zoning amendment since last summer. Changing land use from a 2 single home property (with a subdivision by right) to a 1 single home property causes land value monetary damages to some Southern Shores tax payers of significantly more than $100,000. In the real world $100,000 is easily the difference between life and death. $100,000 can be the difference between the medical care someone needs and accepting that their life is coming to an end. If you walk into a bank demanding $100,000 you are lucky if you are not killed. Wes Haskett and Philip Hornthal refuse to explain how they legally think they can cause some Southern Shores home owners more than $100,000 in monetary damages with a zoning code amendment which changes land use. Applicant without a doubt will not be committing any crimes in response to Wes Haskett and Philip Hornthal stealing land value from Southern Shores home owners, but has serious concerns that Wes Haskett and Philip Hornthal are a danger to the physical and emotional well being of others and should be involuntarily committed to a psychiatric hospital for evaluation. Applicant will give Wes Haskett and Philip Hornthal 48 hours to explain how they legally are changing land use without an eminent domain transaction and highly suggests law enforcement not to wait half as long.

Anthony Stocker Mina

PS When I testified in front of Federal Judge Edward G Smith against Chester County's labor trafficking conspiracy against me I explained that the conspirators designed me a spin move. 172 and 174 S. Dogwood Trail appear to me to be another example of the pre-meditated conspiracy which I am expected to use certain evidence against corruption a specific way. I will let law enforcement figure out if the home owners are pawned because of meanings within their names or play a role in the conspiracy that repeatedly forces me in the middle of government scandals as a way of hiding Pennsylvania's corruption like I am their undercover internal affairs guerilla. Since there is a white crosstour at 172 S. Dogwood Trail and I live in the Dick White house I feel like I am being forced in the middle of a whole lot of crossing without being paid (as Wes Haskett tries stealing more than $100,000 of land value from my family).

----- Forwarded Message -----
From: Anthony Mina <
To: "dkole@southernshores-nc.gov" <>; "dkole@southernshores-nc.gov" <>; Elizabeth Morey <>; Phillip Hornthal <>; Cliff Ogburn <>
Cc: "jsiegel@southernshores-nc.gov" <>; "mcooke@southernshores-nc.gov" <>; "ebrinkley@southernshores-nc.gov" <>; "dbrickhouse@southernshores-nc.gov" <>; "tmann@southernshores-nc.gov" <>; "csimpson@southernshores-nc.gov" <>; "rdeaner@southernshores-nc.gov" <>; "tlong@southernshores-nc.gov" <>; "jthompson@southernshores-nc.gov" <>; "jspottswood@southernshores-nc.gov" <>; "jcouture@southernshores-nc.gov" <>; FBI <>

"olivia.s.hines@nccourts.org" <>; "olivia.s.hines@nccourts.org" <>; Andrea C. Powell <>; Elizabeth Morey <>; Jasper Rogers <>; "cgarriss@kittyhawktown.net" <>; "cgarriss@kittyhawktown.net" <>; Casey Varnell <>; Mike Talley <>; "mike.palkovics@kittyhawktown.net" <>

"mike.palkovics@kittyhawktown.net" <>

"chambers_of_chief_judge_sanchez@paed.uscourts.gov" <>; "chambers_of_judge_edward_g_smith@paed.uscourts.gov" <>; "chambers_of_judge_pappert@paed.uscourts.gov" <>; "chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov" <>; "chambers_of_judge_timothy_j_savage@paed.uscourts.gov" <>; Dryan <>; "cccommissioners@chesco.org" <>; "cccommissioners@chesco.org" <>; "jmaxwell@chesco.org" <>; "jmaxwell@chesco.org" <>; Marian Moskowitz <>; "mkichline@chesco.org" <>; "mkichline@chesco.org" <>; Wes Haskett <>

Sent: Friday, May 17, 2024 at 05:35:45 PM EDT
Subject: Criminal Conspiracy Being Committed By Wes Haskett And Southern Shores

Dear Law Enforcement,

EXHIBIT H OF PETITION

"EXHIBIT C"

RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Divisio n

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

May 21 at 2:27 PM

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.

(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section ____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ... ." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.

(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given once a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.

(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <...>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <...>; Phillip Hornthal <...>
Cc: David Kole <...>; David Kole <...>; Elizabeth Morey <...>; Phillip Hornthal <...>; Cliff Ogburn <...>; Jonathan Siegel <...>; Matt Cooke <...>; Eric Brinkley <...>; Darrell Brickhouse <...>; Tracy Mann <...>; Chris Simpson <...>; Richard Deaner <...>; Thomas Long <...>; Jason Thompson <...>; Andrew Spottswood <...>; Jennifer Couture <...>; FBI <...>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <...>; Elizabeth Morey <...>; Jasper Rogers <...>; cparriss@kittyhawktown.net; cparriss@kittyhawktown.net; Casey Varnell <...>; Mike Talley <...>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_gappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <...>; cccommissioners@chesco.org; cccommissioners@chasco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <...>;

EXHIBIT H OF PETITION

"EXHIBIT G"

Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

EXHIBIT H OF PETITION

"EXHIBIT D"

STAFF REPORT

To: Southern Shores Planning Board
Date: October 21, 2024
Case: VA-24-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Property Owners: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Requested Action: Variance to seek relief from Town Code Section 30-96(f), Lots and Town Code Section 36-202(d), Dimensional Requirements to allow a subdivision of the property located at 75 E. Dogwood Trl.

PIN #: 986817213502
Location: 75 E. Dogwood Trl.
Zoning: RS-1 Single-Family Residential District

Existing Land Use: "Residential"

Surrounding Land Use & Zoning:
North- Residential; RS-1, Single-Family Residential District
South- Canal
East- Residential; RS-1, Single-Family Residential District
West- Canal

Physical Characteristics: Developed (existing single-family dwelling)

Applicable Regulations: Chapter 30, Subdivision Ordinance: Section 30-6, Exceptions, Section 30-96(f), Lots and Section 30-97, Design Standards. Chapter 36, Zoning Ordinance: Section 36-57, Definition of Specific Terms and Words, Section 36-202(d), Dimensional Requirements, and Article XII, Board of Adjustment

ANALYSIS

The Applicant is requesting a Variance to seek relief from Town Code Section 30-96(f) and 36-202(d) to allow a subdivision of 75 E. Dogwood Trl. On July 3, 2024, the Applicant submitted two applications to subdivide the subject property. The first application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because both lots did not front upon a public road. Town Code Section

EXHIBIT H OF PETITION "EXHIBIT E"

30-96(f) states that all lots shall front upon a public road. The denial was not appealed.

The second application was also denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2). Specifically, the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district and as a result did not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots did not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

The denial was not appealed.

In accordance with N.C.G.S. 160D-705(d), Town Code Section 36-367 in the Town's Zoning Ordinance establishes that the Planning Board, when performing the duties of the Town Board of Adjustment, shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.

- There is no unnecessary hardship. The property is zoned single-family residential. There is a single-family dwelling which exists on the property. The Applicant's desire to upgrade and improve the existing structure is not restricted by the ordinance sections sought to be varied. Additionally, the size of the lot could allow for an addition to the existing single-family dwelling and/or an accessory building with living space which could also increase the value of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

- The alleged hardship by the Applicant is not peculiar to the property and rather is one of personal circumstances. The Applicant's application fails to demonstrate how the alleged hardship is peculiar to the property. The Applicant makes false allegations that Town Staff illegally adopted zoning requirements and was helping a real estate scam which are not related to the property's size, location, or topography.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- The Applicant claims that the unnecessary hardship is the result of Town Staff not meeting notification requirements for a Town Code Text Amendment that was

EXHIBIT H OF PETITION "EXHIBIT E"

adopted on August 3, 2021 and a Zoning Ordinance Text Amendment that was adopted on June 6, 2023 and because Town Staff withheld material information prior to the Applicant's purchase of the property.

- All applicable notification requirements established in N.C.G.S 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Text Amendment. Neither amendment was appealed.
- Town Staff reviewed several sketches showing the Applicant's ideas for a subdivision of the property between May 1, 2023 and June 1, 2023 and never confirmed that any of them met all applicable requirements (which would have been advisory and not subject to judicial review). The Applicant moved forward with the purchase of the property on July 7, 2023.

(4) The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

- The RS-1, Single-Family Residential zoning district is established to provide for the low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area. The district is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses. In order to meet this intent, the density of population in the district is managed by establishment of minimum lot sizes, building setback and height limits, parking regulations and maximum occupancy limits for single-family residences used as vacation cottages.
- The Applicant claims that the spirit, purpose, and intent of the ordinance will be able to be utilized by granting a Variance from illegally adopted zoning code(s) and because Town Staff is involved with a false pre-tense real estate scam.
  - The Town Code Tex Amendment that was adopted on August 3, 2021 removed the possibility of creating lots that only have frontage on an access easement. The intent of the Town Code Text Amendment was to eliminate the possibility of subdividing property that did not have frontage on a public street, as directed by the Town Council at the June 1, 2021 Town Council meeting, which was a result of a preliminary subdivision plat application that was considered by the Town Council on June 1, 2021.
  - The Zoning Ordinance Text Amendment that was adopted on June 6, 2023 established that lots created after June 6, 2023 in the RS-1, Single-Family Residential zoning district shall be 100 ft. wide measured from the front lot line at right angles to the rear lot line. The intent of the Zoning Ordinance Text Amendment was to clarify the Town's lot width requirements by making them unambiguous, as directed by the Town Council at the March 21, 2023 Town Council meeting, which was a result of an appeal application that was considered by the Planning Board, performing the duties of the Board of Adjustment, on October 5, 2022.
  - Town Staff believes that granting the requested Variance would be inconsistent with the spirit, purpose, and intent of the ordinance.

EXHIBIT H OF PETITION

"EXHIBIT

TOWN OF SOUTHERN SHORES
5375 N Virginia Dare Trl, Southern Shores, NC 27949
(252) 261-2394 tel (252) 255-0876 fax
www.southernshores-nc.gov

Application No. VA-24-01 Date 8-30-24

Application Fee $350.00 Receipt No. 279804

VARIANCES APPROVED BY THE BOARD OF ADJUSTMENT RUN WITH THE PROPERTY. THEREFORE, APPLICANTS MUST BE THE PROPERTY OWNER, OR A DESIGNATED REPRESENTATIVE OF THE PROPERTY OWNER. REFERENCE TO YOU OR THE APPLICANT IN THIS APPLICATION INCLUDES THE PROPERTY OWNER IF THE APPLICANT IS NOT THE PROPERTY OWNER. NOTARIZED SIGNATURES OF ALL APPLICANTS ARE REQUIRED ON THE LAST PAGE. ADDITIONAL PAGES MAY BE ATTACHED TO ANSWER ANY QUESTIONS IN THIS APPLICATION OR TO PROVIDE ANY SUPPLEMENTAL INFORMATION.

1. Applicant Name Anthony S. Mina
   Mailing Address 75 E. Dogwood Trail
   City Southern Shores State NC Zip Code 27949
   Telephone 610-842-3905 email: chestercountylawn@yahoo.com
2. Property Owner Name (If different from Applicant) N/A
   Mailing Address
   City State Zip Code
   Telephone
3. Property for which variance is requested:
   Street Address 75 E. Dogwood Trail, Southern Shores, NC 27949
   Tax Parcel Identification Number 021731000
   Subdivision Name So/Sh Block# 105 Lot# 1
   Zoning District Classification RS-1
4. List specific Zoning Ordinance Section(s) and subsections(s) from which a variance is requested. (Please see attached Exhibit 1A and 1B
   Plat #1 pertains to Section 30-96(f) as stated in Wes Hasketts Application #1 sub-division denial
   Plat #2 pertains to Section 36-202(d) as stated in Wes Hasketts Application #2 subdivision denial
5. For each Section/subsection listed above, describe with specificity how it applies to the property without the requested variance and how you propose it should be varied by providing the type, dimension, amount and location of the variance requested. Attach a scale drawing

using a current survey of the proposed placement of the structure for which the variance being requested.

Please find answer to #5 on "EXHIBIT "2".
"Exhibit 2A" shows Plat 2 with a 30' Access Easement.
"Exhibit 2B" shows Plat 2 with a 100' setback at the building front setback line, as zoning code required when applicant agreed to purchase the property as potentially subdivdable, as per Southern Shores.
"EXHIBIT 2C" proves the zoning codes prohibiting the 75' E. Dogwood Trail subdivision are illegally adopted.

6. Is this variance request the result of a Notice of Violation issued by the Southern Shores Planning and Code Enforcement Department? Yes ___ No X If yes, attach copy of Notice.

7. Explain how the variance request meets the approval criteria for the granting of a variance as set forth by the Town of Southern Shores Code of Ordinances by answering the following questions. Note that personal inconvenience or financial burden standing alone will not be considered as evidence in determining unnecessary hardship. Unnecessary hardship must be attributable to a unique or peculiar physical condition of the property that is not shared by other properties and has not been created by the actions of the applicant.

Describe the unnecessary hardship created on the property by the strict enforcement of the Zoning Ordinance.

Please see "exhibit 2", Answer 7A

Explain how the property can be used if the variance **is not** granted.

The property can only be used for one single family home and therefore used as proof of Wes Haskells involvement with a false pre-tense real estate scam.

Explain how the property can be used if the variance **is** granted.

The property can be subdivided and used for (2) single family homes as ~~they~~ listing for sale indicated was possible, as per Southern Shores. Please see "Exhibit 3".

Explain how the unnecessary hardship is not the result of your own actions.

Wes Haskett did not meet notification requirements to change the refereneed zoning codes and to make matters worse, Wes Haskett refused to tell Applicant about the proposed June 6, 2023 amendment until June 1, 2023 after (4) emailed conversations with applicant about applicable zoning codes involved with a sub-division plan being submitted. Wes Haskett started communicating with Applicant on May 1, 2023 and his withholding of material information allowed the previous owner to

Describe the conditions that are peculiar to the property, such as location, size, or topography which causes the unnecessary hardship.

The peculiar thing is Wes Haskets illegally adopted zoning code on June 6, 2023 being secretely planned without my knowledge to intentionally prevent lot subdivision, as Wes Haskett stated in his June 7, 2023 email ("Exhibit 4"). All evidence indicates Wes Haskett was helping a real estate scam.

Explain how the requested variance is consistent with the spirit, purpose, and intent of the Town's Zoning Ordinance (Town Code Chapter 36) such that public safety is secured, and substantial justice is achieved.

Please see "Exhibit 2" Answer 7B

The proper way to prevent lot subdivisions would be with a code prohibiting subdivisions.

Will the variance, if granted, allow an increase or extension of an existing nonconforming use on the property?

No

Will the variance, if granted, allow a use otherwise prohibited in the zoning district containing the property?

No

8. List the names and addresses of all abutting property owners and the owners of property immediately across the street from the property affected. The list shall be current according to the most recent tax listing abstract as filed in the office of the Dare County Tax Supervisor.

1) 73 E. Dogwood Trail, Southern Shores, NC 27949 - owner - Cad LLC
2) 72 Hickory Trail, Southern Shores, NC 27949 - owners Susan & Benton Capps
3) Southern Shores Department of Public Works

9. Are any attachments being submitted with this application? Yes X No ____ If yes, please identify attachments and number of pages. 55

Applicants Federal Civil Rights Complaint (without exhibits) against Wes Haskett and Southern Shores for their role in a false pre-tense real estate scam intentionally withholding pertinent information about zoning codes. A complete copy of the law suit has been provided to Southern Shores and is filed at U.S. Eastern District Northern Division Federal Court of North Carolina, case 2:24-CV-00042-M-RN

FILING OF APPLICATION

Variance applications are filed with the Town of Southern Shores Planning and Code Enforcement Department at Town Hall located at 5375 N. Virginia Dare Trail, Southern Shores, NC. Applications may be filed in person Monday through Friday during normal office hours or may be mailed to the previously listed address. In order for an application to be considered complete all questions and information requested in the application must be answered and provided. Applications must have original notarized signatures of the applicant and must be accompanied by the required application fee. Applications found to be incomplete will not be accepted and will be returned to the applicant.

SCHEDULING OF APPLICATION

Applications submitted will be placed on the following month's Board agenda. The monthly filing deadline and Board meeting dates for the year are listed on the Town's website at www.southernshores-nc.gov under Planning and Code Enforcement Department or you may receive a copy by contacting the Department at (252) 261-2394.

HEARING OF APPLICATION

The Planning Board serves as the Board of Adjustment which is a quasi-judicial body governed by the North Carolina General Statutes and Chapter 36, Article XII of the Southern Shores Town Code. Meetings are held in the Pitts Center located at the Town of Southern Shores Municipal Complex. At the meeting, the Board will hear testimony and receive evidence from the applicant, Town Staff and other interested parties. Board members cannot discuss any case with any interested parties or persons prior to the public hearing of the case. Any person who testifies at the hearing must be sworn in and any written or physical evidence presented to the Board will be retained by the Board.

BOARD DECISION

The concurring vote of a four-fifths majority of the board shall be necessary to grant a variance. The Board's decision will be made, reduced to writing, filed, served and subject to appeal in the manner provided by Section 36-368 of the Southern Shores Town Code. Decisions of the Board may be appealed by any aggrieved party to Superior Court within 30 days from the effective date of the Board's decision.

ADDITIONAL INFORMATION

Persons seeking additional information or assistance concerning variance applications should contact the Zoning Administrator at the Planning and Code Enforcement Department at (252) 261-2394.

ADDITIONAL FACTS REGARDING SOUTHERN SHORES LIABILITY IN FEDERAL COURT

1) Wes Haskett and town attorney Philip Hornthal knowingly have been falsifying notification requirements regarding the amendment of the June 6, 2023 lot width change for more than 4 months, as proven with "Exhibit 2C".
2) Refusing to comply with local and state notification requirements to effected properties prior to making a zoning amendment violates property owners 4th Amendment Due Process Rights.
3) The illegally adopted zoning codes have continued to be enforced as if they were legally adopted.
4) As a policy maker, supervisory official may be held personally liable under 42 USC 1983 claim when it is shown that such defendants, 'with deliberate indifference to the consequences, established and maintained a policy, practice or custom which directly caused [the] constitutional harm'"A.M. ex rel. J.M.K., 372 F. 3d. at 586 (citing Stoneking v. Bradford Area Sch. Dist., 882 F. 2d 720, 725 (3d Cir. 1989)
5) A municipality may be found liable where the allegedly unconstitutional action "implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers." Monell v. Dept. of Soc. Services., 436 U.S. 658, 690 (1978).
6) A supervisory official will be held liable only if the official failed to remedy a violation after learning of it, created or allowed a policy to continue under which the violation occurred, or was grossly negligent in managing the subordinates. See Keyes v. Strack, 1997 WL 187368, at *3 (S.D.N.Y.1997)
7) As a policy maker, supervisory official may be held personally liable under 42 USC 1983 claim when it is shown that such defendants, 'with deliberate indifference to the consequences, established and maintained a policy, practice or custom which directly caused [the] constitutional harm'"A.M. ex rel. J.M.K., 372 F. 3d. at 586 (citing Stoneking v. Bradford Area Sch. Dist., 882 F. 2d 720, 725 (3d Cir. 1989)
8) Under 42 U.S.C. 1983, "every person' who acts under color of state law to deprive another of a constitutional right shall be answerable to that person in a suit for damages." Imbler v. Pachtman, 424 U.S. 409, 417 (1976)
9) Southern Shores Town Attorney advised Wes Haskett to discriminate against applicant and suggested applicant consult with an attorney. Law indicates that every individual enforcing illegally adopted zoning codes that Federal Law requires to be remedied after the town learned of the violation will also be liable for Federal Civil Rights damages.

Applicant respectfully requests the Board of Adjustment Grant Applicant's Variance(s) to obtain a lot sub division prior to even cashing Applicant's $350 application fee and scheduling applicant's hearings because these overly burdensome expenses and legal entanglement schemes constitute additional damages subject to Federal Court litigation.

CERTIFICATION

I certify that the information filed by me in this application is accurate to the best of my knowledge, information, and belief.

Property Owner Signature — Date: 8/29/2024

STATE OF NC, COUNTY OF Dare

On this 29 day of August, 20 24 Anthony Stockermina personally appeared before me and is known to me to be the person who signed the foregoing instrument and he/she acknowledged that he/she signed the same and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

Signature of Notary Public

My Commission expires 9/27, 20 28

JENNIFER D HOUSAND
Notary Public - North Carolina
Dare County
My Commission Expires Sep 27, 2028

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
www.southernshores-nc.gov

July 16, 2024

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision (Application 1 Received on July 3, 2024)

Dear Mr. Mina and Ms. Franz:

This letter shall serve as denial of your application (Application 1 received on July 3, 2024) to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000). The reason for the denial is that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because both lots do not front upon a public road. Town Code Section 30-96(f) states that all lots shall front upon a public road.

Your application that was submitted on April 29, 2024 is considered withdrawn. Should you wish to appeal this administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/bc-pb. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov. if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

EXHIBIT "1A"

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
www.southernshores-nc.gov

July 16, 2024

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision (Application 2 Received on July 3, 2024)

Dear Mr. Mina and Ms. Franz:

This letter shall serve as denial of your application (Application 2 received on July 3, 2024) to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000). The reason for the denial is that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

EXHIBIT "10"

Your application that was submitted on April 29, 2024 is considered withdrawn. Should you wish to appeal this administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/bc-pb. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov. if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

EXHIBIT "7B"

ANTHONY S MINA

75 E. DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

6108423905

chestercountylawn@yahoo.com

August 30, 2024

RE: 75 E. Dogwood Trail Variance Application

Please find the answers to the Variance Application as follows:

ANSWER # 5:

Plat # 1-Town Code 30-96(f) prohibits access easements due to an illegally adopted zoning amendment made on August 3, 2021 without notifying property owners as required by Town Code 36-414(b) and some of North Carolina state law notification requirements. Proof of Southern Shores failure to comply with Notification requirements is attached hereto as "Exhibit 2C". As such, Town Code 30-96(f) is unenforceable and from a legal standpoint, since Philip Hornthal suggested Applicant get an attorneys help, anything beyond this point of the application is harassing and overly burdensome as Applicant has proven the zoning codes requiring a variance are actually illegally adopted, unenforceable zoning codes.

Plat # 2-Town Code 36-202(d) requires 100' of lot width per lot instead of 100' lot width perpendicular only at the front of the building due to an illegally adopted zoning amendment made on June 6, 2023 without notifying property owners as required by Town Code 36-414(b) and some of North Carolina state law notification requirements. Proof of Southern Shores failure to comply with Notification requirements is attached hereto as "Exhibit 2C". As such, Town Code 36-202(d) is unenforceable and from a legal standpoint, since Philip Hornthal suggested Applicant get an attorneys help, anything beyond this point of the application is harassing and overly burdensome as Applicant has proven the zoning codes requiring a variance are actually illegally adopted, unenforceable zoning codes. Wes Haskett went above and beyond negligence with his refusal to properly notify property owners of the June 6, 2023 zoning amendment by refusing to tell Applicant about the proposed zoning amendment from May 1, 2023 to June 1, 2023 during 4 emailed conversations about zoning codes pertaining to the sub-division Wes Haskett told Outer Banks Realty Group sounded possible at 75 E. Dogwood Trail. Outer Banks Realty Group sold applicant 75 E. Dogwood Trail as a potentially sub-dividable lot, as per Southern Shores. Wes Haskett continued his intentional deception of notification requirements by falsifying notification requirements to applicant, Police Chief Kole and Mayor Morey in an email dated May 21, 2024...violating **North Carolina Chapter 14 § 14-225. False reports to law enforcement agencies or officers** (Wes Haskett's false reports to law enforcement deleting town code notification requirement 36-414(b)

"EXHIBIT 2"

to claim he had a legal basis to amend zoning codes on June 6, 2023 is attached hereto as "Exhibit 5").

ANSWER #7

A) The illegally adopted zoning amendment code 30-96(f) prohibiting 30' easement access (on August 3, 2021) changes the property's 47,213.2 sq. ft. from being used as (2) separate lots with a subdivision by right, to a (1) home lot. Southern Shores requires lots to have 20,000 sq. ft. each and with a 30' easement access all zoning codes are complied with so a lot subdivision will be approved as shown in "Exhibit 2A". Dominion Power has already installed (2) electric boxes on the property so a second home can be built and Southern Shores helped Outer Banks Realty Group sell the property to applicant as a lot with a possible subdivision. A true and correct copy of the listing and Wes Haskett's communication to Outer Banks Realty Group and the previous owner indicating the lot subdivision sounded possible is marked "Exhibit 3". The hardships imposed by the illegally adopted zoning code(s) amount to hundreds of thousands of dollars in damages because the only reason applicant bought a $625,000 house was because he could easily sell the newly subdivided lot for more than $200,000 with the most comparable canal front lot selling at 91 S. Dogwood Trail for $365,000. Applicant is a home improvement provider and was planning on hiring a local construction company to help build a second home applicant could rent or sell. Applicant's fiancé is a Dare County School teacher and one of her co-workers, who also is a Coastguard Family is potentially interested in renting or purchasing the home applicant was supposed to be able to build at 75 E. Dogwood Trail when he entered into an agreement to purchase the property. "Exhibit 2B" shows how all zoning codes would be complied with if the zoning amendment illegally adopted on June 6, 2023 changing lot width requirements was not used to prevent the lot subdivision and the 100' lot width at the building front perpendicular line was still the lot width requirement.

B) The spirit, purpose and intent of the town's zoning code will be able to be utilized with great pride at 75 E. Dogwood Trail by granting a variance from the illegally adopted zoning code(s) because when applicant agreed to purchase 75 E Dogwood Trail as a potentially subdividable lot the 20,000 sq. ft. closest to Dogwood Trail was going to be used for a "to be built" home for sale or rent. Applicant planned on hiring a construction company like Reliant Construction, Croatan Custom Homes, Saga Construction or another construction company known in the Outer Banks for exceptional quality construction to help applicant's home improvement business, as needed. Applicant planned on preserving and enhancing the existing home to make the house, known as "The Dick White House" a house that will be admired by people and not looked at as it is now, an eyesore that has been neglected so long that people wonder when the house is going to be torn down. Applicant has more than 25 years experience in the home improvement and construction field and has worked for hundreds of clients in Pennsylvania where he owned his own property maintenance business. About 24 years ago applicant's work at the red barn in the attached picture was limited to landscaping but the owner, Ed Cunius, does the kind of construction work applicant most admires. Mr. Cunius' construction company renovated the barn in the attached picture which is located at 1050 Copeland School Road, West Chester, PA 19380

"EXHIBIT 2"

and also renovated another old stone barn applicant worked at located at 117 Crosspointe Drive, West Chester, PA 19380. One of the barns has pictures online at: https://www.redfin.com/PA/West-Chester/1050-Copeland-School-Rd-19380/home/39036332 After seeing the barns Mr. Cunius renovated applicant dreamed of renovating an old barn his self and the "Dick White House" really resembles an old barn that is in serious need of updating to compliment the neighborhood charm and pride of other home owners. So, applicant immediately fell in love with the subdividable 1 acre lot with 450' of canal frontage and applicant's plans are to continue removing the trees overhanging the canal and remodel the west side of the property facing the canal as pictured below...as well as renovate most of the interior of the property. Applicant has been known for years to take great pride in his work and relentlessly complete the work he has committed to. The picture below with "Before And After Our Services" was applicant's last job completed in Pennsylvania at 100 Bridge Street, Malvern, PA 19355. Applicant and his fiancé bought the house in extreme need of home improvements for about $110,000 and sold the house when applicant was done building additions and renovating for $820,000. The Philadelphia Inquirer wrote a story about applicant's last job at 100 Bridge Street in their newspaper, which can be read online at: www.inquirer.com/real-estate/housing/market-rebuilt-four-bedroom-home-malvern-867000-20220810.html The 100 Bridge Street house was located on one of the busiest streets in a small town and went from being the ugliest house in the town to a very admired house that many neighbor's appreciated because applicant built a waterfall along the sidewalk that enhanced the entire town's curb appeal on the drive into the town. Public safety will be secured because allowing the variance from town code 30-96(f) will actually make 75 E. Dogwood Trail safer than it is without the variance because the existing driveway is about 70' from applicants front door right now and if emergency vehicles such as fire trucks needed to get close to 75 E Dogwood Trail, it would nearly be impossible without the variance.

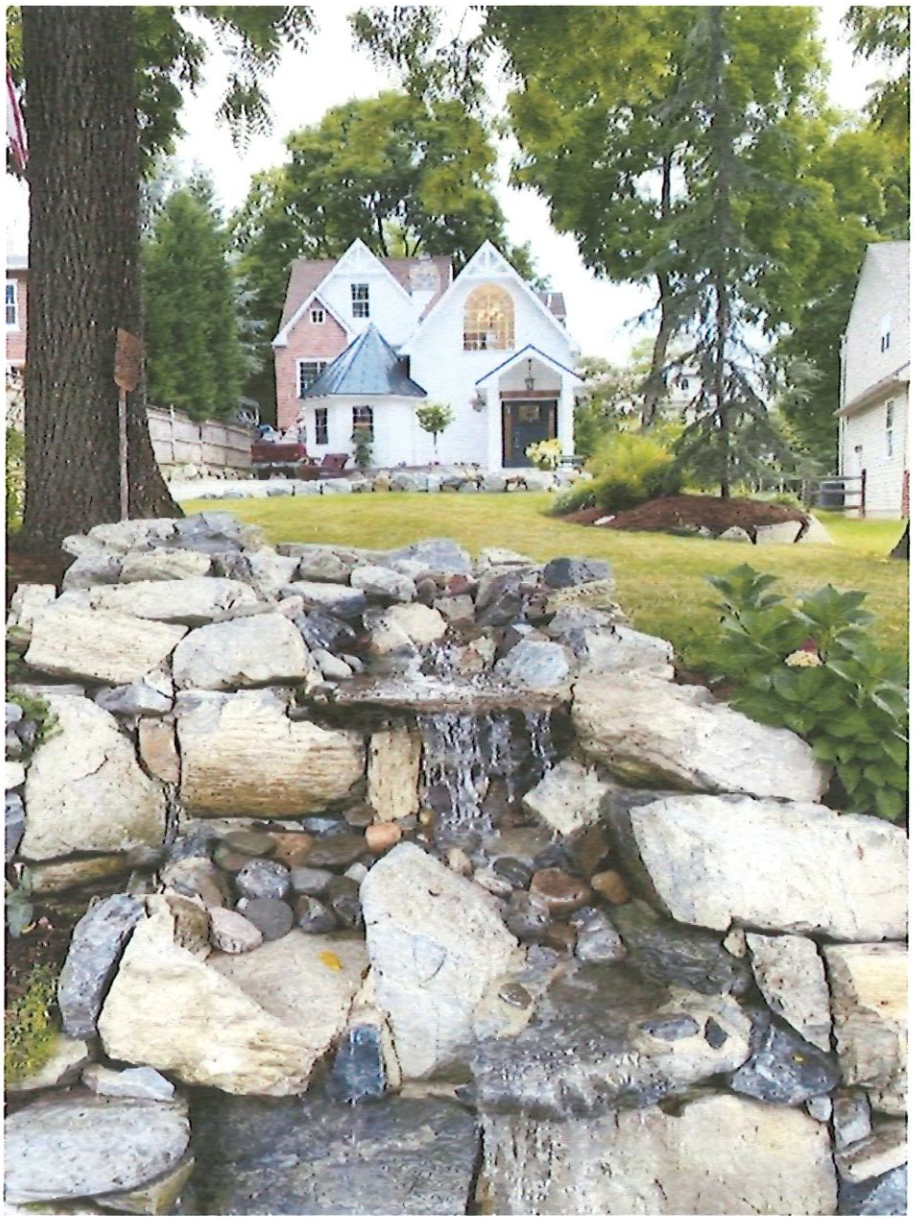
Lastly, substantial justice will be achieved with the variance(s) being granted because right now Wes Haskett has Southern Shores tied to a false pre-tense real estate scam where Southern Shores is liable for a Civil Rights Conspiracy (because Wes Haskett refuses to correct his wrong doing). If Wes Haskett was not illegally hiding a proposed zoning amendment, the solution to applicant's problem would have been simply to obtain the lot sub-division Wes Haskett said was possible, prior to the zoning amendment. But, because Wes Haskett illegally hid the zoning amendment scheduled for June 6, 2023 applicant has been overly burdened with legal and financial hardships all caused by Wes Haskett's crimes that are not permitted under North Carolina Law, Southern Shores Town Code or the "Code of Ethics for Town of Southern Shores Employees" which is attached hereto as "Exhibit 6". Wes Haskett is currently in violation of Town Ethics Rules 1-7 and has given no indication whatsoever that he intends to ever comply with local, state and federal law. In fact, Wes Haskett has already spent more than $3747 of Southern Shores money on town attorney Philip Hornthal who has also attempted to deceive applicant and town manager Cliff Ogburn with falsified law relating to zoning amendment notification requirements. At this point it appears Wes Haskett is trying to encourage as many Southern Shores employees as

"EXHIBIT 2"

possible to become criminally and civilly liable for his false pre-tense real estate scam conspiracy and abuse of process with illegally adopted zoning codes.

where applicants dream of renovating an old barn started

"EXHIBIT 2"



My last job in Pennsylvania

"EXHIBIT 2"

"EXHIBIT 2"

Applicants house with some very needed exterior improvements facing the canal.

"EXHIBIT 2"

The way applicants' house looks now, in desparate need of renovations and curb appeal.

"EXHIBIT 2"

REVIEW OFFICER CERTIFICATE

State of North Carolina

County of Dare

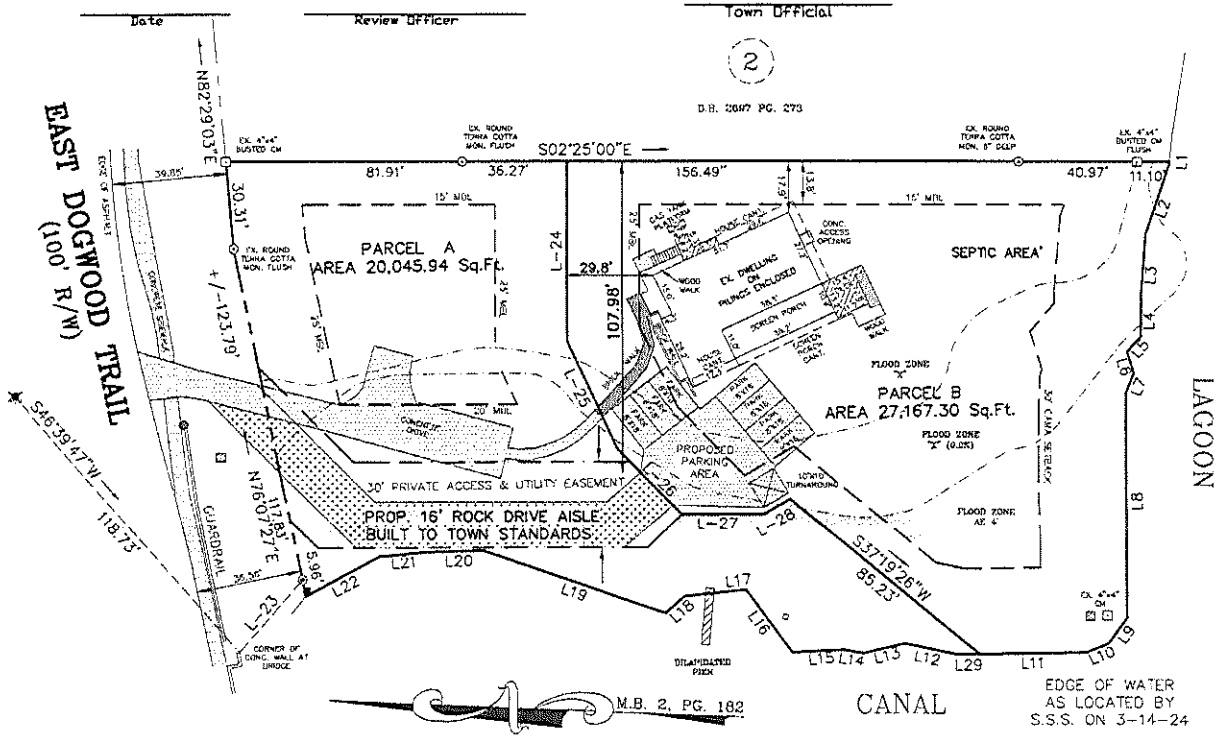
I, _____, Review Officer of Dare County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____

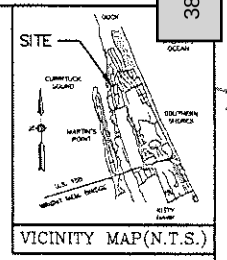
EXEMPTION CERTIFICATE

This plat is exempt from subdivision regulations under N.C.G.S. 160 A-376 and the Town of Southern Shores Subdivision Ordinance, Section 30-2. (4)

Town Official _____



LINE TABLE		
LINE	BEARING	LENGTH
L1	N86°02'33"W	1.29'
L2	N73°43'10"W	25.14'
L3	N87°48'49"W	20.94'
L4	S88°19'36"W	14.86'
L5	N51°30'23"W	7.19'
L6	S70°39'48"W	7.77'
L7	N71°10'54"W	7.47'
L8	S87°22'48"W	78.67'
L9	N57°12'36"W	10.97'
L10	N24°38'48"W	8.44'
L11	N03°27'34"W	36.89'
L12	N09°17'19"E	18.53'
L13	N15°30'59"W	14.70'
L14	N07°36'59"E	6.93'
L15	N05°24'26"W	17.95'
L16	N51°52'59"E	27.20'
L17	N08°17'08"W	21.40'
L18	N43°02'57"W	8.96'
L19	N16°45'38"E	66.51'
L20	N03°34'58"W	19.30'
L21	N07°45'26"W	17.13'
L22	N31°03'24"W	28.87'
L23	S51°51'33"E	33.46'
L24	S87°35'00"W	62.63'
L25	S62°48'58"W	41.15'
L26	S43°22'44"W	32.08'
L27	S02°25'00"E	28.40'
L28	S32°56'04"E	10.52'
L29	N03°27'34"W	7.80'



VICINITY MAP(N.T.S.)

LEGEND:

- Ex. Rebar Flush
- Ex. Terra Cotta Monument
- Ex. Cld
- Water Meter
- Phone Ped.
- Fire Hydrant
- Transformer

OWNER CERTIFICATE

We, _____ Owners of the property shown on this plat, agree to the division/recombination as shown.

_____
Owner

NOTARY CERTIFICATE

State of _____, County of _____

State aforesaid, certify that _____ personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this____ day of _____, 2024.

_____
Notary Public

NOTES:

Current Owners: Anthony Stocker Mina
Jennifer Lynn Franz

Address: 75 E. Dogwood Trail

Lot Coverage for Parcel A: 4,076.36 Sq. Ft. (20.34%)

Lot Coverage for Parcel B: 5,387.84 Sq. Ft. (19.83%)

Zone: RS1

Setbacks shown are as per Zoning.

There are no geodetic control within 2000'.

Certifier hereon is not responsible for utilities and/or features that are not visible.

SURVEYOR'S CERTIFICATE:

I, M. Douglas Styons Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision; using the description found in DB 2689, PG 776, that the boundaries not surveyed are clearly indicated as drawn from information found in MB 2, PG 182; that the ratio of precision as calculated is at least 1: 10,000; and that this plat was prepared in accordance with G.S. 47-30 as amended. I also certify to the following:

This plat is of a survey of another category such as the recombination of existing parcels, a court-ordered survey or other except. to the definition of subdivision; No street right-of-ways are created.

Witness my original signature and seal this 27th day of June 2024.

PRELIMINARY

P.L.S. L-3627

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
inch = 30 ft.

Styons Surveying Services
2700 N. Croatan Hwy. Kill Devil Hills, NC. 27948 C-1697
Phone: (252) 441-1415 Fax: (252) 480-1182

Any unauthorized use or alteration of this document is prohibited. A red seal must be present for this to be an original document

"MINA DIVISION"
SECOND REVISED DIVISION OF LOT 1, SOUTHERN SHORES SOUNDSIDE BLOCK 105

SURVEYED FOR
ANTHONY S. MINA and JENNIFER L. FRANZ

SCALE: 1" = 30'	ATLANTIC TOWNSHIP DARE COUNTY		SOUTHERN SHORES NORTH CAROLINA
FILE NO.: 24-065	DATE: 03-14-2024	REC. REF: M.B. 2, PG. 182	SHEET:
DWG NO.: 2406553	REV.DATE: 6-27-24 DESIGN	D.B. 2689, PG. 776	
FLOOD ZONE: SEE PLOT	PIN NO.: 2009681772 3502	T.R.M.: 3720 VANN 00 K	F.I.R.M. DATE: 6-19-20

1 OF 1

EXHIBIT A

LEGEND:

- Ex. Rebar Flush
- Ex. Terra Cotta Monument
- Ex. CM
- Rebar Set Flush
- Water Meter
- Phone Ped.
- Fire Hydrant
- Transformer
- 10'x10' Turnaround

REVIEW OFFICER CERTIFICATE

State of North Carolina

County of Dare

I, _____, Review Officer of Dare County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

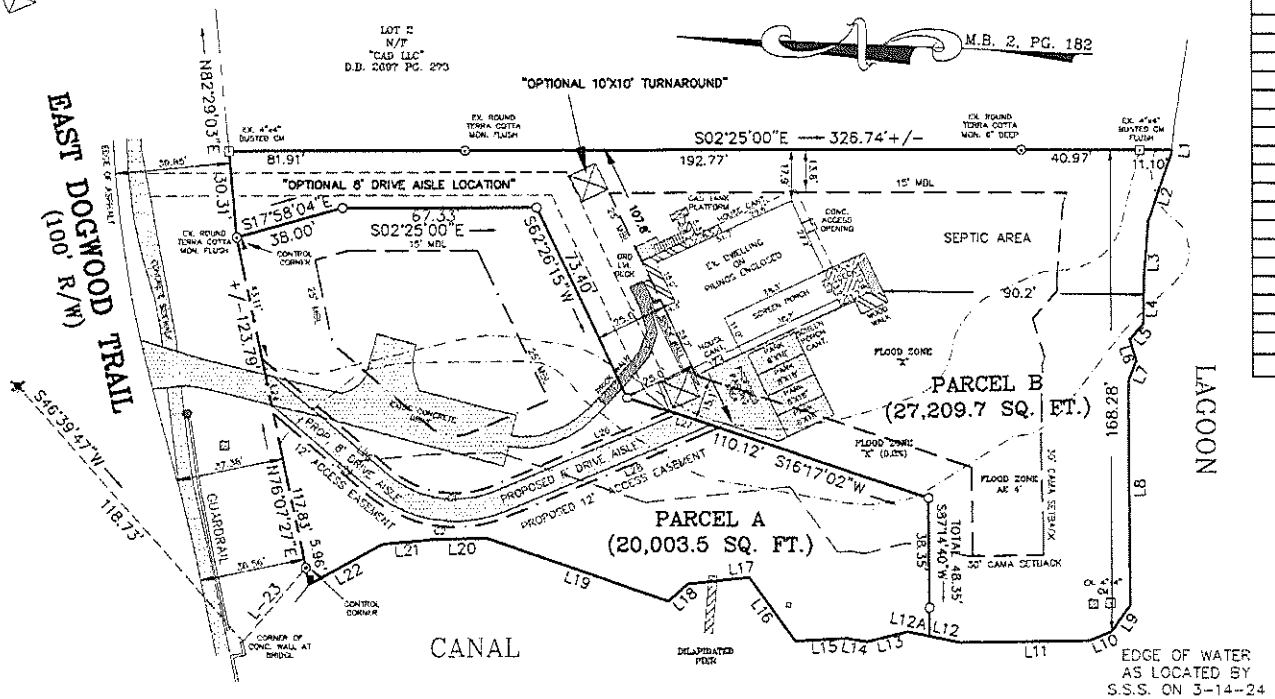
_____ Date

_____ Review Officer

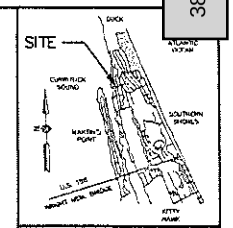
EXEMPTION CERTIFICATE

This plat is exempt from subdivision regulations under N.C.G.S. 160 A-376 and the Town of Southern Shores Subdivision Ordinance, Section 30-2. (4)

_____ Town Official



LINE TABLE		
LINE	BEARING	LENGTH
L1	N86°02'33"W	1.29'
L2	N73°43'10"W	25.14'
L3	N87°48'49"W	20.94'
L4	S88°18'36"W	14.86'
L5	N51°30'23"W	7.18'
L6	S70°39'48"W	7.77'
L7	N71°10'54"W	7.47'
L8	S87°22'48"W	78.67'
L9	N57°12'36"W	10.97'
L10	N24°38'48"W	8.44'
L11	N03°27'34"W	44.69'
L12	N09°17'19"E	10.79'
L13	N15°30'59"W	14.70'
L14	N07°38'59"E	6.93'
L15	N05°24'26"W	17.93'
L16	N51°52'59"E	27.20'
L17	N08°17'08"W	21.40'
L18	N43°02'57"W	8.96'
L19	N16°45'38"E	66.51'
L20	N03°34'58"W	19.30'
L21	N07°45'26"W	17.15'
L22	N31°03'24"W	28.87'
L23	S51°51'33"E	33.46'
L12A	N09°17'19"E	7.75'



EASEMENT LINE TABLE	
LINE	BEARING/DIST.
L24	N76°07'27"E 19.74'
L25	S38°41'25"W 59.10'
L26	S25°09'16"E 66.33'
L27	S16°17'02"W 18.13'
L28	N25°09'16"E 79.92'
L29	N38°41'25"E 43.42'

EASEMENT CURVE DATA

C-1: R=34.00 L=37.89'
C=S06°46'05"W 35.96'

C-2: R=46.00 L=51.26'
C=N06°46'05"E 48.65'

NOTES:

Current Owners: Anthony Stocker Mina & Jennifer Lynn Franz

Address: 75 E. Dogwood Trail

Lot Coverage for Parcel A: 2,965.5 Sq. Ft. (14.82%)

Lot Coverage for Parcel B: 4,553.63 Sq. Ft. (16.74%)

Setbacks shown are as per RS 1 Zoning.

There are no geodetic control within 2000'.

Certifier hereon is not responsible for utilities and/or features that are not visible.

OWNER CERTIFICATE

We, _____, Owners of the property shown on this plat, agree to the division/recombination as shown.

_____ Owner _____ Owner

NOTARY CERTIFICATE

State of _____, County of _____

I, _____ a Notary Public of the County and State aforesaid, certify that

_____, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this____ day of _____, 2024.

_____ Notary Public

SURVEYOR'S CERTIFICATE:

I, M. Douglas Styons Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision; using the description found in DB 2689, PG 776 , that the boundaries not surveyed are clearly indicated as drawn from information found in MB 2 , PG 182; that the ratio of precision as calculated is at least 1: 10,000; and that this plat was prepared in accordance with G.S. 47-30 as amended. I also certify to the following:

This plat is of a survey of another category such as the recombination of existing parcels, a court-ordered survey or other except to the definition of subdivision; No street right-of-ways are created.

Witness my original signature and seal this 26th day of June 2024.

P.L.S. L-3227

PRELIMINARY

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)

1 inch = 30 ft.

Styons Surveying Services

2700 N. Croatan Hwy. Kill Devil Hills, NC. 27948 C-1697

Phone: (252) 441-1415 Fax: (252) 480-1182

Any unauthorized use or alteration of this document is prohibited. A red seal must be present for this to be an original document.

"MINA DIVISION"
REVISED DIVISION OF LOT 1 SOUTHERN SHORES SOUNDSIDE BLOCK 105

SURVEYED FOR
ANTHONY S. MINA and JENNIFER L. FRANZ

SCALE: 1" = 30'			
FILE NO.: 24-065			
DWG NO.: 24065S2R	ATLANTIC TOWNSHIP DARE COUNTY		SOUTHERN SHORES NORTH CAROLINA
FLOOD ZONE: SEE PLOT	DATE: 03-14-2024 REV.DATE: 6-26-24ADD PARKING	REC. REF: M.B. 2, PG. 182 D.B. 2689, PG. 776	SHEET: 1 OF 1
	PIN NO.: 0060A017213000	F.I.R.M.: 3720 0060 00 K	F.I.R.M. DATE: 6-16-20

LEGAL 28

Public Records Request Regarding TCA-21-06 and ZTA-23-03 Not Meeting Public Notice Requirements

chestercountyla...

Anthony Mina <chestercountylawn@yahoo.com> Jun 21 at 11:02 AM
To: Sheila Kane <skane@southernshores-nc.gov>,
Southernshores Nc Info <info@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>

Dear Southern Shores,

Please provide me all public records, including Southern Shores' employees names who claim that mailed letters, 1/2 page newspaper advertising, posted notice on effected properties and direct communication with the property owner are not required for TCA-21-06 and ZTA-23-03 as town code Sec. 36-414(b) and Article 6 ss 160D-602(a),(b),(c) and (d) indicate is required as notification for an AMENDMENT OF A ZONING REGULATION, such as TCA-21-06 and ZTA-23-03.

Thank you,
Anthony S Mina

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: Sheila Kane <skane@southernshores-nc.gov>
Sent: Thursday, June 20, 2024 at 07:03:28 PM EDT
Subject: Re: Public Records Request Regarding TCA-21-06 and ZTA-23-03

Thank you for the email. Could you please tell me who stated that the public notice requirements in paragraphs 1, 2 and 4 where not required. Thank you, Anthony S Mina

On Thursday, June 20, 2024 at 05:07:47 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03. **NOT REQUIRED**

2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.
   1. **Coastland Times Advertisement Invoices and copies of notices are attached. A ½ of a page size is NOT REQUIRED**

3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
   1. **Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.**

4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
   1. **NOT REQUIRED**
   2. **Communication with one property owner attached (Anthony Mina).**

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

1 File 4.3MB

IMG_1328.jpeg
4MB

"EXHIBIT C"

Re: 75 E Dogwood Trail - Team Creech OBX

alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com> Mar 25, 2023 at 1:13 PM
To: Anthony Mina <chestercountylawn@yahoo.com>,
teamcreechobx@gmail.com <teamcreechobx@gmail.com>

Hey Anthony,

I hope you are having a good weekend, as well. There is not much information available for this home.
I am assuming that all components are original, with the exception of the roof, possibly. I would define short pilings as pilings that are not far above the ground. Septic location and specifics are not known.
We would need to order a septic inspection to determine the location and if it is functioning properly.

The listing agent told me he did not have any specific information regarding subdividing, only that the town indicated it was possible, based on the size of the lot. I can imagine a layout but I have no knowledge if it is actually feasible.

Let me know if you would like to schedule a visit to the property.

Talk with you soon,

Alan Creech
Team Creech OBX
TeamCreechOBX.com Use our website to get your Home Value & Market Reports!
Outer Banks Realty Group
Your Beach Connection
3712 N Croatan Hwy Unit B
Kitty Hawk, NC 27949
252.455.1420 (Cell)
252-491-3333 (Office)

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Saturday, March 25, 2023 10:44 AM
To: alan outerbanksrealtygroup.com <alan@outerbanksrealtygroup.com>; teamcreechobx@gmail.com <teamcreechobx@gmail.com>
Subject: Fw: 75 E Dogwood Trail - Team Creech OBX

Hello again,

I hope you are having a good weekend. When you get a chance, could you please respond to the attached email and also let me know if there is any information about the septic capacity, age of the windows/doors and what the definition of "short pilings" is.

My fiance and me will have a chance to make some decisions about 75 E. Dogwood Trail before the end of next week.

Thank you,
Tony Mina

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: "alan_211762727@outerbanksrealtygroup.net" <alan_211762727@outerbanksrealtygroup.net>; Alan & Lauren Creech <teamcreechobx@gmail.com>
Sent: Thursday, March 23, 2023, 12:05:54 PM EDT
Subject: Re: 75 E Dogwood Trail - Team Creech OBX

Hello,

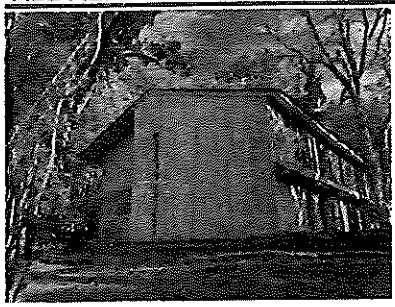
Thank you for the email.

I am having problems comparing 75 E. Dogwood Trail to other properties with similar lot sizes. Could you please mark up the attached 75 E Dogwood Trail survey so the approximate septic location is marked on the survey as well as how the owners imagine the property possibly being subdivided.

I'm still at the point that I think I would be wasting a realtor's time asking for tours of homes. I have improvements I need to make to my primary residence that I've had on hold until I received financing which is being finalized today. I also am experiencing a delay with being able to have HR Block review my taxes filed for 2022 which include the capital gains from the sale of my last house. I've been filing my Federal taxes using HR Block's help and advice since about 2010 and just wanted to make sure I completed my Federal taxes correctly (HR Block has a tax review service if you file your own taxes) but HR Block now has a policy that they can not review Federal taxes unless there is a record that the Internal Revenue Service accepted the tax returns and since I mailed the tax returns 2-3 weeks ago, it could be another 3 weeks before the

"EXHIBIT 3"

ALL FIELDS DETAIL



MLS #	121522	**Primary HtdLvArSF**	3,543
Status	Sold In House	**Approx.Lot SqFt**	46500
Class	RESIDENTIAL	**Year Built**	1970
Type	Single Family - Detached	**Pool**	No
Area	Southern Shores Westside	**Bedrooms**	4
Asking Price	$649,000	**Full Baths**	2
Address	75 E Dogwood Trail	**Partial Baths**	0
City	Southern Shores		
State	NC		
Zip	27949		
Subdivision	So/Sh Soundside		
County	Dare		
Waterfront Location	Canalfront		
Days On Market	60		

SOLD STATUS

Contract Date	5/7/2023	**Due Diligence Date**	6/5/2023
Closing Date	7/7/2023	**How Sold**	Owner Finance
Selling Agent 1	Alan Creech - C: 252-455-1420	**Selling Office 1**	Outer Banks Realty Group - C: 252-491-3333
Multiple Signed Offers	No	**Sold Price**	$625,000
Sold Price Per SqFt	$176.40	**Concessions:**	No
Cumulative DOMLS	60	**Days On MLS**	60

GENERAL

Pin #	986817213502	**Approx Acreage**	1.07
Owner 1	Lauby Linda L	**Zoning**	RS1
Ownership	Owned More than 12 Months	**# of Units**	1
Primary Residence (Y/N)	No		
Potential Short Sale	No		
Bank / Institution Owned	No		
Deed Book	2013		
Deed Book Pg#	845		
Block	105		
Unit/Lot #	Lot #1		

LISTING

Agent	James Monroe - C: 703-909-9913	**Cumulative DOM**	60
Agent License #	274884	**Original Price**	$649,000
Listing Office 1	Outer Banks Realty Group - C: 252-491-3333	**Input Date**	2/24/2023 4:42 PM
		Listing Date	2/24/2023
Office License Number	C25379	**Status Date**	7/10/2023
Listing Type	Exclusive Right Sell	**HotSheet Date**	7/10/2023
Limited Service	No	**Price Date**	7/10/2023
Comp Buyers Agent %	2.5	**VOW AVM**	Yes
Comp Buyers Agent Fee/Bonus $	0	**VOW Address**	Yes
Comp Sub Agent %	0	**VOW Comment**	Yes
Comp Sub Agent Fee/Bonus $	0	**VOW Include**	Yes
Var Rate Comp.	No	**IDX Include**	Y
Associated Document Ct	4	**Sale/Rent**	For Sale
Picture Count	30	**Asking Price Per SqFt**	$183.18
Update Date	7/10/2023		

B.T. McAvoy

FEATURES

LOT DESCRIPTION
Wooded

VIEW DESCRIPTION
Canal

CONSTRUCTION
Frame
Wood

EXTERIOR
Wood

ROOF
Asphalt/Fiber Shingle

FOUNDATION
Short Pilings

ROADS
Private

APPLIANCES
Dishwasher
Dryer
Range/Oven
Refrigerator
Washer

HEATING
Heat Pump
Propane

AIR CONDITIONING
Central
Heat Pump

WATER
Municipal

SEWER/SEPTIC
Private Septic

INTERIOR FEATURES
Wood Fireplace

EXTRAS
Attic Fan
Outside Shower

SHOWING INSTRUCTION
EL LB-No CBS
Vacant
ShowingTime

FINANCIAL

Taxes	$2,802.61	**Rental Co**	None

"EXHIBIT 3"

Assessed Value	2022 $476,000	**Fuel Tanks**	None
Land Value	$223,800	**Electronic Locks**	None
Furnishings Available Y/N/Partial	No	**Price Per SQFT**	$176.40
Assoc. Fee Y/N/Voluntary	Voluntary - Restrictive Covenants May Apply		
Estimated Annual Fee $	$65		
HOA Contact	www.sscaobx.org voluntary		
HOA Contact Info	(252) 261-8617		

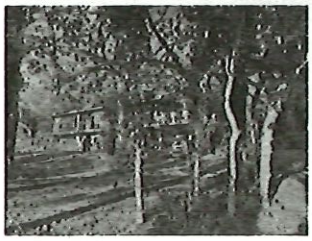
REMARKS

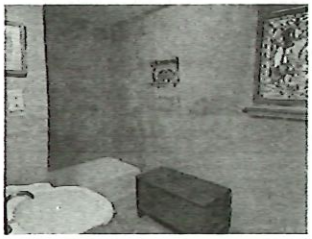
Remarks Frank Lloyd Wright meets the Brady Bunch in this mid-century home on a one-of-a-kind canal-front lot in Southern Shores. Situated on over an acre of wooded property with two sides on canals, it boasts 300 feet of canal frontage on the west side and 150 feet on the south side. It offers plenty of privacy along with waterfront views, and is often visited by otters, a great blue heron, deer, eagles, osprey, and pileated woodpeckers. The lot is in both AE and X flood zones. Designed and built in 1970 by the late Dick White (for whom the adjacent Dick White Bridge is named) , this 2-story home has 4 bedrooms, 2full baths, 2 large living rooms and a large bonus room with separate entrance, which is perfect for an art studio, office or den. There's more than 3300 square feet of living space, with an additional 1000 square feet of screened porches. The spacious upstairs screened porch has a cathedral ceiling and offers a superb entertaining space overlooking the yard and canals. The house would benefit from renovations, or you might choose to build your own peaceful retreat on this special property. (It is potentially capable of being subdivided.) The property is just minutes from the ocean and offers boaters easy access to Ginguite Creek and the Currituck Sound.

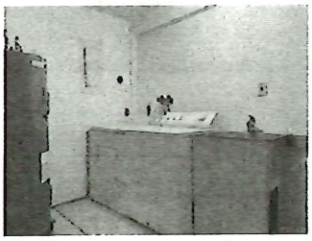
BROKERS NOTES

Brokers Notes Because of the age of the building it is being sold "as-is" The lot is over an acre and is tucked into the woods offering privacy As you walk up use your imagination, there is room for a pool, garage space, perhaps with living space above, and adequate room for outdoor patio space to enjoy the wildlife the canals offer. Temporarily off market to clean and spruce. Will be put back on the market 04/19/23.

ADDITIONAL PICTURES







"EXHIBIT 3"

Wes Haskett

From: Linda Lauby <lindalauby@outlook.com> on behalf of linda@outerbankspress.com
Sent: Friday, April 30, 2021 4:44 PM
To: Wes Haskett
Subject: Re: Question regarding property in Southern Shores

Thanks, Wes!

Stay tuned----

All the best,
Linda

Linda L Lauby
President, Outer Banks Press
252.261.0612
linda@outerbankspress.com
www.lindalauby.com
www.outerbankspress.com

From: Wes Haskett <whaskett@southernshores-nc.gov>
Sent: Friday, April 30, 2021 4:29 PM
To: linda@outerbankspress.com <linda@outerbankspress.com>
Subject: RE: Question regarding property in Southern Shores

Good afternoon, Linda. We discussed it and he said that he would draw up a conceptual plan for me to review and discuss further. Based on his description, it sounded possible to subdivide the property but further review would help.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Linda Lauby <lindalauby@outlook.com> **On Behalf Of** linda@outerbankspress.com
Sent: Friday, April 30, 2021 2:54 PM

"EXHIBIT 3"

To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Question regarding property in Southern Shores

Dear Wes,

My friend Jim Monroe told me that he has spoken with you regarding property I own at 75 East Dogwood Trail, and he suggested that I look into subdividing it into two lots. Could you please let me know how we might proceed?

Thank you so much,
Linda

Linda L Lauby
President, Outer Banks Press
252.261.0612
linda@outerbankspress.com
www.lindalauby.com
www.outerbankspress.com

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"EXHIBIT 3"

Re: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

chestercountyla.../Sent

Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>,
Elizabeth Morey <emorey@southernshores-nc.gov>

Jun 7, 2023 at 3:22 PM

Hello,

Thank you for the email.

Could you please tell me how Southern Shores residents and home owners were notified of the proposed amendment to the zoning code dated 3/31/2023 (the zoning code adopted last night). I asked my realtor Alan Creech and Southern Shores questions about Southern Shores zoning code prior to providing a $5000 due diligence fee and June 1, 2023 is the first time I was informed about the proposed amendment (75 E. Dogwood Trail was listed for sale as being potentially sub-dividable).

Could you please explain how and when Southern Shores "will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots". How will this next amendment reverse the fact that the amendment passed last night literally steals land value from Southern Shores residents that have been paying property taxes on enough square footage to sub-divide (In the world of finance, land is considered an asset and owning enough property to sub-divide is a financial plan that is taxed at a higher rate than owning not enough square footage to sub divide)?

Thank you for your help,
Anthony S Mina

On Wednesday, June 7, 2023 at 09:10:34 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Mr. Mina. The Town Council voted 3-2 to approve the text amendment. That means that at this time, all new lot must be 100 ft. wide measured from the front lot line to the rear lot line. The meeting video recording will soon be available on YouTube here: https://www.southernshores-nc.gov/meetings. As I told the Town Council during the public hearing, we realize that these requirements are more strict than what has been in place, but we believe that they're unambiguous and will prevent future subdivisions and recombinations with higher densities. Town Staff will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, June 7, 2023 8:35 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Good Morning,

Could you please provide me the results to the vote to increase the street frontage zoning requirement to 100' per lot.

Thank you,
Anthony S Mina

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:
https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1686141324-FWeUsGXDoMzC&r_address=whaskett%40southernshores-nc.gov&report=1

"EXHIBIT 4"

RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Divisio n

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

May 21 at 2:27 PM

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.
(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section ____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ... ." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.
(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.
(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Cc: David Kole <dkole@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Jonathan Slegel <jslegel@southernshores-nc.gov>; Matt Cooke <mcooke@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Tracy Mann <tmann@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner <rdeaner@southernshores-nc.gov>; Thomas Long <tlong@southernshores-nc.gov>; Jason Thompson <JThompson@southernshores-nc.gov>; Andrew Spottswood <jspottswood@southernshores-nc.gov>; Jennifer Couture <jcouture@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@kittyhawktown.net>; cgarriss@kittyhawktown.net; cgarriss@kittyhawktown.net; Casey Varnell <varnell@ncobxlaw.com>; Mike Talley <mike.talley@kittyhawktown.net>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <dryan@chesco.org>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <mmoskowitz@chesco.org>;

"EXHIBIT 5"

mkichline@chesco.org; mkichline@chesco.org
Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov. if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

My concerns are the following:

Wes Haskett and Philip Hornthal are not in touch with reality and a danger to other people's physical and emotional well being. Wes Haskett has refused to answer how he believes he is legally changing land use with a zoning amendment since last summer. Changing land use from a 2 single home property (with a subdivision by right) to a 1 single home property causes land value monetary damages to some Southern Shores tax payers of significantly more than $100,000. In the real world $100,000 is easily the difference between life and death. $100,000 can be the difference between the medical care someone needs and accepting that their life is coming to an end. If you walk into a bank demanding $100,000 you are lucky if you are not killed. Wes Haskett and Philip Hornthal refuse to explain how they legally think they can cause some Southern Shores home owners more than $100,000 in monetary damages with a zoning code amendment which changes land use. Applicant without a doubt will not be committing any crimes in response to Wes Haskett and Philip Hornthal stealing land value from Southern Shores home owners, but has serious concerns that Wes Haskett and Philip Hornthal are a danger to the physical and emotional well being of others and should be involuntarily committed to a psychiatric hospital for evaluation. Applicant will give Wes Haskett and Philip Hornthal 48 hours to explain how they legally are changing land use without an eminent domain transaction and highly suggests law enforcement not to wait half as long.

Anthony Stocker Mina

PS When I testified in front of Federal Judge Edward G Smith against Chester County's labor trafficking conspiracy against me I explained that the conspirators designed me a spin move. 172 and 174 S. Dogwood Trail appear to me to be another example of the pre-meditated conspiracy which I am expected to use certain evidence against corruption a specific way. I will let law enforcement figure out if the home owners are pawned because of meanings within their names or play a role in the conspiracy that repeatedly forces me in the middle of government scandals as a way of hiding Pennsylvania's corruption like I am their undercover internal affairs guerilla. Since there is a white crosstour at 172 S. Dogwood Trail and I live in the Dick White house I feel like I am being forced in the middle of a whole lot of crossing without being paid (as Wes Haskett tries stealing more than $100,000 of land value from my family).

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: "dkole@southernshores-nc.gov" <dkole@southernshores-nc.gov>; "dkole@southernshores-nc.gov" <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Cc: "jslegel@southernshores-nc.gov" <jslegel@southernshores-nc.gov>; "mcooke@southernshores-nc.gov" <mcooke@southernshores-nc.gov>; "ebrinkley@southernshores-nc.gov" <ebrinkley@southernshores-nc.gov>; "dbrickhouse@southernshores-nc.gov" <dbrickhouse@southernshores-nc.gov>; "tmann@southernshores-nc.gov" <tmann@southernshores-nc.gov>; "csimpson@southernshores-nc.gov" <csimpson@southernshores-nc.gov>; "rdeaner@southernshores-nc.gov" <rdeaner@southernshores-nc.gov>; "tlong@southernshores-nc.gov" <tlong@southernshores-nc.gov>; "jthompson@southernshores-nc.gov" <jthompson@southernshores-nc.gov>; "jspottswood@southernshores-nc.gov" <jspottswood@southernshores-nc.gov>; "jcouture@southernshores-nc.gov" <jcouture@southernshores-nc.gov>; FBI <https://urldefense.proofpoint.com/v2/url?u=http-3A__philadelphia.complaints-40ic.fbi.gov&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=MC7so4jnUv2wQVmuCXwrNDEXrEJP6m_gEAAO-fd9yY4&m=TOWcd4upmdpDWor5Elvu-VPS6KMBlb1TxzMPffo1sUbknm1nCViAZWOdX9Ih_Avm&s=yAv20roTd3d7ho9dh-7FKKJNW1Ak6eZiWMSReU0JdrU&e=>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@kittyhawktown.net>; "cgarriss@kittyhawktown.net" <cgarriss@kittyhawktown.net>; "cgarriss@kittyhawktown.net" <cgarriss@kittyhawktown.net>; Casey Varnell <varnell@ncobxlaw.com>; Mike Talley <mike.talley@kittyhawktown.net>; "mike.palkovics@kittyhawktown.net" <https://urldefense.proofpoint.com/v2/url?u=http-3A__mike.palkovics-40kittyhawktown.net&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=MC7so4jnUv2wQVmuCXwrNDEXrEJP6m_gEAAO-fd9yY4&m=TOWcd4upmdpDWor5Elvu-VPS6KMBlb1TxzMPffo1sUbknm1nCViAZWOdX9Ih_Avm&s=gzBaIdFoRtIddun_nM_CzkWY-GJQZ6p-Ou6cFa-rlUw&e=>; "mike.palkovics@kittyhawktown.net" <https://urldefense.proofpoint.com/v2/url?u=http-3A__mike.palkovics-40kittyhawktown.net&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=MC7so4jnUv2wQVmuCXwrNDEXrEJP6m_gEAAO-fd9yY4&m=TOWcd4upmdpDWor5Elvu-VPS6KMBlb1TxzMPffo1sUbknm1nCViAZWOdX9Ih_Avm&s=gzBaIdFoRtIddun_nM_CzkWY-GJQZ6p-Ou6cFa-rlUw&e=>; "chambers_of_chief_judge_sanchez@paed.uscourts.gov" <chambers_of_chief_judge_sanchez@paed.uscourts.gov>; "chambers_of_judge_edward_g_smith@paed.uscourts.gov" <chambers_of_judge_edward_g_smith@paed.uscourts.gov>; "chambers_of_judge_pappert@paed.uscourts.gov" <chambers_of_judge_pappert@paed.uscourts.gov>; "chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov" <chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov>; "chambers_of_judge_timothy_j_savage@paed.uscourts.gov" <chambers_of_judge_timothy_j_savage@paed.uscourts.gov>; Dryan <dryan@chesco.org>; "cccommissioners@chesco.org" <cccommissioners@chesco.org>; "cccommissioners@chesco.org" <cccommissioners@chesco.org>; "jmaxwell@chesco.org" <jmaxwell@chesco.org>; "jmaxwell@chesco.org" <jmaxwell@chesco.org>; Marian Moskowitz <mmoskowitz@chesco.org>; "mkichline@chesco.org" <mkichline@chesco.org>; "mkichline@chesco.org" <mkichline@chesco.org>; Wes Haskett <whaskett@southernshores-nc.gov>

Sent: Friday, May 17, 2024 at 05:35:45 PM EDT
Subject: Criminal Conspiracy Being Committed By Wes Haskett And Southern Shores

Dear Law Enforcement,

"EXHIBIT 5"

Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

"EXHIBIT 6"

IN THE UNITED STATES EASTERN DISTRICT NORTHERN DIVISION

FEDERAL COURT OF NORTH CAROLINA

ANTHONY MINA	:	
Plaintiff	:	
	:	
vs.	:	
	:	NO:
SOUTHERN SHORES TOWN, KITTY	:	
HAWK TOWN, WES HASKETT, DAVID	:	
KOLE, MIKE PALKOVICS, JASPER	:	
ROGERS, MIKE TALLEY, MIKE	:	
MEREDITH, COROLLA WATERSPORTS,:		
DARE COUNTY, LAURIE WILSON,	:	
LINDA LAUBY	:	
"DARE COUNTY REAL ESTATE	:	
SCAM DEFENDANTS",	:	
Defendant	:	CIVIL ACTION

INTRODUCTION TO PLAINTIFF'S COMPLAINT

Plaintiff's Complaint involves a Dare County Federal Civil Rights Conspiracy that began with Plaintiff's neighbor Mike Meredith's house being completely destroyed by a fire that the Kitty Hawk fire department intentionally allowed to consume the entire house as an "offensive

fire fight". Allowing the fire to burn the entire house caused approximately 15 trees on Plaintiff's property to be destroyed with evidence being left behind indicating that someone tried setting Plaintiff's fence on fire. Plaintiff's property damage from the fire appears to be $50,000. The home owner, Mike Meredith refused to provide North Carolina Insurance adjusters his insurance information which Plaintiff's insurance company needed. The Kitty Hawk fire department refuses to provide Plaintiff Mike and Lea Meredith's account of the house fire, the investigation results of the burn marks on Plaintiff's fence that appear to be torch marks and not from fire spreading and their department protocol for handling fires with evidence indicating the fire was intentionally started. Kitty Hawk's zoning inspector, who is also a Kitty Hawk fire fighter refused to enforce zoning codes on the Vista Lane street as per Kitty Hawk zoning code after Plaintiff filed a zoning complaint indicating that the 4 properties owned by the Meredith family surrounding Plaintiff's lot were intentionally turned into an illegal junkyard with an extremely dangerous Hummer abandoned on the right of way that was left on 3 wheels and a collapsing jackstand where Plaintiff's children and 4 other neighborhood children regularly had to reach under vehicles to get their soccer ball, basketball, kickball, football and baseball. Plaintiff was forced to move from the dangerously corrupt, intentionally destroyed neighborhood to keep his children safe and accept a loss in sale price estimated by one of Coldwell Banker's top real estate agents to be a loss between $45,000 and $70,000 from her comparative sales analysis. Kitty Hawk and their Police Chief Mike Palkovics claimed Plaintiff's problem was a civil matter and not to have law enforcement officer trained to prosecute crimes such as littering, harassment, stealing from Kitty Hawk's government when working for Kitty Hawk, withholding public information about the fire department's investigation of potential arson needed for property damage claims and operating a criminal enterprise/criminal conspiracy. When Plaintiff

complained to Laurie Wilson at Dare County District Attorney's Office, Laurie Wilson stated that endangering children is not a crime in Dare County and Plaintiff needs to hire an attorney. Plaintiff then asked to speak to Laurie Wilson's manager, was left on hold waiting for the manager until the phone disconnected and then could not have his phonecall to the Dare County District Attorney's Office answered.

Plaintiff's problems with the Federal Civil Rights Conspiracy took a complete opposite approach of attack in Southern Shores, Plaintiff's new home, a few miles away from the last home. Plaintiff offered $550,000 for 75 E. Dogwood Trail and emailed the realtor that he could not pay anymore without an approved lot sub-division plan. On May 7, 2023 Plaintiff bought the property as a lot that could possibly be sub-divided, as per Southern Shores (according to Outer Banks Realty Group and Southern Shore's employee Wes Haskett) after the previous owner negotiated an additional $75,000 from Plaintiff and offered seller financing. Plaintiff discussed the lot sub-division plans in 4 emailed conversations in May, 2023 with Wes Haskett, the Southern Shores employee who stated the property could possibly be sub-divided to the previous owner then on June 1, 2023 Wes Haskett said for the first time that there was a proposed zoning amendment scheduled for June 6, 2023 that would prevent the lot sub-division. Wes Haskett's fraudulent concealment of the proposed zoning amendment led to an investigation revealing Southern Shores did not notify property owners effected by the zoning amendment pursuant to town code and state law which requires notice to be posted at the effected property(s) prior to a hearing on a zoning amendment. To make matters worse, Wes Haskett then falsified records to Plaintiff, Police Chief Kole and Mayor Morey claiming notification requirements were met by deleting the town code requiring posted notice at the effected property in his email explaining the legal basis of the zoning amendment. At this point, Wes Haskett's corruption did not stop,

almost $4000 was paid for their town attorney to also lie about meeting notification requirements to Plaintiff and the town manager, Cliff Ogburn. Wes Haskett's corruption has been encouraged by town attorney Philip Hornthal who advised Wes Haskett not to meet with or respond to Plaintiff's questions about the lot subdivision, like standard procedure with other applicants was, and only allow Plaintiff to apply for the sub-division after making payment. Town manager Cliff Ogburn also contributes to the discrimination and selective prosecution against Plaintiff by enforcing a zoning code prohibiting real estate signs on the right of way in front of the property owner's house. There are realtor's signs in the right of way 365 days a year in Southern Shores but Southern Shores told Plaintiff to remove his signs without bothering other property owners with real estate signs that could not be missed when leaving the neighborhood from Plaintiff's house. Wes Haskett's fraudulent concealment of the proposed zoning code enabled the previous owner, Linda Lauby to negotiate an additional $75,000 from Plaintiff but the actual damages from preventing the lot subdivision to occur as Plaintiff planned are valued at $365,000 to Plaintiff, since the nearest comparable approximately 20,000 sq. ft. canal front lot sold for $365,000 at 91 S. Dogwood Trail and Plaintiff's plan was always to sell the extra lot. Southern Shores has continued their obnoxious corruption enforcing illegally adopted zoning codes to prevent subdivisions by continuing to have Dare County tax down-zoned properties as lots that could be subdivided and used for 2 single homes when without the subdivision by right being available, the same property is worth substantially less. So, although Plaintiff is filing a Federal Civil Rights Conspiracy lawsuit on his behalf, Southern Shores is knowingly committing tax fraud against all Southern Shores property owners effected by their down-zoning.

Law Enforcement forcing Plaintiff to litigate these damages without arresting the wrong-doers for crimes violates labor trafficking, involuntary servitude and slavery laws as Plaintiff has

no choice but to suffer legal and financial damages or to do police work and legal work paid police officers are criminally negligent for not doing. Criminal Law defines the overt acts committed by the defendants as a "criminal enterprise" and these defendants should be held liable for punitive damages. The defendants failure to properly train and stop government employees from committing grossly negligent and corrupt acts requires Federal Court intervention.

Defendant's damages caused by Southern Shores, Linda Lauby and their employees exceed $365,000 and the Defendants damages caused by Kitty Hawk, their employees, Mike Meredith and Corolla Watersports exceed $75,000. Plaintiff is seeking damages from each of the defendants that total significantly more than Plaintiff's damages because they are helping each other cause Plaintiff damages and interfering with Plaintiff being compensated for their wrong-doing. Plaintiff will leave the court to decide who is responsible for Plaintiff's damages and how much in punitive damages he is entitled to for the defendants conspiring together to deprive his family of their rights as they cause monetary and emotional damages.

JURISDICTION

1. This court has jurisdiction over this matter pursuant to 28 U.S.C. 1331 & 1334.
2. This action is brought pursuant to 42 U.S.C. 1983, 1985, 1986 and 1988 (Plaintiff anticipates an attorney trying the case on his behalf and 42 U.S. Code § 1988 being used to recover attorney costs.)
3. This court has supplemental jurisdiction over the state laws pursuant to 28 U.S.C. 1367.
4. Venue is proper in this district pursuant to 28 U.S.C. 1391(b).

PARTIES

1. Plaintiff is Anthony Stocker Mina, pro se litigant residing at 75 East Dogwood Trail, Southern Shores, NC 27949
2. Defendants are:
    1) Southern Shores Town, 5375 N. Virginia Dare Trail, Southern Shores, NC 27949, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C 1986 and state related fraud, abuse of process, defamation, damage to reputation and intentional interference with contractual relations claims pursuant to 28 U.S.C. 1367(a) as an individual and in their official capacity for $365,000 in damages.
    2) Kitty Hawk Town, 101 Veterans Memorial Drive, Kitty Hawk, NC 27949, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C 1986 and state related defamation, damage to reputation and intentional interference with contractual relations claims pursuant to 28 U.S.C. 1367(a) and is being sued as an individual and in their official capacity for $70,000 in damages.
    3) Southern Shores Deputy Town Manager Wes Haskett 5375 N. Virginia Dare Trail, Southern Shores, NC 27949, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C 1986 and state related fraud, abuse of process, defamation, damage to reputation and intentional interference with contractual relations claims pursuant to 28 U.S.C. 1367(a) and is being sued as an individual for $75,000 in damages.
    4) Southern Shores Police Chief David Kole 5375 N. Virginia Dare Trail, Southern

Shores, NC 27949, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C 1986 and state related claims pursuant to 28 U.S.C. 1367(a) and is being sued as an individual for $365,000 in damages.

5) Kitty Hawk Police Chief Mike Palkovics, 101 Veterans Memorial Drive, Kitty Hawk, NC 27949, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C 1986 and state related defamation and damage to reputation claims pursuant to 28 U.S.C. 1367(a) and is being sued as an individual for $70,000 in damages.

6) Kitty Hawk Zoning Inspector Jasper Rogers, 101 Veterans Memorial Drive, Kitty Hawk, NC 27949, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C 1986 and state related fraud, abuse of process, damage to reputation and intentional interference claims pursuant to 28 U.S.C. 1367(a) and is being sued as an individual for $70,000 in damages.

7) Kitty Hawk Fire Fighter Mike Talley, 859 W. Kitty Hawk Road, Kitty Hawk, NC 27949, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C 1986 and state related fraud and intentional interference with contractual relations claims pursuant to 28 U.S.C. 1367(a) and is being sued as an individual for $70,000 in damages.

8) Mike Meredith, 4805 Vista Lane, Kitty Hawk, NC 27949- a private actor is being sued as an individual under state intentional interference of contractual relations and negligence laws pursuant to 28 U.S.C. 1367(a) and as part of a Federal Civil Rights Conspiracy under 42 U.S.C. 1985(b)(c) ,42 U.S.C. 1986 for $50,000 in damages.

9) Corolla Watersports, 798 Sunset Blvd, Corolla, NC 27927 - a private actor is being

sued as an individual under state intentional interference with contractual relations and negligence laws pursuant to 28 U.S.C. 1367(a) and as part of a Federal Civil Rights Conspiracy under 42 U.S.C. 1985(b)(c) ,42 U.S.C. 1986 for $50,000 in damages.

10) Dare County, 954 Marshall C. Collins Drive, P.O. Box 1000, Manteo, NC 27954, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C 1986 and state related claims pursuant to 28 U.S.C. 1367(a) and is being sued as a person and in their official capacity for injunctive relief.

11) Laurie Wilson, 200 E. Colonial Avenue, Elizabeth City, NC 27909, actor under color of law and is being sued under U.S.C. 1983, U.S.C. 1985, U.S.C 1986 and state related claims pursuant to 28 U.S.C. 1367(a) and is being sued as an individual for $70,000 in damages.

12) Linda Lauby, 149 High Dune Loop, Kitty Hawk, NC 27949, a private actor is being sued as an individual under state fraud and breach of contract law pursuant to 28 U.S.C. 1367(a) and under 42 U.S.C. 1985(b)(c) ,42 U.S.C. 1986 for $75,000 in damages.

COMPLAINT

1) Plaintiff is Anthony Stocker Mina, property owner and resident of 75 E. Dogwood Trail, Southern Shores, NC 27949.

2) Defendants are named above under "Parties" with their address or address of employment.

3) Plaintiff's address of previous property owned is 4809 Vista Lane, Kitty Hawk, NC

27949.

4) Plaintiff's fiancé, Jennifer Franz is a teacher at the Dare County First Flight Middle School.

5) Other than Plaintiff's fiancé's job as a 10 month classroom teacher in the First Flight Middle School, Plaintiff and his fiancé do not have any other jobs, relationships or agreements with any of the defendants.

6) Plaintiff and his fiancé, Jennifer Lynn Franz do not have any documents under seal of any court in Pennsylvania or North Carolina, including all County, State and Federal Courts.

7) Plaintiff and his fiancé, Jennifer Lynn Franz have not given anyone, at anytime in their life Power of Attorney to make legal decisions on their behalf (Plaintiff's fiancé once decided to sell 100 Bridge Street, Malvern, PA 19355 with Plaintiff but was out of state working during settlement and Plaintiff was responsible for signing her name, but not making any legal decisions on her behalf).

8) Approximately 20 years ago, when under duress from suffering from a back injury with 2 herniated discs, 5 bulging discs and a fractured disc, Plaintiff's father had Plaintiff sign a Power of Attorney at Attorney Thomas Bellwoar's Office in West Chester, PA for Plaintiff's father to be able to sell landscaping equipment (such as ExMark Lazer mowers) and a Dodge dumptruck in Plaintiff's name, but Plaintiff's father did not have Power of Attorney to make legal decisions for Plaintiff.

9) Plaintiff (and his fiancé) sold 4809 Vista Lane, Kitty Hawk, NC 27949 on or about December 27, 2023 for $519,900 to Jodi Scott Ratcliffe and Cheri Nelson.

10) Plaintiff (and his fiancé) bought 75 East Dogwood Trail, Southern Shores, NC 27949 on July 7, 2023 from Linda Lauby for $625,000.

11) Plaintiff (and his fiancé) paid Linda Lauby a $5000 due diligence deposit on or about May 7, 2023 and an additional $100,000 on July 7, 2023 towards the $625,000 agreement of sale for 75 E. Dogwood Trail, Southern Shores, NC 27949.

12) Linda Lauby sold 75 E. Dogwood Trail, Southern Shores, NC 27949 to Plaintiff (and his fiancé) on July 7, 2023 with a $520,000 seller financing agreement. A true and correct copy of the seller financing agreement is attached hereto, made a part hereof and is marked as Exhibit "A".

13) Linda Lauby does not have a seller financing agreement with Plaintiff (and his fiancé) without a clause stating "In event of prepaid monthly payments, next payment will not be due until such time as prepaid payments are exhausted".

14) The closing documents for the sale of 75 E. Dogwood Trail, Southern Shores, NC 27949 from Linda Lauby to Plaintiff (and his fiancé) were created by attorney Mike Casey and attorney Bernard "BJ" McAvoy.

15) The closing documents for the sale of 75 E. Dogwood Trail, Southern Shores, NC 27949 from Linda Lauby to Plaintiff (and his fiancé) were changed without the permission of either party so that the clause stating "In event of prepaid monthly payments, next payment will not be due until such time as prepaid payments are exhausted." was deleted without the party's permission.

16) Some lenders base loan limits on the loan applicant's next 24 months of debts and anticipated income.

17) Removing the clause stating "In event of prepaid monthly payments, next payment will not be due until such time as prepaid payments are exhausted." interferes with Plaintiff's ability to obtain short term financing needed for renovations prior to selling 75 E.

Dogwood Trail.

18) Other than Plaintiff (and his fiancé) buying 75 E. Dogwood Trail, Southern Shores, NC 27949 from Linda Lauby with a $520,000 seller financing agreement, Plaintiff (and his fiancé) have no other relationships and/or agreements with Linda Lauby.

19) Plaintiff informed Southern Shores police department that his closing attorney who was paid about $1000 falsified closing documents without Plaintiff's (and his finance's) knowledge or permission and fraudulently induced Plaintiff into signing the documents. A true and correct copy of an email reporting the crime to Southern Shores is attached hereto, made a part hereof and marked Exhibit "B".

20) Southern Shores has not filed criminal charges or responded to the email reporting the false pre-tense and debt coercion real estate scam in Exhibit "B".

21) Linda Lauby mailed Plaintiff a letter asking that the $2600 mortgage payments due as per the $520,000 seller financing agreement be made payable to "The Dick White House LLC", which Plaintiff complied with and left a memo on each check indicating the $2600 payment was for the 75 E. Dogwood Trail mortgage payment due to Linda Lauby.

22) Prior to listing 75 E. Dogwood Trail for sale Linda Lauby was told by Southern Shores' employee Wes Haskett that a subdivision of 75 E. Dogwood Trail was possible.

23) Linda Lauby had Outer Banks Realty Group list 75 E. Dogwood Trail, Southern Shores, NC 27949 as a property that could potentially be subdivided.

24) Plaintiff told Outer Banks Realty Group on April 28, 2023 that any offer over $550,000 had to be contingent on inspections and subdivision approval. A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit "C".

25) Linda Lauby rejected Plaintiff's $550,000 offer and offered seller financing on the

"potentially subdividable" 75 E. Dogwood Trail property.

26) Linda Lauby accepted a $625,000 offer from Plaintiff which included a $5000 due diligence deposit from Plaintiff on the "potentially subdividable" 75 E. Dogwood Trail property and settlement was scheduled for June 16, 2023.

27) Linda Lauby then refused to sign an "Agreement To Release Newly Subdivided Lot From Deed Of Trust" under any terms for the property she sold to Plaintiff as a "potentially sub-dividable property.

28) North Carolina law requires brokers to disclose material facts to all parties involved in a real estate transaction, including buyers, sellers, landlords, and tenants. A material fact is any information that could impact a reasonable person's decision to buy, sell, or lease a property. This includes facts about the property itself, such as its water supply, structural components, and mechanical systems. It also includes external factors that could affect the property's value or desirability, such as zoning changes, restrictive covenants, or plans for nearby development.

29) The seller not being in agreement to sign an "Agreement To Release Newly Subdivided Lot From Deed Of Trust" under any terms for a property sold with seller financing as a "potentially sub-dividable property" is a material fact that must be disclosed prior to an agreement of sale with the seller.

30) On or about June 12, 2023 Linda Lauby left the town of Southern Shores "for medical reasons", said she was unavailable for closing on June 16, 2023 and said she would consider other options that are agreeable to both parties to sell 75 E. Dogwood Trail to Plaintiff on July 7, 2023.

31) Plaintiff proposed 5 alternative seller financed solutions to Linda Lauby based on Linda

Lauby's refusal to sign an "Agreement To Release Newly Subdivided Lot From Deed Of Trust". A true and correct copy of the 5 proposed said solutions is attached hereto, made a part hereof and marked Exhibit "D".

32) Linda Lauby stated that she "leaned towards #2 (of the proposed seller financed solutions) of the email dated June 8, 2023. A true and correct copy Linda Lauby indicating on June 14, 2023 she was leaning towards seller financing solution 2 is attached hereto, made a part hereof and marked Exhibit "D".

33) On July 5, 2023 (2 days before the 2nd scheduled closing) Linda Lauby stated for the first time that she would only agree to the terms of the May 7, 2023 agreement made for a "potentially sub-dividable property", WOULD NOT sign an "Agreement To Release Newly Subdivided Lot From Deed Of Trust" and did not offer Plaintiff a refund of his due diligence deposit paid to Linda Lauby on or about May 7, 2023.

34) On July 5, 2023 Plaintiff responded to Linda Lauby "this real estate purchase has yet to amount to anything other than a real estate scam. So far this real estate scam has caused me monetary damages, lost time from work and the missed opportunity to purchase (2) other properties I was negotiating with the owner with and stopped negotiating because Outer Banks Realty presented 75 E. Dogwood Trail as a potentially sub-dividable property. At this time I am being forced to agree to terms to purchase 75 E. Dogwood Trail that were procured with fraud or accept financial losses and living situations my family has already chosen not to live in by purchasing 75 E. Dogwood Trail. I can guarantee you that if I am forced to agree to the terms of the agreement procured with fraud there will be civil and criminal actions following my family's purchase on July 7, 2023. I will take the emails below regarding Linda Lauby most likely choosing owner

financing agreement # 2 as another deceptive act in this real estate scam. I suggest you find a way to close this deal without violating North Carolina laws." A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit "D".

35) On July 6, 2023, about 24 hours before the 2nd closing Linda Lauby offered a refund of the due diligence deposit paid for the 75 E Dogwood Trail potentially sub-dividable property for the first time in an effort to terminate the agreement of sale of 75 E. Dogwood Trail.

36) On July 6, 2023 Plaintiff responded to Linda Lauby " at this point my finance and I are forced to purchase 75 East Dogwood Trail, Southern Shores, NC with the $625,000 agreement that was supposed to be for purchasing a potentially sub-dividable lot and will be forced to use North Carolina's legal system to determine if Outer Bank's Realty and Linda Lauby are legally entitled to the extra $75,000 they obtained with lies. My fiancé and me have spent the last approximately 6 months looking at homes to purchase and our plans can not be changed now." A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit "D".

37) On June 17, 2024 Plaintiff notified Linda Lauby : "This email has been mailed to you in certified U.S. Mail to make sure you received my offer to guarantee you more monthly income than the current $2600 mortgage and more than the $520,000 you are currently owed on 75 E. Dogwood Trail for changing the terms of our owner financing agreement without needing to remove the $520,000 lien against 75 E. Dogwood Trail. I just wanted to make sure you were aware that I am offering you terms more profitable than the current terms of me and my fiance's purchase of 75 E. Dogwood Trail for some language

changes in the financing agreement that will allow Jennifer and me to obtain financing we have yet been able to obtain." A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit "E".

38) Linda Lauby has rejected every solution proposed by Plaintiff to correct the fact that she obtained an additional $75,000 from Plaintiff by claiming she was selling a potentially sub-dividable property but then refused to sign an "Agreement To Release Newly Subdivided Lot From Deed Of Trust" under any terms.

39) Article 19. False Pretenses and Cheats. § 14-100. Obtaining property by false pretenses. (a) provides: If any person shall knowingly and designedly by means of any kind of false pretense whatsoever, whether the false pretense is of a past or subsisting fact or of a future fulfillment or event, obtain or attempt to obtain from any person within this State any money, goods, property, services, chose in action, or other thing of value with intent to cheat or defraud any person of such money, goods, property, services, chose in action or other thing of value, such person shall be guilty of a felony.

40) Linda Lauby is guilty of violating false pre-tense laws.

41) Wes Haskett, Southern Shores Deputy Town Manager informed Linda Lauby that it sounded possible to subdivide 75 E. Dogwood Trail on April 30, 2021 and Linda Lauby stated "Thanks, Wes! Stay tuned----". A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit "F".

42) Wes Haskett and Southern Shores claim all other communication not in Exhibit "F" with Linda Lauby and Outer Banks Realty Group was done off the record and not subject to Plaintiff's public records request, with the exception of a public records request Outer Banks Realty Group made to request Southern Shores' communication with Plaintiff.

43) Wes Haskett filed an application to change lot width requirements regulating 75 E. Dogwood Trail on March 31, 2023. A true and correct copy of said document is attached hereto, made a part hereof and marked Exhibit "G".

44) Southern Shores Town Code 36-414 provides: - **Motion to amend**

(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

(b)In addition and where a zoning map amendment is proposed, the town shall cause to be placed a sign on the subject property announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning.

45) Wes Haskett did not place a sign on the subject property announcing the date, time, and place of the June 6, 2023 public hearing for the purpose of notifying persons of the proposed rezoning.

46) Wes Haskett claimed on May 21, 2024 to Plaintiff, Police Chief Kole and Mayor Morey that North Carolina notification requirements for a **ZONING AMENDEMENT** are governed by Article 6 § 160D-601. **Procedure for adopting, amending, or repealing development regulations** which provides:

(a) Hearing with Published Notice. – Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

(b) Notice to Military Bases. – If the adoption or modification would result in changes to the zoning map or would change or affect the permitted uses of land located five miles or less from the perimeter boundary of a military base, the local government shall provide written notice of the proposed changes by certified mail, return receipt requested, to the commander of the military base not less than 10 days nor more than 25 days before the date fixed for the hearing. If the commander of the military base provides comments or analysis regarding the compatibility of the proposed development regulation or amendment with military operations at the base, the governing board of the local

government shall take the comments and analysis into consideration before making a final determination on the ordinance.

(c) Ordinance Required. – A development regulation adopted pursuant to this Chapter shall be adopted by ordinance.

(d) Down-Zoning. – No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways: (1) By decreasing the development density of the land to be less dense than was allowed under its previous usage. (2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

47) Wes Haskett did not notify the U.S. Army's Duck facility that there was a proposed zoning amendment scheduled for June 6, 2023.

48) Wes Haskett did not obtain the property owners permission to down-zone by reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage with a lot width requirement change to prevent sub-divisions.

49) Wes Haskett applied for the June 6, 2023 zoning amendment without ever receiving all of Southern Shores approval or a unanimous vote to approve the June 6, 2023 Amendment.

50) Southern Shores Town Council did not propose the lot width amendment idea for June 6, 2023, Wes Haskett did.

51) Wes Haskett emailed Plaintiff, Police Chief Kole and Mayor Morey on May 21, 2024 that Southern Shores established authority to adopt and amend development regulations by following Southern Shores Town Code and North Carolina Article 6 § 160D-601. **Procedure for adopting, amending, or repealing development regulations but Wes Haskett removed Southern Shores Town Code 36-414(b) requiring posted notice at effected properties.** A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit "H".

52) **North Carolina Chapter 14 § 14-225. False reports to law enforcement agencies or officers provides:**
(a) Except as provided in subsection (b) of this section, any person who shall willfully make or cause to be made to a law enforcement agency or officer any false, deliberately misleading or unfounded report, for the purpose of interfering with the operation of a law enforcement agency, or to hinder or obstruct any law enforcement officer in the performance of his duty, shall be guilty of a Class 2 misdemeanor.
(b) A violation of subsection (a) of this section is punishable as a Class H felony if the false, deliberately misleading, or unfounded report relates to a law enforcement investigation involving the disappearance of a child as that term is defined in G.S. 14-318.5 or child victim of a Class A, B1, B2, or C felony offense. For purposes of this subsection, a child is any person who is less than 16 years of age. (1941, c. 363; 1969, c. 1224, s. 3; 1993, c. 539, s. 137; 1994, Ex. Sess., c. 23, ss. 1-3; c. 24, s. 14(c); 2013-52, s. 6.)

53) Wes Haskett is guilty of violating false reports to law enforcement laws.

54) North Carolina Article 6 § 160D-602. Notice of hearing on proposed zoning map amendments Notification requirements provides:

(a) Mailed Notice. – Subject to the limitations of this Chapter, an ordinance shall provide **for the manner in which zoning regulations** and the boundaries of zoning districts are to be determined, established, and enforced, and from time to time amended, supplemented, or changed, in accordance with the provisions of this Chapter. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of

land shall be mailed a notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the hearing. If the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing.

(b) Optional Notice for Large-Scale Zoning Map Amendments. – The first-class mail notice required under subsection (a) of this section is not required if the zoning map amendment proposes to change the zoning designation of more than 50 properties, owned by at least 50 different property owners, and the local government elects to use the expanded published notice provided for in this subsection. In this instance, a local government may elect to make the mailed notice provided for in subsection (a) of this section or, as an alternative, elect to publish notice of the hearing as required by G.S. 160D-601, provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement is effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be

notified according to the provisions of subsection (a) of this section.

(c) Posted Notice. – When a zoning map amendment is proposed, the local government shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.

(d) Repealed by Session Laws 2020-25, s. 13, effective June 19, 2020.

(e) Optional Communication Requirements. – When a zoning map amendment is proposed, a zoning regulation may require communication by the person proposing the map amendment to neighboring property owners and residents and may require the person proposing the zoning map amendment to report on any communication with neighboring property owners and residents.

55) Wes Haskett did not comply with any Notification requirements in North Carolina Article 6 § 160D-602 which provides **for the manner in which zoning regulations and the boundaries of zoning districts are to be determined, established, and enforced, and from time to time amended…**

56) Wes Haskett intentionally claimed on May 21, 2024 to Plaintiff, Police Chief Kole and Mayor Morey that Article 6 § 160D-601governing DEVELOPMENT REGULATIONS stated notification requirements for AMENDING A ZONING REGULATION as stated in North Carolina Article 6 § 160D-602. A true and correct copy of an email between Wes Haskett and Cliff Ogburn deciding whether or not to provide North Carolina Article

6 § 160D-602 in their claim they had a legal basis to Amend zoning code on June 6, 2023 is attached hereto, made a part hereof and marked Exhibit "I".

57) North Carolina Conspiracy law is governed by: § 14-2.4. Punishment for conspiracy to commit a felony. (a) Unless a different classification is expressly stated, a person who is convicted of a conspiracy to commit a felony is guilty of a felony that is one class lower than the felony he or she conspired to commit, except that a conspiracy to commit a Class A or Class B1 felony is a Class B2 felony, a conspiracy to commit a Class B2 felony is a Class C felony, and a conspiracy to commit a Class I felony is a Class 1 misdemeanor. (b) Unless a different classification is expressly stated, a person who is convicted of a conspiracy to commit a misdemeanor is guilty of a misdemeanor that is one class lower than the misdemeanor he or she conspired to commit, except that a conspiracy to commit a Class 3 misdemeanor is a Class 3 misdemeanor. (1983, c. 451, s. 1; 1993, c. 538, s. 5; 1994, Ex. Sess., c. 22, s. 12, c. 24, s. 14(b).

58) Wes Haskett and Cliff Ogburn are guilty of Conspiracy to Commit Unsworn Falsification To Authorities because they had an agreement not to tell Police Chief Kole about North Carolina Article 6 § 160D-602, falsified law and town code notification requirements and had the intent to deceive Police Chief Kole into believing the June 6, 2023 Zoning Amendment was legally adopted.

59) In addition to not following Notification Requirements for Amending a Zoning Amendment on June 6, 2023, Wes Haskett also did not tell Plaintiff about the proposed zoning amendment filed March 31, 2023 until June 1, 2023. A true and correct copy of the email from Wes Haskett telling Plaintiff for the first time about the June 6, 2023 lot width amendment is attached hereto, made a part hereof and marked Exhibit "J".

60) On May 22, 2023 Plaintiff specifically asked Wes Haskett, the Southern Shores employee who told Linda Lauby that the subdivision at 75 E. Dogwood Trail sounded possible how he "would suggest I (Plaintiff) go about subdividing 75 E Dogwood Trail if it was your property and you wanted to make it two properties (or how you think the smartest way to get Southern Shores approval would be)".

61) Wes Haskett intentionally withheld information from Plaintiff material to the real estate transaction he had been communicating with Linda Lauby and Jim Monroe of Outer Banks Realty Group about.

62) The elements of tortious interference with contract claim are: (1) the existence of a valid and enforceable contract between plaintiff and another; (2) defendant's awareness of the contractual relationship; (3) defendant's intentional and unjustified inducement of a breach of the contract; (4) a subsequent breach by the other caused by defendant's wrongful conduct; and (5) damages.

63) Wes Haskett and Southern Shores are liable for the tortious interference of Plaintiff's contract to purchase a potentially sub-dividable lot at 75 E. Dogwood Trail.

64) Wes Haskett refused to discuss Plaintiff's lot sub-division application with Plaintiff, as he does with other applicants and Plaintiff was only allowed to file a subdivision application at the cost of $50 for each application for a total of $300 of denied subdivision applications.

65) Wes Haskett did not post notice at effected properties, mail notice to effected property owners, advertise a ½ page sized newspaper advertisement or notify the U.S. Army Duck Facility about the proposed zoning amendment eliminating lot access through easements adopted on August 3, 2021.

66) Wes Haskett denied Plaintiff's (2) July 3, 2024 sub-division applications on July 16, 2024 with knowledge that the only zoning code being used to reject each subdivision plan was a zoning code adopted without Southern Shores posting notice at effected properties as required by Southern Shores Town Code or complying with all the North Carolina State law Notification Requirements. A true and correct copy of Plaintiff's Application for Sub-Division Approval and Wes Haskett's denied applications is attached hereto and marked Exhibit "K".

67) As a policy maker, supervisory official may be held personally liable under 42 USC 1983 claim when it is shown that such defendants, 'with deliberate indifference to the consequences, established and maintained a policy, practice or custom which directly caused [the] constitutional harm'"A.M. ex rel. J.M.K., 372 F. 3d. at 586 (citing Stoneking v. Bradford Area Sch. Dist., 882 F. 2d 720, 725 (3d Cir. 1989)

68) Wes Haskett has signed a plat with non-conforming lot width requirements before at 233 N. Dogwood Trail on July 21, 2016. A true and correct copy of signed plat is attached hereto, made a part hereof and marked Exhibit "L".

69) When Plaintiff filed a Public Records Request for the 233 N. Dogwood Trail subdivision plat and Plaintiff was not given the signed plat, Plaintiff then asked for the documentation of the (2) O Dogwood Trail lots being created and was given nothing, Plaintiff asked if the (2) addresses 0 Dogwood Trail were created without documentation and Wes Haskett claimed "The lot with the address 233 N Dogwood Trl. and the adjacent lots with the addresses of 0 N. Dogwood Trl. were created prior to the Town's incorporation in 1979." A true and correct copy of Wes Haskett's claim is attached hereto, made a part hereof and marked Exhibit "L".

70) Plaintiff had to file a 2nd Public Records Request for information about the 233 N. Dogwood Trl lot to receive the plat with the non-conforming lot widths signed by Wes Haskett on July 21, 2016.

71) Federal civil rights violations fall into several categories: hate crimes motivated by bias against such characteristics as race, religion, national origin, and sexual orientation; color of law crimes involving law enforcement and related criminal justice professionals' misuse of their right to discretion, such as use of excessive force or police misconduct; involuntary servitude or slavery; violations of the Voting Rights Act of 1965, the Civil Rights Act of 1964, the Equal Credit Opportunity Act, the Freedom of Access to Clinic Entrances Act; the Civil Rights of Institutionalized Persons Act; the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act; and violations of human trafficking statutes included as part or the Trafficking Victims Protection Rights Act.

72) Forcing Plaintiff to repeatedly complain to Southern Shores town and their police chief about Wes Haskett's crimes violates involuntary servitude and slavery Federal crimes because Plaintiff is forced to file litigation, ridiculous amounts of emailed complaints to Southern Shores Police and suffers legal and financial damages from Wes Haskett and Southern Shores if he does not take legal action against them for crimes the Southern Shores police are paid to arrest criminals for.

73) Southern Shores did not reduce property taxes after intentionally down-zoning Southern Shores properties from being sub dividable lots by right, to lots that can not be sub-divided without Southern Shores permission on June 6, 2023.

74) Southern Shores is aware that they are now overtaxing 75 E. Dogwood Trail and have not had Dare County reassess the down-zoned property for the loss of value from the zoning

amendment made without posted notice on the property.

75) On June 19, 2024 Southern Shores made Plaintiff remove his real estate signs from in the right of way, along the street without requiring other property owners who had signs along the street that can not be missed when exiting the neighborhood from Plaintiff's house (until Plaintiff asked what permit was required to erect yard signs in the right of way, using his neighbor's signs as examples). A true and correct copy of Southern Shores email requiring the signs to be removed or subject to removal is attached hereto and marked Exhibit "M".

76) Some Southern Shores property owners have signs in the right of way 365 days a year, where Southern Shores employees and police pass on a daily basis and are not required to remove their signs.

77) North Carolina statute § 14-277.3A. Stalking provides: (a) Legislative Intent. – The General Assembly finds that stalking is a serious problem in this State and nationwide. Stalking involves severe intrusions on the victim's personal privacy and autonomy. It is a crime that causes a long-lasting impact on the victim's quality of life and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm. Stalking conduct often becomes increasingly violent over time. The General Assembly recognizes the dangerous nature of stalking as well as the strong connections between stalking and domestic violence and between stalking and sexual assault. Therefore, the General Assembly enacts this law to encourage effective intervention by the criminal justice system before stalking escalates into behavior that has serious or lethal consequences. The General Assembly intends to enact a stalking statute that permits the criminal justice system to hold stalkers accountable for a wide range of

acts, communications, and conduct. The General Assembly recognizes that stalking includes, but is not limited to, a pattern of following, observing, or monitoring the victim, or committing violent or intimidating acts against the victim, regardless of the means. (b) Definitions. – The following definitions apply in this section: (1) Course of conduct. – Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, is in the presence of, or follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. (2) Harasses or harassment. – Knowing conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages or transmissions, and electronic mail messages or other computerized or electronic transmissions directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose. (3) Reasonable person. – A reasonable person in the victim's circumstances. (4) Substantial emotional distress. – Significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling. (c) Offense. – A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following: (1) Fear for the person's safety or the safety of the person's immediate family or close personal associates. (2) Suffer substantial emotional distress by placing that person in fear of death, bodily

injury, or continued harassment.

78) Wes Haskett and Cliff Ogburn are stalking and harassing Plaintiff with unenforceable, illegally adopted zoning codes and zoning codes not enforced on other property owners with knowledge that they removed Town Code 36-414(b) from the town code and omitted North Carolina Article 6 § 160D-602 in an email to Plaintiff, Chief Kole and Mayor Morey on May 21, 2024 claiming they had a legal basis to adopt the new lot width amendment on June 6, 2023.

79) Wes Haskett and Cliff Ogburn spent at least $3747 of Southern Shores' money on attorney Philip Hornthal to communicate to Plaintiff and also claim "Wes Haskett has repeatedly, and in great detail, outlined for you the Town's legal basis for it's zoning ordinance and decision regarding your application denial, which, for the record, do not amount to an eminent domain taking as you seem to believe".

80) The Due Process Clause of the Fourteenth Amendment provides: '[N]or shall any State deprive any person of life, liberty, or property, without due process of law.'" (quoting U.S. Const. amend. XIV)).

81) Southern Shores property owners Due Process Rights were violated by the towns refusal to follow their own town code notification requirements and North Carolina state notification requirements prior to adopting zoning codes on June 6, 2023 and August 3, 2021.

82) Southern Shores policy makers and Police are all grossly negligent in allowing the illegally implemented zoning codes to be enforced and uncorrected, especially after they were notified that their down-sizing requires a property tax reassessment which they have not done.

83) The essential elements of common law fraud are well established in North Carolina: A plaintiff must prove (1) a false representation or concealment of a material fact; (2) reasonably calculated to deceive; (3) made with intent to deceive; (4) which does in fact deceive; (5) resulting in damage to the injured party.

84) Eminent Domain § 40A-2. Provides:

(3) "Eminent domain" means the power to divest RIGHT, title or interest from the owner of property and vest it in the possessor of the power against the will of the owner upon the payment of just compensation for the right, title or interest divested.

85) Wes Haskett intentionally changed lot width requirements to take the RIGHT to sub-divide property owners had. A true and correct copy of proof Wes Haskett used a lot width amendment to take a right to subdivide is attached hereto, made a part hereof and marked Exhibit "N".

86) Wes Haskett and Cliff Ogburn are using Southern Shores money to pay Philip Hornthal to deceive property owners with misrepresented town codes and laws.

87) Police Chief David Kole refused to respond to Plaintiff's August 10, 2024 question asking "Has Wes Haskett passed a polygraph indicating he has not committed the crimes my communication from Wes Haskett indicates he has committed?

I have no idea how Wes Haskett is legally allowed to continue working a job of public trust when he has been caught lying to the Police Chief, Mayor and still has not corrected his wrong-doing.

88) Mike Meredith previously lived at 4805 Vista Lane, Kitty Hawk, NC 27949 with his wife Lea and children Isla and Juniper.

89) When Plaintiff lived at 4809 Vista Lane, Kitty Hawk, NC 27949 Mike Meredith worked

from home for his business, Corolla Water Sports during the non-vacation season.

90) Mike Meredith also used his 4805 Vista Lane, Kitty Hawk, NC 27949 property to store tools and equipment used for his Corolla Water Sports business.

91) Mike Meredith used a shed between Plaintiff's 4809 Vista Lane, Kitty Hawk, NC 27949 property and his 4805 Vista Lane, Kitty Hawk, NC 27949 property for storage of items used for Corolla Water Sports and as a workshop for Corolla Water Sports workers including, but not limited to "Brian" and "Hurley".

92) On April 2, 2023 Mike Meredith's 4805 Vista Lane, Kitty Hawk, NC 27949 was completely destroyed by a fire.

93) Mike and Lea Meredith did not have any visible injuries or noticeable smoke residue on them from the April 2, 2023 house fire.

94) Mike Meredith did not have smoke detectors in 4805 Vista Lane, Kitty Hawk, NC 27949 according to the Kitty Hawk fire reports.

95) Neglecting to have smoke detectors in residential homes is not permitted by Kitty Hawk building/zoning codes.

96) Kitty Hawk fire department chief Mike Talley was provided pictures of burn marks on Plaintiff's 4809 Vista Lane fence indicative of fire intentionally started, as opposed to fire spreading. A true and correct picture of the burnt fence is attached hereto, made a part hereof and marked Exhibit "O".

97) The cause of the 4805 Vista Lane, Kitty Hawk, NC 27949 fire was ruled "undetermined".

98) Kitty Hawk fire chief Mike Talley will not provide Plaintiff the results of the investigation into the cause of the burn marks on Plaintiff's fence.

99) Kitty Hawk fire chief Mike Talley will not provide Plaintiff Mike & Lea Meredith's

account of the 4805 Vista Lane fire investigation.

100) Mike Meredith will not provide North Carolina Insurance Adjusters his insurance information for 4805 Vista Lane fire damages.

101) The fire department intentionally allowed Mike Meredith's house fire to completely burn the house and Plaintiff's trees on 4809 Vista Lane with claims they "were fighting an offensive fire fight until all occupants were out of the house."

102) Lea and Mike Meredith came to 4809 Vista Lane when their house was on fire, Lea banged on the first floor door screaming "you need to leave" and forced Plaintiff and his family to exit 4809 Vista Lane.

103) After telling Plaintiff to leave his house, Lea and Mike Meredith wandered around the Vista Lane street where all the fire fighters and crowds of neighbor's saw them out of the house because Lea was yelling and screaming about their house being on fire.

104) After allowing Mike Meredith's entire house to be consumed by a fire that got so big that the tops of 50'-60' tall trees on each side of the house were destroyed, the fire fighters finally sprayed water leaving behind a completely burnt house and 14-15 destroyed trees on Plaintiff's property.

105) "A mature tree has a value of between $1,000-$10,000 according to the Council of Tree and Landscape Appraisers" says Jason Parker a certified arborist at Davey Tree. A true and correct of Davey Tree's website is attached hereto, made a part hereof and marked Exhibit "P".

106) Plaintiff estimates the burnt tree damage at $50,000 because if a tree farm was across the street from Plaintiff's property the costs to replace the damaged trees with cranes and some of the largest excavators available would exceed $50,000.

107) Plaintiff's homeowner's insurance policy had a $500 deductible and paid Plaintiff a $500 policy limit for each of the 14 trees for a total of $6500.

108) Mike Meredith complained Plaintiff was taking too long to clean up the fire damage and suggested Plaintiff hire his friend Ricky to help remove the burnt trees.

109) Plaintiff hired Ricky to remove some of the burnt trees that did not require aerial lifts and/or a crane.

110) Mike Meredith then came to 4805 Vista Lane late one evening after Plaintiff made progress with the burnt tree cleanup and asked Plaintiff why there was caution tape up on Plaintiff's property and after Plaintiff explained he was planting new trees and the underground utility marking company needs the location of the digging marked Mike Meredith started yelling at Plaintiff "stay the fuck away from my shit" as Plaintiff was standing on his deck at 4809 Vista Lane.

111) Mike Meredith has never paid Plaintiff a single penny for anything.

112) Mike Meredith left his 4805 Vista Lane lot with trash, including old pilings, tree trunks, old propane tanks and abandon toys piled near the street and along the right side of the property.

113) Prior to Mike Meredith's house burning down on April 2, 2023 Mike Meredith and Brian Lloyd were working on lot clearing work at 4808 Vista Lane and tree branches were pruned off the magnolia tree on the left side of the driveway on 4812 Vista Lane property during the lot clearing work at 4808 Vista Lane.

114) Prior to Mike Meredith's house burning down on April 2, 2023 Mike Meredith's Corolla Water Sports employee Brian Lloyd cut branches off Plaintiff's tree on 4809 Vista Lane approximately 7' on the property (off the street) and 5'-10' from Mike

Meredith's property and also installed new deck boards on the 4805 Vista Lane front steps.

115) Brian Lloyd claimed the branches he cut off Plaintiff's tree were dead and cut so "people could get through".

116) The branches Brian Lloyd cut off Plaintiff's tree were not interfering with anyone getting through anything approximately 7' from Vista Lane pavement and the tree branches were also not dead.

117) Plaintiff asked Brian Lloyd not to cut anymore branches off his trees and provided Brian a copy of the 4809 Vista Lane land survey which indicated he was cutting branches off of Plaintiff's trees and had a note stating that Plaintiff is available to discuss his plans with the property maintenance he is planning at 4809 Vista Lane.

118) Brian Lloyd put the 4809 Vista Lane land survey into Mike Meredith's mailbox and Mike Meredith did not respond to the land survey or note.

119) Plaintiff eventually sent a certified letter to Mike Meredith with the land survey, a letter indicating Plaintiff's insurance has a $5,000 injury limit and a hold harmless agreement Plaintiff asked Mike Meredith to sign and accept responsibility for in the event of an injury sustained on a tree fort and buoy rope swing that were on Plaintiff's property but installed by Mike Meredith and used by many children in the neighborhood as the deteriorating condition of the tree fort and a tree stump a few feet from the rope swing posed a safety concern for children.

120) Mike and Lea Meredith refused to accept service of the certified mail from Plaintiff with the 4809 Vista Lane land survey in it.

121) On April 12, 2023 Plaintiff was taking pictures of the fire damage at 4809 Vista

Lane and Mike Meredith asked Plaintiff why he could not wait longer to take pictures.

122) On April 12, 2023 Mike Meredith was saying to Plaintiff "we don't want any of your shit" and when Plaintiff explained he has no idea what Mike Meredith is talking about Mike Meredith explained Plaintiff mailed a Happy Holiday's newsletter to their house in December, 2022 (which was mailed to all 70 Sea Scape property owners) talking about a home owners association and Plaintiff mailed a certified letter to their house. A true and correct copy of the Happy Holidays Newsletter is attached hereto, made a part hereof and marked Exhibit "Q".

123) Plaintiff's Happy Holiday newsletter Mike Meredith complained about emphasized the importance of thoughtfully anticipated what potential buyers will see when selling their house.

124) All of the branches cut off Plaintiff's tree and the magnolia tree on 4812 Vista Lane property made unsightly trash and equipment visible from Plaintiff's property which was screened with the vegetation prior to Corolla Water Sports employee Brian Lloyd cutting the branches.

125) The remains of Mike Meredith's 4805 Vista Lane fire damage show the entire asphalt roof on Mike Meredith's house burnt during the fire and burn marks on the 4805 Vista Lane back deck from fire spreading, then a largely unburnt section of land leading to a completely burnt tree fort which was partially located on Plaintiff's property.

126) Mike Meredith had an extremely active and healthy dog named Winny at the time of the house fire.

127) Mike Talley at the Kitty Hawk Fire Department will not provide Plaintiff Mike and Lea Meredith's account of the house fire which Plaintiff needs to understand how a

home with a dog living in it caught fire and building materials that do not typically burn caught fire and burnt extremely faster than fire can spread through building materials like drywall.

128) The evidence from Mike Meredith's house fire indicates something flammable was burnt during the fire and the fire was started in more than one location.

129) Mike Meredith and the Kitty Hawk Fire Department refuse to provide Plaintiff and/or North Carolina Insurance Adjusters information needed to compensate Plaintiff for the 4809 Vista Lane property damage.

130) On September 6, 2023, more than 5 months after the 4805 Vista Lane house fire, Plaintiff asked Kitty Hawk when they anticipated enforcing zoning code on Vista Lane against the (9) junked vehicles/equipment surrounding Plaintiff's property, which could not have been unseen when Kitty Hawk and Dare County inspectors were at 4809 Vista Lane several times during the summer of 2023 inspecting new construction and a new septic drainfield. A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit "R".

131) Kitty Hawk claimed a zoning complaint needed to be filed for Kitty Hawk to enforce their zoning code.

132) Plaintiff filed a zoning complaint on September 13, 2023. A true and correct copy of said zoning complaint is attached hereto, made a part hereof and marked Exhibit "S".

133) After the zoning complaint was filed the amount of trash on the Vista Lane right of way and Mike Meredith's properties increased with the addition of a 3rd Hummer in need of repairs.

134) Plaintiff's Zoning Complaint informed Kitty Hawk that Plaintiff offered to pay

the property owners the cost of cleaning up their zoning violations or do the work his self. A true and correct copy of the letter to Plaintiff's neighbor's with zoning violations is attached hereto, made a part hereof and is also marked Exhibit "S".

135) The amount of unsafe junkyard trash also increased when William Meredith, one of the people named in the zoning complaint removed a wheel from a Hummer leaving the Hummer on 3 wheels (one of which had a flat tire) and a jack stand which was leaning to the side and sinking in the sand.

136) The Hummer on 3 wheels was located in an area of the cul-de-sac where Plaintiff's 2 children and 4 other neighborhood children regularly played sports including basketball, football, soccer, kickball and baseball, which required them to often reach under vehicles to grab their ball.

137) The neighborhood children also climbed into the abandon vehicles.

138) Jasper Rogers, Kitty Hawks zoning inspector refused to tow the abandon vehicles.

139) The Hummer on 3 wheels was located on town property (the right of way) which surrounds the Vista Lane cul-de-sac.

140) Town Code Sec. 22-52.provides:- Authority to remove; determination as a health/safety hazard.(a)The town may remove an abandoned, nuisance or junked vehicle found to be left:(1)On public grounds or town-owned property in violation of a law or ordinance prohibiting parking on such grounds or property;(2)For longer than 24 hours on property owned or operated by the town;(3)For longer than seven days on public grounds; or(4)For longer than two hours on private property without the written consent of the owner, lessee, or occupant of the premises.(b)The town may remove an abandoned, nuisance or junked motor vehicle from private property without the consent of the owner,

occupant or lessee of the property when the vehicle is a health or safety hazard.(c)If the abandoned, nuisance or junked motor vehicle is not a safety or health hazard, the town may remove same only with the written approval of the owner, lessee, or occupant of the premises.(d)An abandoned, nuisance or junked motor vehicle may be declared a health or safety hazard by the zoning officer when it is found to be any of the following:(1)A breeding ground for mosquitoes or an area to harbor noxious diseases, or furnish shelter and breeding places for vermin, other insects, snakes, rats, or other pests or present physical dangers to the safety and well-being of children and other citizens.(2)A point of heavy growth of weeds or other noxious vegetation over eight inches in height.(3)A point of collection of pools or ponds of water.(4)A point of concentration of gasoline, oil, or other flammable or explosive materials.(5)Located so there is a danger of the vehicle falling or turning over.(6)A source of danger for children through entrapment in areas that cannot be opened from the inside or from exposed surfaces of metal, glass, or other rigid materials.

The list in this subsection shall not be considered inclusive but shall be illustrative of abandoned, nuisance or junked motor vehicles which shall constitute a health or safety hazard.

141) Jasper Rogers refused to fine the property owners $150 per day, per violation as Kitty Hawk code provides.

142) Kitty Hawk Town Code Sec. 22-21 Provides: - Violations and penalties.

(a)Any person who violates this article is subject to a civil penalty of $150.00 per day for each violation in addition to any other penalties. Each day of the continuing violation shall constitute a separate violation.(b)Before imposing a civil penalty, the zoning officer

shall give notice of the violation to the owner of the junked, nuisance or abandoned motor vehicle, if ascertainable, and the property owner upon which the junked, nuisance or abandoned motor vehicle is located. The notification of the violation must be in writing and must include the following:(1)The name and address of the person cited for the violation.(2)The date of the notice.(3)For each violation, a description of the location of the violation and a brief description of the junked, nuisance or abandoned motor vehicle.(4)A statement that if the civil penalty is not paid within five business days after the date of service of the notice, the town shall have the right to recover the civil penalty in a civil action.(c)The citation shall be served on the person cited in any manner which, under G.S. 1A-1, Rule 4, would be proper for serving a civil complaint except for service by publication.(d)The civil penalties and remedies provided in this section are cumulative, and not exclusive, and may be independently pursued against the same person for the same activity constituting a violation of this article.(e)A copy of this section shall be attached to and included in the citation.

143) Jasper Rogers claimed to Plaintiff and his realtor, Heather Vandermyde that the abandon vehicles will be removed by October 31, 2023 (the holiday when Trick or Treaters walk from door to door asking for candy).

144) The abandon vehicles/equipment on Vista Lane was not removed by October 31, 2023.

145) On November 8, 2023 Jasper Rogers and the Town of Kitty Hawk received an email titled Jasper Roger's Kitty Hawk Criminal Conspiracy To Endanger Children explaining that zoning complaints were made more than 2 months ago and Kitty Hawk has refused to take the most basic safety measures, such as placing concrete blocks under

the Hummer on 3 wheels so it can not fall and crush a child to death. A true and correct copy of said email is attached hereto, made a part hereof and marked Exhibit "T".

146) North Carolina Criminal Law § 14-318.2. provides: Child abuse a misdemeanor. (a) Any parent of a child less than 16 years of age, or any other person providing care to or supervision of such child, who inflicts physical injury, or who allows physical injury to be inflicted, or who creates or allows to be created a substantial risk of physical injury, upon or to such child by other than accidental means is guilty of the Class A1 misdemeanor of child abuse.

147) Kitty Hawk zoning inspector Jasper Rogers and William Meredith are guilty of a Class A1 misdemeanor child abuse criminal conspiracy.

148) Kitty Hawk Town Manager Casey Varnell and Jasper Rogers had knowledge of the Hummer on 3 wheels which could fall on a child reaching under the vehicle since at least October 2, 2023 but refused to enforce their authority to tow the vehicle. A true and correct copy of an email proving Kitty Hawk intentionally refused to tow the dangerous Hummer and allow the Halloween Trick or Treating to take place without informing Kitty Hawk residents of the dangerous Hummer on the right of way is attached hereto, made a part hereof and marked Exhibit "U".

149) On November 15, 2023 the District Magistrate in Manteo North Carolina told Plaintiff he needed to report the criminal conspiracy to endanger children he described to the Dare County District Attorneys Office.

150) On November 15, 2023 Laurie Wilson at the Dare County District Attorneys Office received Plaintiff's phonecall and told Plaintiff that endangering children was not a crime when Plaintiff explained Kitty Hawk's crimes and Plaintiff was told to hire an

attorney by Laurie Wilson.

151) On November 15, 2023 Plaintiff asked Laurie Wilson to speak with her manager and Laurie Wilson placed the phonecall on hold to get her manager, but the phonecall was disconnected.

152) On November 15, 2023 Plaintiff tried calling the Dare County District Attorney's Office again but they would now not answer Plaintiff's phonecall.

153) On November 15, 2023 Plaintiff was making phone calls from his 610 842 3905 phone.

154) Kitty Hawk and their Police Chief Mike Palkovics claim not to have any law enforcement trained to take a police report about a criminal enterprise that intentionally destroys his property, refuses to fine the violators as per Kitty Hawk zoning code and refuses to provide Plaintiff information about the 4805 Vista Lane fire needed to recover about $50,000 in damages. A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit "V".

155) Almost every potential buyer that looked at 4809 Vista Lane, Kitty Hawk, NC 27949 had a concern with the abandon vehicle zoning violations on Vista Lane.

156) Jasper Rogers told Plaintiff's realtor, Heather VanderMyde that the vehicles would be removed by October 31, 2023.

157) Jasper Rogers could have forced the owners of the abandon junkyard trash equipment and vehicles to put the vehicles in their own backyards, and off the right of way where they were not visible from the street, but did not.

158) Jasper Rogers did not have the vehicles removed, which is simply a matter of calling tow trucks and towing the vehicles to be impounded.

159) On November 2, 2023 Kitty Hawk employee Rob Testerman contacted Southern Shores employee Wes Haskett with an email that stated "Hey Wes, hope you are doing well, Just curious if you guys have had any dealings with a guy named Anthony Mina? He's got a house in Kitty Hawk he is trying to sell, and blaming us for it not selling (we are dealing with some code enforcement stuff with some neighboring properties), and he is sending some really bizarre, unstable sounding messages. I see on GIS that in July he bought a house in Southern Shores, 75 E. Dogwood Trl, so I was just curious if you guys had any issues—" A true and correct copy of said communication is attached hereto, made a part hereof and marked Exhibit "W".

160) "Retaliation for the exercise of constitutionally protected rights is itself a violation of rights secured by the Constitution actionable under§ 1983." White v. Napoleon, 897 F.2d 103, 111-12 (3d Cir. 1990)

161) Southern Shores employee/town council communication indicates Southern Shores claims Plaintiff "has elevated himself from nuisance to real concern". A true and correct copy of Southern Shores communication indicating Plaintiff has elevated himself from nuisance to real concern" is attached hereto, made a part hereof and marked Exhibit "X".

162) Southern Shores and Kitty Hawk communicate within their government and with each other to call Plaintiff a "nuisance" and sender of "bizarre, unstable sounding messages" but do not correct their zoning code problems, such as towing an extremely dangerous abandon vehicle or deciding a lot sub-division plan without using illegally adopted, unenforceable zoning codes that property owners were not properly notified of prior to being adopted.

163) Southern Shores and Kitty Hawk communicate within their government and with each other to call Plaintiff a "nuisance" and sender of "bizarre, unstable sounding messages" but do not have the properties they are down-zoning by taking property rights from the owners preventing lot sub-divisions and junkyards being created in residential neighborhoods reassessed for property tax reduction, as required by law.

164) Government employees that use illegally adopted zoning codes to prevent a lot subdivision they specifically said sounded possible when speaking with the realtor selling the property are a nuisance.

165) A municipality may be found liable where the allegedly unconstitutional action "implements or executes a policy statement, ordinance, regulation, or decision officially adopted and promulgated by that body's officers." Monell v. Dept. of Soc. Services., 436 U.S. 658, 690 (1978).

166) Government employees that use illegally adopted zoning codes to reduce the value of property without properly notifying the property owners are a nuisance.

167) Government employees that refuse to enforce the slightest version of zoning code to keep children safe from illegally abandoned vehicles are a nuisance.

168) The government employees are projecting themselves upon Plaintiff by calling Plaintiff things like "nuisance".

169) "Projection" is a psychological disorder where a person unconsciously displaces their undesirable attributes onto other people as a mental defense mechanism".

170) Judge A. Richard Caputo of the U.S. Middle District Court of PA found that "The Supreme Court has specifically held that "municipalities have no immunity from damages flowing from their constitutional violations", Hynson By and Through Hynson

v. City of Chester, 827 F. 2d 932, 934 (3d Cir. 1987) (citing Owen v. City of Independence, 445 U.S. 622, 657 (1980) when determining Luzerne County is not protected by immunity doctrines in case #3:09-cv-0630.

171) A supervisory official will be held liable only if the official failed to remedy a violation after learning of it, created or allowed a policy to continue under which the violation occurred, or was grossly negligent in managing the subordinates. See Keyes v. Strack, 1997 WL 187368, at *3 (S.D.N.Y.1997)

172) Southern Shores and Kitty Hawk have not only refused to remedy the crimes being committed against Plaintiff, their Police Chiefs have refused to stop the crimes from happening.

173) As a policy maker, supervisory official may be held personally liable under 42 USC 1983 claim when it is shown that such defendants, 'with deliberate indifference to the consequences, established and maintained a policy, practice or custom which directly caused [the] constitutional harm'"A.M. ex rel. J.M.K., 372 F. 3d. at 586 (citing Stoneking v. Bradford Area Sch. Dist., 882 F. 2d 720, 725 (3d Cir. 1989)

174) Under 42 U.S.C. 1983, "every person' who acts under color of state law to deprive another of a constitutional right shall be answerable to that person in a suit for damages." Imbler v. Pachtman, 424 U.S. 409, 417 (1976)

175) A district court should notify the plaintiff of the deficiencies in the complaint and should afford the plaintiff an opportunity to cure those deficiencies by amending the complaint. Gillespie v. Civiletti, 629 F.2d 637, 640 (9th Cir. 1980); Broughton v. Cutter Lab- oratories, 622 F.2d 458, 460 (9th Cir. 1980); Potter v. McCall, 433 F.2d 1087, 1088 (9th Cir. 1970); Armstrong v. Rushing, 352 F.2d 836, 837 (9th Cir. 1965).

176) Judge William H. Yohn, Jr. of the U.S. Eastern District Court found that "the Supreme Court appears to have decided conclusively that the states' Eleventh Amendment immunity does not extend to counties. See Mt. Health City Sch. Dist. Bd. of Educ. v. Doyle, 429 U.S. 274, 280 (1977).

177) When presented with a pro se complaint, the court should construe the complaint liberally and draw fair inferences from what is not alleged as well as from what is alleged. Dluhos v. Strasberg, 321 F.3d 365, 369 (3d Cir. 2003); Youse v. Carlucci, 867 F. Supp. 317, 318 (E.D. Pa. 1994)

178) Plaintiff is only required to allege "enough facts to raise a reasonable expectation that discovery will reveal evidence of the necessary element. "Wilkerson v. New Media Tech. Charter Schools Inc., 522 F. 3d 315, 321 (3d Cir. 2008) , Bell Atl. Corp. v. Twombly, 550 U.S. 544, 556 (2007)

179) Coldwell Banker Realtor Heather Vandermyde valued Plaintiff's 4809 Vista Lane, Kitty Hawk, NC 27949 property at $565,000-$590,000 with her comparative market analysis. A true and correct copy of said email is attached hereto, made a part hereof and marked Exhibit "Y".

FIRST CAUSE OF ACTION UNDER 42 U.S.C. 1983

1. Plaintiff is alleging his 5th, 8th, 13th & 14th Amendment Rights have been violated by the state and private actors.

SECOND CAUSE OF ACTION UNDER U.S.C. 1983

1. Plaintiff is alleging Southern Shores, David Kole, Kitty Hawk and Mike Palkovics are violating INVOLUNTARY SERVITUDE UNDER THE 13TH AMENDMENT and Slavery laws

2. Plaintiff is alleging that because Plaintiff is forced to do police work such as constantly email complaints about government employees that have already been caught committing crimes and then file civil actions to obtain relief for the damages they have caused, the defendants are liable for damages caused by the involuntary servitude and slavery.

THIRD CAUSE OF ACTION UNDER 42 U.S.C. 1985 &1986

1. Plaintiff is alleging the meeting of the Defendant's minds is evident in the facts set forth in Plaintiff's Complaint.

2. Plaintiff is alleging all of the Defendant's had the resources to stop the conspiracies against Plaintiff, with some Defendant's having a larger responsibility to do such.

3. Plaintiff is alleging the evidence clearly shows the state actors and private actors working together to cause Plaintiff damages and prevent Plaintiff from obtaining information needed to recover his financial losses caused by the defendants.

FOURTH CAUSE OF ACTION-FRAUD (UNDER STATE LAW)

1. Plaintiff is alleging Defendants Linda Lauby, Wes Haskett and Southern

Shores are liable for fraud.

FIFTH CAUSE OF ACTION-INTENTIONAL INTERFERENCE WITH CONTRACTUAL RELATIONS (UNDER STATE LAW)

1. Plaintiff is alleging Defendants Wes Haskett, Southern Shores, Jasper Rogers and Kitty Hawk are liable for damages for Intentional Interference of Contractual Relations as they all knew Plaintiff was working with realtors to buy and sell property and intentionally misrepresented facts, refused to do their jobs according to local code and state law and directly communicated with realtors and/or defendants involved with Plaintiff's claims

SIXTH CAUSE OF ACTION-BREACH OF CONTRACT (UNDER STATE LAW)

1. Plaintiff is alleging Defendant Linda Lauby is liable for damages for Breach of Contract for refusing to sign an "Agreement To Release Newly Subdivided Lot From Deed Of Trust" under any circumstances after selling Plaintiff a potentially sub-dividable lot with seller financing.

SEVENTH CAUSE OF ACTION-INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

1. Plaintiff is alleging the Defendant's intentional

conduct causing physical, emotional and economic injury to Plaintiff is so extreme and outrageous that they continue to impose such distress on Plaintiff as a means of harassment, stalking and intimidation in attempting to force Plaintiff to give up his fight for equal rights, protection and justice.

EIGTH CAUSE OF ACTION-DAMAGE TO REPUTATION

1. Plaintiff is alleging all of the defendants are liable for damage to Plaintiff's reputation.

NINTH CAUSE OF ACTION-DEFAMATION OF CHARACTER

1. Plaintiff is alleging Southern Shores and Kitty Hawk are liable for defamation of character for stating Plaintiff is a nuisance sending bizarre unstable messages when the facts are Southern Shores and Kitty Hawk are committing crimes against Plaintiff and other property owners, including children as they refuse to comply with town code and law.

TENTH CAUSE OF ACTION- ABUSE OF PROCESS

1. Plaintiff is alleging Wes Haskett and Southern Shores are abusing process by down zoning properties to unsubdividable properties with a lot width amendment that was adopted without properly notifying effected property owners.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests this Honorable Court to grant relief as follows, and how the court deems just and proper:

1. Enter an Order requiring Southern Shores to vacate all Zoning Amendments adopted without notifying effected property owners prior to the zoning amendment as per Southern Shores Town Code 36-414(a), Southern Shores Town Code 36-414(b) and North Carolina Article 6 § 160D-602.

2. Enter an Order requiring Dare County to reassess properties and credit victims of Southern Shores down-zoning done without properly notifying property owners.
3. Enter Orders against Dare County, Kitty Hawk and Southern Shores to prohibit continued employment of individuals violating crimes codes, refusing to enforce crimes codes, refusing to enforce applicable codes within reasonable discretion consistent with discretion used when regulating other property owners needs and most importantly, immediately fire any and all employees who refused to immediately correct the extremely dangerous Hummer on Vista Lane that could have crushed a child to death.
4. Award actual costs of monetary damages to Plaintiff with knowledge that:
   (a) Southern Shores, Wes Haskett and Linda Lauby's fraudulent withholding of information resulted with Linda Lauby obtaining an additional $75,000 from Plaintiff;
   (b) Southern Shores and Wes Haskett's illegally adopted zoning codes being used to prevent Plaintiff from obtaining the lot sub-division he

bought 75 E. Dogwood Trail for interfere with Plaintiff obtaining $365,000 in property sales needed to support Plaintiff's home improvement business which then supports his family.

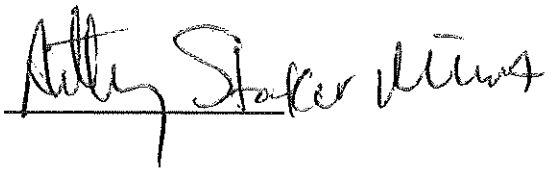
(c) Coldwell Bankers Vandermyde Group which ranked in the top 1% in the U.S. for units sold indicated the value of 4809 Vista Lane should have been between $565,000-$590,000, meaning Plaintiff was forced to accept financial losses of at least between $45,000-$70,000 with the sale of 4809 Vista Lane. These damages were largely caused by almost every potential buyer of 4809 Vista Lane having a major concern with the zoning violations referenced in Plaintiff's zoning complaint. Defendants have also contributed and enabled Plaintiff to suffer damages by the 4805 Vista Lane fire and have then impeded Plaintiff's right to seek damages through insurance an investigation into the cause of the 4805 Vista Lane fire.

5. Award punitive damages as this court deems just and proper with knowledge that all the defendants are working together to cause Plaintiff financial damages

with most defendants refusing to perform their government job as per their code of conduct, local, state and federal law.

Date: August 19, 2024

Respectfully Submitted,



Anthony Mina, Plaintiff

75 E. Dogwood Trail

Southern Shores, NC 27949

610 842 3905

chestercountylawn@yahoo.com

IN THE UNITED STATES EASTERN DISTRICT NORTHERN DIVISION

FEDERAL COURT OF NORTH CAROLINA

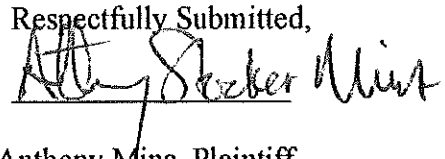
ANTHONY MINA	:	
Plaintiff	:	
	:	
vs.	:	
	:	NO:
"DARE COUNTY REAL ESTATE	:	
SCAM DEFENDANTS",	:	
Defendant	:	CIVIL ACTION

DEMAND FOR JURY TRIAL

I, Anthony Mina hereby respectfully demand a trial by jury on all triable issues pursuant to Federal Rule of Civil Procedure 38 and my 7th Amendment rights.

Date: August 19, 2024

Respectfully Submitted,



Anthony Mina, Plaintiff

75 E. Dogwood Trail

Southern Shores, NC 27949

610 842 3905

chestercountylawn@yahoo.com

IN THE UNITED STATES EASTERN DISTRICT NORTHERN DIVISION

FEDERAL COURT OF NORTH CAROLINA

ANTHONY MINA	:	
Plaintiff	:	
	:	
vs.	:	
	:	NO:
"DARE COUNTY REAL ESTATE	:	
SCAM DEFENDANTS",	:	
Defendant	:	CIVIL ACTION

PLAINTIFF'S REQUEST FOR PRO SE ELECTRONIC COURT FILING (ECF) ACCESS

I, Plaintiff Anthony Stocker Mina hereby Request ECF Access and in support of aver the following:

1. Plaintiff is a resident of Dare County, PA and is unable to neglect his work and responsibilities as a father of (4) children to drive to the courthouse and file his documents.
2. Plaintiff's mail is regularly delayed, lost or stolen, including mail coming from and going to government offices.
3. Dare County's U.S. Mail is known for major, unexplainable delays, such as taking 7 days

to deliver mail to someone living in the same town.

4. Forcing Pro Se Plaintiff to factor in mail time for time sensitive responsive filings when the opposing party's attorney may use ECF provides the opposing party an unjust advantage that can be made fair with allowing all parties to file electronically or an order granting Plaintiff a filing date of when the mail is postmarked by the U.S. Post Office.

WHEREFORE, Plaintiff respectfully requests ECF Pro se Access to file and receive documents.

Date: August 19, 2024

Respectfully Submitted,

Anthony Mina, Plaintiff

75 E. Dogwood Trail

Southern Shores, NC 27949

610 842 3905

chestercountylawn@yahoo.com

IN THE UNITED STATES EASTERN DISTRICT NORTHERN DIVISION

FEDERAL COURT OF NORTH CAROLINA

ANTHONY MINA	:	
Plaintiff	:	
	:	
vs.	:	NO.
"DARE COUNTY REAL ESTATE	:	
SCAM DEFENDANTS",	:	
Defendant	:	CIVIL ACTION

VERIFICATION

I, Anthony Stocker Mina, verify that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief and have not been made for the purpose of delay. This statement is made subject to the penalties of 18 Pa C.S. 4904, relating to unsworn falsification to authorities.

Date: August 19, 2024

Respectfully Submitted,

Anthony Mina, Plaintiff

75 E. Dogwood Trail

Southern Shores, NC 27949

610 842 3905

chestercountylawn@yahoo.com

ANTHONY S. MINA	: DARE COUNTY SUPERIOR COURT
Petitioner	:
V.	: No. 24CV001667-270
SOUTHERN SHORES/WES HASKETT	:
Respondent	:
	: Southern Shores No. VA-24-01

PETITIONER'S MOTION/PETITION TO GRANT PETITION FOR WRIT OF CERTIORARI AGAINST RESPONDENT, WHO IS IN CONTEMPT OF THE ORDER DATED DECEMBER 18, 2024 REQUIRING A COMPLETE COPY OF THE RECORD TO BE PROVIDED TO THE DARE COUNTY SUPERIOR COURT WITHIN 30 DAYS

Petitioner, Anthony S Mina hereby motions/petitions to the Honorable Dare County Superior Court to GRANT Petitioners "PETITION FOR WRIT OF CERTIORARI WITH PROOF OF FALSE PRETENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT" and reverse the decision of the Planning Board/Board of Adjustments pursuant to Article 14 160A-393(L), order injunctive relief/legal sanctions, including a request for criminal prosecution of Wes Haskett to the District Attorney's Office for violating false pretense, false reports to law enforcement and false sworn testimony laws. In support thereof, Petitioner avers the following:

FACTS

1. Petitioner is Anthony S. Mina, owner of 75 E. Dogwood Trail, Southern Shores, NC 27949
2. Respondent is Wes Haskett, Deputy Town Manager of Southern Shores 5375 N. Virginia Dare Trail, Southern Shores, NC 27949
3. The Honorable Dare County Superior Court ORDERED Respondent Wes Haskett to prepare and certify to the court a complete record from the proceedings Variance No. VA-24-01 within 30 days of the date 12/18/2024. A true and correct copy of the ORDER is attached hereto and marked "Exhibit 1".
4. Respondent Wes Haskett refused to comply with the Court's Order dated December 18, 2024.
5. Respondent Wes Haskett and Southern Shores Town was mailed a complete copy of Petitioner's Writ Of Certiorari and Proposed Writ Of Certiorari by U.S. Priority Mail on December 19, 2024. A true and correct copy of the addressed envelope, paid receipt and electronic proof of delivery receipt is attached hereto as "Exhibit 2".
6. Petitioner also mailed a complete copy of Petitioner's Writ Of Certiorari and Proposed Writ Of Certiorari by U.S. Priority Mail on December 20, 2024 to Southern Shores Town Council c/o all members (**the Southern Shores Mayor is on Town Council**). A true and correct

copy of the addressed envelope, paid receipt and electronic proof of delivery receipt is attached hereto as "Exhibit 2".

7. Petitioner was Ordered to serve Respondent pursuant to Rule 4(j) of the Rules of Civil Procedure which provide in part: 4(j)Process - Manner of service to exercise personal jurisdiction. - In any action commenced in a court of this State having jurisdiction of the subject matter and grounds for personal jurisdiction as provided in G.S. 1-75.4, the manner of service of process within or without the State shall be as follows: (5) Counties, Cities, Towns, Villages and Other Local Public Bodies. - (5) Counties, Cities, Towns, Villages and Other Local Public Bodies. -

    a. Upon a city, town, or village by personally delivering a copy of the summons and of the complaint to its mayor, city manager or clerk; by mailing a copy of the summons and of the complaint, registered or certified mail, return receipt requested, addressed to its mayor, city manager or clerk; or by depositing with a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) a copy of the summons and complaint, addressed to the mayor, city manager, or clerk, delivering to the addressee, and obtaining a delivery receipt. As used in this sub-subdivision, "delivery receipt" includes an electronic or facsimile receipt.
    b. Upon a county by personally delivering a copy of the summons and of the complaint to its county manager or to the chairman, clerk or any member of the board of commissioners for such county; by mailing a copy of the summons and of the complaint, registered or certified mail, return receipt requested, addressed to its county manager or to the chairman, clerk, or any member of this board of commissioners for such county; or by depositing with a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) a copy of the summons and complaint, addressed to the county manager or to the chairman, clerk, or any member of the board of commissioners of that county, delivering to the addressee, and obtaining a delivery receipt. As used in this sub-subdivision, "delivery receipt" includes an electronic or facsimile receipt.
    c. Upon any other political subdivision of the State, any county or city board of education, or other local public district, unit, or body of any kind (i) by personally delivering a copy of the summons and of the complaint to an officer or director thereof, (ii) by personally delivering a copy of the summons and of the complaint to an agent or attorney-in-fact authorized by appointment or by statute to be served or to accept service in its behalf, (iii) by mailing a copy of the summons and of the complaint, registered or certified mail, return receipt requested, addressed to the officer, director, agent, or attorney-in-fact as specified in (i) and (ii), or (iv) by depositing with a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) a copy of the summons and complaint, addressed to the officer, director, agent, or attorney-in-fact as specified in (i) and (ii), delivering to the addressee, and

obtaining a delivery receipt. As used in this sub-subdivision, "delivery receipt" includes an electronic or facsimile receipt.

d. In any case where none of the officials, officers or directors specified in paragraphs a, b and c can, after due diligence, be found in the State, and that fact appears by affidavit to the satisfaction of the court, or a judge thereof, such court or judge may grant an order that service upon the party sought to be served may be made by personally delivering a copy of the summons and of the complaint to the Attorney General or any deputy or assistant attorney general of the State of North Carolina; by mailing a copy of the summons and of the complaint, registered or certified mail, return receipt requested, addressed to the Attorney General or any deputy or assistant attorney general of the State of North Carolina; or by depositing with a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2) a copy of the summons and complaint, addressed to the Attorney General or any deputy or assistant attorney general of the State of North Carolina, delivering to the addressee, and obtaining a delivery receipt. As used in this sub-subdivision, "delivery receipt" includes an electronic or facsimile receipt.

8. Petitioner emailed a complete copy of Petitioner's Writ Of Certiorari and Proposed Writ Of Certiorari to Respondent Wes Haskett's attorney, Southern Shores Town Council and the Planning Board/Board of Adjustments on December 18, 2024 and December 20, 2024. An email from the town attorney Philip Hornthal indicating Respondent Wes Haskett and Town Manager Cliff Ogburn (as well as a separate email indicating Town Council received the emailed documents) is attached hereto as "Exhibit 3".
9. Southern Shores Board of Adjustments/Planning Board signed an Order on November 19, 2024 Denying Petitioner's Application For Variance and Petitioner's Motion To Preclude Variance Hearing. A true and correct copy of the November 19, 2024 Order is attached hereto and marked "Exhibit A".
10. The Order dated November 19, 2024 ("Exhibit A") was written by Wes Haskett and his attorney, Lauren Womble and not written by the Planning Board/Board of Adjustments.
11. Paragraph 12 of the Order dated November 19, 2024 ("Exhibit A") states "There has been no competent evidence present to support Applicant's motion to preclude. There is no evidence of fraud, criminal conspiracy or misconduct by Town Staff."
12. Town Code Section 36-414(b) requires posted notice at the subject property(s) of zoning amendments announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning (prior to the zoning amendment's adoption).
13. Town Code Section 36-362(b) provides: *Notices.* Notice of hearings conducted pursuant to this article (Article XII-governing Planning Board/Board of Adjustment hearings) shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing; (ii) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; (iii) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and (iv) to any other persons entitled to receive notice as provided by this chapter. In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed

notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

14. Wes Haskett and Southern Shores did not post Notice at 75 E. Dogwood Trail (Petitioner's property) or mail notice to the property owner of 75 E. Dogwood Trail for Wes Haskett's zoning amendment application (changing lot width requirements) filed on March 31, 2023 which was heard and recommended for approval by the Planning Board/Board of Adjustments on May 15, 2023 and approved by town council on June 6, 2023. A true and correct copy of a public records request response from Southern Shores stating mailed notice was not provided and posted notice was not placed at 75 E. Dogwood Trail is attached hereto as "Exhibit B".
15. Complying with Town Code Notification requirements and North Carolina notification requirements to affected property owners is a pre-requisite to adopting and/or amending zoning code.
16. The proof that Wes Haskett and Southern Shores did not properly notify the 75 E Dogwood Trail property owner prior to the lot width requirement amendment on June 6, 2023 or an easement restriction amendment on August 3, 2021 was included with Petitioner's Variance Application as "Exhibit 2C" and Petitioner's Motion To Preclude Variance Hearing as "Exhibit B".
17. Wes Haskett made a false report to law enforcement on May 21, 2024 claiming he legally amended lot width requirements on June 6, 2023 but what Wes Haskett did was delete Town Code notification requirement Sec. 36-414(b) and omit Town Code notification requirement 36-362(b) from the report that he emailed to Petitioner, Police Chief Kole and Mayor Morey. A true and correct copy of the false report to law enforcement made by Wes Haskett is attached hereto as "Exhibit C".
18. Petitioner's Variance Application proves at "Exhibit 1A" the only thing preventing the 75 E. Dogwood Trail lot being subdivided with a shared driveway is the illegally adopted August 3, 2021 amendment preventing easement lot access and proves at "Exhibit 1B" the only thing preventing the 75 E. Dogwood Trail lot subdivision with 2 separate driveways is the illegally adopted June 6, 2023 lot width amendment.
19. Exhibit 1B is based on land surveyor Douglas Styons plat designed according to the plat sketch Wes Haskett reviewed on June 1, 2023 and emailed Petitioner about (found in Exhibit F").
20. Wes Haskett's false report to law enforcement ("Exhibit C") was included in Petitioner's Variance Application as "Exhibit 5" and Petitioner's Motion To Preclude Variance Hearing as "Exhibit C".
21. "Exhibit 2" of Petitioner's Variance Application references North Carolina Chapter 14 ss 14-225 false reports to law enforcement being violated by Wes Haskett on May 21, 2024.
22. Wes Haskett emailed Petitioner a staff report for Petitioner's Variance Application on October 14, 204 stating "All applicable notification requirements established in N.C.G.S. 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Amendment". A

true and correct copy of Wes Haskett's staff report is attached hereto and marked "Exhibit D".

23. Petitioner responded to Wes Haskett's emailed staff report with an email on October 15, 2024 that stated in part: "Could you please provide me a staff report that does not falsely claim all town and state notification requirements were met when making the June 6, 2023 & August 3, 2021 zoning amendments when "Exhibit 2C" from Sheila Kane proves Southern Shores did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b). A true and correct copy of Petitioner's email is attached hereto and marked "Exhibit E".
24. Wes Haskett refused to stop claiming he met/complied with notification requirements prior to the lot width amendment on June 6, 2023 and Wes Haskett and/or his attorney Lauren Womble also repeatedly claimed to satisfy notification requirements at the Variance Hearing on October 21, 2024.
25. At the Variance Hearing on October 21, 2024 Planning Board attorney Jay Wheless stated Petitioner was "accusing the whole town of impropriety" when Petitioner objected to attorney Jay Wheless and Wes Haskett's attorney Lauren Womble misrepresenting the language of the Town Notification requirement that posted notice must be at affected properties prior to zoning amendments at Town Code Sec. 36-414(b) when Petitioner stated the attorneys were colluding.
26. Wes Haskett's staff report claims "the district is intended to promote stable, **PERMANENT NEIGHBORHOODS**..." and then completely contradicts itself by arguing Petitioner's Variance for his subdivision should be denied because Petitioner can build an Accessory Dwelling Unit (ADU) when ADU's are known for short term vacation rentals.
27. Wes Haskett's staff report claims "the density of the population is managed" but contradicts hisself by refusing to approve a conditional subdivision plan limiting each of the (2) lots to seven occupants for a total of fourteen occupants when using Petitioner's lot for a single family home and ADU allows a total occupancy of twenty eight people (14 people at the home and 14 people at the ADU).
28. Petitioner entered into evidence (4) emails from Wes Haskett during May of 2023 (when posted notice was required at properties affected by his March 31, 2023 zoning amendment application) that prove Wes Haskett was being asked specifically about the 75 E Dogwood Trail lot subdivision and lot width requirements and Wes Haskett refused to tell Petitioner about the March 31, 2023 proposed zoning amendment to change lot width requirements. A true and correct copy of the exhibit entered into evidence is attached hereto as "Exhibit F".
29. On October 21, 2024 at the Variance hearing Petitioner proved Wes Haskett has an undisclosed special interest in Petitioner's property by getting Wes Haskett to admit that he did not allow Petitioner's side setback on his 50+ year old home to be considered "legally non-conforming" until June 5, 2024 which was one day after Petitioner emailed Wes Haskett a building permit application to remove the one foot of Wes Haskett's claimed "non-conforming" section of Petitioner's house and after months of Wes Haskett claiming there

was a non-conforming setback preventing the subdivision so much that he even hired attorney Philip Hornthal to also contact Petitioner to claim the side setback prevented the subdivision. A true and correct copy of the documentation presented to Wes Haskett on October 21, 2024 as an Exhibit is attached hereto and marked "Exhibit G".

30. Planning Board Jay Wheless advised the Planning Board/Board of Adjustments that **"RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN"** require the Planning Board/Board of Adjustments to grant Petitioner's Motion to Preclude Variance Hearing and Grant Petitioner's Variance.
31. Wes Haskett's lies that notification requirements were met/complied with prior to the June 6, 2023 and August 3, 2021 zoning amendments is **"RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".**
32. Wes Haskett's refusal to tell Petitioner about his March 31, 2023 zoning Application in 4 emails responding to subdivision/lot width questions in May of 2023 (when posted notice at affected properties was required) is **"RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".**
33. Wes Haskett's refusal to allow Town Code Section 36-132(c) and Section 36-132(c)(1) to admit Petitioner's house's setback is "legally non-conforming" for months until Petitioner filed a building permit to remove the 1' of house Wes Haskett claimed was non-conforming is **"RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".**
34. Wes Haskett and his attorney Lauren Womble's argument on October 21, 2024 that notification requirements for the June 6, 2023 and August 3, 2021 zoning amendment were met/complied with when Southern Shores Public Records Request Response (Exhibit B) proves they were not is **"RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".**
35. Wes Haskett's false report to law enforcement on May 21, 2024 found in "Exhibit C" (in violation of North Carolina Chapter 14 ss 14-225 false reports) is **"RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".**
36. Wes Haskett's refusal to correct his wrong-doing as required by Southern Shores Town Code Ethics Policy #7 (found as Exhibit 6 of Petitioner's Variance Application) which states "I will respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen" is **"RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".**
37. A true and correct copy of Petitioner's "MOTION TO PRECLUDE VARIANCE HEARING SCHEDULED FOR OCTOBER 21, 2024 DUE TO SOUTHERN SHORES' CONSPIRACY TO FALSIFY MATERIAL INFORMATION TO THE PUBLIC AND PLANNING BOARD, GRANT

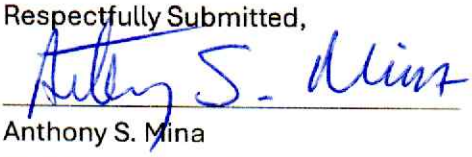
APPLICANT'S VARIANCES FROM SECTION 30-96(f) AND SECTION 36-202(d) AND REFUND APPLICANT'S $350 VARIANCE APPLICATION FEE" is attached hereto as "Exhibit H".

38. A true and correct copy of Petitioner's Variance Application is attached **TO THE PETITION FOR WRIT OF CERTIORARI** as "Exhibit I".
39. The previous owner of 75 E Dogwood Trail was able to negotiate an additional $75,000 from Petitioner in May of 2023 for the purchase of 75 E Dogwood Trail (when Petitioner's lot was subdividable, as proven with "Exhibit 1B" of Petitioner's Variance Application) because Wes Haskett did not have posted notice at 75 E. Dogwood Trail and refused to tell Petitioner about his March 31, 2023 zoning amendment application.
40. Wes Haskett communicated with the previous owner and the listing agent of 75 E. Dogwood Trail on and off the record about the lot subdivision, as proven with Exhibit 3 of Petitioner's Variance Application.
41. Wes Haskett's claim at paragraph 17(d) of the Order denying Variance that "On July 6, 2023, Mr. Mina was given the opportunity to rescind the offer to purchase the subject property with a full refund of his due diligence funds prior to closing on the subject property and declined to do so" is a fraudulently misrepresented fact because the truth is on July 5, 2023 Petitioner emailed the previous owner's attorney stating that if the real estate transaction was not legally conforming on July 7, 2023 Petitioner would be using the legal system to seek his damages the previous owner procured with fraud, including Wes Haskett's fraud. The previous owner did not offer a refund of Petitioner's legal costs, inspection fees or approximately $50,000 Petitioner was in the process of spending on his previous home in preparation for the move to 75 E. Dogwood Trail.
42. Wes Haskett is guilty of being a part of a false pretense real estate scam and Wes Haskett is guilty of false pretense theft for repeatedly forcing Petitioner to pay hundreds of dollars on subdivision applications and a Variance Application that require law, town code and facts to be used when deciding but providing Petitioner nothing but misrepresented facts and the use of zoning code Wes Haskett's knows are inapplicable for reasons including that a pre-requisite to the zoning code being enforced is the property owner being notified, which did not occur at 75 E. Dogwood Trail.
43. Planning Board Chairman Andy Ward agreed to comply with Southern Shores Town Ethic's policy when admitting he made a sign complaint against Petitioner for having a real estate sign in the right of way. Andy Ward did not make sign Complaints against other Southern Shores Property owners and a church that had signs in the "right of way" in locations you can not miss when coming and going from Dogwood Trail when the complaint was made against Petitioner. Petitioner did not ask Andy Ward to recuse his self from the Variance proceedings because he agreed to comply with Southern Shores Code of Ethics (Exhibit 6 of Petitioner's Variance Application).
44. Andy Ward has yet to comply with Southern Shores Code of Ethics.
45. The Planning Board/Board of Adjustment's November 19, 2024 Order is in violation of constitutional provisions including those protecting the right to hearing without fabricated evidence, false sworn testimony and due process violations, the decision is inconsistent with applicable procedures specified by statute and ordinance, the decision is affected by error of law and the decision is unsupported by substantial competent evidence (the decision is based on ridiculous amounts of Wes Haskett's lies).

WHEREFORE, Petitioner respectfully requests this Honorable Court to REVERSE the decision of the Planning Board/Board of Adjustments, REMAND the case to Southern Shores, Request that the Dare County District Attorney's Office review this case and grant Petitioner other relief the court deems appropriate, such as a refund of Southern Shores filing fees and an order requiring Wes Haskett to pay Petitioner's legal costs.

January 29, 2025

Respectfully Submitted,



Anthony S. Mina
75 E Dogwood Trail
Southern Shores, NC 27949
610 842 3905
chestercountylawn@yahoo.com

ANTHONY S. MINA	: DARE COUNTY SUPERIOR COURT
Petitioner	:
V.	: No. 24CV001667-270
SOUTHERN SHORES/WES HASKETT	:
Respondent	:
	: Southern Shores No. VA-24-01

VERIFICATION

I, Petitioner, Anthony S Mina hereby verify that the facts in the Petition are true and correct to the best of my knowledge under penalty of law.

January 29, 2025

Respectfully Submitted,

Anthony S. Mina
75 E Dogwood Trail
Southern Shores, NC 27949
610 842 3905
chestercountylawn@yahoo.com

24CV001667-270

ANTHONY S. MINA	: DARE COUNTY SUPERIOR COURT	
Petitioner	:	FILED DATE: December 18, 2024 TIME: 2:48:51 PM DARE COUNTY CLERK OF SUPERIOR COURT
V.	: No.	
SOUTHERN SHORES/WES HASKETT	:	
Respondent	: Southern Shores No. VA-24-01	BY: L. Watts
	:	

PROPOSED WRIT OF CERTIORARI

Now, that on this 12/18/2024 day, of _____, 2024 a Petition For Writ Of Certiorari has been filed in the Dare County Superior Court, Respondent Southern Shores/Wes Haskett is hereby ORDERED to prepare and certify to the court a complete record from the proceedings Variance No. VA-24-01 within 30 days of the date 12/18/2024.

Petitioner is hereby ORDERED to serve the Petition For Writ of Certiorari and Proposed Writ of Certiorari on the Respondent pursuant to Rule4(j) of the Rules of Civil Procedure.

Additional requirements, if any, are: _____

Date: 12/18/2024 Signature: Lynn Watts
Asst. Clerk

EXHIBIT 1

202

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Anthony S. Mina
75 E. Dogwood Trail
Southern Shores, NC 27949

TO:

Southern Shores Town 1/3
Wes Haskett
5375 N. Virginia Dare Tra
Southern Shores, NC 27949

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Anthony S. Mina
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Southern Shores, NC 27949
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"EXHIBIT 2"

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Product	Qty	Unit Price	Price
Priority Mail®	1		$10.75
Kitty Hawk, NC 27949			
Weight: 1 lb 0.40 oz			
Expected Delivery Date			
Mon 12/23/2024			
Tracking #:			
9505 5117 5808 4355 8813 89			
Insurance			$0.00
Up to $100.00 included			
Total			$10.75
Grand Total:			$10.75
Credit Card Remit			$10.75
Card Name: AMEX			
Account #: XXXXXXXXXXX3000			
Approval #: 831553			
Transaction #: 228			
AID: A0000000025010801			Chip
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PIN: Not Required			

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Receipt #: 840-52700344-3-6070172-2
Clerk: 21

UNITED STATES POSTAL SERVICE.

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3841 N CROATAN HWY
KITTY HAWK,, NC 27949-9238
(800)275-8777

12/19/2024 12:24 PM

Product	Qty	Unit Price	Price
Priority Mail®	1		$10.75
Legal FR Env			
Kitty Hawk, NC 27949			
Flat Rate			
Expected Delivery Date			
Mon 12/23/2024			
Tracking #:			
9505 5117 5807 4354 7507 24			
Insurance			$0.00
Up to $100.00 included			
Total			$10.75
Grand Total:			$10.75
Credit Card Remit			$10.75
Card Name: MasterCard			
Account #: XXXXXXXXXXXX7631			
Approval #: C0570P			
Transaction #: 728			
AID: A0000000041010			Chip
AL: MASTERCARD			
PIN: Not Required			CAPITAL ONE

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"EXHIBIT 2"

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Clerk: 16

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December 23, 2024, 10:16 pm

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Tracking Number:

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Your item was delivered in or at the mailbox at 10:16 pm on December 23, 2024 in KITTY HAWK, NC 27949.

Get More Out of USPS Tracking:

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Delivered

Delivered, In/At Mailbox

KITTY HAWK, NC 27949
December 23, 2024, 10:16 pm

See All Tracking History

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Product Information ⌄

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Track Another Package

"EXHIBIT 2"

----- Forwarded Message -----
From: Phillip Hornthal <phornthal@hrem.com>
To: tonesmina@yahoo.com <tonesmina@yahoo.com>; Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, December 20, 2024 at 03:09:01 PM EST
Subject: FW: Proof Of Chief Kole's Criminal Conspiracy To Hide Crimes From Town Council & Southern Shores Police

Mr. Mina:

I have been advised that you have communicated directly with my client and its employees using another Email address. You have been advised repeatedly not to communicate directly with our client during the pendency of any litigation initiated against the Town or its employees.

Accordingly, the tonesmina@yahoo.com address will also be blocked by the Town, along with any other Emails you utilize to contact my client directly.

Sincerely,

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law

Direct: 252.698.0214

Office: 252.335.0871

Fax: 252.335.4223 Attn: P. Hornthal

Email: phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

EXHIBIT 3

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From: Wes Haskett <whaskett@southernshores-nc.gov>
Sent: Friday, December 20, 2024 12:57 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>
Subject: FW: Proof Of Chief Kole's Criminal Conspiracy To Hide Crimes From Town Council & Southern Shores Police

>>Warning! The source of this email is from outside of the firm.<<

Good afternoon, Phil and Norwood. See below from Mr. Mina. He used another email address to send the message to the recipients listed below since his other email address has been blocked from @southernshores-nc.gov email addresses. Unless y'all object, I will have our IT contractor do the same for the email address he used to send this message.

Wes Haskett

Deputy Town Manager/Planning Director

Town of Southern Shores

(252) 261-2394 (ph)

(252) 255-0876 (fx)

www.southernshores-nc.gov

From: Tony Mina <tonesmina@yahoo.com>
Sent: Friday, December 20, 2024 12:39 PM
To: Norwood Blanchard <norwood@cmclawfirm.com>; Elizabeth Morey <emorey@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>;

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Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; council@southernshores-nc.gov; Planning Board <PlanningBoard@southernshores-nc.gov>; Andrew Spottswood <jspottswood@southernshores-nc.gov>; Jennifer Couture <jcouture@southernshores-nc.gov>; Jason Thompson <JThompson@southernshores-nc.gov>; Thomas Long <tlong@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner <rdeaner@southernshores-nc.gov>; Matt Cooke <mcooke@southernshores-nc.gov>; Tracy Mann <tmann@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Jonathan Slegel <jslegel@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; Sophia Wright <swright@southernshores-nc.gov>
Cc: FBI <philadelphia.complaints@ic.fbi.gov>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; Anthony Mina <tonesmina@yahoo.com>; anthony mina <chestercountylawn@yahoo.com>
Subject: Fw: Proof Of Chief Kole's Criminal Conspiracy To Hide Crimes From Town Council & Southern Shores Police

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>

To: Norwood Blanchard <norwood@cmclawfirm.com>; Elizabeth Morey <emorey@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; "council@southernshores-nc.gov" <council@southernshores-nc.gov>; "council@southernshores-nc.gov" <council@southernshores-nc.gov>; Planning Board <planningboard@southernshores-nc.gov>; Andrew Spottswood <jspottswood@southernshores-nc.gov>; Jennifer Couture <jcouture@southernshores-nc.gov>; Jason Thompson <jthompson@southernshores-nc.gov>; Thomas Long <tlong@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner <rdeaner@southernshores-nc.gov>; Matt Cooke <mcooke@southernshores-nc.gov>; Tracy Mann <tmann@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Jonathan Slegel <jslegel@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; "swright@southernshores-nc.gov" <swright@southernshores-nc.gov>; "swright@southernshores-nc.gov" <swright@southernshores-nc.gov>

Cc: FBI <philadelphia.complaints@ic.fbi.gov>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; Anthony Mina <tonesmina@yahoo.com>

Sent: Friday, December 20, 2024 at 12:34:05 PM EST

Subject: Proof Of Chief Kole's Criminal Conspiracy To Hide Crimes From Town Council & Southern Shores Police

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Dear Law Enforcement & Town Council,

Please find the attached emails from Philip Hornthal refusing to provide Town Council & Police Chief Kole the PETTITION FOR WRIT OF CERTIORARI WITH PROOF OF FALSE PRE-TENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT filed on December 17, 2024 at Dare County Superior Court.

This email also includes a "NOTICE TO THE FEDERAL COURT OF CHIEF DAVE KOLE'S SLAVERY/INVOLUNTARY SERVITUDE" that Philip Hornthal would not allow me to email to Southern Shores Police.

It is my position that Philip Hornthal & Dave Kole are tampering with evidence and obstructing justice when taking my first amendment rights from me. As a citizen of Southern Shores I have the responsibility of exposing government malfeasance to broader scrutiny. I am not in agreement with Philip Hornthal & Police Chief Kole hiding their victimization of me and my family from Town Council and other Southern Shores Police Officers.

I suggest Southern Shores eliminate their employees, police officers and board members that do not comply with their own laws and codes.

Thank you,
Anthony S Mina

PS. Please make sure my complaints made to Philip Hornthal are not hidden where public records requests will not obtain them. Being forced by Philip Hornthal to send him emails for Southern Shores does not eliminate North Carolina Public Records Laws (Mr. Hornthal is not my attorney).

----- Forwarded Message -----

From: Anthony Mina <chestercountylawn@yahoo.com>

To: Phillip Hornthal <phornthal@hrem.com>; Lauren Arizaga-Womble <lawomble@hrem.com>

Cc: FBI <philadelphia.complaints@ic.fbi.gov>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>

Sent: Thursday, December 19, 2024 at 09:13:49 AM EST

Subject: Fw: PETTITION FOR WRIT OF CERTIORARI WITH PROOF OF FALSE PRE-TENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT

Thank you for the email. I will let the law enforcement copied in this email respond appropriately. I live in a town with many senior citizens that are too weak to voice their opposition to government misconduct and have come to the conclusion that I may have been intentionally planted in Southern Shores because of this reason. Anthony S Mina

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----- Forwarded Message -----
From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Thursday, December 19, 2024 at 09:06:52 AM EST
Subject: RE: PETTITION FOR WRIT OF CERTIORARI WITH PROOF OF FALSE PRE-TENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT

Your Email was provided to Wes Haskett and Cliff Ogburn.

L. Phillip Hornthal, III
Attorney at Law

Direct: 252.698.0214

Office: 252.335.0871

Fax: 252.335.4223 Attn: P. Hornthal

Email: phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

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From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Thursday, December 19, 2024 9:05 AM
To: Phillip Hornthal <PHornthal@hrem.com>
Cc: Lauren Arizaga-Womble <lawomble@hrem.com>; FBI <philadelphia.complaints@ic.fbi.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; ncago@ncdoj.gov; ncago@ncdoj.gov
Subject: Re: PETTITION FOR WRIT OF CERTIORARI WITH PROOF OF FALSE PRE-

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TENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT

>>Warning! The source of this email is from outside of the firm.<<

Mr. Hornthal,

I asked that my email be provided to all the Southern Shore's employees/council members addressed in the email. I have a responsibility as a Southern Shores citizen to report my concerns to who I think they should be reported to. Interfering with me emailing what I believe is criminal law violations and government misconduct to Southern Shores employees, law enforcement and town council violates criminal law.

Please tell me who you define as "client" in your email.

Thank you,
Anthony S Mina

On Thursday, December 19, 2024 at 08:57:52 AM EST, Phillip Hornthal <phornthal@hrem.com> wrote:

Forwarded to client.

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.698.0214
Office: 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

www.hrem.com

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-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, December 18, 2024 5:03 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>; David Kole <dkole@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Lauren

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Arizaga-Womble <lawomble@hrem.com>; Elizabeth Morey <emorey@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; council@southernshores-nc.gov; council@southernshores-nc.gov; Planning Board <planningboard@southernshores-nc.gov>; Southernshores Nc Info <info@southernshores-nc.gov>
Cc: FBI <philadelphia.complaints@ic.fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; ncago@ncdoj.gov; ncago@ncdoj.gov; Jason Portnoy <jportnoy@invtitle.com>
Subject: PETTITION FOR WRIT OF CERTIORARI WITH PROOF OF FALSE PRE-TENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT

>>Warning! The source of this email is from outside of the firm.<<

Dear Southern Shores and Law Enforcment (Mr. Hornthal, please provide this email to all Southern Shores addresses blocked from receiving my emails that I have included in this email),

Please find the attached:

1) PETITION FOR WRIT OF CERTIORARI WITH PROOF OF FALSE PRETENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT (contains exhibits A-H)

2) My Variance Application, which is Exhibit I of my Petition for Writ of Certiorari

3) The timestamped copies of the Writ and Proposed Writ Ordering Southern Shores to produce the complete record to the Dare County Superior Court within 30 days of December 18, 2024.

PLEASE NOTE THAT SOUTHERN SHORES CODE OF ETHICS PROHIBITS SOUTHERN SHORES TOWN MONEY FROM BEING SPENT ON LEGAL FEES (ESPECIALLY LEGAL FEES INVOLVING WES HASKETT) ASSOCIATED WITH MY PETITION FOR WRIT OF CERTIORARI AND VARIANCE HEARING.

SOUTHERN SHORES CODE OF ETHICS STATES IN PART:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of SOUTHERN SHORES TAX PAYERS in mind in the expenditure of these funds.

My Petition For Writ of Certiorari, like my Variance Application, prove Wes Haskett lied about meeting/complying with notification requirements to affected property owners prior to adoption of the zoning amendment being used to deny my lot sub-division plan. Because property owner notification is a pre-requisite to zoning code being applicable to the property the only thing Wes Haskett's lies that convinced Southern Shores Planning Board/Adjustment Board to deny my Variance application add up to is a criminal conspiracy to commit crimes, including a false pre-tense real estate scam that helped Linda Lauby defraud me of $75,000 for a lot that was sub-dividable when I entered into an agreement to purchase the property as Wes Haskett was hiding his proposed March 31, 2023 lot width amendment when I was specifically asking about sub-dividing and lot width requirements in May, 2023 (when posted notice was required at 75 E. Dogwood Trail).

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Please arrest Wes Haskett and correct his wrong doing. The Petition for Writ of Certiorari cost me another $200 that I would not have been required to spend if Wes Haskett stopped lying and stopped defrauding me with unenforceable, illegally adopted zoning codes that can not apply to properties that did not receive notice of the zoning amendment.

Thank you,
Anthony S Mina

PS. My Petition States:

ANTHONY S. MINA : DARE COUNTY SUPERIOR COURT
Petitioner :
V. : No.
SOUTHERN SHORES/WES HASKETT :
Respondent :
: Southern Shores No. VA-24-01

PETITION FOR WRIT OF CERTIORARI
WITH PROOF OF FALSE PRETENSE, FALSE SWORN TESTIMONY AND A FALSE REPORT TO LAW ENFORCEMENT COMMITTED BY WES HASKETT

Petitioner, Anthony S Mina hereby petitions to the Honorable Dare County Superior Court to reverse the decision of the Planning Board/Board of Adjustments pursuant to Article 14 160A-393(L) and order injunctive relief/legal sanctions, including a request for criminal prosecution of Wes Haskett to the District Attorney's Office for violating false pretense, false reports to law enforcement and false sworn testimony laws. In support thereof, Petitioner avers the following:

FACTS

1. Petitioner is Anthony S. Mina, owner of 75 E. Dogwood Trail, Southern Shores, NC 27949
2. Respondent is Wes Haskett, Deputy Town Manager of Southern Shores 5375 N. Virginia Dare Trail, Southern Shores, NC 27949
3. Southern Shores Board of Adjustments/Planning Board signed an Order on November 19, 2024 Denying Petitioner's Application For Variance and Petitioner's Motion To Preclude Variance Hearing. A true and correct copy of the November 19, 2024 Order is attached hereto and marked "Exhibit A".
4. The Order dated November 19, 2024 ("Exhibit A") was written by Wes Haskett and his attorney, Lauren Womble and not written by the Planning Board/Board of Adjustments.
5. Paragraph 12 of the Order dated November 19, 2024 ("Exhibit A") states "There has been no competent evidence present to support Applicant's motion to preclude. There is no evidence of fraud, criminal conspiracy or misconduct by Town Staff."
6. Town Code Section 36-414(b) requires posted notice at the subject property(s) of zoning amendments announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning (prior to the zoning amendment's adoption).
7. Town Code Section 36-362(b) provides: Notices. Notice of hearings conducted pursuant to this article (Article XII-governing Planning Board/Board of Adjustment hearings) shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing; (ii) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; (iii) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and (iv) to any other persons entitled to receive notice as provided by this chapter. In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.
8. Wes Haskett and Southern Shores did not post Notice at 75 E. Dogwood Trail (Petitioner's property) or mail notice to the property owner of 75 E. Dogwood Trail for Wes Haskett's zoning amendment application (changing lot width requirements) filed on March 31, 2023 which was heard and recommended for approval by the Planning Board/Board of Adjustments on May 15, 2023 and approved by town council on June 6, 2023. A true and correct copy of a public records request response from Southern Shores stating mailed notice was not provided and posted notice was not placed at 75 E.

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Dogwood Trail is attached hereto as "Exhibit B".
9. Complying with Town Code Notification requirements and North Carolina notification requirements to affected property owners is a pre-requisite to adopting and/or amending zoning code.
10. The proof that Wes Haskett and Southern Shores did not properly notify the 75 E Dogwood Trail property owner prior to the lot width requirement amendment on June 6, 2023 or an easement restriction amendment on August 3, 2021 was included with Petitioner's Variance Application as "Exhibit 2C" and Petitioner's Motion To Preclude Variance Hearing as "Exhibit B".
11. Wes Haskett made a false report to law enforcement on May 21, 2024 claiming he legally amended lot width requirements on June 6, 2023 but what Wes Haskett did was delete Town Code notification requirement Sec. 36-414(b) and omit Town Code notification requirement 36-362(b) from the report that he emailed to Petitioner, Police Chief Kole and Mayor Morey. A true and correct copy of the false report to law enforcement made by Wes Haskett is attached hereto as "Exhibit C".
12. Petitioner's Variance Application proves at "Exhibit 1A" the only thing preventing the 75 E. Dogwood Trail lot being subdivided with a shared driveway is the illegally adopted August 3, 2021 amendment preventing easement lot access and proves at "Exhibit 1B" the only thing preventing the 75 E. Dogwood Trail lot subdivision with 2 separate driveways is the illegally adopted June 6, 2023 lot width amendment.
13. Exhibit 1B is based on land surveyor Douglas Styons plat designed according to the plat sketch Wes Haskett reviewed on June 1, 2023 and emailed Petitioner about (found in Exhibit F").
14. Wes Haskett's false report to law enforcement ("Exhibit C") was included in Petitioner's Variance Application as "Exhibit 5" and Petitioner's Motion To Preclude Variance Hearing as "Exhibit C".
15. "Exhibit 2" of Petitioner's Variance Application references North Carolina Chapter 14 ss 14-225 false reports to law enforcement being violated by Wes Haskett on May 21, 2024.
16. Wes Haskett emailed Petitioner a staff report for Petitioner's Variance Application on October 14, 204 stating "All applicable notification requirements established in N.C.G.S. 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Amendment". A true and correct copy of Wes Haskett's staff report is attached hereto and marked "Exhibit D".
17. Petitioner responded to Wes Haskett's emailed staff report with an email on October 15, 2024 that stated in part: "Could you please provide me a staff report that does not falsely claim all town and state notification requirements were met when making the June 6, 2023 & August 3, 2021 zoning amendments when "Exhibit 2C" from Sheila Kane proves Southern Shores did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b). A true and correct copy of Petitioner's email is attached hereto and marked "Exhibit E".
18. Wes Haskett refused to stop claiming he met/complied with notification requirements prior to the lot width amendment on June 6, 2023 and Wes Haskett and/or his attorney Lauren Womble also repeatedly claimed to satisfy notification requirements at the Variance Hearing on October 21, 2024.
19. At the Variance Hearing on October 21, 2024 Planning Board attorney Jay Wheless stated Petitioner was "accusing the whole town of impropriety" when Petitioner objected to attorney Jay Wheless and Wes Haskett's attorney Lauren Womble misrepresenting the language of the Town Notification requirement that posted notice must be at affected properties prior to zoning amendments at Town Code Sec. 36-414(b) when Petitioner stated the attorneys were colluding.
20. Wes Haskett's staff report claims "the district is intended to promote stable, PERMANENT NEIGHBORHOODS..." and then completely contradicts itself by arguing Petitioner's Variance for his subdivision should be denied because Petitioner can build an Accessory Dwelling Unit (ADU) when ADU's are known for short term vacation rentals.
21. Wes Haskett's staff report claims "the density of the population is managed" but contradicts hisself by refusing to approve a conditional subdivision plan limiting each of the (2) lots to seven occupants for a total of fourteen occupants when using Petitioner's lot for a single family home and ADU allows a total occupancy of twenty eight people (14 people at the home and 14 people at the ADU).
22. Petitioner entered into evidence (4) emails from Wes Haskett during May of 2023 (when posted notice was required at properties affected by his March 31, 2023 zoning amendment application) that prove Wes Haskett was being asked specifically about the 75 E Dogwood Trail lot subdivision and lot width requirements and Wes Haskett refused to tell Petitioner about the March 31, 2023 proposed zoning

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amendment to change lot width requirements. A true and correct copy of the exhibit entered into evidence is attached hereto as "Exhibit F".

23. On October 21, 2024 at the Variance hearing Petitioner proved Wes Haskett has an undisclosed special interest in Petitioner's property by getting Wes Haskett to admit that he did not allow Petitioner's side setback on his 50+ year old home to be considered "legally non-conforming" until June 5, 2024 which was one day after Petitioner emailed Wes Haskett a building permit application to remove the one foot of Wes Haskett's claimed "non-conforming" section of Petitioner's house and after months of Wes Haskett claiming there was a non-conforming setback preventing the subdivision so much that he even hired attorney Philip Hornthal to also contact Petitioner to claim the side setback prevented the subdivision. A true and correct copy of the documentation presented to Wes Haskett on October 21, 2024 as an Exhibit is attached hereto and marked "Exhibit G".

24. Planning Board Jay Wheless advised the Planning Board/Board of Adjustments that "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN" require the Planning Board/Board of Adjustments to grant Petitioner's Motion to Preclude Variance Hearing and Grant Petitioner's Variance.

25. Wes Haskett's lies that notification requirements were met/complied with prior to the June 6, 2023 and August 3, 2021 zoning amendments is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

26. Wes Haskett's refusal to tell Petitioner about his March 31, 2023 zoning Application in 4 emails responding to subdivision/lot width questions in May of 2023 (when posted notice at affected properties was required) is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

27. Wes Haskett's refusal to allow Town Code Section 36-132(c) and Section 36-132(c)(1) to admit Petitioner's house's setback is "legally non-conforming" for months until Petitioner filed a building permit to remove the 1' of house Wes Haskett claimed was non-conforming is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

28. Wes Haskett and his attorney Lauren Womble's argument on October 21, 2024 that notification requirements for the June 6, 2023 and August 3, 2021 zoning amendment were met/complied with when Southern Shores Public Records Request Response (Exhibit B) proves they were not is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

29. Wes Haskett's false report to law enforcement on May 21, 2024 found in "Exhibit C" (in violation of North Carolina Chapter 14 ss 14-225 false reports) is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

30. Wes Haskett's refusal to correct his wrong-doing as required by Southern Shores Town Code Ethics Policy #7 (found as Exhibit 6 of Petitioner's Variance Application) which states "I will respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen" is "RELEVANT, COMPETENT AND SUBSTANTIAL EVIDENCE OF NEGLECT, UNLAWFUL ACTS, CONSPIRACY AND INTENTIONAL MISCONDUCT ON THE PART OF THE TOWN".

31. A true and correct copy of Petitioner's "MOTION TO PRECLUDE VARIANCE HEARING SCHEDULED FOR OCTOBER 21, 2024 DUE TO SOUTHERN SHORES' CONSPIRACY TO FALSIFY MATERIAL INFORMATION TO THE PUBLIC AND PLANNING BOARD, GRANT APPLICANT'S VARIANCES FROM SECTION 30-96(f) AND SECTION 36-202(d) AND REFUND APPLICANT'S $350 VARIANCE APPLICATION FEE" is attached hereto as "Exhibit H".

32. A true and correct copy of Petitioner's Variance Application is attached hereto as "Exhibit I".

33. The previous owner of 75 E Dogwood Trail was able to negotiate an additional $75,000 from Petitioner in May of 2023 for the purchase of 75 E Dogwood Trail (when Petitioner's lot was subdividable, as proven with "Exhibit 1B" of Petitioner's Variance Application) because Wes Haskett did not have posted notice at 75 E. Dogwood Trail and refused to tell Petitioner about his March 31, 2023 zoning amendment application.

34. Wes Haskett communicated with the previous owner and the listing agent of 75 E. Dogwood Trail

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on and off the record about the lot subdivision, as proven with Exhibit 3 of Petitioner's Variance Application.

35. Wes Haskett's claim at paragraph 17(d) of the Order denying Variance that "On July 6, 2023, Mr. Mina was given the opportunity to rescind the offer to purchase the subject property with a full refund of his due diligence funds prior to closing on the subject property and declined to do so" is a fraudulently misrepresented fact because the truth is on July 5, 2023 Petitioner emailed the previous owner's attorney stating that if the real estate transaction was not legally conforming on July 7, 2023 Petitioner would be using the legal system to seek his damages the previous owner procured with fraud, including Wes Haskett's fraud. The previous owner did not offer a refund of Petitioner's legal costs, inspection fees or approximately $50,000 Petitioner was in the process of spending on his previous home in preparation for the move to 75 E. Dogwood Trail.

36. Wes Haskett is guilty of being a part of a false pretense real estate scam and Wes Haskett is guilty of false pretense theft for repeatedly forcing Petitioner to pay hundreds of dollars on subdivision applications and a Variance Application that require law, town code and facts to be used when deciding but providing Petitioner nothing but misrepresented facts and the use of zoning code Wes Haskett's knows are inapplicable for reasons including that a pre-requisite to the zoning code being enforced is the property owner being notified, which did not occur at 75 E. Dogwood Trail.

37. Planning Board Chairman Andy Ward agreed to comply with Southern Shores Town Ethic's policy when admitting he made a sign complaint against Petitioner for having a real estate sign in the right of way. Andy Ward did not make sign Complaints against other Southern Shores Property owners and a church that had signs in the "right of way" in locations you can not miss when coming and going from Dogwood Trail when the complaint was made against Petitioner. Petitioner did not ask Andy Ward to recuse his self from the Variance proceedings because he agreed to comply with Southern Shores Code of Ethics (Exhibit 6 of Petitioner's Variance Application).

38. Andy Ward has yet to comply with Southern Shores Code of Ethics.

39. The Planning Board/Board of Adjustment's November 19, 2024 Order is in violation of constitutional provisions including those protecting the right to hearing without fabricated evidence, false sworn testimony and due process violations, the decision is inconsistent with applicable procedures specified by statute and ordinance, the decision is affected by error of law and the decision is unsupported by substantial competent evidence (the decision is based on ridiculous amounts of Wes Haskett's lies).

WHEREFORE, Petitioner respectfully requests this Honorable Court to REVERSE the decision of the Planning Board/Board of Adjustments, REMAND the case to Southern Shores, Request that the Dare County District Attorney's Office review this case and grant Petitioner other relief the court deems appropriate, such as a refund of Southern Shores filing fees and an order requiring Wes Haskett to pay Petitioner's legal costs.

December 18, 2024

Respectfully Submitted,

Anthony S. Mina
75 E Dogwood Trail
Southern Shores, NC 27949
610 842 3905
chestercountylawn@yahoo.com

EXHIBIT 3

NORTH CAROLINA

BOARD OF ADJUSTMENT

TOWN OF SOUTHERN SHORES

Case: VA-24-01

In Re: Application for a Variance by Anthony S. Mina for 75 East Dogwood Trail (Pin # 986817213502)

ORDER

THIS MATTER was heard before the Town of Southern Shores Board of Adjustment (the "Board") on October 21, 2024, after due notice as required by law was provided. At issue was the application for a variance (the "Application") by Anthony S. Mina for 75 East Dogwood Trail, Pin # 86817213502. Present were W. Jay Wheless, Board Attorney; Lauren Arizaga-Womble, Town Attorney; Wes Haskett, Deputy Town Manager/Planning Director; and the Applicant, Anthony S. Mina, appearing pro se. Jennifer L. Franz was sent notice of the hearing, but did not appear.

On October 15, 2024, Mr. Mina submitted a motion to preclude variance hearing scheduled for October 21, 2024 due to Southern Shores' alleged conspiracy to falsify material information to the public and Planning Board, grant applicant's variance from section 30-96(f) and section 36-202(d) and refund applicant's $350 variance application fee. ("motion to preclude").

Prior to the commencement of proceedings, the Board Attorney, Mr. Wheless, made a conflict inquiry of the Board. There were no conflicts noted. It was documented Chairman Ward previously made a complaint to Town Staff regarding potential sign posting violations at or near the subject property after Chairman Ward was notified of the same by community members. Chairman Ward did not participate in enforcement or have any other involvement regarding the Applicant or subject property following the written complaint. Chairman Ward confirmed he could be fair and impartial and had no preconceived opinions regarding the variance requests before the Board. There was no objection by any party regarding the impartiality of any member of Board.

"EXHIBIT A"

At the time this matter was called for hearing, Mr. Mina requested the Board first consider his motion to preclude. The Board considered this request and then tabled ruling on the motion to preclude until the end of the hearing, following the full presentation of evidence. All parties consented to this procedure.

Based on a review of the record proper and the evidence and arguments presented, the Board of Adjustment makes the following:

FINDINGS OF FACT

1. Anthony S. Mina and Jennifer L. Franz are the owners of record for 75 East Dogwood Trail. The property was purchased on July 7, 2023.

2. The subject property is a 47,000 square foot lot with an existing single-family residence thereon. The property is zoned RS-1, single-family residential.

3. Mr. Mina testified that prior to executing a contract for the subject property, he communicated with Town Staff and realtors about his desire to subdivide the property. Both Town Staff and the realtors reported to Mr. Mina it may be possible, but he must submit a proposed plan at the time of the formal subdivision application.

4. On June 1, 2023, Mr. Mina became aware of the proposed Town Code text amendment to establish a minimum lot width of 100 feet in Town Code Section 36-202(d). The Amendment was adopted by Town Council on June 6, 2023, and Mr. Mina was notified of the change on June 7, 2023.

5. On July 6, 2023, the seller of the subject property offered Mr. Mina an option by the seller of the subject property an option to terminate the contract with a full refund of due diligence money due to the change in the Town Code and the impact it could have on a potential

"EXHIBIT A"

subdivision of the property. On July 7, 2023, Mr. Mina declined the offer and proceeded with the closing.

6. On July 3, 2024, Mr. Mina submitted two applications to subdivide the subject property.

7. On July 16, 2024, the Town denied both applications. The first application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-96(f), which requires both lots front a public road. The second application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97, which requires lot width of 100 feet in the RS-1 Single-Family Residential zoning district. The denials were not appealed by Mr. Mina.

8. On August 30, 2024, Mr. Mina, filed a variance application seeking relief from Town Code Section 30-96(f), Lots, or Town Code Section 36-202(d), Dimensional Requirements, to facilitate the subdivision of the subject property.

9. The current standards in Town Code Section 30-96(f) and Town Code Section 36-202(d) were adopted on August 3, 2021, and June 6, 2023, respectively. The aforesaid Town Code sections remain in full force and effect.

10. Mr. Mina desires to subdivide the property, sell the new lot and use the proceeds to upgrade his residence. Mr. Mina has experience in home renovations and has engaged in substantial home makeover projects in Pennsylvania. Mr. Mina testified that he is familiar with complying with local code standards. Mr. Mina contends the inability to subdivide his property creates a personal financial hardship.

11. Mr. Mina contends his variance should be summarily granted in his motion to preclude in that:

"EXHIBIT A"

a. He was told by Outer Banks Realty that a subdivision was possible;

b. Wes Haskett did not tell him about the Town Code Text Amendment to Section 36-202(d) until June 1, 2023;

c. Southern Shores did not comply with notice requirements for Town Code Section 30-96(f) and Town Code Section 36-202(d) in that Wes Haskett did not give notice to the U.S. Army's Duck Facility and he did not post notice pursuant to Town Code Section 36-414(b);

d. Wes Haskett has made false reports to law enforcement agencies;

e. Wes Haskett, Cliff Ogburn and Town Attorney, Phil Hornthal, are violating federal law, state law and the Southern Shores Town Code and Ethics Policy;

f. Wes Haskett's staff report is false; and

g. Southern Shores lacks jurisdiction and forcing Applicant to pay $350 for a variance hearing substantiates a criminal conspiracy to steal $350 from Applicant and harass applicant with unenforceable codes.

12. There has been no competent evidence presented to support Applicant's motion to preclude. There is no evidence of fraud, criminal conspiracy or misconduct by Town Staff.

13. There is no legal authority upon which the Board can grant Applicant's motion to preclude to avoid Town Code and state law requirements to consider and grant a variance.

14. Applicant's motion to preclude should be denied.

15. There is no unnecessary hardship that results from the strict application of the ordinance in that:

a. The property is zoning single-family residential and there exists a single-family residence on the property;

"EXHIBIT A"

b. Mr. Mina's desire to upgrade and improve the existing structure is not restricted by the ordinance sections from which he is requesting a variance;

c. The size of Mr. Mina's parcel could allow for an accessory building with living space in addition to the single-family dwelling, which could also increase the value of his property;

d. There are other expansions in use or site improvements which could be made to Mr. Mina's property without a variance; and

e. Other than his unsubstantiated allegations of fraud and conspiracy, the only hardship alleged by Mr. Mina is financial in that he cannot subdivide his property, sell the new lot, and use the proceeds to upgrade his home.

16. Mr. Mina's alleged hardship does not result from conditions that are peculiar to the property, such as location, size or topography in that:

a. The subject property is approximately 47,000 square feet with approximately 150 foot of road frontage;

b. The subject property is similar to other properties in the neighborhood, including but not limited to being located near/on the canal and lagoon and zoned single-family residential;

c. Mr. Mina's alleged hardship is financial and one of personal circumstances;

d. The ordinance sections Mr. Mina seeks to vary are applicable to all residential parcels in the Town, whereby the conditions which prevent the subdivision are common to the neighborhood and general public; and

"EXHIBIT A"

e. Mr. Mina alleges Town Staff is engaged in a real estate scam, multiple conspiracies and fraud. These allegations are not relevant to the standards for a variance and there is no evidence of the same.

17. The alleged hardship is a result of actions taken by the applicant or property owner in that:

a. Mr. Mina contends the alleged hardship was created by the Town through illegally adopting the Town Code sections he seeks to vary. The current standards in Town Code Section 30-96(f) and Town Code Section 36-202(d) were lawfully adopted on August 3, 2021, and June 6, 2023, respectively;

b. Town Staff conducted preliminary reviews of several sketches from Mr. Mina for a subdivision of the subject property between May 1, 2023 and June 1, 2023. Town Staff provided advisory comments to Mr. Mina and advised a formal application would be required to determine if his proposed subdivision was allowable;

c. On June 1, 2023, Town Staff notified Mr. Mina of the proposed Town Code text amendment to establish a minimum lot width of 100 feet in Town Code Section 36-202(d). The Amendment was adopted by Town Council on June 6, 2023, and Mr. Mina was notified of the adopted change on June 7, 2023;

d. On July 6, 2023, Mr. Mina was given an opportunity to rescind the offer to purchase the subject property with a full refund of his due diligence funds prior to closing on the subject property and declined to do so; and

e. On July 7, 2023, Mr. Mina proceeded with the purchase of the subject property with specific knowledge of town regulations, and did not make his purchase contingent on subdivision approval.

"EXHIBIT A"

18. The requested variance is inconsistent with the spirit, purpose, and intent of the ordinance in that:

a. RS-1, single- family residential zoning district is established to provide for low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area;

b. RS-1 is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses;

c. The Town Code meets the intent of the RS-1, the density of population in the district is managed by establishment of minimum lot sizes, building set back and height limits, parking regulations and maximum occupancy limits for single-family residences used as vacation cottages;

d. Town Code Section 30-96(f) was adopted on August 3, 2021, removing the possibility of creating lots that only have frontage on an access easement. The intent of the Town Code amendment was to eliminate subdivisions where new lots did not have frontage on a public street; and

e. Town Code Section 36-202(d) was adopted on June 6, 2023, to clarify the definition of lot width to be 100-foot wide measured from the front lot lines at right angles to the rear lot line. The intent of the Town Code amendment was to clarify the Town Code lot width requirements which was prompted by an appeal of a formal staff determination in October 2022.

"EXHIBIT A"

Based on the foregoing Findings of Fact and the additional findings of fact incorporated with the following Conclusions of Law, the Board makes the following:

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear and consider the Application.

2. Notifications of the hearing on the Application were appropriately provided as required by law.

3. The parties consented to the individual members of the Board hearing the application after inquiries regarding members conflicts of interest.

4. There is no legal authority upon which the Board can grant Applicant's motion to preclude to avoid Town Code and state law requirements to consider and grant a variance.

5. Applicant's motion to preclude should be denied.

6. Unnecessary hardship would not result from the strict application of the Town Code.

7. The alleged hardship is not a result of conditions that are peculiar to the property, such as location, size, or topography.

8. The alleged hardship is a result of actions taken by the applicant or the property owner.

9. The requested variance is inconsistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice would not be achieved if a variance was granted.

10. The requested variance will not authorize the initiation of a nonconforming use of land.

"EXHIBIT A"

11. The Board acknowledges that there are or may be numerous conclusions of law set forth in the section of this Order denominated "Findings of Fact," and the Board hereby ratifies and accepts any such conclusions of law contained in the same.

Based on the foregoing Findings of Fact and Conclusions of Law, it is, therefore, **ORDERED, ADJUDGED, and DECREED, by a unanimous vote, the Applicants' Motion to Preclude and Application for Variance request are DENIED.**

Entered in open session the 21st day of October 2024 and signed this 19th day of November 2024.

ANDY WARD, Chairman
Town of Southern Shores
Board of Adjustment

"EXHIBIT A"

CERTIFICATE OF SERVICE

I, Wes Haskett, Deputy Town Manager/Planning Director of the Town of Southern Shores, do hereby certify that a copy of the Order to Deny Applicant's Motion to Preclude and Application for Variance Request submitted by Anthony S. Mina to seek relief from Town Code Section 30-96(f), Lots and Town Code Section 36-202(d), Dimensional Requirements to allow a subdivision of the property located at 75 E. Dogwood Trl. hereto attached was mailed via certified U.S. mail to the persons listed below at the addresses indicated on the 19th day of November, 2024.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949
Phone: (252) 261-2394
Fax: (252) 255-0876

SERVED:

Mina, Anthony Stocker
75 E. Dogwood Trl.
Southern Shores, NC 27949

Franz, Jennifer Lynn
75 E. Dogwood Trl.
Southern Shores, NC 27949

"EXHIBIT A"

Public Records Request Regarding TCA-21-06 and ZTA-23-03

chestercountyla.../Inbox

Sheila Kane <skane@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 20 at 5:07 PM

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03. **NOT REQUIRED**

2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.

    1 **Coastland Times Advertisement invoices and copies of notices are attached. A ½ of a page size is NOT REQUIRED**

3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
    1 **Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.**

4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
    1. **NOT REQUIRED**
    2. **Communication with one property owner attached (Anthony Mina).**

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax

11 Files 13.9MB

"EXHIBIT B"

RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Divisio
n

chestercountyfa.../inbox

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountytown@yahoo.com>
Cc: David Kale <dkale@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>, Phillip Hornthal <phornthal@hwm.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

May 21 at 2:27 PM

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.

(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section _____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ..." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.

(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given once a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.

(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 18, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1956. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $300.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (pr)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <[redacted]>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <[redacted]>; Phillip Hornthal <[redacted]>
Cc: David Kale <[redacted]>; David Kale <[redacted]>; Elizabeth Morey <[redacted]>; Phillip Hornthal <[redacted]>; Cliff Ogburn <[redacted]>; Jonathan Siegel <[redacted]>; Matt Cooke <[redacted]>; Eric Brinkley <[redacted]>; Darrell Brothouse <[redacted]>; Tracy Mann <[redacted]>; Chris Simpson <[redacted]>; Richard Deaner <[redacted]>; Thomas Long <[redacted]>; Jason Thompson <[redacted]>; Andrew Spetlewski <[redacted]>; Jennifer Couture <[redacted]>; Pitt <[redacted]>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <[redacted]>; Elizabeth Morey <[redacted]>; Jasper Rogers <[redacted]>; cparks@kittyhawktown.net; cparks@kittyhawktown.net; Casey Varnell <[redacted]>; Mike Tilley <[redacted]>; mike.pallovitz@kittyhawktown.net; mike.pallovitz@kittyhawktown.net; chambers_of_chief_judge_sanchez@ped.uscourts.gov; chambers_of_judge_edward_g_smith@ped.uscourts.gov; chambers_of_judge_rapp@ped.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@ped.uscourts.gov; chambers_of_judge_timothy_j_savage@ped.uscourts.gov; Dylan <[redacted]>; ccommissioners@chesco.org; ccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Matsovits <[redacted]>;

"EXHIBIT C"

mkichline@chesco.org;
Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2994 or [redacted] if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crossroad) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

My concerns are the following:

Wes Haskett and Philip Hornthal are not in touch with reality and a danger to other people's physical and emotional well being. Wes Haskett has refused to answer how he believes he is legally changing land use with a zoning amendment since last summer. Changing land use from a 2 single home property (with a subdivision by right) to a 1 single home property causes land value monetary damages to some Southern Shores tax payers of significantly more than $100,000. In the real world $100,000 is easily the difference between life and death. $100,000 can be the difference between the medical care someone needs and accepting that their life is coming to an end. If you walk into a bank demanding $100,000 you are lucky if you are not killed. Wes Haskett and Philip Hornthal refuse to explain how they legally think they can cause some Southern Shores home owners more than $100,000 in monetary damages with a zoning code amendment which changes land use. Applicant without a doubt will not be committing any crimes in response to Wes Haskett and Philip Hornthal stealing land value from Southern Shores home owners, but has serious concerns that Wes Haskett and Philip Hornthal are a danger to the physical and emotional well being of others and should be involuntarily committed to a psychiatric hospital for evaluation. Applicant will give Wes Haskett and Philip Hornthal 48 hours to explain how they legally are changing land use without an eminent domain transaction and highly suggests law enforcement not to wait half as long.

Anthony Stocker Milne

PS When I testified in front of Federal Judge Edward G Smith against Chester County's labor trafficking conspiracy against me I explained that the conspirators designed me a spin move. 172 and 174 S. Dogwood Trail appear to me to be another example of the pre-meditated conspiracy which I am expected to use certain evidence against corruption a specific way. I will let law enforcement figure out if the home owners are pawned because of meanings within their names or play a role in the conspiracy that repeatedly forces me in the middle of government scandals as a way of hiding Pennsylvania's corruption like I am their undercover internal affairs guerilla. Since there is a white crossroad at 172 S. Dogwood Trail and I live in the Dick White house I feel like I am being forced in the middle of a whole lot of crossing without being paid (as Wes Haskett tries stealing more than $100,000 of land value from my family).

----- Forwarded Message -----
From: Anthony Milne <[redacted]>
To: "dkole@southernshores-nc.gov" <[redacted]>; "dkole@southernshores-nc.gov" <[redacted]>; Elizabeth Morey <[redacted]>; Phillip Hornthal <[redacted]>; Cliff Ogburn <[redacted]>
Cc: "jsiegel@southernshores-nc.gov" <[redacted]>; "mcooke@southernshores-nc.gov" <[redacted]>; "mkirkley@southernshores-nc.gov" <[redacted]>; "dbrickhouse@southernshores-nc.gov" <[redacted]>; "tmunn@southernshores-nc.gov" <[redacted]>; "clampson@southernshores-nc.gov" <[redacted]>; "mleaner@southernshores-nc.gov" <[redacted]>; "tlong@southernshores-nc.gov" <[redacted]>; "jthompson@southernshores-nc.gov" <[redacted]>; FBI <[redacted]>; "jscottwood@southernshores-nc.gov" <[redacted]>; "jcouture@southernshores-nc.gov" <[redacted]>; "olivia.s.hines@nccourts.org" <[redacted]>; "olivia.s.hines@nccourts.org" <[redacted]>; Andrew C. Powell <[redacted]>; Elizabeth Morey <[redacted]>; Jasper Rogers <[redacted]>; "cgarries@kittyhawktown.net" <[redacted]>; "cgarries@kittyhawktown.net" <[redacted]>; Casey Varnell <[redacted]>; Mike Talley <[redacted]>; "mike.palkovics@kittyhawktown.net" <[redacted]>

"mike.palkovics@kittyhawktown.net" <[redacted]>

"chambers_of_chief_judge_sanchez@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_edward_g_smith@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_pappert@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_timothy_j_savage@paed.uscourts.gov" <[redacted]>; Dryan <[redacted]>; "cccommissioners@chesco.org" <[redacted]>; "cccommissioners@chesco.org" <[redacted]>; "jmaxwell@chesco.org" <[redacted]>; "jmaxwell@chesco.org" <[redacted]>; Marian Moskowitz <[redacted]>; "mkichline@chesco.org" <[redacted]>; "mkichline@chesco.org" <[redacted]>; Wes Haskett <[redacted]>

Sent: Friday, May 17, 2024 at 05:35:05 PM EDT
Subject: Criminal Conspiracy Being Committed By Wes Haskett And Southern Shores

Dear Law Enforcement,

"Exhibit C"

STAFF REPORT

To: Southern Shores Planning Board
Date: October 21, 2024
Case: VA-24-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Property Owners: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Requested Action: Variance to seek relief from Town Code Section 30-96(f), Lots and Town Code Section 36-202(d), Dimensional Requirements to allow a subdivision of the property located at 75 E. Dogwood Trl.

PIN #: 986817213502
Location: 75 E. Dogwood Trl.
Zoning: RS-1 Single-Family Residential District

Existing Land Use: "Residential"

Surrounding Land Use & Zoning:

North- Residential; RS-1, Single-Family Residential District
South- Canal
East- Residential; RS-1, Single-Family Residential District
West- Canal

Physical Characteristics: Developed (existing single-family dwelling)

Applicable Regulations: Chapter 30, Subdivision Ordinance: Section 30-6, Exceptions, Section 30-96(f), Lots and Section 30-97, Design Standards. Chapter 36, Zoning Ordinance: Section 36-57, Definition of Specific Terms and Words, Section 36-202(d), Dimensional Requirements, and Article XII, Board of Adjustment

ANALYSIS

The Applicant is requesting a Variance to seek relief from Town Code Section 30-96(f) and 36-202(d) to allow a subdivision of 75 E. Dogwood Trl. On July 3, 2024, the Applicant submitted two applications to subdivide the subject property. The first application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because both lots did not front upon a public road. Town Code Section

"EXHIBIT D"

30-96(f) states that all lots shall front upon a public road. The denial was not appealed.

The second application was also denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2). Specifically, the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district and as a result did not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots did not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

The denial was not appealed.

In accordance with N.C.G.S. 160D-705(d), Town Code Section 36-367 in the Town's Zoning Ordinance establishes that the Planning Board, when performing the duties of the Town Board of Adjustment, shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.

- There is no unnecessary hardship. The property is zoned single-family residential. There is a single-family dwelling which exists on the property. The Applicant's desire to upgrade and improve the existing structure is not restricted by the ordinance sections sought to be varied. Additionally, the size of the lot could allow for an addition to the existing single-family dwelling and/or an accessory building with living space which could also increase the value of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

- The alleged hardship by the Applicant is not peculiar to the property and rather is one of personal circumstances. The Applicant's application fails to demonstrate how the alleged hardship is peculiar to the property. The Applicant makes false allegations that Town Staff illegally adopted zoning requirements and was helping a real estate scam which are not related to the property's size, location, or topography.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- The Applicant claims that the unnecessary hardship is the result of Town Staff not meeting notification requirements for a Town Code Text Amendment that was

EXHIBIT D"

adopted on August 3, 2021 and a Zoning Ordinance Text Amendment that was adopted on June 6, 2023 and because Town Staff withheld material information prior to the Applicant's purchase of the property.

- All applicable notification requirements established in N.C.G.S 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Text Amendment. Neither amendment was appealed.
- Town Staff reviewed several sketches showing the Applicant's ideas for a subdivision of the property between May 1, 2023 and June 1, 2023 and never confirmed that any of them met all applicable requirements (which would have been advisory and not subject to judicial review). The Applicant moved forward with the purchase of the property on July 7, 2023.

(4) The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

- The RS-1, Single-Family Residential zoning district is established to provide for the low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area. The district is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses. In order to meet this intent, the density of population in the district is managed by establishment of minimum lot sizes, building setback and height limits, parking regulations and maximum occupancy limits for single-family residences used as vacation cottages.
- The Applicant claims that the spirit, purpose, and intent of the ordinance will be able to be utilized by granting a Variance from illegally adopted zoning code(s) and because Town Staff is involved with a false pre-tense real estate scam.
  - The Town Code Tex Amendment that was adopted on August 3, 2021 removed the possibility of creating lots that only have frontage on an access easement. The intent of the Town Code Text Amendment was to eliminate the possibility of subdividing property that did not have frontage on a public street, as directed by the Town Council at the June 1, 2021 Town Council meeting, which was a result of a preliminary subdivision plat application that was considered by the Town Council on June 1, 2021.
  - The Zoning Ordinance Text Amendment that was adopted on June 6, 2023 established that lots created after June 6, 2023 in the RS-1, Single-Family Residential zoning district shall be 100 ft. wide measured from the front lot line at right angles to the rear lot line. The intent of the Zoning Ordinance Text Amendment was to clarify the Town's lot width requirements by making them unambiguous, as directed by the Town Council at the March 21, 2023 Town Council meeting, which was a result of an appeal application that was considered by the Planning Board, performing the duties of the Board of Adjustment, on October 5, 2022.
  - Town Staff believes that granting the requested Variance would be inconsistent with the spirit, purpose, and intent of the ordinance.

"EXHIBIT D"

75 E. Dogwood Trl. Variance Materials With False Information From Wes Haskett

chestercountyla.../Sent

Anthony Mina <chestercountylawn@yahoo.com>
To: Cliff Ogburn <cogburn@southernshores-nc.gov>, Wes Haskett <whaskett@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>, Norwood Blanchard <norwood@cmclawfirm.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Andrea C. Powell <andrea.powell@nccourts.org>, olivia.s.hines@nccourts.org, olivia.s.hines@nccourts.org, FBI <philadelphia.complaints@ic.fbi.gov>

Oct 15 at 9:58 AM

Mr. Haskett,

Thank you for the email.

Could you please rescan my Variance Application so the last sentence on page 2 which states "Wes Haskett started communicating with Applicant on May 1, 2023 and his withholding of material information allowed the previous owner to negotiate an additional $75,000 from applicant." is not cut off from my Variance Application.

Could you please provide me a staff report that does not falsely claim all town and state notification requirements were met when making the June 6, 2023 & August 3, 2021 zoning amendments when "Exhibit 2C" from Sheila Kane proves Southern Shores did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b).

Could you please define the "spirit" of the town code for me?

Exhibit 6 of my Variance Application is the Code of Ethics for Town of Southern Shores Employees and since May 1, 2023 Wes Haskett and people working with Wes Haskett have refused to comply with:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of Southern Shores taxpayers in mind in the expenditure of these funds.

Being forced to spend $350 to ask for a variance from illegally adopted zoning codes violates theft and conspiracy laws. To me, the spirit of the town code should mean town employees/town council are attempting to preserve and enhance the natural beauty of Southern Shores with ethical standards meeting the town ethics policy. So far, Wes Haskett, Cliff Ogburn and Philip Hornthal have not done anything but hide pertinent information from property owners and when they were caught continued their deception of property owners in reports to people including law enforcement and the planning board.

Thank you,
Anthony S Mina

----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Sent: Monday, October 14, 2024 at 03:59:17 PM EDT
Subject: 75 E. Dogwood Trl. Variance Materials

Good afternoon, Mr. Mina. Please find the attached materials for your Variance application. Do you have an email address for Ms. Franz that I can use to send her the materials since she is a property owner who did not submit the application?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

5 Files 11.4MB

"EXHIBIT E"

RE: 75 E Dogwood Trail Subdivision

A

chestercountyla.../Inbox

Jun 1, 2023 at 9:44 AM

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor. However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

Wes Haketts July 16th, 2024 sub-division denial (variance "Exhibit 1B") confirmed lot widths met town code as the drawing referenced in this email was provided on a plat prepared by a surveyor and is found as Variance "EXHIBIT 2B"

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

On Tuesday, May 30, 2023 at 04:41:19 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. Thank you for sending the drawing. How much frontage would Lot B have and at what point is it 100 ft. wide?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT ADMITTING ON JUNE 1, 2023 THE LOT WIDTH REQUIREMENTS FOR A SUBDIVISION WERE MET, BUT THEN TELLING APPLICANT FOR THE 1ST TIME THAT LOT WIDTH REQUIREMENTS OF 100' AT THE FRONT BUILDING SETBACK LINE WERE BEING CHANGED ON JUNE 6, 2023 TO REQUIRE THE ENTIRE LOT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

I really only want enough street frontage to build some walls at the beginning of the driveway like in the attached picture. I'll be able to give you a much more accurate subdivision plan after I purchase 75 E Dogwood Trail and get some legal advice about all my possible subdivision plans. But I am thinking that I may want both lots sharing one driveway opening that I own, if zoning code allows a subdivision plan like this (if not Lot A could use the existing driveway).

TO BE 100' WIDE. (ATTACHMENT EXPLAINED PRO... ZONING AMENDMENT "EXHIBIT F"

Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

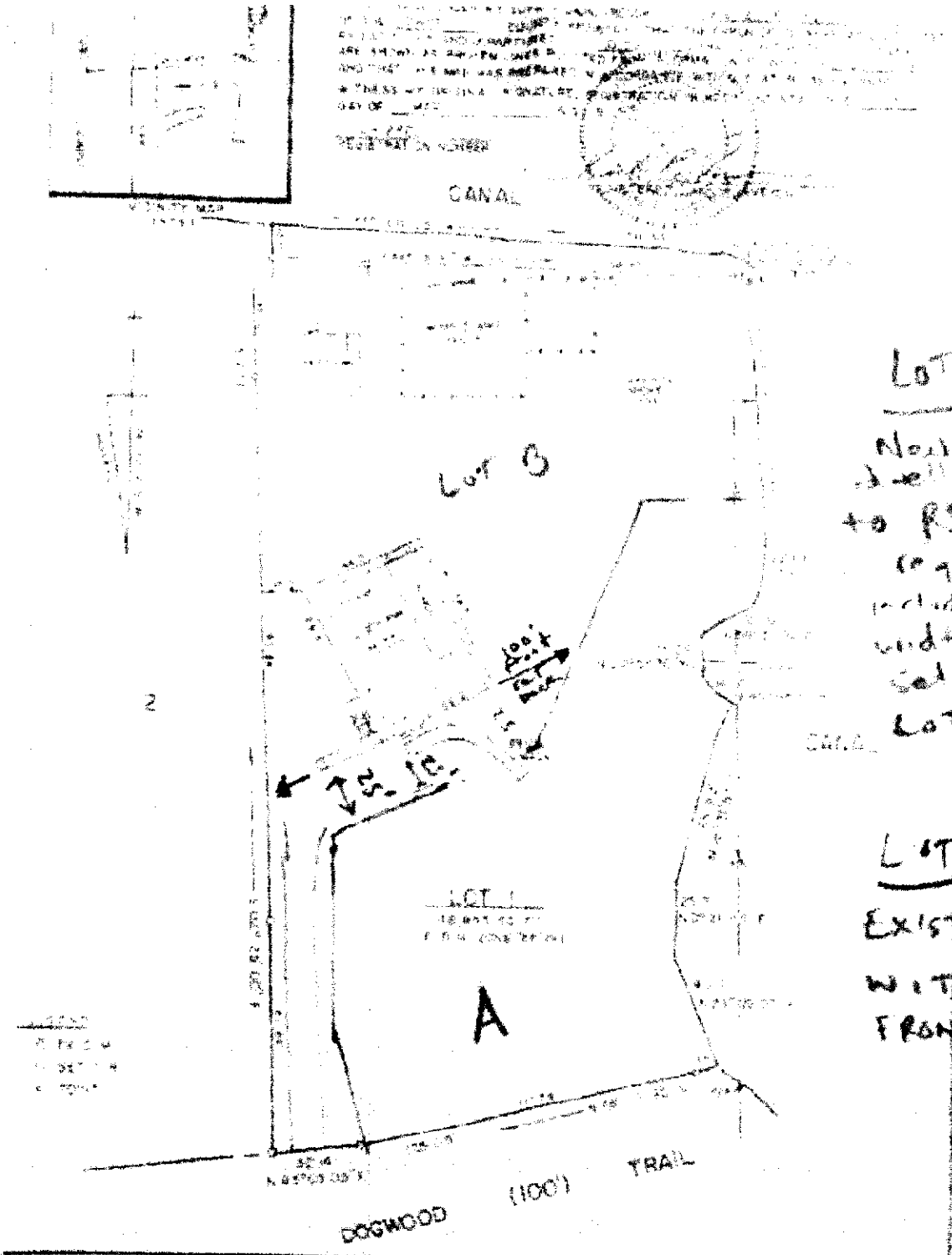
Thank you for your help.

Anthony S Mina

1 File 2.2MB

5-16-23 ZTA-23-03 Lot Width.pdf
2MB

"EXHIBIT F"



LOT A

New single family dwelling proposed to R3P zoning requirements, including 100' lot width at front set back

Lot size: 20,000 sq ft

LOT B

EXISTING HOME WITH STREET FRONTAGE

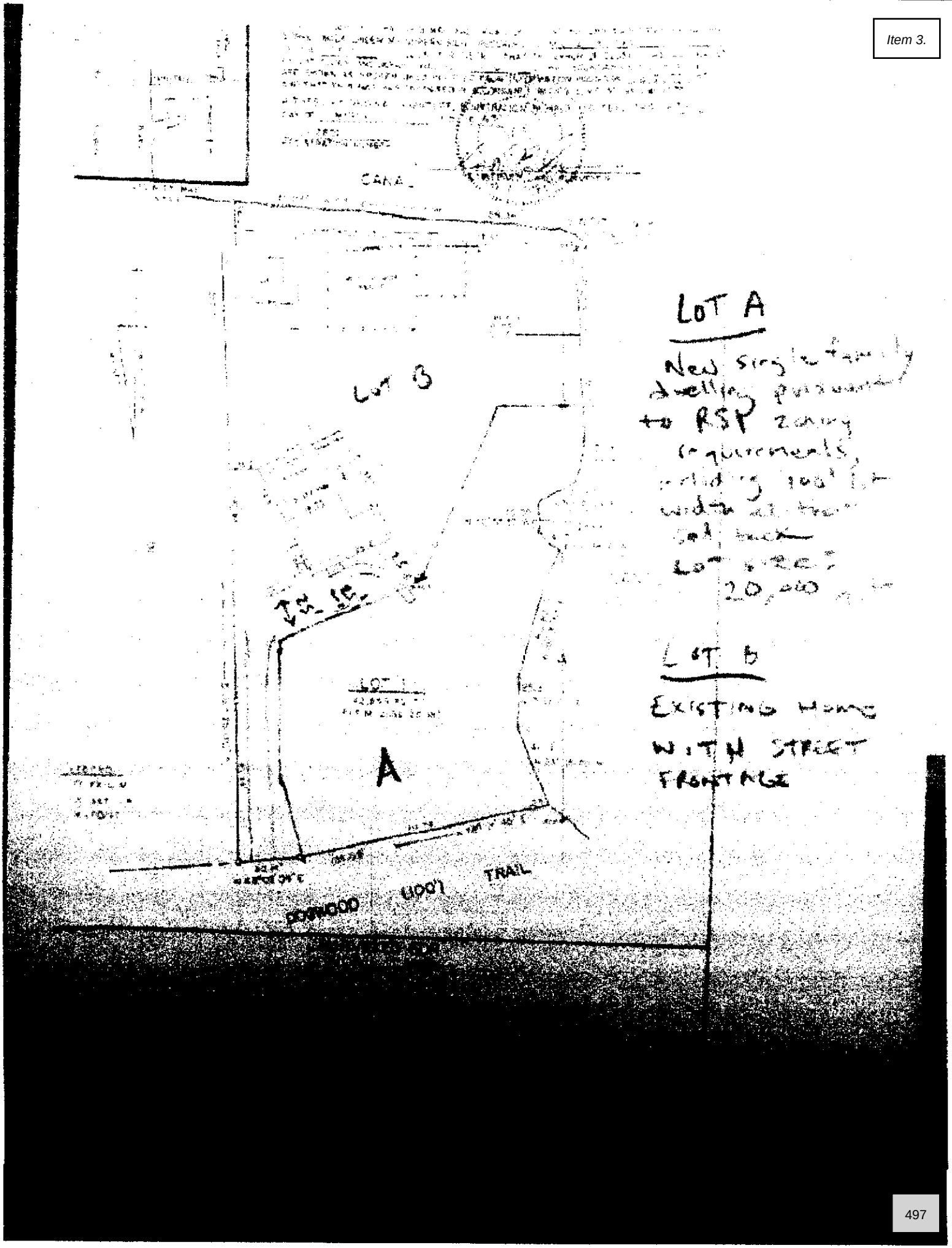
SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 105
SOUTHERN SHORES
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA

DATE MARCH 6, 1997	SCALE 1" = 40'
DEED BOOK 372 PAGE 182	DR. BY BSH
PLAT BOOK 3 PAGE 122	
P.I.N. 98738430 0001 (4/8/98)	
FILE #	

KIRK R. FOREMAN
LAND SURVEYING COMPANY
P.O. BOX 1861
KILL DEVIL HILLS, NC 27948
(919) 261-1221

SUBDIVISION LINES NOT TO SCALE

"EXHIBIT F"


CANAL
LOT A
New single family dwelling pursuant to RSP zoning requirements, existing 100' lot width and front lot line
LOT B
EXISTING HOME WITH STREET FRONTAGE
Lot 3
A
TRAIL
POSWOOD

RE: 75 E. Dogwood Trail Subdivision

chestercountyla.../Inbox

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

May 23, 2023 at 2:15 PM

Good afternoon. I had a good weekend and I hope the same for you. Purchasing land from the adjacent property owner (both properties and structures meet all requirements) or removing a portion of the building would resolve the setback issue. Can you please explain or show on a drawing how the Town's 100 ft. lot width requirement would be satisfied for both lots?

WES HASKETT
HIDING JUNE 6, 2023
LOT WIDTH AMENDMENT

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 22, 2023 12:41 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Subdivision

Hello,

I hope you had a good weekend.

I am writing you again about 75 E. Dogwood Trail. I apologize if I am asking a lot of questions. My last job in Pennsylvania was building an addition onto a house on a non-conforming lot and I feel like the job went smoothly because I asked the building inspector lots of questions before I even started getting my building plans (and as of right now, I still don't even live at 75 E Dogwood Trail).

Can I ask you how you would suggest I go about subdividing 75 E. Dogwood Trail if it was your property and you wanted to make it two properties (or how you think the smartest way to get Southern Shores approval would be)?

I believe my options are (assuming the house is 14' from the 73 E. Dogwood Trail property line):
- Remove one foot of the existing home (the back left corner of the home) and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

-Apply for a variance and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

-Purchase a few square feet of property from 73 E. Dogwood Trail so the property line angles around the house of 75. E Dogwood Trail so there is at least 15' between the house and property line. Some examples of property lines literally wrapping around houses like I am describing are at. 233 N Dogwood Trail and 378 Sea Oats Trail. Then the lot would then again be subdivided with a "flag lot" in the back.

Thank you for your help,
Anthony S Mina

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https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=login&mail_id=1684223651-ibKIy-23fx/SA/c_address=whaskett%40southernshores-nc.gov&report=1

"EXHIBIT F"

Re: 75 E. Dogwood Trail Zoning Question

chestercountyla.../Sent

Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>

May 18, 2023 at 2:54 PM

Thank you for your help. I am not going to ask to meet with you next Tuesday to review my prosposed subdivision for 75 E. Dogwood Trail, but I hope to provide you the drawing of the subdivision before then. I will talk to you soon. Anthony S Mina

On Thursday, May 18, 2023, 01:51:04 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. See my responses below.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT HIDING JUNE 6, 2023 PROPOSED LOT WIDTH AMENDMENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 17, 2023 12:18 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Hello,

Thank you for your help.

-Could you please tell me which ordinance I need to read to understand the zoning requirements for subdividing a lot that has an existing structure that could possibly be 14' from the property line. See Town Code Section 30-97(2): https://library.municode.com/nc/southern_shores/codes/code_of_ordinances?nodeId=PTIICOOR_CH30SU_ARTIVMISTDEGE_S30-97DEST.

-Could you also please tell me about Southern Shores' procedure for asking Southern Shores to make an exception to their local code. For example, if I hired an attorney to file my applications and ask Town Council or Dare County to approve the subdivision. An exception would be in the form of a Variance. Our Town Planning Board considers Variances which are only granted if the applicant can demonstrate that there is a hardship involved if a Variance is not granted. See attached application which includes questions that address the criteria for granting a Variance.

75 E. Dogwood Trail can be divided so each property has street frontage and a 100' lot width at the front of the building (by making the existing lot similar to a "flag lot"). I would just prefer not to literally remove 1' of the existing home if the home was really built 14' from a property line that required 15'. Please submit a drawing showing what you have in mind, including the existing structure and measurements from existing and proposed property lines.

If you would like, I am available to meet with you to make sure I am creating a subdivision plan consistent with other approved subdivisions and existing zoning requirements. I am available to meet next Tuesday at 10:30 or 2:00 if you'd like to meet to discuss and review your drawing.

Thank you,
Anthony S Mina

On Wednesday, May 17, 2023, 11:31:21 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Anthony. I'm doing well and I hope the same for you. I don't believe that creating two lots that front E. Dogwood Trl. would work either, unfortunately. This is due to our minimum lot width requirement which is 100 ft. so both lots would have to be 100 ft. wide and front E. Dogwood Trl. However, I'd be glad to take a look at a sketch if you'd like to draw what you have in mind. The other issue is the existing structure not being at least 15 ft. from the side property line. Our ordinance requires compliance with all zoning requirements whenever new lots are created.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT HIDING JUNE 6, 2023 PROPOSED LOT WIDTH REQUIRENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, May 16, 2023 11:51 AM

"EXHIBIT F"

To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Good Morning,

I hope you are doing good. I'm a little confused about the Southern Shores local codes governing subdivision plans. Can you tell me why 75 E. Dogwood Trail could not be divided so each of the (2) new lots has street frontage. There is about 155' of street frontage and it does not matter to me if the lots shared the driveway or each had their own driveway. I believe that a second house could be built at 75 E Dogwood Trail and positioned so each lot has at least a 75' width at the side of the house closest to Dogwood Trail.

Thank you for your help,
Anthony S Mina

On Monday, May 1, 2023, 01:54:54 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. I'm doing well and I hope the same for you. I don't think a subdivision of 75 E. Dogwood Trl. would be allowed per Town Code Section 30-96(f) in our Subdivision Ordinance which states: All lots shall front upon a public road. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 1, 2023 12:50 PM
To: Kevin Clark <kclark@southernshores-nc.gov>; Kevin Clark <kclark@southernshores-nc.gov>; Marcay Baum <mbaum@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Zoning Question

Hello,

I hope you are doing good.

I have attached a survey with a sketch of a proposed subdivision for 75 E. Dogwood Trail and wanted to make sure I am correct to believe that the lot can be subdivided as a right to the homeowner because the lot is larger than one acre. The only thing I noticed that did not meet the current zoning code requirements is a 14' setback from the existing home to the property line on the left side (I believe there should be 15').

Could you please tell me anything that would prevent me from subdividing the 75 E. Dogwood Trail lot so I could build another house. I do not own the property but have made an offer on the property.

Thank you,
Anthony S Mina

CC Ashton Harrell, MM & J Law Firm

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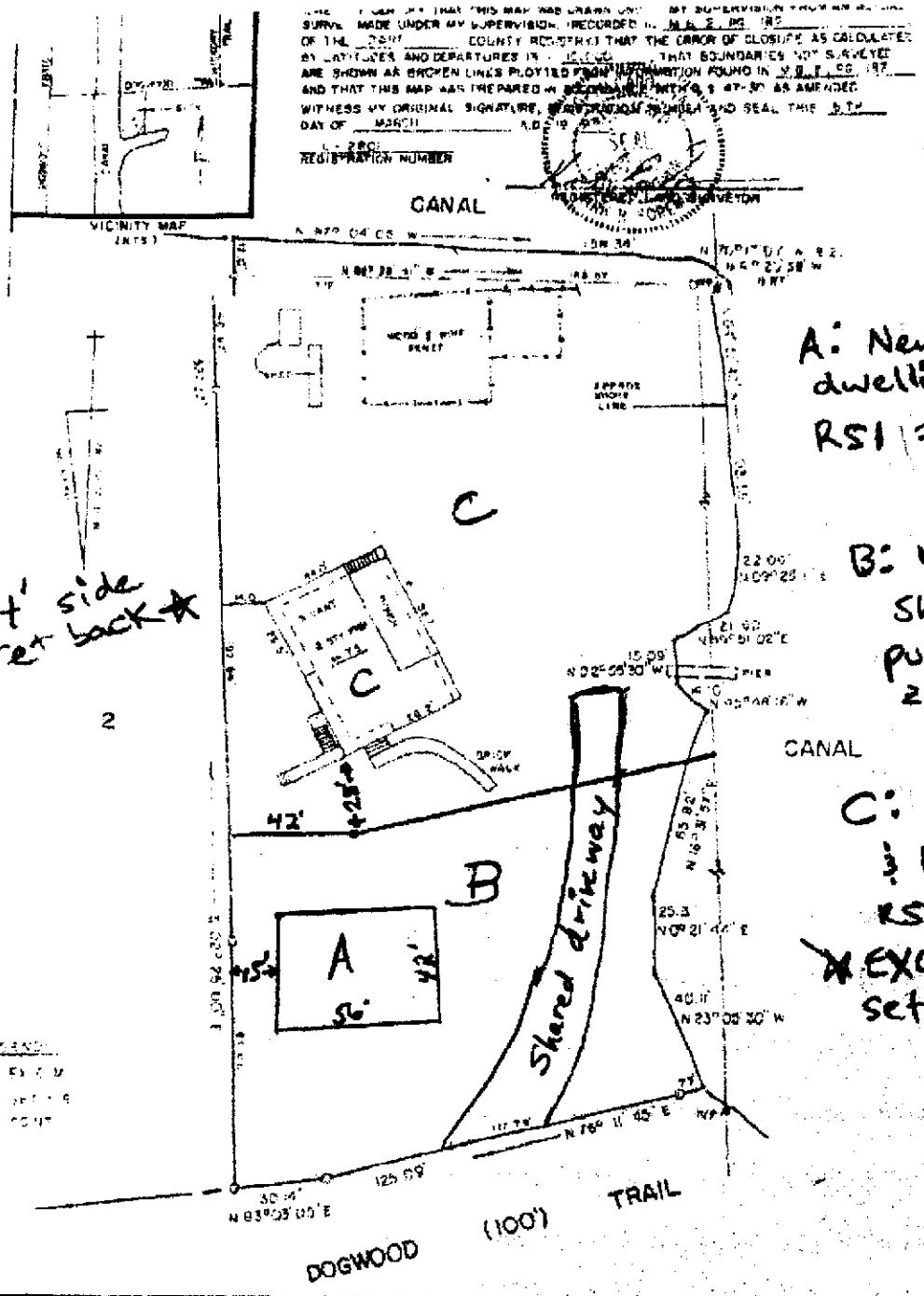
"EXHIBIT F"



SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 105
SOUTHERN SHORES
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA

DATE: MARCH 8, 1987	SCALE: 1" = 40'
FILE 4827-72	DR. BY: BDB
REF: M. B. 2, PG. 182	
(R.M. = 370430 0001 C (4/2/85)	

KIRK R. FOREMAN
LAND SURVEYING COMPANY
P.O. BOX 1961
KILL DEVIL HILLS, NC 27948
(919) 261-1221

"EXHIBIT F"

E

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
www.southernshores-nc.gov

June 5, 2024

PROOF OF WES HASKETT'S SPECIAL INTEREST IN 75 E. DOGWOOD TRAIL

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision

Dear Mr. Mina and Ms. Franz:

Following further review, the administrative decision to deny your application to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000) has been revised. However, the decision to deny the application has not been revised. The reason for the denial remains that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

"EXHIBIT G"

2. There is no drive aisle shown on proposed Parcel B providing access from E. Dogwood Trl. to the existing single-family dwelling. Town Code Section 36-163(4)a.1.ii. states that an eight-foot-wide drive aisle shall be provided, which must be separate from any parking spaces, such that no vehicle will be required to back into the public right-of-way.

3. There are no parking spaces shown on proposed Parcel B for the existing single-family dwelling. Town Code Section 36-163(4)a.1 requires three parking spaces for each dwelling unit with up to eight-person septic capacity and one additional space for each two persons of septic capacity, or fraction thereof, in excess of eight-person septic capacity up to 12-person septic capacity and one additional space for each person of septic capacity over 12.

Per Town Code Section 36-132(c) and Section 36-132(c)(1), the existing single-family dwelling on proposed Parcel B that encroaches the minimum side yard (setback) requirement has been determined legally nonconforming and it can remain as is or it can be enlarged or altered as long as the enlargement or alternation doesn't increase the nonconformity. As a result, the encroachment is no longer applicable to the decision to deny your application.

Should you wish to appeal this revised administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/boc-pb. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

"EXHIBIT 6"

75 E Dogwood Trail

chestercountyla.../Sent

Anthony Mina <chestercountylawn@yahoo.com>
To: Marcey Baum <mbaum@southernshores-nc.gov>,
Southernshores Nc Info <info@southernshores-nc.gov>, Kevin Clark <kclark@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>

Jun 4 at 2:18 PM

Hello,

Please find the attached building permit application to:
-repair first floor sagging problems, as needed.
-enlarge the foyer/first floor family room opening.
-replace a defective beam supporting the second floor family room floor.
-remove walls on each side of the 2nd floor fireplace.
-remove the section of 75 E. Dogwood Trail Wes Haskett claims prevents a lot subdivision plan from being approved.

Engineered approved plans for all the jobs are attached to this email.

Thank you,
Anthony S Mina

3 Files 16.7MB

75DogwoodPermitApp.pdf
1MB

NC0519_Anthony Mina_75 E Dogwood Trail Kitchen Renovation REV 1_Sealed.pdf
14MB

NC0519_Anthony Mina_75 E Dogwood_2nd Floor Ext Wall Revision_Sealed.pdf
1MB

"EXHIBIT 6"

— PLAN SUBMITTED TO REMOVE 1' SECTION OF HOUSE

Submittal Date: 6/4/24

Page 1 of 2
Page 2 is Building Plan Specification Form

TOWN OF SOUTHERN SHORES
PLANNING AND CODE ENFORCEMENT
5375 N. Virginia Dare Trail, Southern Shores, NC 27949
(252) 261-2394 phone (252) 255-0876 fax
www.southernshores-nc.gov

BUILDING/FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

***Applications WILL NOT be accepted until all required information is provided

PROPERTY INFORMATION:

Project Address: 75 E. Dogwood Trl.
Lot Number: 1 Block: 105 Section:
Property ID Number (PIN #): 986817213502
Lot Area: 46,500 sq ft
Flood Zone (circle): AE 4 ft – AE 5 ft – AO 1 ft depth – AO 2 ft depth – VE 11 ft – VE 12 ft – VE 13 ft – Shaded X – Unshaded X
Base Flood Elevation: ____ ft / Plus 3ft of Freeboard or LES 6 ft = ____ ft = Regulatory Flood Protection Elevation
Zoning District: RS1 Septic Permit #: ____ Permit Date: ____ # Person Septic Capacity ____
CAMA Permit required? Yes or (No) CAMA Permit #: ____ CAMA AEC (circle): ___Estuarine Shoreline or ___Ocean Hazard

Property Owner: Anthony S. Mina
Mailing Address: 75 E. Dogwood Trail
City: Southern Shores State: NC Zip Code: 27949
Tele #: 610-842-3905

CONTRACTOR INFORMATION: Homeowner is doing work

Business Name:
Contractor Name:
Mailing Address:
City: State: Zip Code:
Business #: Cell #:
Fax #: Email:

NC G. C. Licensed Contractor ____ OR ____ Non-Licensed Contractor
NC G. C. License Number:
Limitation:
Classification:
Qualifier:

DESCRIPTION OF WORK: Make structural improvement to first floor widen family room/foyer doorway, remove walls on each side of second floor fireplace ~~and remove section of house Wes Haskett claims prevents the lot subdivision~~ Please see engineered approved plans for more information

PERMIT TYPE (X): ___ COMMERCIAL X RESIDENTIAL
___ RESIDENCE ___ 2ND HOME ___ RENTAL (> 30 days) ___ VACATION COTTAGE (< 30 days)

TYPE OF CONSTRUCTION (X): ___ NEW CONSTRUCTION ___ ADDITION/EXPANSION X REMODEL/RENOVATION/REPAIR ___ ACCESSORY ___ OTHER

PROPERTY USE (X): X SINGLE FAMILY ___ DUPLEX ___ MULTI-FAMILY ___ GOVERNMENT - INSTITUTIONAL ___ COMMERCIAL

COMMERCIAL USE ONLY: ____ CURRENT USE ____ PROPOSED USE

SQUARE FOOTAGE AND/OR DIMENSIONS: 3543 SQ FT - MAIN HEATED AREA ____ GARAGE ____ SHED ____ SWIMMING POOL
____ GAZEBO ____ DUNE DECK ____ RETAINING WALL ____ BULKHEAD ____ PIER/DOCK
____ DECK(S) ____ PORCH(ES) ____ STORAGE ENCLOSURE ____ OTHER

PROPOSED BUILDING AREA: n/a SQ FT - HEATED / LIVING AREAS (NEW SPACE)
____ SQ FT - NON HEATED AREAS (NEW SPACE)
$ 1600.— $ 1600.— COST OF REMODEL/RENOVATION/REPAIR - ONLY (DO NOT INCLUDE NEW SQ FT)
$ 1600.— $ 1600.— ESTIMATED CONSTRUCTION COST OF TOTAL PROJECT

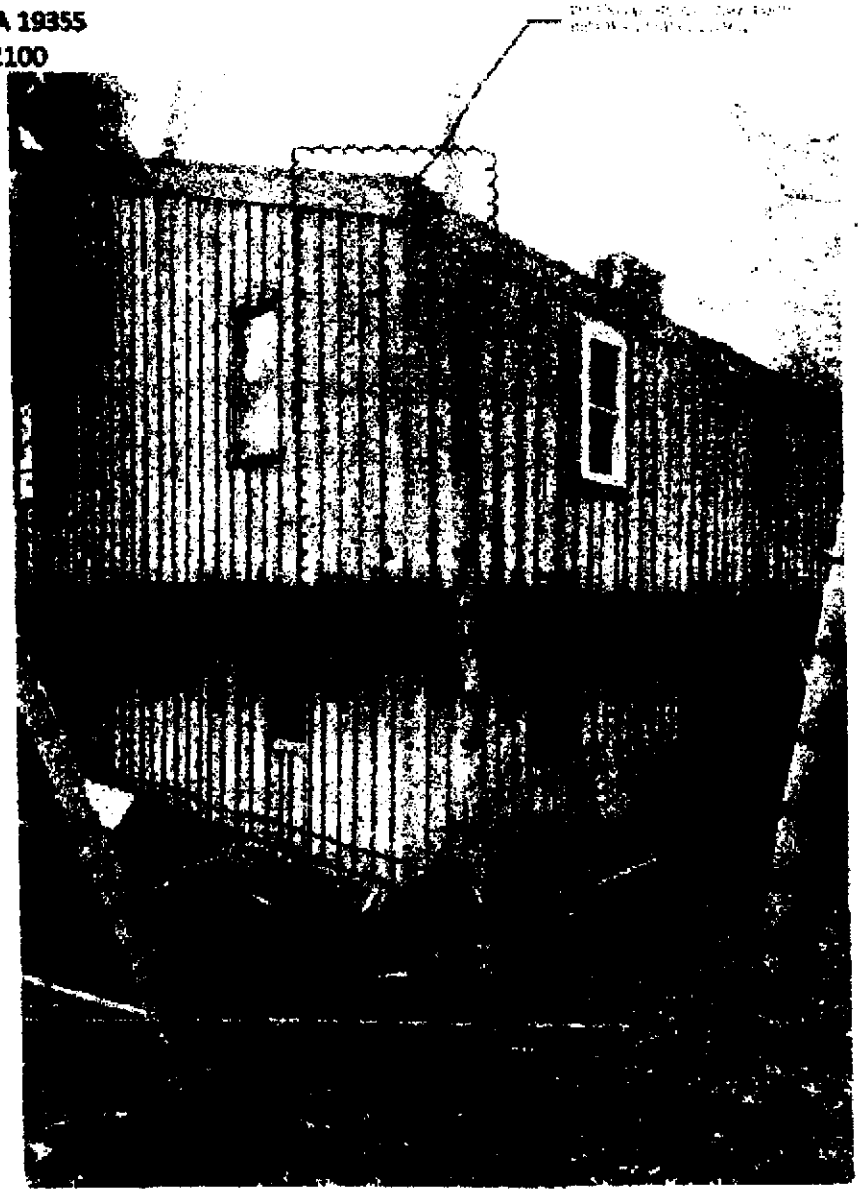
Agent

NOTE: Although the Town of Southern Shores does not enforce or consider the effect of covenants in the various subdivisions of Southern Shores, applicants for a building permit should be advised that such building plans may be affected by subdivision covenants and are subject to comply with the appropriate property owners' agreements. You are strongly urged to obtain approval from the appropriate association before you apply for a permit and begin construction. Failure to do so could result in legal action by the association to enforce the covenants.

* Please note Wes Haskett now does not claim existing side set back distances prevent a lot subdivision so Applicant will not be removing any of the existing house

"EXHIBIT 6"

UZMAN ENGINEERING, LLC
116 E. King Street
Malvern, PA 19355
(610) 320-2100



Due to the existing setback requirements, there are questions whether the existing 2nd floor cantilever is outside of the required property setback. Although the house has been there since 1970, the Homeowner has considered removing an approximate 1'-0" section of the 2nd floor cantilever corner to meet the requirements. The corner of the building would be removed, new 2x4 framing installed from 2nd floor to roof, flashing and roof patching as well as siding re-configuring to meet the setback. Uzman recommends the installation of Simpson Strong Hurricane ties to the revised roof rafters and SDS wood screws to the joists and built up 2x10 below. UE also recommends mid height blocking of the joists along with exterior sheathing nailed to the new studs @ 4" o.c. vert spacing.

ENGINEERED PLANS SUBMITTED NCDS19
6/4/2024 TO REMOVE 1' OF REAR
CORNER OF HOUSE

"EXHIBIT 6"

Anthony Stocker Mina

5/24/2024

---- Forwarded Message ----
From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Friday, May 24, 2024 at 03:51:32 PM EDT
Subject: RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Mr. Mina:

You are free to submit any application you wish to submit. However, in response to your specific question, please understand that, unless all four reasons are satisfied, the proposal would be denied, and you would have the option to appeal.

I strongly suggest you consult with an attorney as I cannot give you legal advice, as attorney for the Town.

Thank you.

Phil Hornthal

REFUSAL TO ACCEPT SIDE SETBACK AS CONFORMING FROM TOWN ATTORNEY PHIL HORNTHAL ON BEHALF OF WES HASKETT AND SOUTHERN SHORES

L. Phillip Hornthal, III
Attorney at Law

Direct:252.696.0214

Office:252.335.0871

Fax:252.335.4223 Attn: P. Hornthal

Email:phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

Click here to read ourDisclaimer,
Legal Notices & Privacy Policy

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 24, 2024 2:27 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

>>Warning<<The source of this email is from outside of the firm.<<

Hello,

"EXHIBIT 6"

ANTHONY S MINA

75 E DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

610 842 3905

chestercountylawn@yahoo.com

October 15, 2024

APPLICANT'S MOTION TO PRECLUDE VARIANCE HEARING SCHEDULED FOR OCTOBER 21, 2024 DUE TO SOUTHERN SHORES' CONSPIRACY TO FALSIFY MATERIAL INFORMATION TO THE PUBLIC AND PLANNING BOARD, GRANT APPLICANT'S VARIANCES FROM SECTION 30-96(f) AND SECTION 36-202(d) AND REFUND APPLICANT'S $350 VARIANCE APPLICATION FEE

I, Anthony S. Mina, Applicant in the October 21, 2024 Zoning Variance Hearing hereby Motion to Preclude Variance Hearing scheduled for October 21, 2024 due to Southern Shores' conspiracy to falsify material information to the public and Planning Board, Grant Applicant's Variances from Section 30-96(f) and Section 36-202(d) and refund Applicant's $350 Variance Application fee. In support thereof, I hereby aver the following facts:

1. Applicant has a Variance Hearing Scheduled on October 21, 2024 because of hardships including Wes Haskett's refusal to tell Applicant about the June 6, 2023 zoning amendment to prevent sub-divisions until June 1, 2023 despite Applicant's 4 emails during May 2023 asking about the 75 E. Dogwood Trail sub-division which Applicant was told by Outer Banks Realty that Southern Shores said was possible. During the month of May 2023 Outer Banks realty negotiated an additional $75,000 from Applicant for a lot that was sub-dividable as proven by Wes Haskett's June 1, 2023 email which is attached hereto, made a part hereof and marked "Exhibit A".
2. Wes Haskett and Southern Shores did not comply with town and state notification requirements when making the June 6, 2023 & August 3, 2021 zoning amendments because Wes Haskett did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated **AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b).** A true and correct copy of a Public Records Request proving Notification requirements were not met for TCA-21-06 & ZTA-23-03 is attached hereto, made a part hereof and marked "Exhibit B".
3. Wes Haskett falsified Southern Shores' Town Code Notification requirements to Applicant, Police Chief Kole and Mayor Morey on May 21, 2023 by deleting Section 36-414(b) requiring posted notice of the Zoning Amendment at effected properties. A true and correct copy of Wes Haskett's May 21, 2023 email is attached hereto, made a part hereof and marked "Exhibit C".
4. **North Carolina Code - General Statutes § 14-225. False reports to law enforcement agencies or officers provides:** Any person who shall willfully make or cause to be made to a law

"EXHIBIT H"

enforcement agency or officer any false, misleading or unfounded report, for the purpose of interfering with the operation of a law enforcement agency, or to hinder or obstruct any law enforcement officer in the performance of his duty, shall be guilty of a Class 2 misdemeanor.

5. **Wes Haskett is guilty of making false reports to law enforcement.**
6. Wes Haskett, Cliff Ogburn and Philip Hornthal have knowingly refused to correct their illegally adopted zoning codes (which violate all Southern Shores property owner's 4th Amendment Due Process Rights) for at least 5 months now when the only thing Federal Law, State Law and Southern Shores Town Code & Ethics Policy permits Southern Shores to do is remedy their wrong doing.
7. Wes Haskett is in violation of Southern Shores Town Ethics Policy #1, #2, #3 & #6 which provide:

   1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
   2. I will always uphold the integrity and independence of my job.
   3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
   6. I will never use my position to harass or adversely influence any of the town's other employees.

   A true and correct copy of the town's ethics policy is attached hereto made a part hereof and marked "Exhibit D".
8. **Wes Haskett prepared a "Staff Report" on October 14, 2024 and again falsely claimed all applicable notification requirements were met.** A true and correct copy of Wes Haskett's falsified "Staff Report" is attached hereto, made a part hereof and marked "Exhibit E"
9. **SOUTHERN SHORES LACKS JURISDICTION TO ENFORCE ILLEGALLY ADOPTED ZONING CODES, THEREFORE, FORCING APPLICANT TO PAY $350 FOR A VARIANCE HEARING SUBSTANTIANTES A CRIMINAL CONSPIRACY TO STEAL $350 FROM APPLICANT AND HARASS APPLICANT WITH UNENFORCABLE ZONING CODES.**

Wherefore, Applicant Anthony S. Mina hereby respectfully requests Southern Shores and/or the Planning Board to Preclude Variance Hearing scheduled for October 21, 2024 due to Southern Shores' conspiracy to falsify material information to the public and Planning Board, Grant Applicant's Variances from Section 30-96(f) and Section 36-202(d) and refund Applicant's $350 Variance Application fee.

Respectfully Submitted,

Anthony S. Mina
75 E Dogwood Trail
Southern Shores, NC 27949
610 842 3905
chestercountylawn@yahoo.com

"EXHIBIT H"

RE: 75 E Dogwood Trail Subdivision

chestercountyla.../Inbox

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 1, 2023 at 9:44 AM

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor. However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

On Tuesday, May 30, 2023 at 04:41:19 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. Thank you for sending the drawing. How much frontage would Lot B have and at what point is it 100 ft. wide?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

I really only want enough street frontage to build some walls at the beginning of the driveway like in the attached picture. I'll be able to give you a much more accurate subdivision plan after I purchase 75 E Dogwood Trail and get some legal advice about all my possible subdivision plans. But I am thinking that I may want both lots sharing one driveway opening that I own, if zoning code allows a subdivision plan like this (if not Lot A could use the existing driveway).

(EXHIBIT H OF PETITION) "EXHIBIT A"

Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

Thank you for your help.

Anthony S Mina

1 File 2.2MB

5-16-23 ZTA-23-03 Lot Width.pdf
2MB

EXHIBIT H OF PETITION "EXHIBIT A"

Public Records Request Regarding TCA-21-06 and ZTA-23-03 Not Meeting Public Noti ce Requirements

chestercountyla.../Sent

Anthony Mina <chestercountylawn@yahoo.com>
To: Sheila Kane <skane@southernshores-nc.gov>,
Southernshores Nc Info <info@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>

Jun 21 at 11:02 AM

Dear Southern Shores,

Please provide me all public records, including Southern Shores' employees names who claim that mailed letters, 1/2 page newspaper advertising, posted notice on affected properties and direct communication with the property owner are not required for TCA-21-06 and ZTA-23-03 ie town code Sec. 36-414(b) and Article 6 ss 160D-602(a),(b),(c) and (d) indicate is required as notification for an AMENDMENT OF A ZONING REGULATION, such as TCA-21-06 and ZTA-23-03.

Thank you,
Anthony S Mina

---- Forwarded Message ----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: Sheila Kane <skane@southernshores-nc.gov>
Sent: Thursday, June 20, 2024 at 07:03:28 PM EDT
Subject: Re: Public Records Request Regarding TCA-21-06 and ZTA-23-03

Thank you for the email. Could you please tell me who stated that the public notice requirements in paragraphs 1, 2 and 4 where not required. Thank you, Anthony S Mina

On Thursday, June 20, 2024 at 05:07:47 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 S. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03.NOT REQUIRED

2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.

    1. Coastland Times Advertisement invoices and copies of notices are attached. 1/2 of a page size is NOT REQUIRED

3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
    1. Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.

4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
    1. NOT REQUIRED
    2. Communication with one property owner attached (Anthony Mina).

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax

1 File 4.3MB

IMG_1326.jpeg
4MB

EXHIBIT H OF PETITION "EXHIBIT B"

mitchline@chesco.org;
Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or [redacted] if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have an answer indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

My concerns are the following:

Wes Haskett and Philip Hornthal are not in touch with reality and a danger to other people's physical and emotional well being. Wes Haskett has refused to answer how he believes he is legally changing land use with a zoning amendment since last summer. Changing land use from a 2 single home property (with a subdivision by right) to a 1 single home property causes land value monetary damages to some Southern Shores tax payers of significantly more than $100,000. In the real world $100,000 is easily the difference between life and death. $100,000 can be the difference between the medical care someone needs and accepting that their life is coming to an end. If you walk into a bank demanding $100,000 you are lucky if you are not killed. Wes Haskett and Philip Hornthal refuse to explain how they legally think they can cause some Southern Shores home owners more than $100,000 in monetary damages with a zoning code amendment which changes land use. Applicant without a doubt will not be committing any crimes in response to Wes Haskett and Philip Hornthal stealing land value from Southern Shores home owners, but has serious concerns that Wes Haskett and Philip Hornthal are a danger to the physical and emotional well being of others and should be involuntarily committed to a psychiatric hospital for evaluation. Applicant will give Wes Haskett and Philip Hornthal 48 hours to explain how they legally are changing land use without an eminent domain transaction and highly suggests law enforcement not to wait that long.

Anthony Stocker Mina

PS When I testified in front of Federal Judge Edward G Smith against Chester County's labor trafficking conspiracy against me I explained that the conspirators designed me a spin move. 172 and 174 S. Dogwood Trail appear to me to be another example of the pre-meditated conspiracy which I am expected to use certain evidence against corruption a specific way. I will let law enforcement figure out if the home owners are pawned because of meanings within their names or play a role in the conspiracy that repeatedly forces me in the middle of government scandals as a way of hiding Pennsylvania's corruption life I am their undercover internal affairs guerilla. Since there is a white crosstour at 172 S. Dogwood Trail and I live in the Dick White house I feel like I am being forced in the middle of a whole lot of crooking without being paid (as Wes Haskett tries stealing more than $100,000 of land value from my family).

----- Forwarded Message -----
From: Anthony Mina <[redacted]>
To: "dkole@southernshores-nc.gov" <[redacted]>; "dkole@southernshores-nc.gov" <[redacted]>; Elizabeth Morey <[redacted]>; Phillip Hornthal <[redacted]>; Cliff Ogburn <[redacted]>
Cc: "jslegal@southernshores-nc.gov" <[redacted]>; "mcooke@southernshores-nc.gov" <[redacted]>; "elrinkley@southernshores-nc.gov" <[redacted]>; "dbrickhouse@southernshores-nc.gov" <[redacted]>; "tmann@southernshores-nc.gov" <[redacted]>; "cimpson@southernshores-nc.gov" <[redacted]>; "rdesner@southernshores-nc.gov" <[redacted]>; "dlang@southernshores-nc.gov" <[redacted]>; "jthompson@southernshores-nc.gov" <[redacted]>; "jspottswood@southernshores-nc.gov" <[redacted]>; "jcouture@southernshores-nc.gov" <[redacted]>; FBI <[redacted]>

"olivia.s.hines@nccourts.org" <[redacted]>; "olivia.s.hines@nccourts.org" <[redacted]>; Andrew C. Powell <[redacted]>; Elizabeth Morey <[redacted]>; Jasper Rogers <[redacted]>; "cjarriss@kittyhawktown.net" <[redacted]>; "cjarriss@kittyhawktown.net" <[redacted]>; Casey Varnell <[redacted]>; Mike Talley <[redacted]>; "mike.pellovics@kittyhawktown.net" <[redacted]>

"mike.pellovics@kittyhawktown.net" <[redacted]>

"chambers_of_chief_judge_sanchez@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_edward_g_smith@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_peppert@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov" <[redacted]>; "chambers_of_judge_timothy_j_savage@paed.uscourts.gov" <[redacted]>; Dryan <[redacted]>; "cccommissioners@chesco.org" <[redacted]>; "cccommissioners@chesco.org" <[redacted]>; "jmaxwell@chesco.org" <[redacted]>; "jmaxwell@chesco.org" <[redacted]>; Marian Moskowitz <[redacted]>; "mitchline@chesco.org" <[redacted]>; "mitchline@chesco.org" <[redacted]>; Wes Haskett <[redacted]>

Sent: Friday, May 17, 2024 at 05:35:45 PM EDT
Subject: Criminal Conspiracy Being Committed By Wes Haskett And Southern Shores

Dear Law Enforcement,

EXHIBIT H OF PETITION

"EXHIBIT"

E: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Divisio

chestercountyla.../inbox

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>,
Phillip Hornthal <phornthal@hrwm.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

May 21 at 2:27 PM

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.

(b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section ____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ...." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.

(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given once a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.

(b) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <[redacted]>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <[redacted]>; Phillip Hornthal <[redacted]>
Cc: David Kole <[redacted]>; David Kole <[redacted]>; Elizabeth Morey <[redacted]>; Phillip Hornthal <[redacted]>; Cliff Ogburn <[redacted]>; Jonathan Siegel <[redacted]>; Matt Cooke <[redacted]>; Eric Brinkley <[redacted]>; Darrell Brickhouse <[redacted]>; Tracy Mann <[redacted]>; Chris Simpson <[redacted]>; Richard Deaner <[redacted]>; Thomas Lang <[redacted]>; Jason Thompson <[redacted]>; Andrew Spottswood <[redacted]>; Jennifer Couture <[redacted]>; FBI <[redacted]>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <[redacted]>; Elizabeth Morey <[redacted]>; Jasper Rogers <[redacted]>; cgarriss@kittyhawktown.net; cgarriss@kittyhawktown.net; Casey Varnell <[redacted]>; Mike Talley <[redacted]>; mike.pellowicz@kittyhawktown.net; mike.pellowicz@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <[redacted]>; ccownissioners@chesco.org; ccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <[redacted]>;

EXHIBIT H OF PETITION

"EXHIBIT G"

Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

"EXHIBIT D"

EXHIBIT N OF PETITION

STAFF REPORT

To: Southern Shores Planning Board
Date: October 21, 2024
Case: VA-24-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Property Owners: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Requested Action: Variance to seek relief from Town Code Section 30-96(f), Lots and Town Code Section 36-202(d), Dimensional Requirements to allow a subdivision of the property located at 75 E. Dogwood Trl.

PIN #: 986817213502
Location: 75 E. Dogwood Trl.
Zoning: RS-1 Single-Family Residential District

Existing Land Use: "Residential"

Surrounding Land Use & Zoning:
North- Residential; RS-1, Single-Family Residential District
South- Canal
East- Residential; RS-1, Single-Family Residential District
West- Canal

Physical Characteristics: Developed (existing single-family dwelling)

Applicable Regulations: Chapter 30, Subdivision Ordinance: Section 30-6, Exceptions, Section 30-96(f), Lots and Section 30-97, Design Standards. Chapter 36, Zoning Ordinance: Section 36-57, Definition of Specific Terms and Words, Section 36-202(d), Dimensional Requirements, and Article XII, Board of Adjustment

ANALYSIS

The Applicant is requesting a Variance to seek relief from Town Code Section 30-96(f) and 36-202(d) to allow a subdivision of 75 E. Dogwood Trl. On July 3, 2024, the Applicant submitted two applications to subdivide the subject property. The first application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because both lots did not front upon a public road. Town Code Section

EXHIBIT H OF PETITION "EXHIBIT E"

30-96(f) states that all lots shall front upon a public road. The denial was not appealed.

The second application was also denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2). Specifically, the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district and as a result did not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots did not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

The denial was not appealed.

In accordance with N.C.G.S. 160D-705(d), Town Code Section 36-367 in the Town's Zoning Ordinance establishes that the Planning Board, when performing the duties of the Town Board of Adjustment, shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.

- There is no unnecessary hardship. The property is zoned single-family residential. There is a single-family dwelling which exists on the property. The Applicant's desire to upgrade and improve the existing structure is not restricted by the ordinance sections sought to be varied. Additionally, the size of the lot could allow for an addition to the existing single-family dwelling and/or an accessory building with living space which could also increase the value of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

- The alleged hardship by the Applicant is not peculiar to the property and rather is one of personal circumstances. The Applicant's application fails to demonstrate how the alleged hardship is peculiar to the property. The Applicant makes false allegations that Town Staff illegally adopted zoning requirements and was helping a real estate scam which are not related to the property's size, location, or topography.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- The Applicant claims that the unnecessary hardship is the result of Town Staff not meeting notification requirements for a Town Code Text Amendment that was

EXHIBIT H OF PETITION "EXHIBIT E"

adopted on August 3, 2021 and a Zoning Ordinance Text Amendment that was adopted on June 6, 2023 and because Town Staff withheld material information prior to the Applicant's purchase of the property.

- All applicable notification requirements established in N.C.G.S 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Text Amendment. Neither amendment was appealed.
- Town Staff reviewed several sketches showing the Applicant's ideas for a subdivision of the property between May 1, 2023 and June 1, 2023 and never confirmed that any of them met all applicable requirements (which would have been advisory and not subject to judicial review). The Applicant moved forward with the purchase of the property on July 7, 2023.

(4) The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

- The RS-1, Single-Family Residential zoning district is established to provide for the low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area. The district is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses. In order to meet this intent, the density of population in the district is managed by establishment of minimum lot sizes, building setback and height limits, parking regulations and maximum occupancy limits for single-family residences used as vacation cottages.
- The Applicant claims that the spirit, purpose, and intent of the ordinance will be able to be utilized by granting a Variance from illegally adopted zoning code(s) and because Town Staff is involved with a false pre-tense real estate scam.
  - The Town Code Tex Amendment that was adopted on August 3, 2021 removed the possibility of creating lots that only have frontage on an access easement. The intent of the Town Code Text Amendment was to eliminate the possibility of subdividing property that did not have frontage on a public street, as directed by the Town Council at the June 1, 2021 Town Council meeting, which was a result of a preliminary subdivision plat application that was considered by the Town Council on June 1, 2021.
  - The Zoning Ordinance Text Amendment that was adopted on June 6, 2023 established that lots created after June 6, 2023 in the RS-1, Single-Family Residential zoning district shall be 100 ft. wide measured from the front lot line at right angles to the rear lot line. The intent of the Zoning Ordinance Text Amendment was to clarify the Town's lot width requirements by making them unambiguous, as directed by the Town Council at the March 21, 2023 Town Council meeting, which was a result of an appeal application that was considered by the Planning Board, performing the duties of the Board of Adjustment, on October 5, 2022.
  - Town Staff believes that granting the requested Variance would be inconsistent with the spirit, purpose, and intent of the ordinance.

EXHIBIT H OF PETITION "EXHIBIT F"

ANTHONY S. MINA	:	DARE COUNTY SUPERIOR COURT
Petitioner	:	
V.	:	No. 24CV001667-270
SOUTHERN SHORES/WES HASKETT	:	
Respondent	:	
	:	Southern Shores No. VA-24-01

CERTIFICATE OF SERVICE

I, Petitioner, Anthony S Mina hereby certify that a complete copy of Petitioner's Petition/Motion to GRANT Writ of Certiorari has been served upon the respondent by email and U.S certified mail on January 29, 2025.

certified mail will go out Jan. 30, 2025

January 29, 2025

Respectfully Submitted,

Anthony S. Mina
75 E Dogwood Trail
Southern Shores, NC 27949
610 842 3905
chestercountylawn@yahoo.com

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
www.southernshores-nc.gov

GENERAL APPLICATION FORM
TOWN OF SOUTHERN SHORES, NC 27949

Date: 1/6/2025 **Filing Fee: $50/lot** **Receipt No.** **Application No.**

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- [X] **Chapter 30. Subdivisions-Town Code**
- [ ] **Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District**
- [ ] **Chapter 36. Article IX. Planned Unit Development (PUD)**
- [ ] **Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units ***
- [ ] **Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use**
- [ ] **Chapter 36. Article X. Section 36-303 Fees**
- [ ] **Chapter 36. Article X. Section 36-304-Vested Rights**
- [ ] **Chapter 36. Article XIV. Changes and Amendments**

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant
Name Anthony S. Mina
Address: 75 E. Dogwood Trail
Southern Shores, NC 27949
Phone 610-842-3905 Email chestercountylawn@yahoo.com

Applicant's Representative (if any)
Name _____
Agent, Contractor, Other (Circle one)
Address _____
_____
Phone _____ Email _____

Property Involved: X Southern Shores ___Martin's Point (Commercial only)
Address: 75 E. Dogwood Trail, Southern Shores, NC 27949 Zoning district RS-1
Section Soundside Block 105 Lot 1 Lot size (sq.ft.) 47,213.24

Request: __ Site Plan Review __Final Site Plan Review __Conditional Use __Permitted Use
__PUD (Planned Unit Development) X Subdivision Ordinance __Vested Right __ Variance
X LOT SUB DIVISION APPRIVAL OF "EXHIBIT A"

Anthony S. Mina
Signature

January 6, 2025
Date

*** Attach supporting documentation.** - 5 page signed Application in support with EXHIBITS A-W

ANTHONY S MINA

75 E DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

610 842 3905

chestercountylawn@yahoo.com

January 6, 2025

RE: 75 E. Dogwood Trail Subdivision Application Based On New Evidence From Wes Haskett Dated October 14, 2024, October 21, 2024, October 30, 2024 & November 19, 2024 Proving Notification Requirements Needed Prior To Zoning Amendments Being Effectuated On 75 E Dogwood Trail Were Not Complied With As Wes Haskett Claims To Believe. This Application is submitted based on the new evidence and Wes Haskett's contradictions which indicate Wes Haskett either lacks the reading comprehension skills and intelligence to decide sub division applications or Wes Haskett is intentionally harassing Applicant with unenforceable zoning codes and zoning codes not being enforced on other property owners in a real estate scam.

PLEASE NOTE THAT DARE COUNTY PROPERTY TAXES ARE DUE JANUARY 6, 2025 AND DESPITE APPLICANT'S PROPERTY BEING DOWNZONED FROM SUB-DIVIDABLE BY RIGHT TO UNSUBDIVIDABLE (AS PER WES HASKETT'S JULY 16, 2024 DENIAL) WES HASKETT HAS REFUSED TO ORDER A TAX REASSESSMENT FOR DEVALUING THE PROPERTY. AS SUCH, WES HASKETT IS ALSO IN VIOLATION OF TAX FRAUD LAWS WITH HIS SUB-DIVISION DENIALS. PLEASE SEE "EXHIBIT X"

Applicant, Anthony S. Mina's Sub Division Application Dated January 6, 2025 Must Be Approved Based On The New Evidence And In Support Thereof, Applicant Avers The Following:

1. Applicant submitted a plat for sub division approval prepared by Douglas Styons to Southern Shores on July 3, 2024. A true and correct copy of the plat is attached hereto as Exhibit "A".
2. On July 16, 2024 Wes Haskett denied the subdivision plat for one reason, Wes Haskett claimed a zoning code adopted on June 6, 2024 requiring 100' lot width was effective at 75 E. Dogwood Trail. A true and correct copy of the denied subdivision application is attached hereto as Exhibit "B".
3. On October 14, 2024 Wes Haskett claimed in his VA-24-01 Staff Report "All applicable notification requirements established in N.C.G.S. 160D-601 and in the Town's Zoning Ordinance were satisfied prior to the adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Amendment."
4. Wes Haskett's March 31, 2023 lot width amendment (which was the only reason Applicant's July 3, 2024 subdivision Application with "Exhibit A" was denied) was

scheduled to be heard by the Planning Board on May 15, 2023. A true and correct copy of the May 15, 2023 Planning Board Agenda is attached hereto and marked "Exhibit C".

5. Town Code 36-362(b) provides: *Notices.* Notice of hearings conducted pursuant to this article shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing; **(ii) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing;** (iii) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and (iv) **to any other persons entitled to receive notice as provided by this CHAPTER.** In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. A true and correct copy of Town Code Section 36-362 governing the Planning Board/Board of Adjustments is attached hereto and marked "Exhibit D".
6. A Southern Shores Public Records Request Response dated June 20, 2024 states mailed letters were not provided for the May 15, 2023 Planning Board hearing on Wes Haskett's March 31, 2023 lot width amendment and Posted Notice was not placed at 75 E. Dogwood Trail. A true and correct copy of the Southern Shores Public Records Request Response is attached hereto and marked "Exhibit E".
7. On October 30, 2024 Wes Haskett responded to a Southern Shores Public Records Request for proof of notification pursuant to Town Code 36-362(b) for the May 15, 2023 Planning Board meeting and **WES HASKETT FALSELY CLAIMED** "The Planning Board did not hold a hearing for TCA-21-06 on July 19, 2021 or ZTA-23-03 on May 15, 2023 because no hearings were required (hearings were subsequently required and held by the Town Council). There also was no posted or mailed notices for the Planning Board's consideration of TCA-21-06 on July 19, 2021 and ZTA-23-03 on May 15, 2023 because they weren't required". A true and correct copy of **WES HASKETT'S FALSE CLAIMS** is attached hereto and marked "Exhibit F".
8. **THE TRUTH IS** Wes Haskett knows the Planning Board heard his March 31, 2023 lot width amendment on May 15, 2023 pursuant to Town Code 36-415 and recommended approval because Wes Haskett emailed Applicant on June 1, 2023 and stated "...we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and Town Council will be holding a public hearing on June 6th. A true and correct copy of Wes Haskett emailing Plaintiff's details from the May 15, 2023 Planning Board hearing is attached hereto and marked "Exhibit G".
9. **FOR SOME REASON THE MINUTES FOR THE MAY 15, 2023 PLANNING BOARD HEARING AREN'T ON SOUTHERN SHORES WEBSITE, WHERE THEY SHOULD BE PROVING THE PLANNING BOARD HEARD WES HASKETT'S MARCH 31, 2023 LOT WIDTH AMENDMENT.**
10. **UNFORTUNATELY FOR WES HASKETT'S FALSE STATEMENTS,** the June 6, 2023 Town Council meeting minutes state "The Planning Board recommended approval of the application (4-1) at the May 15, 2023 Planning Board Meeting." A true and correct copy of pages 7-9 from the June 6, 2023 Town Council Minutes is attached hereto and marked "Exhibit H"
11. Southern Shores Town Code does not define "hearing" and in the United States of America a hearing is an opportunity to be heard, as Wes Haskett had his opportunity to be heard by the

Planning Board on May 15, 2023 and received a recommended approval of his lot width amendment.

12. Town Code 36-414(a) provides: The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.
13. **Town Code 36-414(b) provides: In addition and where a zoning map amendment is proposed, the town shall cause to be placed a sign on the subject property announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning.**
14. Southern Shores Town Code does not define "zone/zoning/rezoning" and in the United States of America changing subdividable property to unsubdividable property is rezoning the characteristic of the property.
15. Wes Haskett did not place a sign on 75 E. Dogwood Trail announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning to rezone 75 E. Dogwood Trail from "subdividable by right of property owner" to "unsubdividable" (**WES HASKETT FALSELY CLAIMS IN HIS JULY 16, 2024 SUBDIVISION DENIAL THAT A JUNE 6, 2023 LOT WIDTH AMENDMENT APPLIES TO 75 E DOGWOOD TRAIL BUT PUBLIC RECORDS PROVE THE NOTIFICATION PRE-REQUISITES REQUIRED TO EFFECTUATE A ZONING AMENDMENT WEREN'T MAILED TO OR POSTED AT 75 E DOGWOOD TRAIL AND ALSO ARE NOT IN THE 75 E DOGWOOD TRAIL FILE, MAKING THE JUNE 6, 2023 LOT WIDTH AMENDMENT UNENFORCABLE AT 75 E DOGWOOD TRAIL (BECAUSE 75 E DOGWOOD TRAIL WAS NOT THE SUBJECT PROPERTY UNDER TOWN CODE NOTIFICATION REQUIREMENTS)**
16. **Wes Haskett and/or his attorney Lauren Womble fraudulently misrepresented the language (under oath) of Town Code 36-414(b) at the October 21, 2024 (after being informed of the Fraud Insurance Claim Against Wes Haskett) Variance hearing** in their claims that notification requirements for the June 6, 2023 lot width amendment were complied with prior to Wes Haskett denying the July 3, 2024 lot sub-division application submitted by Applicant.
17. **WES HASKETT MADE A FALSE REPORT TO LAW ENFORCEMENT ON MAY 21, 2024 IN VIOLATION OF N.C.G.S. 14-225** claiming he had a legal basis to amend zoning code on June 6, 2023 at 75 E. Dogwood Trail but, **WES HASKETT FRAUDULENTLY DELETED TOWN CODE NOTIFICATION REQUIREMENTS AT SECTION 36-414(b) AND OMITTED NOTIFICATION REQUIRMENTS AT TOWN CODE 36-362(b).** A true and correct copy of Wes Haskett's false report to law enforcement is attached hereto and marked "Exhibit I".
18. **WES HASKETT'S ABUSE OF ZONING CODES (IN A MANNER DIFFERENT THAN ENFORCMENT AGAINST OTHER PROPERTY OWNERS) IS A CONTINUING PATTERN OF**

CORRUPTION PROVING WES HASKETT HAS AN UNDISCLOSED SPECIAL INTEREST IN 75 E DOGWOOD TRAIL.

19. During the month of May, 2023 when Wes Haskett was supposed to have posted notice at effected properties of the lot width amendment he claims now effects 75 E Dogwood Trail **WES HASKETT WAS FRAUDULENTLY HIDING THE LOT WIDTH AMENDMENT FROM APPLICANT WHEN APPLICANT AND WES HASKETT EMAILED 4 TIMES ABOUT THE SUBDIVISION AT 75 E DOGWOOD TRAIL AND/OR LOT WIDTH REQUIRMENTS********DURING THIS TIME OF FRAUDULENT CONCEALMENT THE PREVIOUS OWNER NEGOTIATED AN ADDITIONAL $75,000 FROM APPLICANT FOR A LOT THAT WAS SUBDIVIDABLE, AS PROVEN BY "EXHIBIT B"********* A true and correct copy of Wes Haskett's 4 emails to Applicant are attached hereto and marked "Exhibit J"
20. Wes Haskett signed a plat at 172 Ocean Boulevard and a plat at 233 N. Dogwood Trail that did not meet setback and/or lot width requirements but Wes Haskett is harassing Applicant with a lot width amendment at 75 E. Dogwood Trail that has never been effectuated at 75 E. Dogwood Trail with notification prior to a hearing and also was harassing Applicant with a set back encroachment claim for months until Applicant filed a building permit to remove Wes Haskett's claimed setback encroachment (Wes Haskett said the setback encroachment no longer prevented the subdivision one day after Applicant filed a building permit to remove 1' of his house). **A TRUE AND CORRECT COPY OF WES HASKETT'S UNDISCLOSED SPECIAL INTEREST IN 75 E DOGWOOD TRAIL AND HARASSMENT OF APPLICANT WITH ZONING CODES NOT BEING ENFORCED ON OTHER PROPERTY OWNERS IS ATTACHED HERETO AND MARKED "EXHIBIT K".**
21. **WES HASKETT CLAIMED 233 N. DOGWOOD TRAIL AND THE 0 DOGWOOD TRAIL ADJACENT LOTS WERE CREATED PRIOR TO THE TOWN'S INCORPORATION IN 1979 BUT A SECOND PUBLIC RECORDS REQUEST PROVED WES HASKETT SIGNED THE PLAT ON 7-21-16.** A true and correct copy of Wes Haskett's claim and 7-16-2016 signed plat is attached hereto and marked "Exhibit L".
22. Applicant requested a complete copy of the records from 170 & 172 Ocean Boulevard but Applicant was unable to find the complaint made against Wes Haskett for approving a plat without setback requirements being complied with. A true and correct copy of the complaint made against Wes Haskett's plat approval is attached hereto and marked "Exhibit M".
23. **WES HASKETT AND CLIFF OGBURN HARASSED APPLICANT WITH SIGN CODES NOT BEING ENFORCED ON OTHER PROPERTY OWNERS 365 DAYS A YEAR TO INTERFERE WITH APPLICANT ADVERTISING HIS WORK/REAL ESTATE SIGN AT 75 E DOGWOOD TRAIL.** A true and correct copy of the harassment and proof other property owners were not forced to remove their signs is attached hereto and marked "Exhibit N".
24. Wes Haskett stated on June 7, 2023 that he believed the lot width amendment approved on June 6, 2023 was "unambiguous and will prevent future subdivisions and recombinations with higher densities". A true and correct copy of Wes Haskett's June 7, 2023 email is attached hereto and marked "Exhibit O".
25. Wes Haskett is aware that taking the right to subdivide is "downzoning" and reduces property value, yet Wes Haskett refuses to request a property tax reduction. A true and correct copy of a tax fraud complaint made against Wes Haskett is attached hereto and marked "Exhibit X

26. Dare County Property taxes are due January 6, 2025 and **WES HASKETT IS COMMITTING TAX FRAUD BY DENYING THE 75 E DOGWOOD TRAIL SUBDIVISION SINCE HE DID NOT REDUCE TAXES.**
27. Wes Haskett was notified that Jason Portnoy was handling a fraud complaint filed against Wes Haskett with Applicant's insurance company on October 15, 2024 and that Variance documents can be emailed to Jason Portnoy at jportnoy@invtitle.com. **WES HASKETT'S FALSE CLAIMS THAT NOTIFICATION REQUIREMENTS WERE COMPLIED WITH TO EFFECTUATE A LOT WIDTH AMENDMENT AT 75 E DOGWOOD TRAIL CONSTITUTE INSURANCE FRAUD.** A true and correct copy of Applicant's notification of the insurance fraud claim against Wes Haskett is attached hereto and marked "Exhibit Y".

CONCLUSION

Wes Haskett claims to have effectuated a lot width amendment at 75 E Dogwood Trail, but the new evidence proves Wes Haskett did not effectuate a lot width amendment at 75 E. Dogwood Trail with the notification pre-requisites which require posted notice at the property and mailed notice to the property owner. Wes Haskett is either a complete fraud that is harassing Applicant with zoning codes differently than other property owners, when he is not helping Linda Lauby scam Applicant for $75,000 by hiding the lot width amendment OR Wes Haskett is so extremely incompetent that all the evidence indicating he is now hiding the May 15, 2023 Planning Board hearing requiring notice is just some big misunderstanding that **WES HASKETT MUST CORRECT PURSUANT TO THE TOWN ETHICS POLICY WHICH REQUIRE THE LAW TO BE OBEYED, INTEGRITY TO BE UPHELD, IMPROPRIETY (AND THE APPEARANCE OF IMPROPRIETY) TO BE AVOIDED AND THE TOWN'S MONEY TO BE SPENT IN THE INTERESTS OF ALL TAX PAYERS.** A true and correct copy of the Town's Ethics Policy is attached hereto and marked "Exhibit W".

The bottom line is Wes Haskett can't spend the town's money on his legal expenses unless they correct his wrong-doing and **WES HASKETT IS GUILTY OF TAX FRAUD, CORRUPTION, A FALSE REPORT TO LAW ENFORCMENT AND INSURANCE FRAUD** if Wes Haskett does not decide Applicant's sub-division application using only properly effectuated zoning code.

Date: January 6, 2025

Signed: _____
Anthony S Mina

"EXHIBIT A"

LEGEND:

- Ex. Rebar Flush
- Ex. Terra Cotta Monument
- Ex. CM
- Rebar Set Flush
- Water Meter
- Phone Ped.
- Fire Hydrant
- Transformer
- 10'x10' Turnaround

REVIEW OFFICER CERTIFICATE

State of North Carolina

County of Dare

I, _____, Review Officer of Dare County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

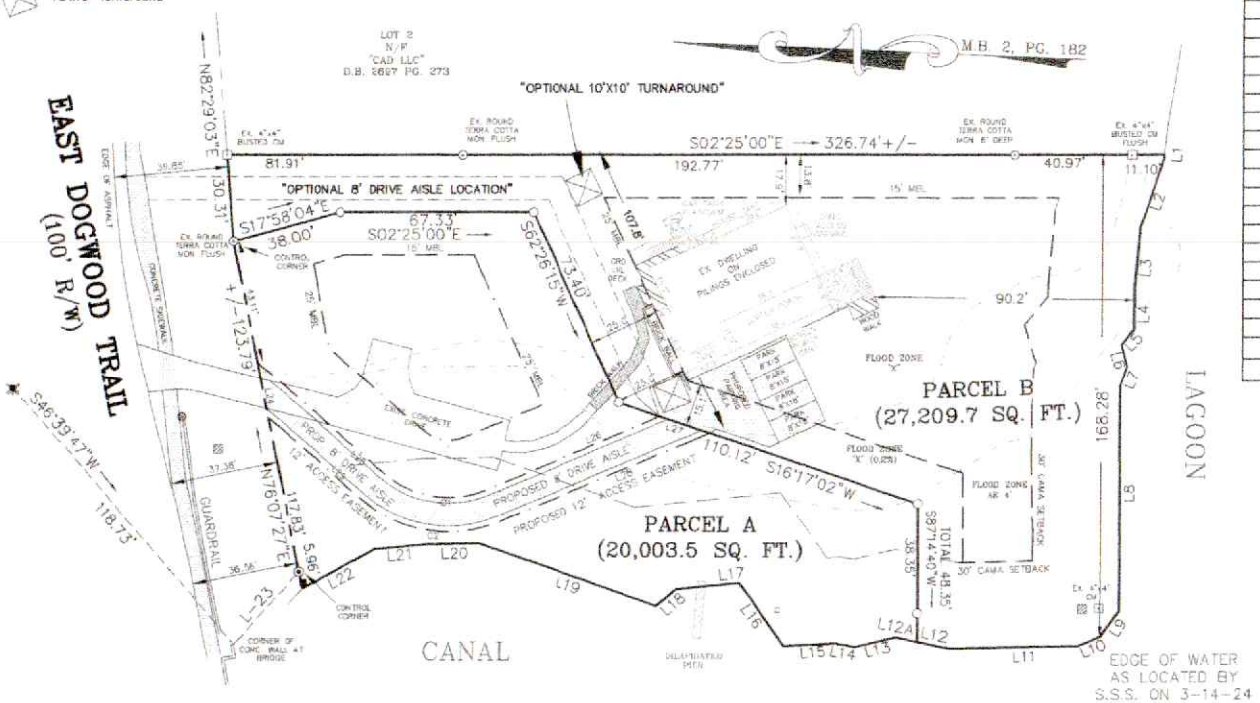
_____ Date

_____ Review Officer

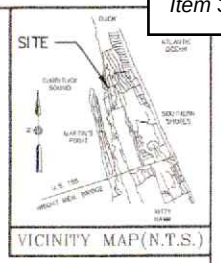
EXEMPTION CERTIFICATE

This plat is exempt from subdivision regulations under N.C.G.S. 160 A-376 and the Town of Southern Shores Subdivision Ordinance, Section 30-2. (4)

_____ Town Official



LINE TABLE		
LINE	BEARING	LENGTH
L1	N86°02'33"W	1.29'
L2	N73°43'10"W	25.14'
L3	N87°48'49"W	20.94'
L4	S88°18'36"W	14.86'
L5	N51°30'23"W	7.18'
L6	S70°39'48"W	7.77'
L7	N71°10'54"W	7.47'
L8	S87°22'48"W	78.67'
L9	N57°12'36"W	10.97'
L10	N24°38'48"W	0.44'
L11	N03°27'34"W	44.69'
L12	N09°17'19"E	10.79'
L13	N15°30'59"W	14.70'
L14	N07°30'59"E	6.93'
L15	N05°24'26"W	17.93'
L16	N51°52'59"E	27.20'
L17	N08°17'08"W	21.43'
L18	N43°02'57"W	8.96'
L19	N16°45'38"E	66.51'
L20	N03°34'58"W	19.30'
L21	N07°45'26"W	17.15'
L22	N31°03'24"W	28.87'
L23	S51°51'33"E	33.46'
L12A	N09°17'19"E	7.75'



EASEMENT LINE TABLE		
LINE	BEARING/DIST.	
L24	N76°07'27"E	19.74'
L25	S38°41'25"W	59.10'
L26	S25°09'16"E	66.33'
L27	S16°17'02"W	18.13'
L28	N25°09'16"E	79.92'
L29	N38°41'25"E	43.42'

EASEMENT CURVE DATA

C-1: R=34.00 L=37.89'
C=S06°46'05"W 35.96'

C-2: R=46.00 L=51.26'
C=N06°465'05"E 48.65'

NOTES:

Current Owners: Anthony Stocker Mina & Jennifer Lynn Franz

Address: 75 E. Dogwood Trail

Lot Coverage for Parcel A: 2,965.5 Sq. Ft. (14.82%)

Lot Coverage for Parcel B: 4,553.63 Sq. Ft. (16.74%)

Setbacks shown are as per RS 1 Zoning.

There are no geodetic control within 2000'.

Certifier hereon is not responsible for utilities and/or features that are not visible.

OWNER CERTIFICATE

We, _____, Owners of the property shown on this plat, agree to the division/recombination as shown.

_____ Owner _____ Owner

NOTARY CERTIFICATE

State of _____, County of _____

I, _____ a Notary Public of the County and State aforesaid, certify that

_____, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this____ day of _____, 2024.

_____ Notary Public

SURVEYOR'S CERTIFICATE:

I, M. Douglas Styons Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision; using the description found in DB 2689, PG 776 , that the boundaries not surveyed are clearly indicated as drawn from information found in MB 2 , PG 182; that the ratio of precision as calculated is at least 1: 10,000; and that this plat was prepared in accordance with G.S. 47-30 as amended. I also certify to the following:

This plat is of a survey of another category such as the recombination of existing parcels, a court-ordered survey or other except. to the definition of subdivision; No street right-of-ways are created.

Witness my original signature and seal this 26th day of June 2024.

P.L.S. L-3227

PRELIMINARY

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

Styons Surveying Services
2700 N. Croatan Hwy. Kill Devil Hills, NC. 27948 C-1697
Phone: (252) 441-1415 Fax: (252) 480-1182

Any unauthorized use or alteration of this document is prohibited. A red seal must be present for this to be an original document.

"MINA DIVISION"
REVISED DIVISION OF LOT 1 SOUTHERN SHORES
SOUNDSIDE BLOCK 105

SURVEYED FOR
ANTHONY S. MINA
and JENNIFER L. FRANZ

SCALE: 1" = 30'	ATLANTIC TOWNSHIP DARE COUNTY		SOUTHERN SHORES NORTH CAROLINA
FILE NO.: 24-065	DATE: 03-14-2024	REC. REF: M.B. 2, PG. 182	SHEET: 1 OF 1
DWG NO.: 2406552R	REV.DATE: 6-26-24ADD PARKING	D.B. 2689, PG. 776	
FLOOD ZONE: SEE PLOT	PIN NO.: 009868172113502	F.I.R.M. 3720 SRER 00 K	F.I.R.M. DATE: 6-19-20

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
www.southernshores-nc.gov

July 16, 2024

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision (Application 2 Received on July 3, 2024)

Dear Mr. Mina and Ms. Franz:

This letter shall serve as denial of your application (Application 2 received on July 3, 2024) to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000). The reason for the denial is that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

EXHIBIT "D"

Your application that was submitted on April 29, 2024 is considered withdrawn. Should you wish to appeal this administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/bc-pb. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov. if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

EXHIBIT "B"

Southern Shores Planning Board Meeting
May 15, 2023 at 5:00 PM
Pitts Center, Southern Shores Town Hall Complex

AGENDA

I. **Call to Order**

II. **Pledge of Allegiance**

III. **Approval of Agenda**

IV. **Approval of Minutes** – February 22, 2023

V. **Public Comment**

VI. **Old Business**

A. ZTA-22-08, a Zoning Text Amendment application submitted by Casey Varnell on behalf of Pledger Palace, CDEC, Inc. to amend Town Code Sections 36-57 and 36-207(b) to allow Shared space-Occupancy Dwellings in the C, General Commercial zoning district

B. ZTA-23-03 PB 01, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend Town Code Sections 36-57, 36-202(d)(2), 36-203(d)(2), 36-204(d)(2), 36-205(d)(2), and 36-206(d)(2) to clarify the Town's current lot width requirements

VII. **New Business**

A. ZTA-23-04, a Zoning Text Amendment application submitted by Matthew Huband to amend Town Code Sections 36-207(c)(1)b., 36-207(c)(1.5)b., 36-207(c)(11)j., 36-207(c)(11)k., 36-207(d)(7), and 36-207(d)(8) to establish a 50 ft. setback requirement for restaurants from planned unit developments, a 50 ft. setback requirement for drive-through facilities or establishments (small) from planned unit developments, a 50 ft. setback requirement for mixed use group developments from planned unit developments and residential districts, a 50 ft. setback requirement for commercial buildings and facilities from planned unit developments, a 20 ft. buffer requirement where a mixed use group development abuts a residential district or planned unit development, and a 20 ft. buffer requirement where a commercial use or zone abuts a residential district or planned unit development

VIII. **Public Comment**

IX. **Planning Board Member Comments**

X. **Announcements**

XI. **Adjourn**

"EXHIBIT C"

Sec. 36-362. - Meetings of the board of adjustment.

(a) *Generally.* All meetings of the board shall be held at a regular place and shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, an indication of that fact. Any party may appear in person or be represented by an attorney.

(b) *Notices.* Notice of hearings conducted pursuant to this article shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing; (ii) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; (iii) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and (iv) to any other persons entitled to receive notice as provided by this chapter. In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

(c) *Burdens.* The burdens of production, persuasion and proof for all quasi-judicial decisions of the board lie with the applicant or appellant seeking such a decision.

(d) *Fees.* A fee in accordance with the regularly adopted fee schedule of the town shall be paid to the town for each notice of appeal or variance application to cover the administrative expenses involved. A notice of appeal or variance application shall not be deemed complete and filed until such time as the associated fees have been paid. The time to file a completed notice of appeal or variance application and associated fee will be extended for 15 days to receive payment of the fee upon an applicant's timely submission of a notice of appeal or application for variance that is otherwise complete. No hearing will be scheduled before the board until a completed application and fee have both been received.

(Ord. No. 2014-04-01, art. III, 4-1-2014)

"EXHIBIT D"

Public Records Request Regarding TCA-21-06 and ZTA-23-03

chestercountyla

Sheila Kane <skane@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 20, 2024 at 5:07 PM

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03. **NOT REQUIRED**

2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.

    1. **Coastland Times Advertisement Invoices and copies of notices are attached. A ½ of a page size is NOT REQUIRED**

3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
    1. **Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.**

4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
    1. **NOT REQUIRED**
    2. **Communication with one property owner attached (Anthony Mina).**

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

11 Files 13.9MB

"EXHIBIT E"

FW: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

Phillip Hornthal <phornthal@hrem.com> Oct 30, 2024 at 2:57 PM
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Sheila Kane <skane@southernshores-nc.gov>

Mr. Mina:

Please find attached and below the Town's response to your earlier, above referenced, Public Records Request.

Thank you.

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.698.0214
Office: 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

www.hrem.com

HREM LLP
HORNTHAL, RILEY, ELLIS & MALAND
ATTORNEYS AT LAW

Click here to read our Disclaimer,
Legal Notices & Privacy Policy

From: Sheila Kane <skane@southernshores-nc.gov>
Sent: Wednesday, October 30, 2024 2:09 PM
To: Phillip Hornthal <PHornthal@hrem.com>
Subject: FW: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

>>Warning! The source of this email is from outside of the firm.<<
Phillip:

On October 24, 2024, Mr. Mina filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

• All notification records including paid receipts of posted notice and postal records (including letters sent) pursuant to Section 36-362(b) for the May 15, 2023 Planning Board/Board of Adjustments hearing on Wes Haskett's 3/31/2023 zoning amendment application and the zoning amendment (including Planning Board/Board of Adjustments meeting notification) notifications for the 8/3/2021 zoning amendment.

Please find all records that pertain to this request attached. Also, a response from Wes Haskett can be seen in the email below, explaining the notice requirements.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

"EXHIBIT F"

From: Wes Haskett <whaskett@southernshores-nc.gov>
Sent: Wednesday, October 30, 2024 10:37 AM
To: Sheila Kane <skane@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: FW: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

See attached documents to be included with the response to Mr. Mina's request below. The Planning Board did not hold a hearing for TCA-21-06 on July 19, 2021 or ZTA-23-03 on May 15, 2023 because no hearings were required (hearings were subsequently required and held by the Town Council). There also were no posted or mailed notices for the Planning Board's consideration of TCA-21-06 on July 19, 2021 and ZTA-23-03 on May 15, 2023 because they weren't required.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

9 Files 9.3MB

- 7-19-21 PB Mtg Public Notice.pdf 78kB
- 7-14-21 PB Mtg Notice.pdf 346kB
- 7-19-21 PB Mtg Sunshine List Notice.pdf 416kB
- 5-15-23 REVISED PB Mtg Public Notice.pdf 133kB
- 5-10-23 PB Meeting Notice.JPG 59kB
- 8-3-21 TC Mtg Public Notice.pdf 79kB
- Published Notices.pdf 5MB
- Additional Planning Board mtg Notices.pdf 1MB
- August 3 2021 Council Mtg. Notices.pdf 2MB

"EXHIBIT F"

RE: 75 E Dogwood Trail Subdivision

chestercountyla

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 1, 2023 at 9:44 AM

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

On Tuesday, May 30, 2023 at 04:41:19 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. Thank you for sending the drawing. How much frontage would Lot B have and at what point is it 100 ft. wide?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

I really only want enough street frontage to build some walls at the beginning of the driveway like in the attached picture. I'll be able to give you a much more accurate subdivision plan after I purchase 75 E Dogwood Trail and get some legal advice about all my possible subdivision plans. But I am thinking that I may want both lots sharing one driveway opening that I own, if zoning code allows a subdivi plan like this (if not Lot A could use the existing driveway).

"EXHIBIT G"

Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

Thank you for your help.

Anthony S Mina

1 File 2.2MB

5-16-23 ZTA-23-03 Lot Width.pdf
2MB

" EXHIBIT G

Resident Mike Stone asked to speak. His family currently have 10-14 of the pie shaped/ flag shaped lots that would be affected. The minimum lot size is still 20,000, which is a large lot. That should be adequate.

Town Attorney Lauren Arizaga-Womble closed the public hearing.

Motion: Mayor pro tem Neal moved to deny ZTA-23-03 with the recommendation to send it back to the Planning Board specifically addressing the setback requirement and the location of that setback requirement.
Second: Council Member Sherlock
Vote: 2-3, Opposed by Council Members Holland & Batenic & Mayor Morey

The Town Attorney asked if there was a motion in the alternative.
MOTION: Mayor Morey moved to approve ZTA-23-03 and acknowledge it is consistent with the Land Use Plan.
Second: Council Member Batenic
Vote: 3-2, opposed by Mayor pro tem Neal and Council Member Sherlock

9. Town Manager's Recommended Budget FY2023-2024 -
   a. Public Hearing -purpose of receiving input from citizens wishing to comment on the proposed budget for FY2023-2024
   b. Consideration of Budget Ordinance #2023.06.01
   c. Amendment to the Unreserved Fund Balance Policy

Town Manager Ogburn stated the budget was presented on May 2nd and it's been advertised in the clerk's office since that date. There so as I said in my staff reported that it's been advertised for five weeks, which is well beyond the minimum amount of time. There are no changes that staff recommended, the public would be commenting on what was submitted on May 2nd.

Town Attorney Lauren Arizaga-Womble opened the public hearing. Hearing no comment, she closed the public hearing.

Mayor Morey proposed a change. She proposed an amendment that changes the annual contribution for canal maintenance, which is a restricted capital reserve fund, from $50,000 to $75,000. She stated if the town needs to do maintenance on canals it's going to require a large capital outlay and we ought to be putting a little bit more money into that bucket.

Town Manager Ogburn recommended making a budget amendment for $25,000 now and keeping the $50,000 as proposed in the budget, effectively accomplishing the same thing.

All council agreed that the budget was well presented.

Motion: Mayor Morey moved to adopt budget ordinance 2023.06.01 as presented (Budget Ordinance FY 2023-2024 Budget)
Second: Council Member Holland

"EXHIBIT H"

At the March 21, 2023 Town Council meeting, Council directed Town Staff to draft a Zoning Text Amendment (ZTA) to amend the Town's minimum lot width requirements in all of the residential zoning districts so that the requirements are unambiguous. The proposed amendments include a new definition of "lot width" in Section 36-57 which is the horizontal distance between the side lot lines of a lot. The proposed amendments also include amendments to Sections 36-202(d)(2), 36-203(d)(2), 36-204(d)(2), 36-205(d)(2), and 36-206(d)(2) that establish that the minimum lot width for lots created after XX-XX-XXXX (date of adoption, if adopted) is measured from the front lot line at right angles to the rear lot line.

The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low-density residential community comprised of single-family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

RECOMMENDATION

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan and Town Staff recommends approval of the application. The Planning Board recommended approval of the application (4-1) at the May 15, 2023, Planning Board meeting. With respect to the date to be determined, that is proposed that existing lots that aren't 100 ft. wide from the front lot line to the rear lot line aren't rendered nonconforming, if this is adopted. That date will essentially become the effective date.

We realize that these requirements are stricter than what has been in place, but we believe that they're unambiguous and will prevent future subdivisions and recombination's with higher densities. If adopted, we can consider future amendments to allow pie-shaped lots or other irregularly shaped lots.

Town Attorney Lauren Arizaga-Womble stated staff brought this ZTA forward to try and fix a problem with some ambiguity that was in the in the code.

Mayor pro tem Neal stated the ambiguity is with the front setback and it would be simpler to fix the front setback at one static location rather than editing all these individual things.

Council Member Holland stated this basically clears up the issue that occurred on Skyline. Planning Director Haskett stated that is correct.

Mayor Morey stated staff was directed to remove the ambiguity and this ZTA does that.

Mayor pro tem Neal stated this is creating non-conforming lots.

Town Attorney Lauren Arizaga-Womble stated those lots will be grandfathered. They will be dated and grandfathered. If they are subdivided or recombine the new requirements will need to be met.

"EXHIBIT H"

Council Member Holland asked how the Council can protect this group of residents.

Town Attorney Lauren Arizaga-Womble reminded council that they cannot ask site specific questions and that the ZTA applies to the entire town and that the only thing before council this evening is the ZTA.

Mayor pro tem Neal asked about the zoning map. Planning Director Haskett stated the map currently shows the western third of Southern Shores Landing commercial, the rest RS-10. The GIS consultant is updating the map as history shows the area is all zoned commercial.

Town Attorney Lauren Arizaga-Womble closed the public hearing.

Motion: Council Member Batenic moved to deny ZTA-23-04 as presented and even though it is in compliance with the current Land Use Plan.
Second: Mayor pro tem Neal
Vote: 5-0

Mayor Morey stated this was a really difficult challenging issue before Council and staff has worked very hard on this, as have the Town attorneys. In the end, she believes that it's best for the town to not be limited to what the ZTA says and perhaps in some cases we could get more than a 50-foot setback to between residential uses and Commercial uses.

Mayor Morey called for a 5-minute recess.
6:50-6:55 pm.

8. Public Hearing-ZTA-23-03, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend Town Code Sections 36-57, 36-202(d)(2), 36-203(d)(2), 36-204(d)(2), 36-205(d)(2), and 36-206(d)(2) to clarify the Town's current lot width requirements.

Town Attorney Lauren Arizaga-Womble opened the public hearing and called on staff for a report.

Town Planner Wes Haskett presented the staff report which read as, On October 5, 2022, the Board considered APA-22-01, an appeal application that was submitted by Adam Ward to appeal the Zoning Administrator's decision to deny approval of a recombination plat for the property located at 55 Skyline Rd. The main reason for the denial was that Town Staff believed that the proposed lots did not meet the Town's 100 ft. minimum lot width requirement for the RS-1, Residential zoning district as established in Town Code Section 36-202(d)(2). Town Code Section 36-202(d)(2) currently requires a minimum lot width of 100 feet measured at the building setback line.

Town Code Section 36-57 defines "building setback line" as a line parallel to or concentric with the street right-of-way establishing the minimum allowable distance between such right-of-way and the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, gutters and similar fixtures. The Board voted to affirm the Zoning Administrator's decision (3-2) to deny approval of the recombination plat and the applicant subsequently appealed the Board's decision to Superior Court which resulted in a Consent Order.

"EXHIBIT H"

RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Divisio n

chestercountyla

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

May 21, 2024 at 2:27 PM

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.
(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section ____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ... ." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.
(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.
(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Cc: David Kole <dkole@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Jonathan Slegel <jslegel@southernshores-nc.gov>; Matt Cooke <mcooke@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Tracy Mann <tmann@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner <rdeaner@southernshores-nc.gov>; Thomas Long <tlong@southernshores-nc.gov>; Jason Thompson <JThompson@southernshores-nc.gov>; Andrew Spottswood <jspottswood@southernshores-nc.gov>; Jennifer Couture <jcouture@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@kittyhawktown.net>; cgarriss@kittyhawktown.net; cgarriss@kittyhawktown.net; Casey Varnell <varnell@ncobxlaw.com>; Mike Talley <mike.talley@kittyhawktown.net>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <dryan@chesco.org>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <mmoskowitz@chesco.org>;

"EXHIBIT I"

mkichline@chesco.org; mkichline@chesco.org
Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

My concerns are the following:

Wes Haskett and Philip Hornthal are not in touch with reality and a danger to other people's physical and emotional well being. Wes Haskett has refused to answer how he believes he is legally changing land use with a zoning amendment since last summer. Changing land use from a 2 single home property (with a subdivision by right) to a 1 single home property causes land value monetary damages to some Southern Shores tax payers of significantly more than $100,000. In the real world $100,000 is easily the difference between life and death. $100,000 can be the difference between the medical care someone needs and accepting that their life is coming to an end. If you walk into a bank demanding $100,000 you are lucky if you are not killed. Wes Haskett and Philip Hornthal refuse to explain how they legally think they can cause some Southern Shores home owners more than $100,000 in monetary damages with a zoning code amendment which changes land use. Applicant without a doubt will not be committing any crimes in response to Wes Haskett and Philip Hornthal stealing land value from Southern Shores home owners, but has serious concerns that Wes Haskett and Philip Hornthal are a danger to the physical and emotional well being of others and should be involuntarily committed to a psychiatric hospital for evaluation. Applicant will give Wes Haskett and Philip Hornthal 48 hours to explain how they legally are changing land use without an eminent domain transaction and highly suggests law enforcement not to wait half as long.

Anthony Stocker Mina

PS When I testified in front of Federal Judge Edward G Smith against Chester County's labor trafficking conspiracy against me I explained that the conspirators designed me a spin move. 172 and 174 S. Dogwood Trail appear to me to be another example of the pre-meditated conspiracy which I am expected to use certain evidence against corruption a specific way. I will let law enforcement figure out if the home owners are pawned because of meanings within their names or play a role in the conspiracy that repeatedly forces me in the middle of government scandals as a way of hiding Pennsylvania's corruption like I am their undercover internal affairs guerilla. Since there is a white crosstour at 172 S. Dogwood Trail and I live in the Dick White house I feel like I am being forced in the middle of a whole lot of crossing without being paid (as Wes Haskett tries stealing more than $100,000 of land value from my family).

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: "dkole@southernshores-nc.gov" <dkole@southernshores-nc.gov>; "dkole@southernshores-nc.gov" <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Cc: "jslegel@southernshores-nc.gov" <jslegel@southernshores-nc.gov>; "mcooke@southernshores-nc.gov" <mcooke@southernshores-nc.gov>; "ebrinkley@southernshores-nc.gov" <ebrinkley@southernshores-nc.gov>; "dbrickhouse@southernshores-nc.gov" <dbrickhouse@southernshores-nc.gov>; "tmann@southernshores-nc.gov" <tmann@southernshores-nc.gov>; "csimpson@southernshores-nc.gov" <csimpson@southernshores-nc.gov>; "rdeaner@southernshores-nc.gov" <rdeaner@southernshores-nc.gov>; "tlong@southernshores-nc.gov" <tlong@southernshores-nc.gov>; "jthompson@southernshores-nc.gov" <jthompson@southernshores-nc.gov>; "jspottswood@southernshores-nc.gov" <jspottswood@southernshores-nc.gov>; "jcouture@southernshores-nc.gov" <jcouture@southernshores-nc.gov>; FBI <https://urldefense.proofpoint.com/v2/url?u=http-3A__philadelphia.complaints-40ic.fbi.gov&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=MC7so4jnUv2wQVmuCXwrNDEXrEJP6m_gEAAQ-fd9yY4&m=TQWcd4upmdpDWor5Elvu-VPS6KMBlb1TxzMPffo1sUbknm1nCViAZWOdX9lh_Avm&s=yAv20roTd3d7ho9dh-7FKKJNW1Ak6eZiWMSReU0JdrU&e=>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@kittyhawktown.net>; "cgarriss@kittyhawktown.net" <cgarriss@kittyhawktown.net>; "cgarriss@kittyhawktown.net" <cgarriss@kittyhawktown.net>; Casey Varnell <varnell@ncobxlaw.com>; Mike Talley <mike.talley@kittyhawktown.net>; "mike.palkovics@kittyhawktown.net" <https://urldefense.proofpoint.com/v2/url?u=http-3A__mike.palkovics-40kittyhawktown.net&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=MC7so4jnUv2wQVmuCXwrNDEXrEJP6m_gEAAQ-fd9yY4&m=TQWcd4upmdpDWor5Elvu-VPS6KMBlb1TxzMPffo1sUbknm1nCViAZWOdX9lh_Avm&s=gzBaldFoRtIddun_nM_CzkWY-GJQZ6p-Ou6cFa-rlUw&e=>; "mike.palkovics@kittyhawktown.net" <https://urldefense.proofpoint.com/v2/url?u=http-3A__mike.palkovics-40kittyhawktown.net&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=MC7so4jnUv2wQVmuCXwrNDEXrEJP6m_gEAAQ-fd9yY4&m=TQWcd4upmdpDWor5Elvu-VPS6KMBlb1TxzMPffo1sUbknm1nCViAZWOdX9lh_Avm&s=gzBaldFoRtIddun_nM_CzkWY-GJQZ6p-Ou6cFa-rlUw&e=>; "chambers_of_chief_judge_sanchez@paed.uscourts.gov" <chambers_of_chief_judge_sanchez@paed.uscourts.gov>; "chambers_of_judge_edward_g_smith@paed.uscourts.gov" <chambers_of_judge_edward_g_smith@paed.uscourts.gov>; "chambers_of_judge_pappert@paed.uscourts.gov" <chambers_of_judge_pappert@paed.uscourts.gov>; "chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov" <chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov>; "chambers_of_judge_timothy_j_savage@paed.uscourts.gov" <chambers_of_judge_timothy_j_savage@paed.uscourts.gov>; Dryan <dryan@chesco.org>; "cccommissioners@chesco.org" <cccommissioners@chesco.org>; "cccommissioners@chesco.org" <cccommissioners@chesco.org>; "jmaxwell@chesco.org" <jmaxwell@chesco.org>; "jmaxwell@chesco.org" <jmaxwell@chesco.org>; Marian Moskowitz <mmoskowitz@chesco.org>; "mkichline@chesco.org" <mkichline@chesco.org>; "mkichline@chesco.org" <mkichline@chesco.org>; Wes Haskett <whaskett@southernshores-nc.gov>

Sent: Friday, May 17, 2024 at 05:35:45 PM EDT
Subject: Criminal Conspiracy Being Committed By Wes Haskett And Southern Shores

Dear Law Enforcement,

"EXHIBIT I"

RE: 75 E Dogwood Trail Subdivision

A

chestercountyla.../Inb

Jun 1, 2023 at 9:44 AM

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

Wes Haskett's July 16th, 2024 sub-division denial (variance "Exhibit 1B") confirmed lot widths met town code as the drawing referenced in this email was provided on a plat prepared by a surveyor and is found as Variance "EXHIBIT 2B"

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

On Tuesday, May 30, 2023 at 04:41:19 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. Thank you for sending the drawing. How much frontage would Lot B have and at what point is it 100 ft. wide?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT ADMITTING ON JUNE 1, 2023 THE LOT WIDTH REQUIREMENTS FOR A SUBDIVISION WERE MET, BUT THEN TELLING APPLICANT FOR THE 1ST TIME THAT LOT WIDTH REQUIREMENTS OF 100' AT THE FRONT BUILDING SETBACK LINE WERE BEING CHANGED ON JUNE 6, 2023 TO REQUIRE THE ENTIRE LOT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements. (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

"EXHIBIT 1"

I really only want enough street frontage to build some walls at the beginning of the driveway like in the attached picture. I'll be able to give you a much more accurate subdivision plan after I purchase 75 E Dogwood Trail and get some legal advice about all my possible subdivision plans. But I am thinking that I may want both lots sharing one driveway opening that I own, if zoning code allows a subdivision plan like this (if not Lot A could use the existing driveway).

TO BE 100' WIDE. (ATTACHMENT EXPLAINED PROPOSED ZONING AMENDMENT

Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

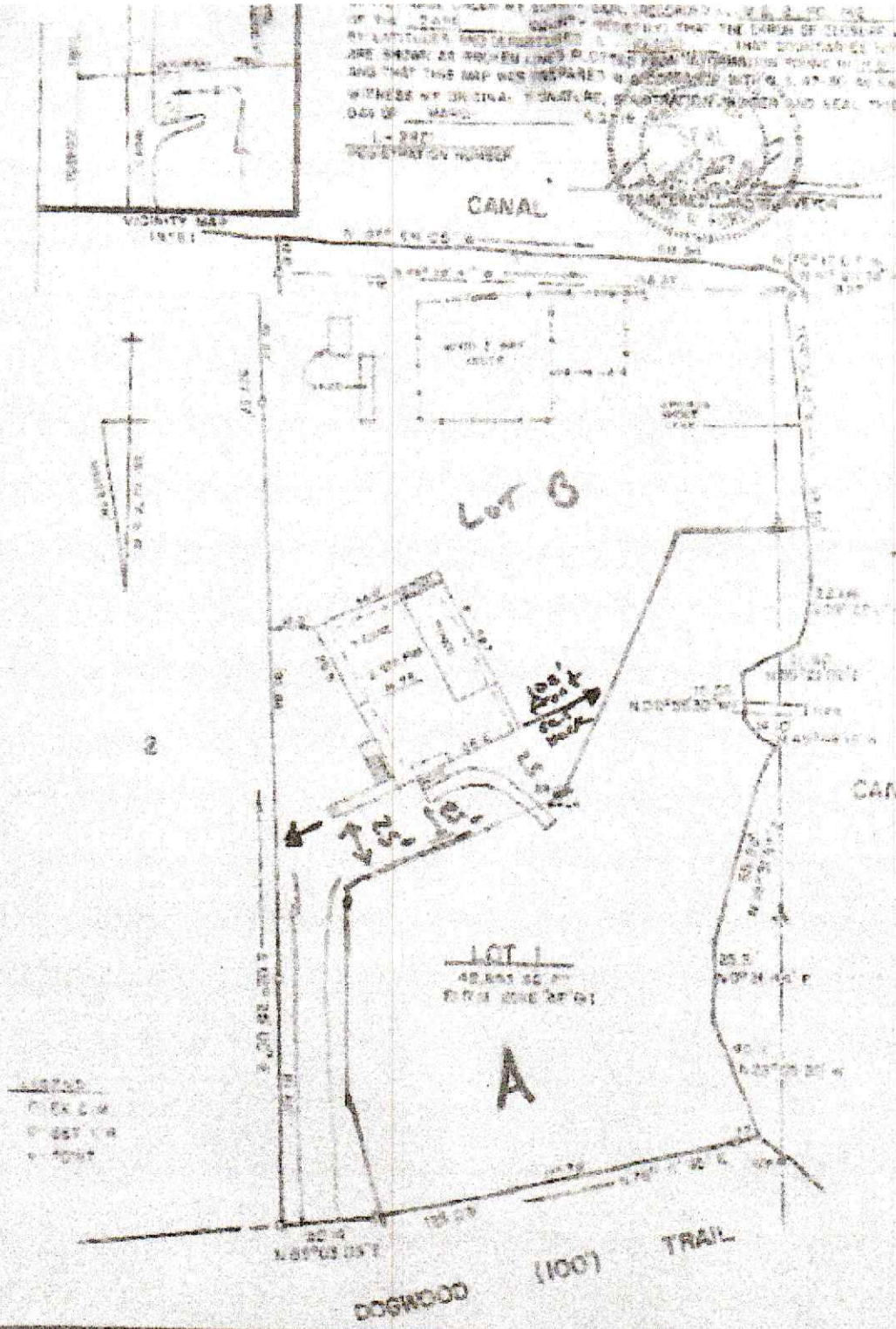
Thank you for your help.

Anthony S Mina

1 File 2.2MB

5-16-23 ZTA-23-03 Lot Width.pdf
2MB

"EXHIBIT E"



LOT A

New single family dwelling pursuant to RSP zoning requirements, including 100' lot width at front set back

LOT SIZE: 20,000 sq. ft

LOT B

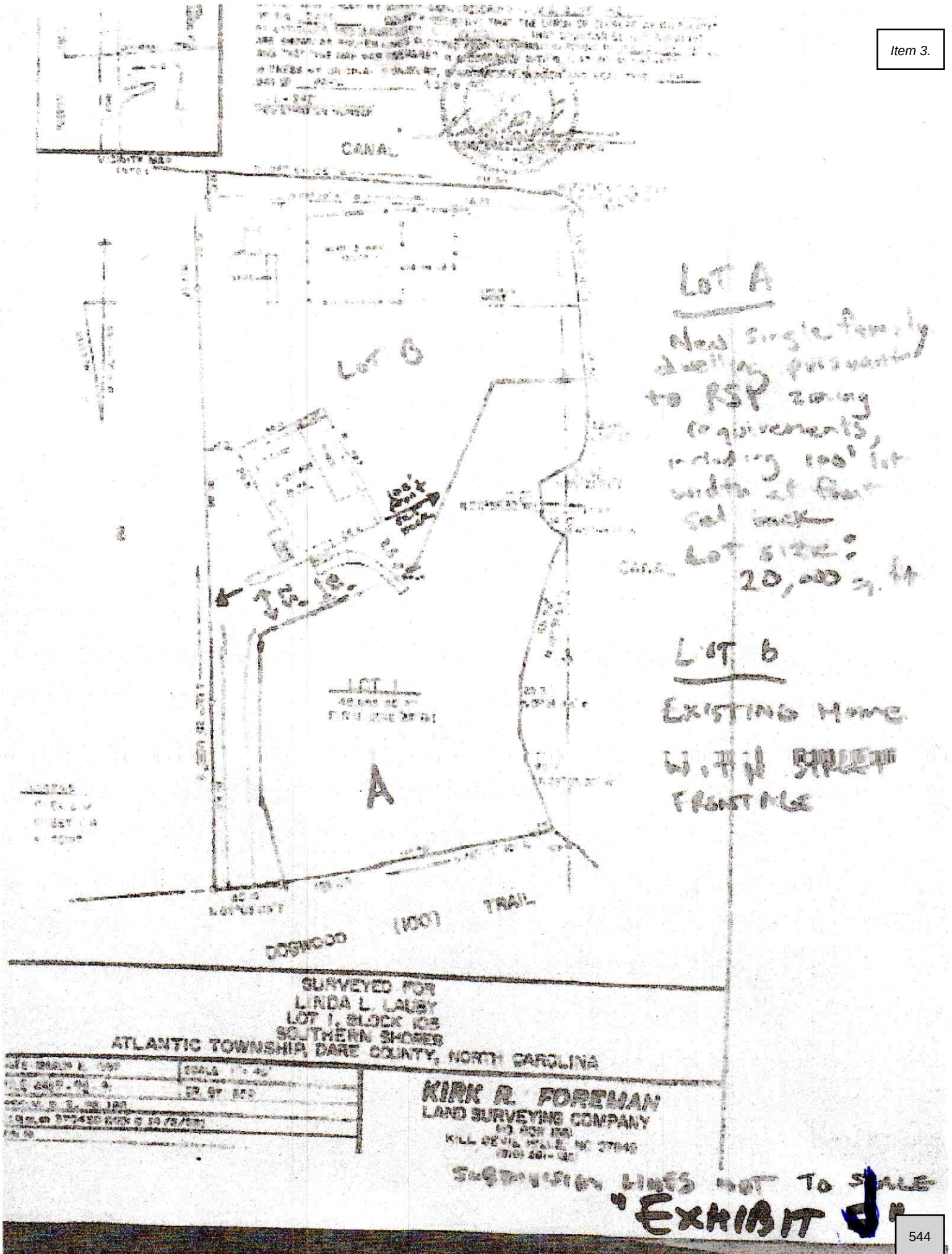
EXISTING HOME WITH STREET FRONTAGE

SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 105
SOUTHERN SHORES
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA

KIRK R. FOREMAN
LAND SURVEYING COMPANY
P.O. BOX 1961
KILL DEVIL HILLS, NC 27948
(919) 261-1621

SUBDIVISION LINES NOT TO SCALE

"EXHIBIT B"


CANAL
LOT B
LOT A
LOT 1
A
TRAIL
DOGWOOD
(100')
LOT A
New single family dwelling proposed to RSP zoning requirements, including 100' lot width at front set back
Lot size: 20,000 sq. ft
LOT B
EXISTING HOME WITH 50' FRONTAGE
SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 108
SOUTHERN SHORES
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA
KIRK R. FOREMAN
LAND SURVEYING COMPANY
Subdivision lines not to scale
"EXHIBIT D"

RE: 75 E. Dogwood Trail Subdivision

chestercountyla.../

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

May 23, 2023 at 2:13 PM

Good afternoon. I had a good weekend and I hope the same for you. Purchasing land from the adjacent property owner (both properties and structures meet all requirements) or removing a portion of the building would resolve the setback issue. Can you please explain or show on a drawing how the Town's 100 ft. lot width requirement would be satisfied for both lots?

WES HASKETT
HIDING JUNE 6, 2023
LOT WIDTH AMENDMENT

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 22, 2023 12:41 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Subdivision

Hello,

I hope you had a good weekend.

I am writing you again about 75 E. Dogwood Trail. I apologize if I am asking a lot of questions. My last job in Pennsylvania was building an addition onto a house on a non-conforming lot and I feel like the job went smoothly because I asked the building inspector lots of questions before I even started getting my building plans (and as of right now, I still don't even live at 75 E Dogwood Trail).

Can I ask you how you would suggest I go about subdividing 75 E. Dogwood Trail if it was your property and you wanted to make it two properties (or how you think the smartest way to get Southern Shores approval would be)?

I believe my options are (assuming the house is 14' from the 73 E. Dogwood Trail property line):
- Remove one foot of the existing home (the back left corner of the home) and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

-Apply for a variance and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

-Purchase a few square feet of property from 73 E. Dogwood Trail so the property line angles around the house of 75. E Dogwood Trail so there is at least 15' between the house and property line. Some examples of property lines literally wrapping around houses like I am describing are at. 233 N Dogwood Trail and 378 Sea Oats Trail. Then the lot would then again be subdivided with a "flag lot" in the back.

Thank you for your help,
Anthony S Mina

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:
https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1684773651-ibKTs-23fsY5&r_address=whaskett%40southernshores-nc.gov&report=1

"EXHIBIT 4"

Re: 75 E. Dogwood Trail Zoning Question

chestercountyla...

Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>

May 18, 2023 at 2:54 PM

Thank you for your help. I am not going to ask to meet with you next Tuesday to review my prosposed subdivision for 75 E. Dogwood Trail, but I hope to provide you the drawing of the subdivision before then. I will talk to you soon. Anthony S Mina

On Thursday, May 18, 2023, 01:51:04 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. See my responses below.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT HIDING JUNE 6, 2023 PROPOSED LOT WIDTH AMENDMENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 17, 2023 12:18 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Hello,

Thank you for your help.

-Could you please tell me which ordinance I need to read to understand the zoning requirements for subdividing a lot that has an existing structure that could possibly be 14' from the property line. See Town Code Section 30-97(2):
https://library.municode.com/nc/southern_shores/codes/code_of_ordinances?nodeId=PTIICOOR_CH30SU_ARTIVMISTDEGE_S30-97DEST.

-Could you also please tell me about Southern Shores' procedure for asking Southern Shores to make an exception to their local code. For example, if I hired an attorney to file my applications and ask Town Council or Dare County to approve the subdivision. An exception would be in the form of a Variance. Our Town Planning Board considers Variances which are only granted if the applicant can demonstrate that there is a hardship involved if a Variance is not granted. See attached application which includes questions that address the criteria for granting a Variance.

75 E. Dogwood Trail can be divided so each property has street frontage and a 100' lot width at the front of the building (by making the existing lot similar to a "flag lot"). I would just prefer not to literally remove 1' of the existing home if the home was really built 14' from a property line that required 15'. Please submit a drawing showing what you have in mind, including the existing structure and measurements from existing and proposed property lines.

If you would like, I am available to meet with you to make sure I am creating a subdivision plan consistent with other approved subdivisions and existing zoning requirements. I am available to meet next Tuesday at 10:30 or 2:00 if you'd like to meet to discuss and review your drawing.

Thank you.
Anthony S Mina

On Wednesday, May 17, 2023, 11:31:21 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Anthony. I'm doing well and I hope the same for you. I don't believe that creating two lots that front E. Dogwood Trl. would work either, unfortunately. This is due to our minimum lot width requirement which is 100 ft. so both lots would have to be 100 ft. wide and front E. Dogwood Trl. However, I'd be glad to take a look at a sketch if you'd like to draw what you have in mind. The other issue is the existing structure not being at least 15 ft. from the side property line. Our ordinance requires compliance with all zoning requirements whenever new lots are created.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT HIDING JUNE 6, 2023 PROPOSED LOT WIDTH REQUIRENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, May 16, 2023 11:51 AM

EXHIBIT 5

To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Good Morning,

I hope you are doing good. I'm a little confused about the Southern Shores local codes governing subdivision plans. Can you tell me why 75 E. Dogwood Trail could not be divided so each of the (2) new lots has street frontage. There is about 155' of street frontage and it does not matter to me if the lots shared the driveway or each had their own driveway. I believe that a second house could be built at 75 E Dogwood Trail and positioned so each lot has at least a 75' width at the side of the house closest to Dogwood Trail.

Thank you for your help,
Anthony S Mina

On Monday, May 1, 2023, 01:54:54 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. I'm doing well and I hope the same for you. I don't think a subdivision of 75 E. Dogwood Trl. would be allowed per Town Code Section 30-96(f) in our Subdivision Ordinance which states: All lots shall front upon a public road. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 1, 2023 12:50 PM
To: Kevin Clark <kclark@southernshores-nc.gov>; Kevin Clark <kclark@southernshores-nc.gov>; Marcey Baum <mbaum@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Zoning Question

Hello,

I hope you are doing good.

I have attached a survey with a sketch of a proposed subdivision for 75 E. Dogwood Trail and wanted to make sure I am correct to believe that the lot can be subdivided as a right to the homeowner because the lot is larger than one acre. The only thing I noticed that did not meet the current zoning code requirements is a 14' setback from the existing home to the property line on the left side (I believe there should be 15').

Could you please tell me anything that would prevent me from subdividing the 75 E. Dogwood Trail lot so I could build another house. I do not own the property but have made an offer on the property.

Thank you,
Anthony S Mina

CC Ashton Harrell, MM & J Law Firm

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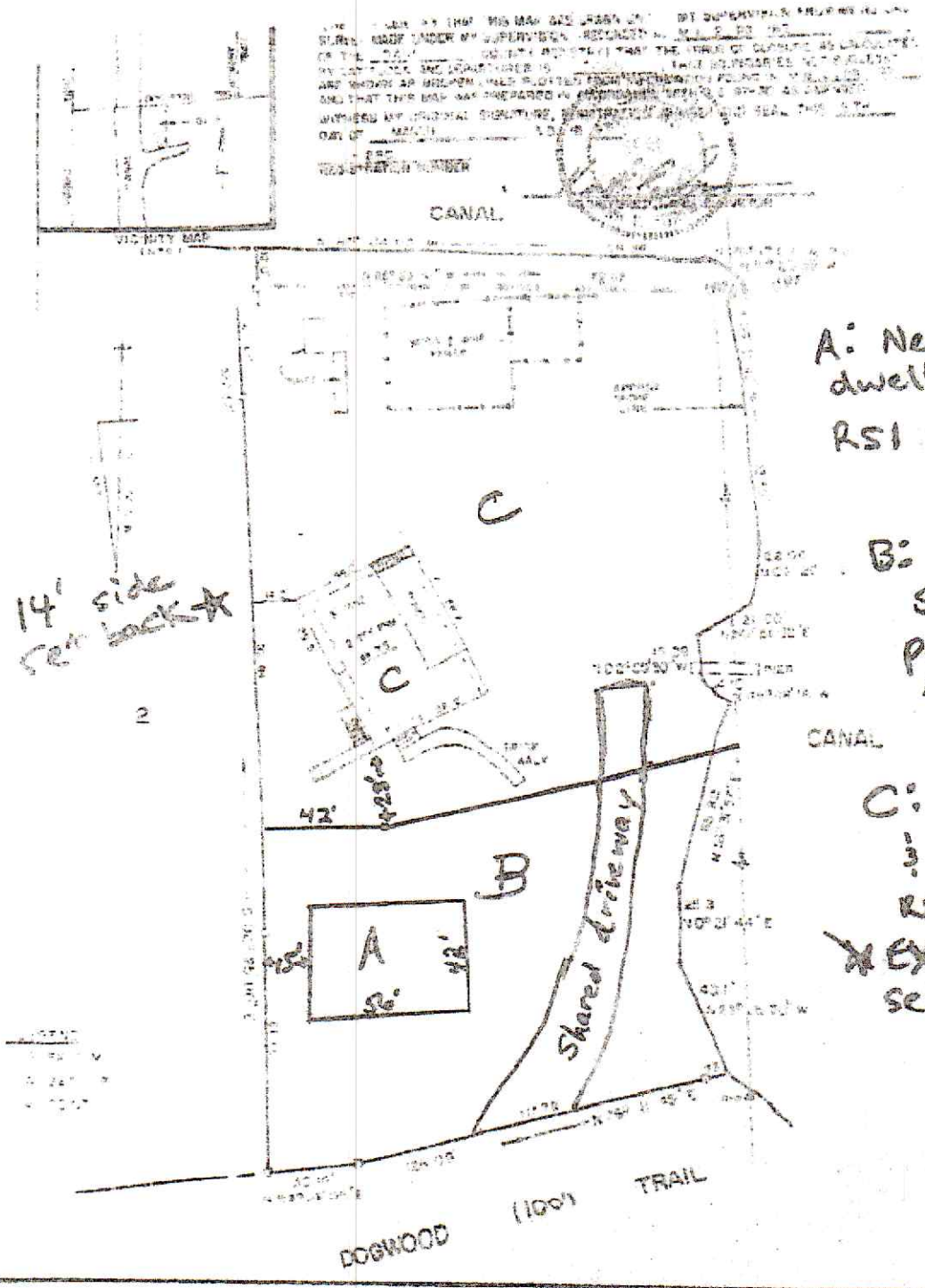
This email has been scanned for spam and viruses by Proofpoint Essentials. Clickhere to report this email as spam.

EXHIBIT 5



SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 105
SOUTHERN SHORES
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA

ATE MARCH 5, 1997	SCALE: 1" = 40'
TLE 6827 - T2 7	DR BY SCB
REF M. B. 2, PG 162	
P.I.N. ex 9784 30 0601 5 (4/8/98)	

KIRK R. FOREMAN
LAND SURVEYING COMPANY
P.O. BOX 1962
KILL DEVIL HILLS, NC 27948
(919) 261-1221

EXHIBIT

E

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
www.southernshores-nc.gov

PROOF OF WES HASKETT'S SPECIAL INTEREST IN 75 E. DOGWOOD TRAIL

June 5, 2024

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision

Dear Mr. Mina and Ms. Franz:

Following further review, the administrative decision to deny your application to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000) has been revised. However, the decision to deny the application has not been revised. The reason for the denial remains that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

1" EXHIBIT K"

2. There is no drive aisle shown on proposed Parcel B providing access from E. Dogwood Trl. to the existing single-family dwelling. Town Code Section 36-163(4)a.1.ii. states that an eight-foot-wide drive aisle shall be provided, which must be separate from any parking spaces, such that no vehicle will be required to back into the public right-of-way.

3. There are no parking spaces shown on proposed Parcel B for the existing single-family dwelling. Town Code Section 36-163(4)a.1 requires three parking spaces for each dwelling unit with up to eight-person septic capacity and one additional space for each two persons of septic capacity, or fraction thereof, in excess of eight-person septic capacity up to 12-person septic capacity and one additional space for each person of septic capacity over 12.

Per Town Code Section 36-132(c) and Section 36-132(c)(1), the existing single-family dwelling on proposed Parcel B that encroaches the minimum side yard (setback) requirement has been determined legally nonconforming and it can remain as is or it can be enlarged or altered as long as the enlargement or alternation doesn't increase the nonconformity. As a result, the encroachment is no longer applicable to the decision to deny your application.

Should you wish to appeal this revised administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/bc-ph. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov. if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

"EXHIBIT K"

75 E Dogwood Trail

chestercountyla.../Sent

Anthony Mina <chestercountylawn@yahoo.com> Jun 4 at 2:18 PM
To: Marcey Baum <mbaum@southernshores-nc.gov>,
Southernshores Nc Info <irfo@southernshores-nc.gov>, Kevin Clark <kclark@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>

Hello,

Please find the attached building permit application to:
-repair first floor sagging problems, as needed.
-enlarge the foyer/first floor family room opening.
-replace a defective beam supporting the second floor family room floor.
-remove walls on each side of the 2nd floor fireplace.
-remove the section of 75 E. Dogwood Trail Wes Haskett claims prevents a lot subdivision plan from being approved.

Engineered approved plans for all the jobs are attached to this email.

Thank you,
Anthony S Mina

3 Files 16.7MB

75DogwoodPermitApp.pdf
1MB

NC0519_Anthony Mina_ 75 E Dogwood Trail Kitchen Renovation REV 1_ Sealed.pdf
14MB

NC0519_Anthony Mina_ 75 E Dogwood_ 2nd Floor Ext Wall Revision_ Sealed.pdf
1MB

"EXHIBIT K"

— PLAN SUBMITTED TO REMOVE 1' SECTION OF HOUSE

Submittal Date: 6/4/24

Page 1 of 2
Page 2 is Building Plan Specification Form

TOWN OF SOUTHERN SHORES
PLANNING AND CODE ENFORCEMENT
5375 N. Virginia Dare Trail, Southern Shores, NC 27949
(252) 261-2394 phone (252) 255-0876 fax
www.southernshores-nc.gov

BUILDING/FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

***Applications WILL NOT be accepted until all required information is provided**

PROPERTY INFORMATION:

Project Address: 75 E. Dogwood Trl.
Lot Number: 1 Block: 105 Section: ____
Property ID Number (PIN #): 986817213507
Lot Area: 46,500 sq ft

Property Owner: Anthony S. Mina
Mailing Address: 75 E. Dogwood Trail
City: Southern Shores State: NC Zip Code: 27949
Tele #: 610-842-3905

Flood Zone (circle): AE 4 ft – AE 5 ft – AO 1 ft depth – AO 2 ft depth – VE 11 ft – VE 12 ft – VE 13 ft – Shaded X – Unshaded X
Base Flood Elevation: ____ ft / Plus 3ft of Freeboard or LES 8 ft = ____ ft = Regulatory Flood Protection Elevation
Zoning District: RS1 Septic Permit # ____ Permit Date: ____ # Person Septic Capacity ____
CAMA Permit required? Yes or (No) CAMA Permit # ____ CAMA AEC (circle): ____Estuarine Shoreline or _Ocean Hazard

CONTRACTOR INFORMATION: Home owner is doing work

Business Name: ____
Contractor Name: ____
Mailing Address: ____
City: ____ State: ____ Zip Code: ____
Business # ____ Cell # ____
Fax # ____ Email ____

NC G. C. Licensed Contractor ____ OR ____ Non-Licensed Contractor
NC G. C. License Number: ____
Limitation: ____
Classification: ____
Qualifier: ____

DESCRIPTION OF WORK: Make structural improvement to first floor widen family room/foyer doorway, remove walls on each side of second floor fireplace ~~and remove section of house Wes Haskett claims prevents the lot subdivision~~ Please see engineered approved plans for more information

PERMIT TYPE (X): ____ COMMERCIAL X RESIDENTIAL
____RESIDENCE ____2ND HOME ____RENTAL (> 30 days) ____VACATION COTTAGE (< 30 days)

TYPE OF CONSTRUCTION (X): ____NEW CONSTRUCTION ____ADDITION/EXPANSION X REMODEL/RENOVATION/REPAIR ____ACCESSORY ____OTHER

PROPERTY USE (X): X SINGLE FAMILY ____DUPLEX ____MULTI-FAMILY ____GOVERNMENT - INSTITUTIONAL ____COMMERCIAL

COMMERCIAL USE ONLY: ____CURRENT USE ____PROPOSED USE

SQUARE FOOTAGE AND/OR DIMENSIONS: 3543 GARAGE ____SHED ____SWIMMING POOL
____GAZEBO ____DUNE DECK ____RETAINING WALL ____BULKHEAD ____PIER/DOCK
____DECK(S) ____PORCH(ES) ____STORAGE ENCLOSURE ____OTHER

PROPOSED BUILDING AREA: n/a SQ FT - HEATED / LIVING AREAS (NEW SPACE)
____SQ FT - NON HEATED AREAS (NEW SPACE)

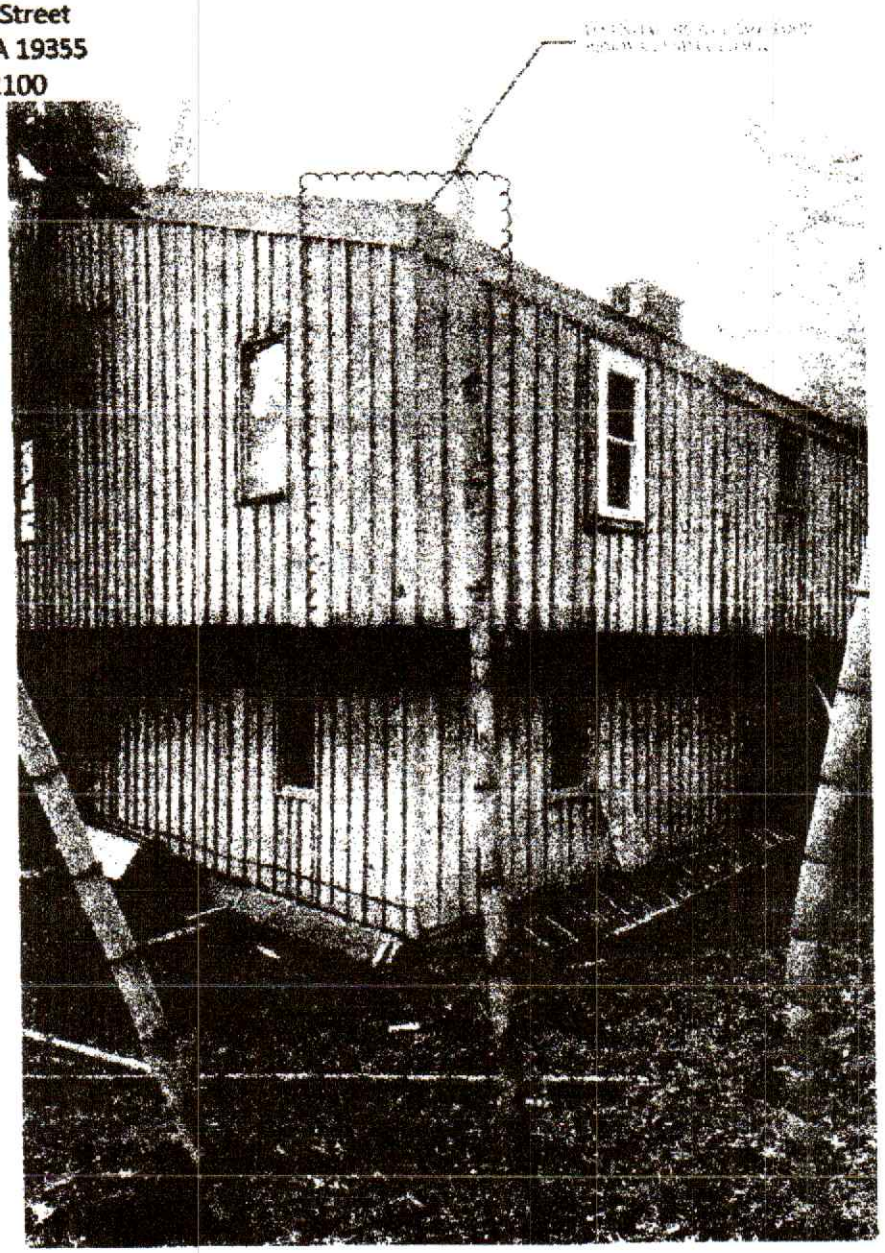
Asm $1600.— $1800.— COST OF REMODEL/RENOVATION/REPAIR - ONLY (DO NOT INCLUDE NEW SQ FT)
$1600.— $1800.— ESTIMATED CONSTRUCTION COST OF TOTAL PROJECT

NOTE: Although the Town of Southern Shores does not enforce or consider the effect of covenants in the various subdivisions of Southern Shores, applicants for a building permit should be advised that their building plans may be affected by subdivision covenants and are advised to consult with the appropriate property owners' association. You are strongly urged to obtain approval from the appropriate association before you apply for a permit and begin construction. Failure to do so could result in legal action by the association to enforce the covenants.

* Please note Wes Haskett now does not claim existing side set back distances prevent a lot subdivision so Applicant will not be removing any of the existing h

"EXHIBIT K"

UZMAN ENGINEERING, LLC
116 E. King Street
Malvern, PA 19355
(610) 320-2100



Due to the existing setback requirements, there are questions whether the existing 2nd floor cantilever is outside of the required property setback. Although the house has been there since 1970, the Homeowner has considered removing an approximate 1'-0" section of the 2nd floor cantilever corner to meet the requirements. The corner of the building would be removed, new 2x4 framing installed from 2nd floor to roof, flashing and roof patching as well as siding re-configuring to meet the setback. Uzman recommends the installation of Simpson Strong Hurricane ties to the revised roof rafters and SDS wood screws to the joists and built up 2x10 below. UE also recommends mid height blocking of the joists along with exterior sheathing nailed to the new studs @ 4" o.c. vert spacing.

ENGINEERED PLANS SUBMITTED NC0519
6/4/2024 TO REMOVE 1' OF REAR
CORNER OF HOUSE "EXHIBIT K"

Anthony Stocker Mina

5/24/2024

---- Forwarded Message ----
From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Friday, May 24, 2024 at 03:51:32 PM EDT
Subject: RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Mr. Mina:

You are free to submit any application you wish to submit. However, in response to your specific question, please understand that, unless all four reasons are satisfied, the proposal would be denied, and you would have the option to appeal.

I strongly suggest you consult with an attorney as I cannot give you legal advice, as attorney for the Town.

Thank you.

Phil Hornthal

REFUSAL TO ACCEPT SIDE SETBACK AS CONFORMING FROM TOWN ATTORNEY PHIL HORNTHAL ON BEHALF OF WES HASKETT AND SOUTHERN SHORES

L. Phillip Hornthal, III
Attorney at Law

Direct:252.698.0214

Office:252.335.0871

Fax:252.335.4223 Attn: P. Hornthal

Email:phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

Click here to read ourDisclaimer,
Legal Notices & Privacy Policy

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 24, 2024 2:27 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

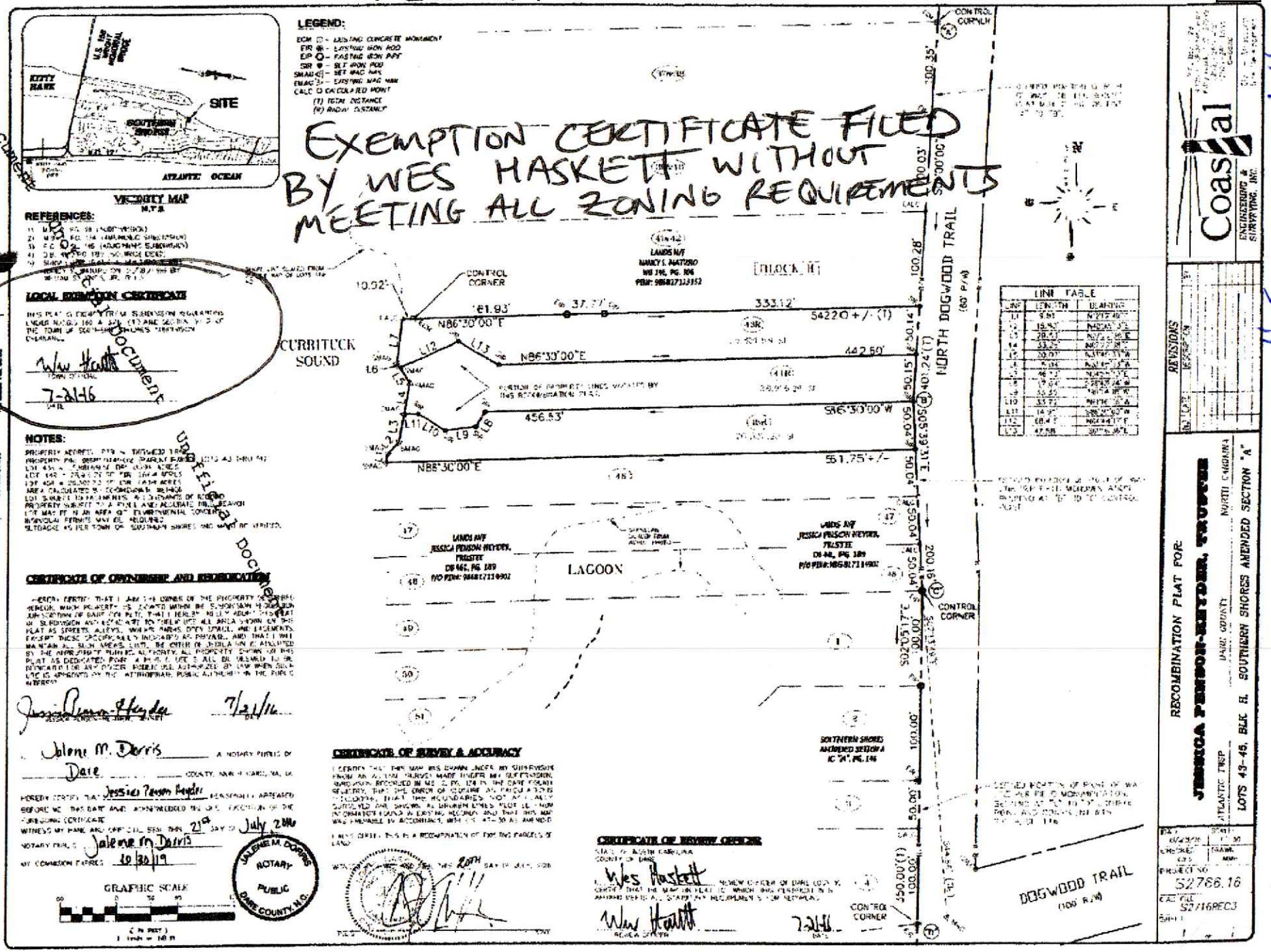
>>Warning: The source of this email is from outside of the firm.<<

Hello,

"EXHIBIT K"

PCI-279

Official Document



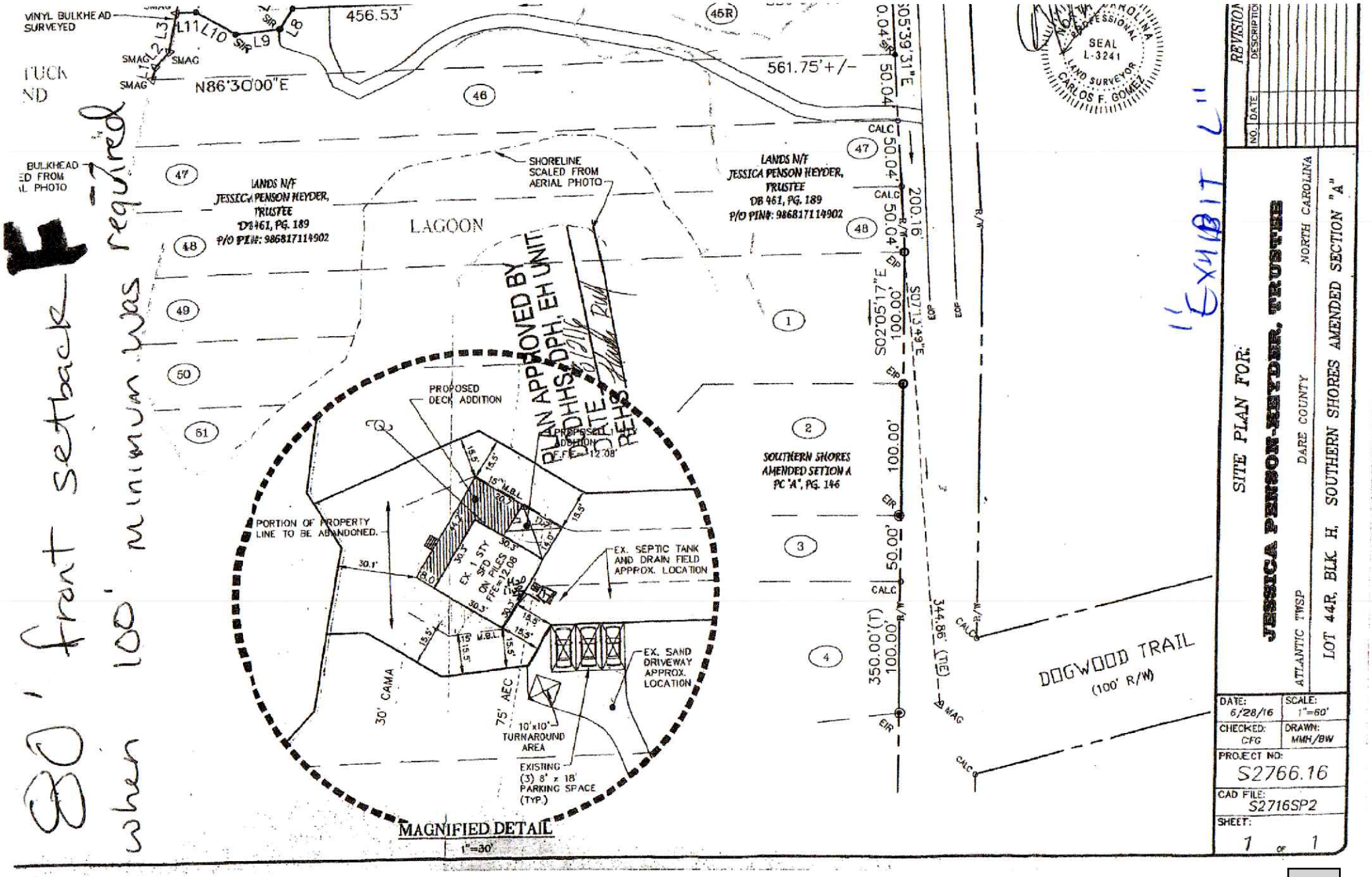
EXEMPTION CERTIFICATE FILED BY WES HASKETT WITHOUT MEETING ALL ZONING REQUIREMENTS

EXHIBIT L-1

Recorded: 07/21/2016 10:36:40 AM
BY: Sheree Wilkins, Register of Deeds
Vernelle Middleton, Register of Deeds
Dare County, NC
Fee Amt: $26.00

BOOK PCI PAGE 279 (1)

Unofficial Document



80' front setback - required when 100' minimum was

1' EXHIBIT L"

RE: Public Records Request (2) 06.10.2024

chestercountyla.../inbox

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Sheila Kane <skane@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>, Phillip Homthal <phomthal@hrem.com>

Jun 17 at 10:45 AM

Good morning again, Mr. Mina. The lot with the address 233 N. Dogwood Trl. and the adjacent lots with the addresses of 0 N. Dogwood Trl. were created prior to the Town's incorporation in 1979.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT LYING TO HIDE PLAT HE APPROVED WITHOUT ALL ZONING REQUIREMENTS BEING MET.

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, June 14, 2024 2:15 PM
To: Sheila Kane <skane@southernshores-nc.gov>
Cc: Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: Re: Public Records Request (2) 06.10.2024

Are you saying the (2) addresses 0 N. Dogwood Trail were created without any documentation?

Thank you,
Anthony Stocker Mina

On Friday, June 14, 2024 at 01:37:01 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Mr. Mina:

The clerk's office can provide you with copies of public records, existing documents that the town has in its custody and control. There is no subdivision document related to 233 N. Dogwood/O Dogwood; therefore, no public record.
If it is information you are seeking, I would encourage you to simply call the proper department at town hall and ask your questions.

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, June 14, 2024 12:07 PM
To: Sheila Kane <skane@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: Re: Public Records Request (2) 06.10.2024

I'm sorry, maybe my request was worded wrong. Can you please provide me the information relating to the lots addressed as 0 dogwood trail being created. Thank you, Anthony S Mina

On Friday, June 14, 2024 at 08:06:08 AM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

"EXHIBIT L"

Dear Mr. Mina:

Wes Haskett

From: Ann Sjoerdsma <annsj@earthlink.net>
Sent: Sunday, January 8, 2023 8:36 AM
To: Wes Haskett
Cc: Cliff Ogburn
Subject: Pipkin recombination
Attachments: PC I, SL 354 (the 2017 Plat) (1).pdf

Jan. 8, 2023

Mr. Wes Haskett, Deputy Town Manager/Planning Director

Town of Southern Shores, NC

Dear Mr. Haskett:

I write to follow up with your request of Oct. 21, 2022 that I put into writing my objection to the recombination by the Pipkin family of lots 1-4, blk. 27, sec. 3 of Southern Shores, which the Town of Southern Shores approved Oct. 3, 2017. I represent myself and my three siblings, with whom I co-own the property at 172 Ocean Blvd., in this matter.

As you know, the result of the Pipkin family's 2017 recombination was the creation of two new lots, labeled A and B on the plat ("2017 Plat") submitted by Ashmead Pipkin. Lot B, which was/is vacant, is adjacent to our property, to the south, and is now known as 172 Ocean Blvd. A residential development, with the historic single family dwelling, "Pink Perfection," is situated on Lot A, which is now known as 170 Ocean Blvd. Both lots are in the RS-1 residential district.

A copy of the 2017 Plat is recorded at PC I, SL 354. I attach a copy with this correspondence for your convenience.

My siblings and I have directly observed that the location of the Pink Perfection dwelling and its garage on Lot A are closer than 15 feet to the newly created adjacent property line of Lot B, a clear violation of Town Code sec. 36-202(4)(a), which was in effect in 2017.

The 2017 Plat shows a side setback between the Pink Perfection dwelling and its garage and Lot B of 10.1 feet—well shy of 15 feet. Based on our observations, we believe that the setback distance is actually less than 10 feet. The recombination shown in the 2017 Plat, therefore, rendered Lot A nonconforming. The Town cannot allow this Town Code violation to continue, even if the Town may have mistakenly approved the lot boundary shown on the plat. (*See* City of Raleigh v. Fisher, 232 N.C. 629 (1950) (holding that a city or town shall not allow a mistakenly permitted use when the zoning regulations prohibit same).

Had the legally required side-yard setback standard been properly enforced at the time of the proposed recombination shown in the 2017 Plat, we contend that Lot B would have been nonconforming because it would not have been wide enough to meet the dimensional standard of Town Code sec. 202(d)(2), which mandates a lot width of 100 feet. Accordingly, the 2017 Plat was approved in error, and the Town should correct this mistake.

"EXHIBIT M"

My siblings and I strongly believe that the Town's mistake in allowing the nonconforming Lot A to be created has caused—or will cause—us damage. It is extremely important to us that the Town correct this error.

Thank you.

Sincerely yours,

Ann

Ann G. Sjoerdsma

232 N. Dogwood Trail

Southern Shores, N.C. 27949
(252) 256-0058

Attachment (1)

cc: Cliff Ogburn, Town Manager

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

"EXHIBIT M"

E

OCTOBER 21, 2024 PICTURE OF "OH-SO SANDY" SIGN PROVING CLIFF OGBURN AND WES HASKETT HAVE A SPECIAL INTEREST IN INTERFERING WITH APPLICANT'S WORK/REAL ESTATE NEEDS AT 75 E. DOGWOOD TRAIL BY ENFORCING SIGN CODES NOT ENFORCED ON OTHER SOUTHERN SHORES PROPERTY OWNERS

"EXHIBIT N"

RE: Public Records Request 06.21.2024_#15 Anthony Mina

chestercountyla.../In

Jul 17 at 11:44 AM

Cliff Ogburn <cogburn@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>, Wes Haskett <whaskett@southernshores-nc.gov>, info@southernshores-nc.gov <info@southernshores-nc.gov>, Sheila Kane <skane@southernshores-nc.gov>
Cc: Paula Sherlock <psherlock@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>, David Kole <dkole@southernshores-nc.gov>, Mark Batenic <mbatenic@southernshores-nc.gov>, Robert Neilson <rneilson@southernshores-nc.gov>

Mr. Mina – Please open the attachment. Your request was answered in this document which has now been provided to you for the third time. The date and time the signs were addressed was between 7:48 am and 10:56 am on 6/20/24.

As I have stated before – the signs that were placed in the r/w in front of your property are not permitted, therefore no permit will be issued. Likewise, an encroachment agreement will not permit these signs to be placed in the r/w either.

It may be helpful for us to discuss the confusion and work through it in a phone call. Please feel free to contact me at 261-2394.

Thank you.

Cliff

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, July 17, 2024 10:33 AM
To: Cliff Ogburn <cogburn@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; info@southernshores-nc.gov; Sheila Kane <skane@southernshores-nc.gov>
Cc: Paula Sherlock <psherlock@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>
Subject: Re: Public Records Request 06.21.2024_#15 Anthony Mina

Southern Shores,

You are not answering my request which asks for the "date and time the signs were addressed". Please stop trying to deceive me with falsified records and violations of North Carolina law governing Public Records Requests. I would like the "date and time the signs were addressed". Anthony Stocker Mina

PS You have a Right of Way Encroachment Application of mine that has not been decided asking for permission for me to advertise my 75 E Dogwood Trail real estate opportunity. I'd appreciate the right of way encroachment application being approved...especially since I have just proved that Southern Shores is selectively prosecuting me for real estate signs (harassment) when other real estate signs in the right of way have been allowed by Southern Shores on a regular basis for years.

On Wednesday, July 17, 2024 at 10:03:06 AM EDT, Cliff Ogburn <cogburn@southernshores-nc.gov> wrote:

Good morning Mr. Mina –

I have attached two of your Public Records Requests dated June 20, 2024.

You provided the list of signs referenced as 1-6 in your request for information. We addressed the signs in violation of the Town Code on the list after you brought them to our attention. I responded in an email to you on June 20, 2024, that there are no permits issued for the signs referenced in 1-6 because the signs are either not permitted or a permit wasn't required. We have no record of names of people making complaints about these signs. The attached PDF was sent to you yesterday as part of the response to your request for information.

The other request asks for the names of the individuals that complained about the signs in the r/w in front of your property. We answered this request in the email provided by the Town Clerk dated July 17, 2024.

Based on my understanding of these requests we have provided you the information you requested.

Thank you.

EXHIBIT N

Cliff

E

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, July 16, 2024 10:51 PM
To: Sheila Kane <skane@southernshores-nc.gov>; info@southernshores-nc.gov; Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: Re: Public Records Request 06.21.2024_#15 Anthony Mina

Hello,

Thank you for the public records request response but my response asked for:

The name of the person making the complaint about signs referenced as 1-6 in Cliff Ogburn's public record request response dated 6/20/2024 and the date and time the "sign was addressed", according to Cliff Ogburn.

The response provided did not provide the information requested in the 6/20/2024 public records request.

Please provide me the information I requested pursuant to North Carolina law.

Thank you,
Anthony S Mina

On Tuesday, July 16, 2024 at 03:44:31 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

On June 21, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

1. • The name of the person making the complaint about signs referenced as 1-6 in Cliff Ogburn's public record request response dated 6/20/2024 and the date and time the "sign was addressed", according to Cliff Ogburn.

Anthony Mina Requested: Please provide me:
1) All permits issued to allow Beach Realty & Construction sign at 108 S. Dogwood Trail.
2) All permits issued to allow Vacation Bible School signs at "Welcome Southern Shores" entrance at S. Dogwood Trail.
3) All permits issued to allow Village Realty sign at 20 S. Dogwood Trail.
4) All permits issued to allow "join our team" sign at Duck Woods Country Club.
5) All permits issued to allow Beach Realty Sign and "Oh-So Sandy" sign at 16 E. Dogwood Trail.
6)All permits issued to allow Outer Banks Realty sign at 75 E. Dogwood Trail.

Cliff Ogburn Responded:
Response to the 6 locations you referenced in your email below:
1. *Not allowed in this location. This sign has been addressed.*
2. *Organizational leaders were notified and made aware of the regulations and given the same opportunity to comply on their own that you were.*
3. *Not allowed in this location. This sign has been addressed.*
4. *temporary sign legally placed – no permit required.*
5. *Not allowed in this location. These signs have been addressed*
6. *This sign does not exist at this location*

LIE

Please find all records that pertain to your request attached.

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores.gov

"EXHIBIT N"

Re: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

chestercounty

Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>,
Elizabeth Morey <emorey@southernshores-nc.gov>

Jun 7, 2023 at 3:22 PM

Hello,

Thank you for the email.

Could you please tell me how Southern Shores residents and home owners were notified of the proposed amendment to the zoning code dated 3/31/2023 (the zoning code adopted last night). I asked my realtor Alan Creech and Southern Shores questions about Southern Shores zoning code prior to providing a $5000 due diligence fee and June 1, 2023 is the first time I was informed about the proposed amendment (75 E. Dogwood Trail was listed for sale as being potentially sub-dividable).

Could you please explain how and when Southern Shores "will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots". How will this next amendment reverse the fact that the amendment passed last night literally steals land value from Southern Shores residents that have been paying property taxes on enough square footage to sub-divide (In the world of finance, land is considered an asset and owning enough property to sub-divide is a financial plan that is taxed at a higher rate than owning not enough square footage to sub divide)?

Thank you for your help,
Anthony S Mina

On Wednesday, June 7, 2023 at 09:10:34 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Mr. Mina. The Town Council voted 3-2 to approve the text amendment. That means that at this time, all new lot must be 100 ft. wide measured from the front lot line to the rear lot line. The meeting video recording will soon be available on YouTube here: https://www.southernshores-nc.gov/meetings. As I told the Town Council during the public hearing, we realize that these requirements are more strict than what has been in place, but we believe that they're unambiguous and will prevent future subdivisions and recombinations with higher densities. Town Staff will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, June 7, 2023 8:35 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Good Morning,

Could you please provide me the results to the vote to increase the street frontage zoning requirement to 100' per lot.

Thank you,
Anthony S Mina

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:
https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1686141324-FWeUsGXDoMzC&r_address=whaskett%40southernshores-nc.gov&report=1

"EXHIBIT O"

Fw: Southern Shores Property Tax Fraud Scheme Involving The Deception Of Southern Shores Police Chief

Anthony Mina <chestercountylawn@yahoo.com> Jan 5 at 8:33 PM
To: Anthony Mina <chestercountylawn@yahoo.com>

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: "summer.stevens@thecoastlandtimes.com" <summer.stevens@thecoastlandtimes.com>; "summer.stevens@thecoastlandtimes.com" <summer.stevens@thecoastlandtimes.com>; "theresa.schneider@thecoastlandtimes.com" <theresa.schneider@thecoastlandtimes.com>; "theresa.schneider@thecoastlandtimes.com" <theresa.schneider@thecoastlandtimes.com>; "danielle.puleo@thecoastlandtimes.com" <danielle.puleo@thecoastlandtimes.com>; "danielle.puleo@thecoastlandtimes.com" <danielle.puleo@thecoastlandtimes.com>; "greg.clark@thecoastlandtimes.com" <greg.clark@thecoastlandtimes.com>; "greg.clark@thecoastlandtimes.com" <greg.clark@thecoastlandtimes.com>; Hannah Russ <hannah.russ@thecoastlandtimes.com>; "maryhelen.goodloemurphy@thecoastlandtimes.com" <maryhelen.goodloemurphy@thecoastlandtimes.com>; "maryhelen.goodloemurphy@thecoastlandtimes.com" <maryhelen.goodloemurphy@thecoastlandtimes.com>; "philip.ruckle@thecoastlandtimes.com" <philip.ruckle@thecoastlandtimes.com>; "philip.ruckle@thecoastlandtimes.com" <philip.ruckle@thecoastlandtimes.com>; "donna@islandfreepress.org" <donna@islandfreepress.org>; "joy@islandfreepress.org" <joy@islandfreepress.org>; "m.jurkowitz@yahoo.com" <m.jurkowitz@yahoo.com>; "l.jurkowitz@yahoo.com" <l.jurkowitz@yahoo.com>; "desk@wtkr.com" <desk@wtkr.com>; "nworshambagley@nexstar.tv" <nworshambagley@nexstar.tv>
Cc: Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Southernshores Nc Info <info@southernshores-nc.gov>; "davec@darenc.gov" <davec@darenc.gov>; "davec@darenc.gov" <davec@darenc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; "jeffrey.cruden@nccourts.org" <jeffrey.cruden@nccourts.org>; "jeffrey.cruden@nccourts.org" <jeffrey.cruden@nccourts.org>
Sent: Monday, July 22, 2024 at 11:27:37 AM EDT
Subject: Southern Shores Property Tax Fraud Scheme Involving The Deception Of Southern Shores Police Chief

Dear Dare County News Source,

I am writing you to make sure you are aware of a property tax fraud scheme Southern Shores government is committing against Southern Shores property owners.

The facts, which are supported by emails attached below are:

1) Southern Shores Deputy Town Manager Wes Haskett had Southern Shores town council approve a lot width requirement change on June 6, 2023 to "prevent future subdivisions" (as Wes Haskett indicated in his email attached below dated June 7, 2023).

2) Changing 2 single home lots (by right) to 1 single home lots (without the right to subdivide) is "downsizing", requires the property owners Notice and a reduction of property taxes due to the significant loss of land value.

3) Wes Haskett did not notify the property owners with posted notice on the effected properties as required by Town Code 36-414(b). What Wes Haskett did was delete town code 36-414(b) from the Notice Requirements and send an email to me, Southern Shores Police Chief David Kole and Southern Shores Mayor claiming the June 6, 2023 property width requirement change was properly adopted after properly notifying property residents (Wes Haskett's email had town code 36-414(b) deleted).

4) Wes Haskett also did not comply with notification requirements for an AMENDMENT OF ZONING CODE at:
-NC Art. 6 ss160D-601-requiring notice to US Army Bases within 5 miles such as the Duck Facility
-NC Art. 6 ss160D-602- requiring mailed notice to each effected property owner or 1/2 page sized advertising in the Coastland Times
(Wes Haskett claims NC Art. 6 ss160D-601 governing AMENDMENTS TO DEVELOPMENT REGULATIONS GOVERNS HIS AMENDMENT TO ZONING CODE)

5) The undeceptive way to prevent lot subdivisions is to adopt a zoning code prohibiting lot subdivisions after complying with all notification requirements. Wes Haskett intentionally tried preventing lot subdivisions with a lot width requirement change as he concealed the upcoming zoning amendment from me (I was asking Wes Haskett questions about Southern Shores zoning code from May 1, 2023 through May and on June 2, 2023 Wes Haskett told me the lot width on the property I entered into an agreement to purchase as a sub-dividable lot on May 7, 2023 wasn't going to be sub-dividable after June 6, 2023... During the month of May 2023 the old property owner negotiated an additional $75,000 from me for the sale price).

6) Dare County's tax department has not responded to my emails pertaining to the property value reduction in Southern Shores, but they received their first email from me last Friday and have yet to intentionally contribute to Southern Shores tax fraud scheme, to my knowledge.

Feel free to contact me with any questions,
Anthony S Mina

PS The Public Records Request below will prove whether or not Dare County's Tax Department has knowledge of Southern Shores scheme to steal property value and collect taxes on property value that does not exist due to the illegally adopted zoning code.

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Southernshores Nc Info <info@southernshores-nc.gov>
Cc: "davec@darenc.gov" <davec@darenc.gov>; "davec@darenc.gov" <davec@darenc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; "jeffrey.cruden@nccourts.org" <jeffrey.cruden@nccourts.org>; "jeffrey.cruden@nccourts.org" <jeffrey.cruden@nccourts.org>
Sent: Monday, July 22, 2024 at 08:58:00 AM EDT
Subject: Public Records Request Regarding Southern Shores Property Tax Fraud Scheme

Dear Southern Shores,

Please provide me:

1) A list of all properties reported to Dare County Tax Department for a property tax decrease due to the June 6, 2023 zoning amendment intended to prevent future lot subdivisions ("downsizing" 2 single family home lots-with a subdivision by right, to 1 single family home lots without the right to subdivide).

2)Proof that Southern Shores informed Dare County of the proposed amendment made without properly notifying effected residents as per:
-Town Code 36-414(b)- requiring posted notice at effected properties
-NC Art. 6 ss160D-601-requiring notice to US Army Bases within 5 miles such as the Duck Facility

"EXHIBIT X"

-NC Art. 6 ss160D-602- requiring mailed notice to each effected property owner or 1/2 page sized advertising in the Coastland Times

(Proof is needed to document Dare County's knowledge of the Southern Shores tax fraud conspiracy scheme Wes Haskett and Cliff Ogburn are running from the town office which benefits Dare County's tax department)

Thank you,
Anthony S Mina

PS Please immediately provide me my property tax credit for reducing the value of the land at 75 E. Dogwood Trail more than $100,000 without my permission or the previous owner's permission.
----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Wednesday, June 7, 2023 at 09:10:34 AM EDT
Subject: RE: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Good morning, Mr. Mina. The Town Council voted 3-2 to approve the text amendment. That means that at this time, all new lot must be 100 ft. wide measured from the front lot line to the rear lot line. The meeting video recording will soon be available on YouTube here: https://www.southernshores-nc.gov/meetings. As I told the Town Council during the public hearing, we realize that these requirements are more strict than what has been in place, but we believe that they're unambiguous and will prevent future subdivisions and recombinations with higher densities. Town Staff will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, June 7, 2023 8:35 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Good Morning,

Could you please provide me the results to the vote to increase the street frontage zoning requirement to 100' per lot.

Thank you,
Anthony S Mina

----------Separate Email With Proof Wes Haskett Is Falsifying Records To Police Chief Kole and Mayor Morey----------

----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Tuesday, May 21, 2024 at 02:27:31 PM EDT
Subject: RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.
(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section _____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ... ." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.
(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.
(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

"EXHIBIT X"

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Cc: David Kole <dkole@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Jonathan Slegel <jslegel@southernshores-nc.gov>; Matt Cooke <mcooke@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Tracy Mann <tmann@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner <rdeaner@southernshores-nc.gov>; Thomas Long <tlong@southernshores-nc.gov>; Jason Thompson <JThompson@southernshores-nc.gov>; Andrew Spottswood <jspottswood@southernshores-nc.gov>; Jennifer Couture <jcouture@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@kittyhawktown.net>; cgarriss@kittyhawktown.net; cgarriss@kittyhawktown.net; Casey Varnell <varnell@ncobxlaw.com>; Mike Talley <mike.talley@kittyhawktown.net>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <dryan@chesco.org>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <mmoskowitz@chesco.org>; mkichline@chesco.org; mkichline@chesco.org
Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov. if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

1 File 4.6MB

IMG_1806.jpeg
5MB

"EXHIBIT X"

Fw: 75 E. Dogwood Trl. Variance Materials With False Information From Wes Haskett

Anthony Mina <chestercountylawn@yahoo.com>
To: Southernshores Nc Info <info@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>,
Phillip Hornthal <phornthal@hrem.com>, Norwood Blanchard <norwood@cmclawfirm.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Andrea C. Powell <andrea.powell@nccourts.org>,
olivia.s.hines@nccourts.org, olivia.s.hines@nccourts.org, olivia.s.hines@nccourts.org more...

Oct 15, 2024 at 2:20 PM

Hello Southern Shores,

I will not be providing my fiance, Jennifer Franz's email address to Southern Shores. Jennifer and myself moved to the Outer Banks to get away from small town corruption that preys on civilians and she does not need to be any part of Wes Haskett's fraud. If Southern Shores needs Jennifer Franz to sign a notarized statement indicating that she wants 75 E. Dogwood Trail subdivided, just like the sub-division applications I already submitted, I will get her to notarize my variance application.

Southern Shores can send copies of their Variance related documents to attorney Jason Portnoy at: jportnoy@invtitle.com. Mr. Portnoy is handling a fraud complaint I filed against Wes Haskett with my insurance company.

Thank you,
Anthony S Mina

----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>
Cc: David Kole <dkole@southernshores-nc.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org <olivia.s.hines@nccourts.org>; olivia.s.hines@nccourts.org <olivia.s.hines@nccourts.org>; FBI <philadelphia.complaints@ic.fbi.gov>; ncago@ncdoj.gov <ncago@ncdoj.gov>; ncago@ncdoj.gov <ncago@ncdoj.gov>; Planning Board <planningboard@southernshores-nc.gov>; Planning Board <planningboard@southernshores-nc.gov>; council@southernshores-nc.gov <council@southernshores-nc.gov>; council@southernshores-nc.gov <council@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>
Sent: Tuesday, October 15, 2024 at 01:52:06 PM EDT
Subject: RE: 75 E. Dogwood Trl. Variance Materials With False Information From Wes Haskett

Good afternoon, Mr. Mina. See attached application with page two that is not cut off. I will not revise the staff report nor will I answer any questions about your application prior to the hearing.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, October 15, 2024 9:58 AM
To: Cliff Ogburn <cogburn@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>
Cc: David Kole <dkole@southernshores-nc.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; FBI <philadelphia.complaints@ic.fbi.gov>; ncago@ncdoj.gov; ncago@ncdoj.gov; Planning Board <PlanningBoard@southernshores-nc.gov>; Planning Board <PlanningBoard@southernshores-nc.gov>; council@southernshores-nc.gov; council@southernshores-nc.gov; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>
Subject: 75 E. Dogwood Trl. Variance Materials With False Information From Wes Haskett

Mr. Haskett,

Thank you for the email.

Could you please rescan my Variance Application so the last sentence on page 2 which states "Wes Haskett started communicating with Applicant on May 1, 2023 and his withholding of material information allowed the previous owner to negotiate an additional $75,000 from applicant." is not cut off from my Variance Application.

Could you please provide me a staff report that does not falsely claim all town and state notification requirements were met when making the June 6, 2023 & August 3, 2021 zoning amendments when "Exhibit 2C" from Sheila Kane proves Southern Shores did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b).

"EXHIBIT Y"

Could you please define the "spirit" of the town code for me?

Exhibit 6 of my Variance Application is the Code of Ethics for Town of Southern Shores Employees and since May 1, 2023 Wes Haskett and people working with Wes Haskett have refused to comply with:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of Southern Shores taxpayers in mind in the expenditure of these funds.

Being forced to spend $350 to ask for a variance from illegally adopted zoning codes violates theft and conspiracy laws. To me, the spirit of the town code should mean town employees/town council are attempting to preserve and enhance the natural beauty of Southern Shores with ethical standards meeting the town ethics policy. So far, Wes Haskett, Cliff Ogburn and Philip Hornthal have not done anything but hide pertinent information from property owners and when they were caught continued their deception of property owners in reports to people including law enforcement and the planning board.

Thank you,
Anthony S Mina

----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Sent: Monday, October 14, 2024 at 03:59:17 PM EDT
Subject: 75 E. Dogwood Trl. Variance Materials

Good afternoon, Mr. Mina. Please find the attached materials for your Variance application. Do you have an email address for Ms. Franz that I can use to send her the materials since she is a property owner who did not submit the application?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

1 File 11MB

VA-24-01 75 E. Dogwood Trl.pdf
11MB

"EXHIBIT Y"

Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

"EXHIBIT W"

ANTHONY S MINA
75 E. DOGWOOD TRAIL
SOUTHERN SHORES, NC 27949
610 842 3905
chestercountylawn@yahoo.com

March 18, 2025

CASE: APA -25-01

NOTICE OF WES HASKETT'S PRE-MEDITATED EMBEZZLEMENT SCHEME, WITNESS TAMPERING, DISORDERLY CONDUCT AND INSURANCE FRAUD SCHEDULED FOR MARCH 19, 2025

Applicant Anthony S Mina files this document to notify the Planning Board/Board of Adjustments that Wes Haskett does not even have a legal right to use the Town's money to turn on the lights at Town Hall on March 19, 2025 for the Appeal of the Subdivision Denial (not to mention the thousands of dollars of costs that will be imposed on tax payers because of Wes Haskett's fraud).

Town Code 36-414(b) requires property(s) effected by zoning amendments rezoning them from subdividable to unsubdividable to have posted notice prior to the hearing on the zoning amendment. Public records requests submitted with the lot sub-division application and Variance Application proved 75 E Dogwood Trail was not notified as an effected property from the March 31, 2023 lot width amendment. As such, Wes Haskett must approve the lot subdivision or suffer more legal consequences.

Wes Haskett's argument through his paid attorney (paid with money embezzled from Southern Shores' tax payers) at 3:26 of the Variance youtube video that "we are not here to discuss the validity" of the notification of the lot width amendment is as pathetic as the drunk 16 year olds argument caught inside the bar with claims she already tricked the bouncer into letting her in the bar with her 21 year old sister's ID and should be allowed to continue drinking alcohol with her fake ID. Lauren Womble and Jay Wheless got caught misrepresenting Town Code 36-414(b) at 1:42-1:44, 3:09-3:12, 3:24-3:29, 3:48-3:51, 5:09-5:11 and after getting caught misrepresenting Town Code wanted to argue the validity of the ordinance which requires posted notice at effected property(s) is not arguable.

Southern Shores property owners work hard for the money paid for taxes and what they are getting in return is the equivalent of watching Wes Haskett on surveillance walk into Planning Board meetings smoking crack cocaine and passing the illegal drug around to as many people as he can. Except the illegal substance Wes Haskett is poisoning the Planning Board with is his lies and

embezzlement scheme. Southern Shores property owners deserve a Planning Board complying with the Town Ethics Policy and not conspiring with Wes Haskett's lies.

Southern Shores has been notified that there is a pending fraud insurance claim against Southern Shores specifically relating to Wes Haskett hiding the March 31, 2023 lot width amendment from Applicant, not having posted notice at 75 E Dogwood Trail, but still claiming the lot width amendment effects 75 E Dogwood Trail.

Wes Haskett is currently in contempt of Dare County Superior Court and there is a pending Motion to Sanction Wes Haskett with fines and jail time pending in Dare County Superior Court. A true and correct copy of the Motion is attached hereto. Wes Haskett's refusal to provide a verified complete copy of the record from the October 21, 2024 Variance Hearing violates **18 U.S. CODE § 1512(c)(1),(2)- TAMPERING WITH A WITNESS, VICTIM OR AN INFORMANT** which applies to:

> **(c)**Whoever corruptly—
> **(1)**alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or
> **(2)**otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,shall be fined under this title or imprisoned not more than 20 years, or both.**(d)**Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from—

> Lastly, Town Code Section 22-1 states:
>
> Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:
>
> (8) Frequent any public place and obtain money from another by an illegal and fraudulent scheme, trick, artifice or device, or attempt to do so.
>
> Southern Shores Town Planning Board/ Board of Adjustments, Town Office Employee Wes Haskett and Southern Shores paid attorneys are all guilty of disorderly conduct at the October 21, 2024 Variance Hearing which cost Applicant $350 for their fraudulent scheme to misrepresent Town Code 36-414(b).
>
> Southern Shores Town Planning Board/ Board of Adjustments, Wes Haskett and Attorneys will all be guilty of another count of disorderly conduct the second they step foot in Town Hall March 19, 2025.

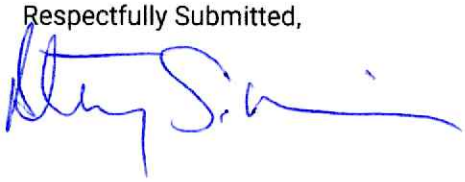
Wes Haskett, Andy Ward and the attorney's attempts to misrepresent Town Code 36-414(b) substantiate criminal conspiracy law violations and any attempt to pretend they did not understand Town Code 36-414(b)'s strictures which clearly state "IN ADDITION" (to 36-414(a)) posted notice is required is not supported by law either. When interpreting ambiguous terms in a contract, courts generally follow the "contra proferentem" rule, which means that any ambiguity will be

construed against the party who drafted the contract, essentially placing the burden of unclear language on the drafter; courts will also consider the plain meaning of the words, the context of the contract, industry standards, and prior dealings between the parties to reach a reasonable interpretation.

Wes Haskett has done nothing but defraud Applicant and Southern Shores property owners for the almost 2 years since his March 31, 2023 lot width amendment application was filed and Applicant will be seeking legal consequences against everyone involved with Wes Haskett's fraud in Dare County Superior Court and North Carolina Federal Court.

March 18, 2025

Respectfully Submitted,



ANTHONY S MINA & JENNIFER L FRANZ

75 E. DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

610 842 3905

chestercountylawn@yahoo.com

July 3, 2024

RE: 75 Lot Subdivision Approval

Dear Southern Shores,

Please find the attached (2) Lot Subdivision Applications with notarized preliminary plats and (2) $100 checks for the Application fee. Please disregard Application # 2 with the approval of Application #1. After being told by Mr. Douglas Styon's that the mylar copy and final subdivision plan will be provided to Applicant when Southern Shores decides which subdivision plan will be accepted, it is Applicant's position that the procedure Wes Haskett is forcing Applicants to use to obtain the lot subdivision is discriminately biased and involves local code violations by Wes Haskett in addition to North Carolina State and Federal Law violations.

Application # 1 contains subdivision plan "Exhibit A" and was created to identical standards as the 109 Osprey Lane subdivision plan approved by Wes Haskett on January 7, 2010 which is labeled Exhibit "B". Application # 1 is applicant's preference because the shared driveway layout will allow homeowners to enhance the aesthetic beauty of both lots the most and keep more of the trees providing privacy between 73 and 75 E. Dogwood Trail. Wes Haskett has indicated that TCA-21-06 now does not allow easement access like 109 Osprey Lane, but unfortunately for Wes Haskett a Public Records Request (labeled Exhibit "C") revealed TCA-21-06 was illegally adopted and is unenforceable because Southern Shores property owners effected by TCA-21-06 did not have posted Notices on their property, as required to be done pursuant to Town Code Sec. 36-414(b) in addition to newspaper publications. North Carolina Article 6 ss 160D-602 governing AMENDMENTS TO A ZONING REGULATION requires: (a) mailed notice to the effected property owners, which Applicants Public Records Request proved never happened, (b) a 1/2 page size advertisement in the newspaper of general circulation (Coastland Times) if letters are not mailed, which Applicant's Public Records Request proved never happened, (c) posted notice on the effected properties, which Applicants Public Records Request proved never happened and (d) optional direct communication with the property owner, which Applicants Public Records Request proved never happened. Wes Haskett claims North Carolina Article 6 ss 160D -601 governing AMENDMENTS TO A DEVELOPMENT REGULATION should apply to his ZONING AMENDMENTS and even if Art. 6 ss 160D-601 did apply to the zoning amendments, North Carolina Article 6 ss 160D-601 requires notice to military bases within 5 miles and Public Records Requests prove the U.S. Army's Duck facility was not notified. So, the illegally adopted TCA-21-06 Zoning Amendments are unenforceable. Wes Haskett attempted to make matters worse to Applicants and Southern Shores by trying to deceive Applicant, David Kole, Elizabeth Morey and Cliff Ogburn by falsifying records with fraudulently misrepresented Southern Shores' zoning code with Notice requirement "Sec. 36-414(b) deleted from the records (labeled Exhibit "D"). Wes Haskett's deceptiveness is part of a continuing pattern of corruption

that started on May 1, of 2023 when Wes Haskett refused to provide Applicant material information about 75 E. Dogwood Trail zoning code during an entire month of correspondence with a June 1, 2023 email telling Applicant for the 1st time that a zoning amendment proposed for town council approval on June 6, 2023 will change lot width requirements. During the 1 month from May 1, 2023 to June 1, 2023 the 75 E. Dogwood Trail was listed for sale as a sub-dividable lot that Southern Shores said was sub-dividable and the previous homeowner, Linda Lauby negotiated an additional $75,000 from Applicant's for the purchase of 75 E. Dogwood Trail. Wes Haskett's fraudulent concealment of zoning code also prevented the easiest solution to the lot subdivision plans, which would have been to submit the lot subdivision plans prior to June 6, 2023. In addition to obstructing Applicant's right to knowledge of zoning codes, Wes Haskett also tampered with evidence by claiming the lots created at 233 N. Dogwood Trail and adjacent 0 N. Dogwood Trail lots were created prior to the town's incorporation in 1979 when Applicant submitted a Public Records Request (Labeled "Exhibit E"). A second public records request which asked for all records from 233 N. Dogwood Trail prove that not only were the current lots created on July 21, 2016 and approved by Wes Haskett, they also prove Wes Haskett uses his discretion to deviate from town code lot width regulations, but is discriminately trying to abuse illegally adopted lot width code to prevent the 75 E. Dogwood Trail lot subdivision. As such, Applicant's respectfully request that Application # 1 be approved as legally adopted codes have been met and Southern Shores discretion they may use to deviate from any zoning code is something other homeowners have been entitled to.

Application # 2 contains subdivision plan "Exhibit A" which was created identically to the lot subdivision plan Wes Haskett denied on June 5, 2024 (labeled "Exhibit B") with the defects in paragraphs 2 and 3 corrected. Wes Haskett claimed in "Exhibit B" that #1's lot width measurement requirement was not met, but unfortunately for Wes Haskett a Public Records Request (labeled Exhibit "C") revealed ZTA-23-03 was illegally adopted and is unenforceable because Southern Shores property owners effected by ZTA-23-03 did not have posted Notices on their property, as required to be done pursuant to Town Code Sec. 36-414(b) in addition to newspaper publications. North Carolina Article 6 ss 160D-602 governing AMENDMENTS TO A ZONING REGULATION requires: (a) mailed notice to the effected property owners, which Applicant's Public Records Request proved never happened, (b) a 1/2 page size advertisement in the newspaper of general circulation (Coastland Times) if letters are not mailed, which Applicant's Public Records Request proved never happened, (c) posted notice on the effected properties, which Applicant's Public Records Request proved never happened and (d) optional direct communication with the property owner, which Applicant's Public Records Request proved never happened. Wes Haskett claims North Carolina Article 6 ss 160D -601 governing AMENDMENTS TO A DEVELOPMENT REGULATION should apply to his ZONING AMENDMENTS and even if Art. 6 ss 160D-601 did apply to the zoning amendments, North Carolina Article 6 ss 160D-601 requires notice to military bases within 5 miles and Public Records Requests prove the U.S. Army's Duck facility was not notified. Furthermore, AMENDING A DEVELOPMENT REGULATION that involves "down zoning" (reducing the permitted uses of land by doing something like prohibiting lot sub-divisions) requires the written consent of the property owners unless the local government initiated the down sizing. Southern Shores local government did not initiate the down sizing involved with the June 6, 2023 AMENDMENT OF ZONING REGULATIONS changing lot width requirements, Wes Haskett initiated the down sizing, and Wes Haskett did so without ever receiving approval from each of Southern Shores employees and town council members with the intent to prevent lot subdivisions (as Wes Haskett indicated in his email to me on June 7, 2023). So, the illegally adopted ZTA-23-03 Zoning Amendments are unenforceable. Wes Haskett attempted to make matters worse to Applicants and Southern Shores by trying to deceive Applicant, David Kole, Elizabeth Morey and Cliff Ogburn by falsifying records with fraudulently misrepresented Southern Shores' zoning code with Notice requirement Sec. 36-414(b) deleted from the records (labeled Exhibit "D"). Wes Haskett's deceptiveness is part of a continuing pattern of corruption that started on May 1, of 2023 when Wes Haskett refused to provide Applicant material information about 75 E. Dogwood Trail zoning code during an entire month of correspondence with a June 1, 2023 email telling Applicant for the 1st time that a zoning amendment proposed for town council approval on June 6, 2023 will change lot width requirements. During the 1

month from May 1, 2023 to June 1, 2023 the 75 E. Dogwood Trail was listed for sale as a sub-dividable lot that Southern Shores said was sub-dividable and the previous homeowner, Linda Lauby negotiated an additional $75,000 from Applicant's for the purchase of 75 E. Dogwood Trail. Wes Haskett's fraudulent concealment of zoning code also prevented the easiest solution to the lot subdivision plans, which would have been to submit the lot subdivision plans prior to June 6, 2023. In addition to obstructing Applicant's right to knowledge of zoning code, Wes Haskett also tampered with evidence by claiming the lots created at 233 N. Dogwood Trail and adjacent 0 N. Dogwood Trail lots were created prior to the town's incorporation in 1979 when Applicant submitted a Public Records Request (labeled "Exhibit E"). A second public records request which asked for all records from 233 N. Dogwood Trail prove that not only were the current lots created on July 21, 2016 and approved by Wes Haskett, they also prove Wes Haskett uses his discretion to deviate from town code lot width regulations, but is discriminately trying to abuse illegally adopted lot width code to prevent the 75 E. Dogwood Trail lot subdivision. As such, Applicant's respectfully request that Application # 2 be approved as legally adopted codes have been met and Southern Shores discretion they may use to deviate from any zoning code is something other homeowners have been entitled to. Please disregard Application #2 with the approval of Application #1.

Please find attached, signed General Application Forms #1 & #2 with (2) $100 checks made payable to Southern Shores.

Application # 1

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
www.southernshores-nc.gov

GENERAL APPLICATION FORM
TOWN OF SOUTHERN SHORES, NC 27949

Date: / / **Filing Fee: $50/lot** **Receipt No.** **Application No.**

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- [x] **Chapter 30. Subdivisions-Town Code**
- [ ] **Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District**
- [ ] **Chapter 36. Article IX. Planned Unit Development (PUD)**
- [ ] **Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units ***
- [ ] **Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use**
- [ ] **Chapter 36. Article X. Section 36-303 Fees**
- [ ] **Chapter 36. Article X. Section 36-304-Vested Rights**
- [ ] **Chapter 36. Article XIV. Changes and Amendments**

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant
Name Anthony S. Mina & Jennifer L. Franz
Address: 75 E. Dogwood Trail
Southern Shores, NC 27949
Phone 610 842-3905 Email chestercountylawn@yahoo.com

Applicant's Representative (if any)
Name _____
Agent, Contractor, Other (Circle one)
Address _____
_____
Phone _____ Email _____

Property Involved: [x] Southern Shores ___Martin's Point (Commercial only)
Address: 75 E. Dogwood Trail, Southern Shores, NC 27949 Zoning district RS-1
Section soundside Block 105 Lot 1 Lot size (sq.ft.) 47,213

Request: __ Site Plan Review __Final Site Plan Review __Conditional Use __Permitted Use
__PUD (Planned Unit Development) [x] Subdivision Ordinance __Vested Right __ Variance
[x] lot subdivision approval

Anthony S. Mina
Jennifer L. Franz
Signature

July 3, 2024
Date

*** Attach supporting documentation.**

REVIEW OFFICER CERTIFICATE

State of North Carolina

County of Dare

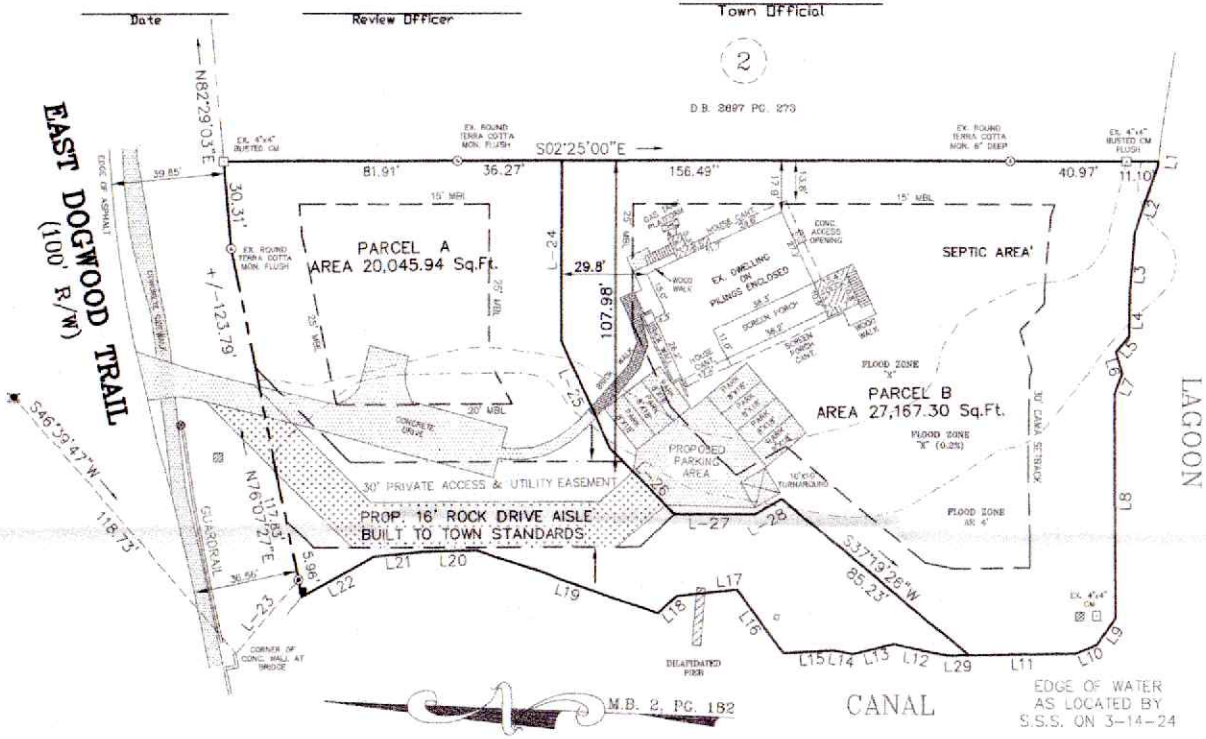
I, _____, Review Officer of Dare County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date _____ Review Officer _____

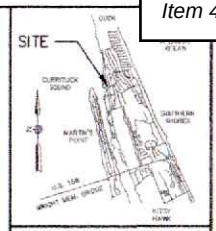
EXEMPTION CERTIFICATE

This plat is exempt from subdivision regulations under N.C.G.S. 160 A-376 and the Town of Southern Shores Subdivision Ordinance, Section 30-2. (4)

Town Official _____



LINE TABLE		
LINE	BEARING	LENGTH
L1	N86°02'33"W	1.29'
L2	N73°43'10"W	25.14'
L3	N87°48'49"W	20.94'
L4	S88°18'36"W	14.86'
L5	N51°30'23"W	7.18'
L6	S70°39'48"W	7.77'
L7	N71°10'54"W	7.47'
L8	S87°22'48"W	78.67'
L9	N57°12'36"W	10.97'
L10	N24°38'48"W	8.44'
L11	N03°27'34"W	36.89'
L12	N09°17'19"E	18.53'
L13	N15°30'59"W	14.70'
L14	N07°30'59"E	6.93'
L15	N05°24'26"W	17.93'
L16	N51°52'59"E	27.20'
L17	N08°17'08"W	21.40'
L18	N43°02'57"W	8.96'
L19	N16°45'38"E	66.51'
L20	N03°34'58"W	19.30'
L21	N07°45'26"W	17.15'
L22	N31°03'24"W	28.87'
L23	S51°51'33"E	33.46'
L24	S87°35'00"W	62.63'
L25	S62°48'58"W	41.15'
L26	S43°22'44"W	32.08'
L27	S02°25'00"E	28.40'
L28	S32°56'04"E	10.52'
L29	N03°27'34"W	7.80'



LEGEND:

- Ex. Rebar Flush
- Ex. Terra Cotta Monument
- Ex. CM
- Water Meter
- Phone Ped.
- Fire Hydrant
- Transformer

OWNER CERTIFICATE

We, _____, Owners of the property shown on this plat, agree to the division/recombination as shown.

_____
Owner

NOTARY CERTIFICATE

State of _____, County of _____

State aforesaid, certify that _____, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this_____ day of _____, 2024.

_____
Notary Public

NOTES:

Current Owners: Anthony Stocker Mina
Jennifer Lynn Franz

Address: 75 E. Dogwood Trail

Lot Coverage for Parcel A: 4,076.36 Sq. Ft. (20.34%)

Lot Coverage for Parcel B: 5,387.84 Sq. Ft. (19.83%)

Zone: RS1

Setbacks shown are as per Zoning.

There are no geodetic control within 2000'.

Certifier hereon is not responsible for utilities and/or features that are not visible.

SURVEYOR'S CERTIFICATE:

I, M. Douglas Styons Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision; using the description found in DB 2689, PG 776 , that the boundaries not surveyed are clearly indicated as drawn from information found in MB 2 , PG 182; that the ratio of precision as calculated is at least 1: 10,000; and that this plat was prepared in accordance with G.S. 47-30 as amended. I also certify to the following:

This plat is of a survey of another category such as the recombination of existing parcels, a court-ordered survey or other except. to the definition of subdivision; No street right-of-ways are created.

Witness my original signature and seal this 27th day of June 2024.

PRELIMINARY

PLS L-4227

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

Styons Surveying Services
2700 N. Croatan Hwy. Kill Devil Hills, NC. 27948 C-1697
Phone: (252) 441-1415 Fax: (252) 480-1182

Any unauthorized use or alteration of this document is prohibited. A red seal must be present for this to be an original document.

"MINA DIVISION"
SECOND REVISED DIVISION OF LOT 1, SOUTHERN SHORES SOUNDSIDE BLOCK 105

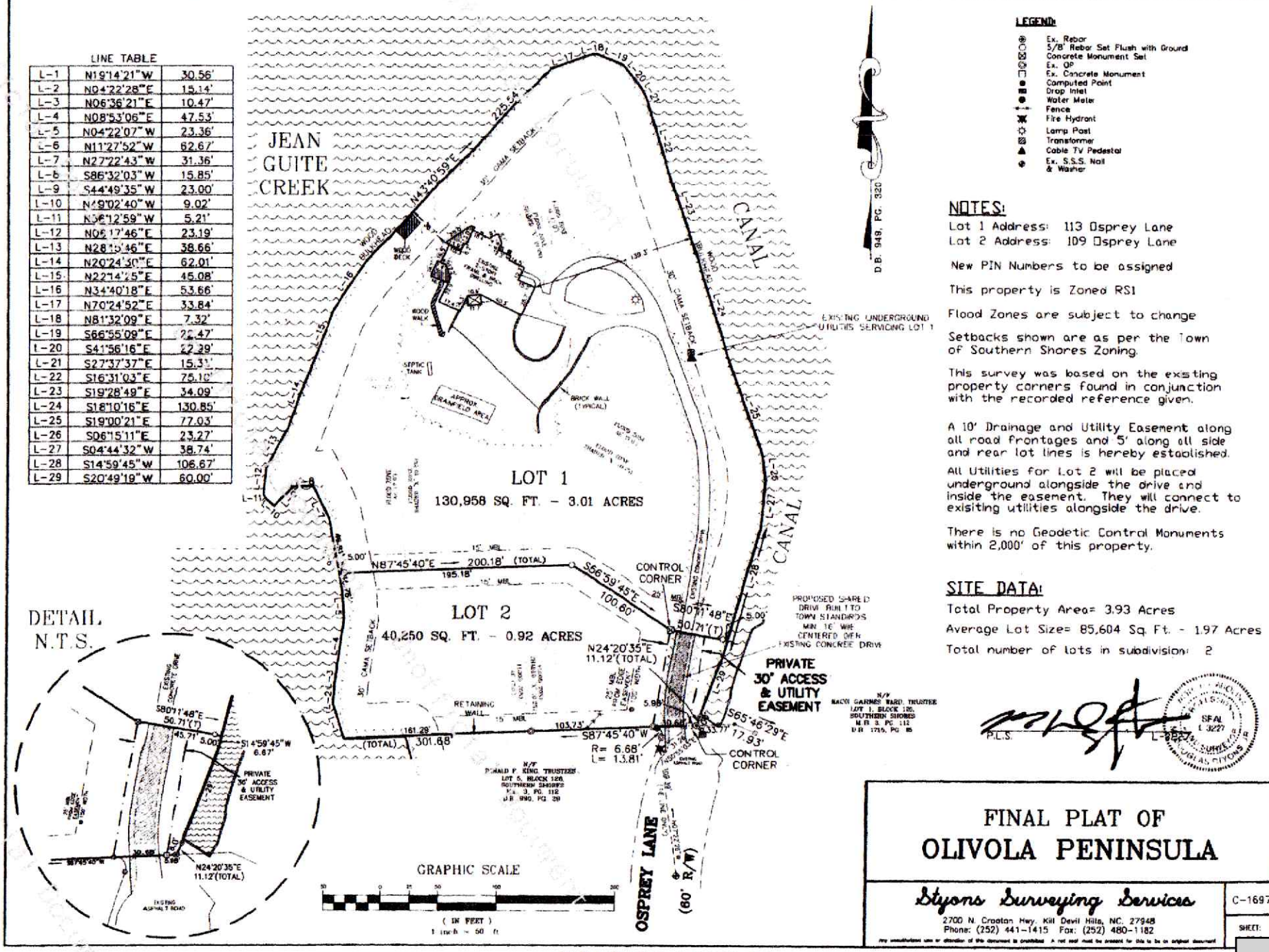
SCALE: 1" = 30'	SURVEYED FOR: ANTHONY S. MINA and JENNIFER L. FRANZ		
FILE NO.: 24-065			
DWG NO.: 2406553	ATLANTIC TOWNSHIP DARE COUNTY		SOUTHERN SHORES NORTH CAROLINA
FLOOD ZONE: SEE PLOT	DATE: 03-14-2024 REV.DATE: 6-27-24 DESIGN	REC. REF. M.B. 2, PG. 182 D.B. 2689, PG. 776	SHEET: 1 OF 1
	PIN NO.: 0098881213502	F.I.R.M.: 3720 9868 00 K	F.I.R.M. DATE: 6-19-20

EXHIBIT "A"

P.C. H Sl. 248

Item 4.

EXHIBIT "B"



LINE TABLE

L-1	N19°14'21"W	30.56'
L-2	N04°22'28"E	15.14'
L-3	N06°36'21"E	10.47'
L-4	N08°53'06"E	47.53'
L-5	N04°22'07"W	23.36'
L-6	N11°27'52"W	62.67'
L-7	N27°22'43"W	31.36'
L-8	S86°32'03"W	15.85'
L-9	S44°49'35"W	23.00'
L-10	N49°02'40"W	9.02'
L-11	N56°12'59"W	5.21'
L-12	N09°17'46"E	23.19'
L-13	N28°15'46"E	38.66'
L-14	N20°24'30"E	62.01'
L-15	N22°14'25"E	45.08'
L-16	N34°40'18"E	53.66'
L-17	N70°24'52"E	33.84'
L-18	N81°32'09"E	7.32'
L-19	S66°55'09"E	22.47'
L-20	S41°56'16"E	22.29'
L-21	S27°37'37"E	15.31'
L-22	S16°31'03"E	75.10'
L-23	S19°28'49"E	34.09'
L-24	S18°10'16"E	130.85'
L-25	S19°00'21"E	77.03'
L-26	S06°15'11"E	23.27'
L-27	S04°44'32"W	38.74'
L-28	S14°59'45"W	106.67'
L-29	S20°49'19"W	60.00'

LEGEND:

- Ex. Rebar
- 5/8" Rebar Set Flush with Ground
- Concrete Monument Set
- Ex. OP
- Ex. Concrete Monument
- Computed Point
- Drop Inlet
- Water Meter
- Fence
- Fire Hydrant
- Lamp Post
- Transformer
- Cable TV Pedestal
- Ex. S.S.S. Nail & Washer

NOTES:

Lot 1 Address: 113 Osprey Lane
Lot 2 Address: 109 Osprey Lane

New PIN Numbers to be assigned

This property is Zoned RS1

Flood Zones are subject to change

Setbacks shown are as per the Town of Southern Shores Zoning.

This survey was based on the existing property corners found in conjunction with the recorded reference given.

A 10' Drainage and Utility Easement along all road frontages and 5' along all side and rear lot lines is hereby established.

All Utilities for Lot 2 will be placed underground alongside the drive and inside the easement. They will connect to exisiting utilities alongside the drive.

There is no Geodetic Control Monuments within 2,000' of this property.

SITE DATA:

Total Property Area= 3.93 Acres

Average Lot Size= 85,604 Sq. Ft. - 1.97 Acres

Total number of lots in subdivision: 2

P.L.S. L-3227

SEAL L-3227 DOUGLAS C. STYONS

FINAL PLAT OF OLIVOLA PENINSULA

Styons Surveying Services
2700 N. Croatan Hwy. Kill Devil Hills, NC. 27948
Phone: (252) 441-1415 Fax: (252) 480-1182

C-1697

SHEET:

Any unauthorized use or alteration of this document is prohibited. A red seal must be present for this to be an original document.

697A189 S. PCH P. 248 Page 2 of 2 1/31/18 1:38 PM

Public Records Request Regarding TCA-21-06 and ZTA-23-03

chestercountyl

Sheila Kane <skane@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 20 at 5:07 PM

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03. **NOT REQUIRED**

2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.
    1. **Coastland Times Advertisement Invoices and copies of notices are attached. A ½ of a page size is NOT REQUIRED**

3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
    1. **Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.**

4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
    1. **NOT REQUIRED**
    2. **Communication with one property owner attached (Anthony Mina).**

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

11 Files 13.9MB

EXHIBIT "C"

RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Divisio n

chestercountyl

Wes Haskett <whaskett@southernshores-nc.gov> May 21 at 2:27 PM
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.

(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section ____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ... ." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.

(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.

(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

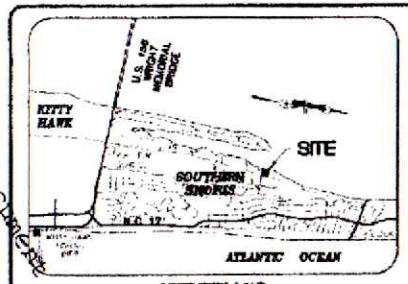
Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <[redacted]>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <[redacted]>; Phillip Hornthal <[redacted]>
Cc: David Kole <[redacted]>; David Kole <[redacted]>; Elizabeth Morey <[redacted]>; Phillip Hornthal <[redacted]>; Cliff Ogburn <[redacted]>; Jonathan Siegel <[redacted]>; Matt Cooke <[redacted]>; Eric Brinkley <[redacted]>; Darrell Brickhouse <[redacted]>; Tracy Mann <[redacted]>; Chris Simpson <[redacted]>; Richard Deaner <[redacted]>; Thomas Long <[redacted]>; Jason Thompson <[redacted]>; Andrew Spottswood <[redacted]>; Jennifer Couture <[redacted]>; FBI <[redacted]>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <[redacted]>; Elizabeth Morey <[redacted]>; Jasper Rogers <[redacted]>; cgarriss@kittyhawktown.net; cgarriss@kittyhawktown.net; Casey Varnell <[redacted]>; Mike Talley <[redacted]>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <[redacted]>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <[redacted]>;

EXHIBIT "D"

PCI-279

Unofficial Document



VICINITY MAP
N.T.S.

REFERENCES:

1) M.B. PG. 58 (SUBDIVISION)
2) M.B. PG. 134 (AMENDED SUBDIVISION)
3) P.C. 146 (ADJOINING SUBDIVISION)
4) D.B. 1280 PG. 181 (SOURCE DEED)
5) SURVEY BY SEALE & MATURO & WIFE NANCY ON 1/28/97 FOR BY WILSON SEALE, JR. R.L.S.

LOCAL EXEMPTION CERTIFICATE

THIS PLAT IS EXEMPT FROM SUBDIVISION REGULATIONS UNDER N.C.G.S. 160 A 376 (1) AND SECTION 9-2 OF THE TOWN OF SOUTHERN SHORES ORDINANCE.

[signature]
TOWN OFFICIAL

7-21-16
DATE

NOTES:

PROPERTY ADDRESS: 273 N. DOGWOOD TRAIL
PROPERTY PIN: [illegible] (PARCEL ID NOS.)
LOT 43 = [illegible] ACRES
LOT 44 = [illegible] ACRES
LOT 45 = 26,350.93 SF OR 0.6049 ACRES
AREA CALCULATED BY GEORGINA MUNOZ
LOT SUBJECT TO ALL NOTES & ORDINANCE OF RECORD
PROPERTY SUBJECT TO A FULL AND ACCURATE TITLE SEARCH
LOT MAY BE IN AN AREA OF ENVIRONMENTAL CONCERN
INDIVIDUAL PERMITS MAY BE REQUIRED
SEWAGE AS PER TOWN OF SOUTHERN SHORES AND MAY BE VERIFIED.

Unofficial Document

CERTIFICATE OF OWNERSHIP AND REDEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF DARE COUNTY, THAT I FREELY AND VOLUNTARILY ADOPT THIS PLAT OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREA SHOWN ON THIS PLAT AS STREETS, ALLEYS, WALKWAYS, PARKS, OPEN SPACES, AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY. ALL PROPERTY SHOWN ON THIS PLAT AS DEDICATED FOR A PUBLIC USE SHALL BE HELD FOR THAT PURPOSE AND ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH USE IS APPROVED BY THE APPROPRIATE PUBLIC AUTHORITY IN THE PUBLIC INTEREST.

Jessica Pearson Heyder
JESSICA PEARSON HEYDER, TRUSTEE

7/21/16
DATE

Jolene M. Dorris, A NOTARY PUBLIC OF Dare COUNTY, NORTH CAROLINA

HEREBY CERTIFY THAT Jessica Pearson Heyder PERSONALLY APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE.

WITNESS MY HAND AND OFFICIAL SEAL THIS 21st DAY OF July 2016

Jolene M Dorris
NOTARY PUBLIC

10/30/19
MY COMMISSION EXPIRES

JOLENE M. DORRIS NOTARY PUBLIC DARE COUNTY, N.C.

GRAPHIC SCALE
0 30 45 90
(IN FEET)
1 INCH = 30 ft.

LEGEND:

ECM □ - EXISTING CONCRETE MONUMENT
EIR ● - EXISTING IRON ROD
EIP ○ - EXISTING IRON PIPE
SIR ● - SET IRON ROD
SMAG ⊂ - SET MAG NAIL
EMAG ⊃ - EXISTING MAG NAIL
CALC ○ CALCULATED POINT
(T) TOTAL DISTANCE
(R) RADIAL DISTANCE

CONTROL CORNER
CURRITUCK SOUND
LAGOON
NORTH DOGWOOD TRAIL (60' R/W)
DOGWOOD TRAIL (100' R/W)
[BLOCK H]
LANDS N/F NANCY S. MATTURO WB 198, PG. 306 PIN#: 986827133152
LANDS N/F JESSICA PEARSON HEYDER, TRUSTEE DB 461, PG. 189 P/O PIN#: 986827114902
SOUTHERN SHORES AMENDED SECTION A PC "A", PG. 146
PORTION OF PROPERTY LINES VACATED BY THIS RECOMBINATION PLAT.
S01°00'00"E 100.03'
100.28'
N86°30'00"E 333.12'
542.20 +/- (T)
442.60'
S56°30'00"W 456.53'
N88°30'00"E 561.75'+/-
S40°24'(T) 50.15'
S05°59'31"E 200.00'
S02°05'17"E 200.16'
S01°00'00"E 100.00'
S88°59'00"W 100.00'
N01°00'00"W 100.00'
N88°59'00"E 100.00'
10.92'
61.93'
37.77'
L1 L2 L3 L4 L5 L6 L7 L8 L9 L10 L11 L12 L13 L14

LINE TABLE

LINE	LENGTH	BEARING
L1	9.91'	N12°17'40"E
L2	19.51'	N86°30'00"E
L3	28.53'	N32°45'38"E
L4	33.32'	N87°46'38"E
L5	30.22'	N3°54'51"W
L6	9.16'	N41°47'24"E
L7	19.54'	N86°30'00"E
L8	19.54'	S86°30'00"W
L9	19.54'	S86°30'00"W
L10	33.32'	N87°46'38"E
L11	19.91'	S86°30'00"W
L12	58.47'	N02°44'10"E
L13	47.98'	S87°15'50"E

CERTIFICATE OF SURVEY & ACCURACY

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, SURVEY RECORDED IN M.B. 2, PG. 174 IN THE DARE COUNTY REGISTRY; THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN EXISTING RECORDS; AND THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I HEREBY CERTIFY THIS IS A RECOMBINATION OF EXISTING PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, THIS 20th DAY OF July, 2016

[signature]
REGISTERED LAND SURVEYOR

CERTIFICATE OF REVIEW OFFICER

STATE OF NORTH CAROLINA
COUNTY OF DARE

I, Wes Haskett, REVIEW OFFICER OF DARE COUNTY, NORTH CAROLINA, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

[signature]
REVIEW OFFICER

7-21-16
DATE

Coastal ENGINEERING & SURVEYING INC.

REVISIONS

RECOMBINATION PLAT FOR:
JESSICA PEARSON-HEYDER, TRUSTEE
ATLANTIC TWSP. DARE COUNTY NORTH CAROLINA
LOTS 43-45, BLK. H, SOUTHERN SHORES AMENDED SECTION "A"

DATE 6/23/16 SCALE 1" = 30'
CHECKED: [illegible] DRAWN: MMH
PROJECT NO. S2786.16
CAD FILE S2716R
SHEET 1 OF 1

Recorded: 07/21/2016 10:38:40 AM
BY: Sharon Wilder
Vanzella McMurren, Register of Deeds
Dare County, NC
Fee Amt $21.00 NC Excise Tax $0.00

BOOK PCI PAGE 279 (1)

EXHIBIT "E"

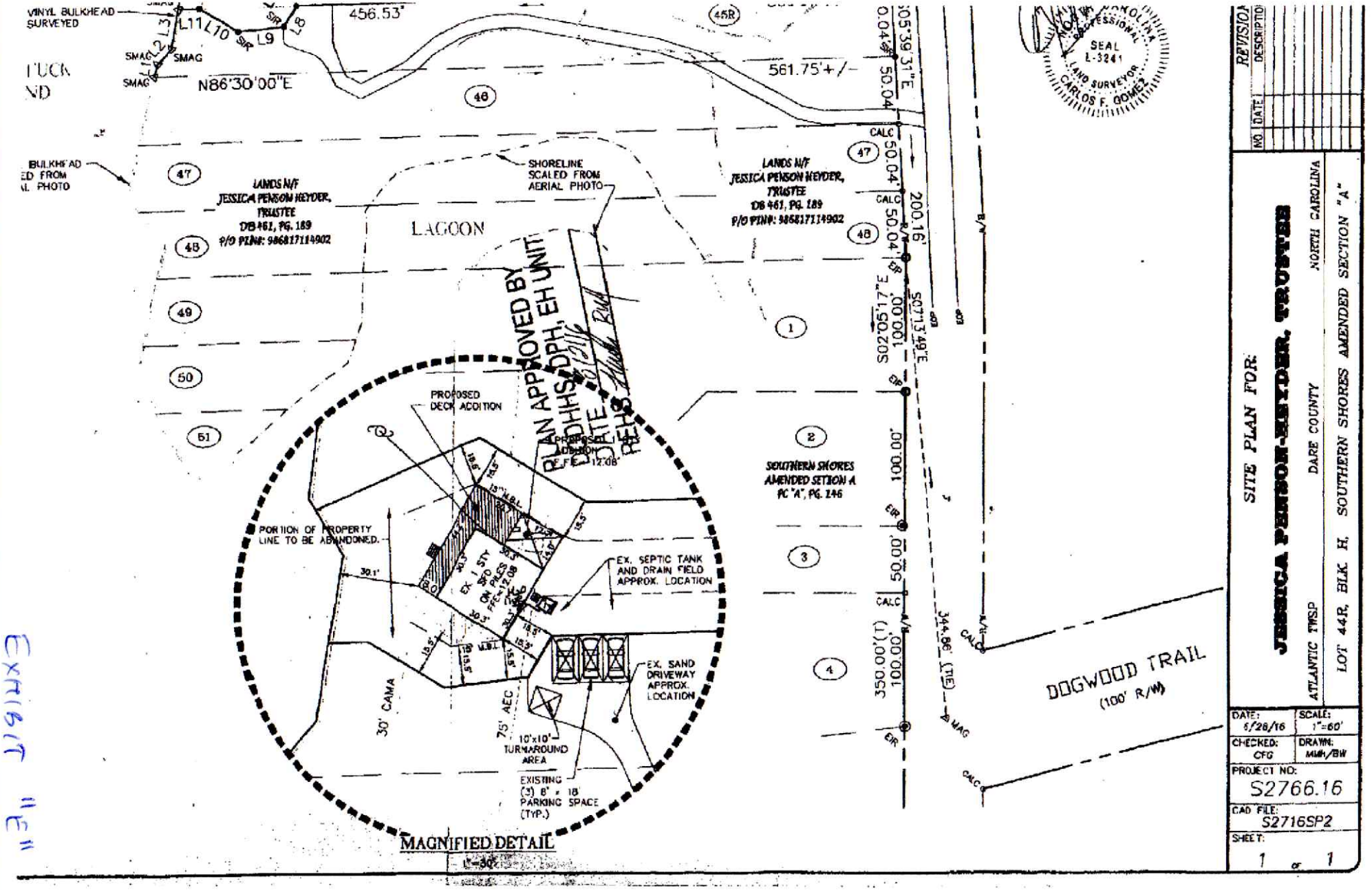

VINYL BULKHEAD SURVEYED
SMAG
SMAG
SMAG
N86°30'00"E
456.53'
561.75'+/-
S05°39'31"E
50.04'
CALC
50.04'
CALC
50.04'
S07°13'49"E
200.16'
S02°17'50"E
100.00'
100.00'
50.00'
350.00'(T)
100.00'
344.86' (TIE)
BULKHEAD FROM PHOTO
LANDS N/F JESSICA PENSON HEYDER, TRUSTEE DB 461, PG. 189 P/O PIN#: 986817114902
SHORELINE SCALED FROM AERIAL PHOTO
LAGOON
LANDS N/F JESSICA PENSON HEYDER, TRUSTEE DB 461, PG. 189 P/O PIN#: 986817114902
PLAN APPROVED BY DHHS, DPH, EH UNIT
SOUTHERN SHORES AMENDED SETION A PC "A", PG. 246
PROPOSED DECK ADDITION
PROPOSED LOCATION F.F.E. 12.08'
PORTION OF PROPERTY LINE TO BE ABANDONED.
EX. 1 STY SFD ON PILES FFE=12.08
EX. SEPTIC TANK AND DRAIN FIELD APPROX. LOCATION
EX. SAND DRIVEWAY APPROX. LOCATION
30' CAMA
75' AEC
10'x10' TURNAROUND AREA
EXISTING (3) 8' x 18' PARKING SPACE (TYP.)
MAGNIFIED DETAIL
1"=30'
DOGWOOD TRAIL
(100' R/W)
SEAL L-3241 PROFESSIONAL LAND SURVEYOR CARLOS F. GOMEZ
REVISIONS
NO. DATE DESCRIPTION
SITE PLAN FOR:
JESSICA PENSON-HEYDER, TRUSTEE
ATLANTIC TWSP DARE COUNTY NORTH CAROLINA
LOT 44R, BLK. H, SOUTHERN SHORES AMENDED SECTION "A"
DATE: 6/28/16
SCALE: 1"=60'
CHECKED: CFG
DRAWN: MWH/BW
PROJECT NO: S2766.16
CAD FILE: S2716SP2
SHEET: 1 of 1

Exhibit "E"

RE: Public Records Request (2) 06.10.2024

Wes Haskett <whaskett@southernshores-nc.gov> Jun 17 at 10:45 AM
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Sheila Kane <skane@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>

Good morning again, Mr. Mina. The lot with the address 233 N. Dogwood Trl. and the adjacent lots with the addresses of 0 N. Dogwood Trl. were created prior to the Town's incorporation in 1979.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, June 14, 2024 2:15 PM
To: Sheila Kane <skane@southernshores-nc.gov>
Cc: Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: Re: Public Records Request (2) 06.10.2024

Are you saying the (2) addresses 0 N. Dogwood Trail were created without any documentation?

Thank you,
Anthony Stocker Mina

On Friday, June 14, 2024 at 01:37:01 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Mr. Mina:

The clerk's office can provide you with copies of public records, existing documents that the town has in its custody and control. There is no subdivision document related to 233 N. Dogwood/O Dogwood; therefore, no public record.
If it is information you are seeking, I would encourage you to simply call the proper department at town hall and ask your questions.

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, June 14, 2024 12:07 PM
To: Sheila Kane <skane@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: Re: Public Records Request (2) 06.10.2024

I'm sorry, maybe my request was worded wrong. Can you please provide me the information relating to the lots addressed as 0 dogwood trail being created. Thank you, Anthony S Mina

On Friday, June 14, 2024 at 09:06:09 AM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

EXHIBIT "E"

On June 10, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

- Subdivision plat for 233 N. Dogwood Trail and each lot next to 233 N. Dogwood Trail, currently addressed as 0 N. Dogwood Trail. Lot width requirements at the time of 233 N. Dogwood Trail lot subdivision.

Following review of your request, no records exist pertaining to your request.

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

EXHIBIT "E"

Application #2 (Please discuss with approval of application #1)

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
www.southernshores-nc.gov

GENERAL APPLICATION FORM
TOWN OF SOUTHERN SHORES, NC 27949

Date: __/__/__ **Filing Fee: $50/lot** **Receipt No.** **Application No.**

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- [X] **Chapter 30. Subdivisions-Town Code**
- [ ] **Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District**
- [ ] **Chapter 36. Article IX. Planned Unit Development (PUD)**
- [ ] **Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units ***
- [ ] **Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use**
- [ ] **Chapter 36. Article X. Section 36-303 Fees**
- [ ] **Chapter 36. Article X. Section 36-304-Vested Rights**
- [ ] **Chapter 36. Article XIV. Changes and Amendments**

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant
Name Anthony S. Mina & Jennifer L. Franz
Address: 75 E. Dogwood Trail
Southern Shores, NC 27949
Phone 610 842-3905 Email chestercountylawn@yahoo.com

Applicant's Representative (if any)
Name _____
Agent, Contractor, Other (Circle one)
Address _____
Phone _____ Email _____

Property Involved: [X] Southern Shores [ ] Martin's Point (Commercial only)
Address: 75 E. Dogwood Trail, Southern Shores, NC 27949 Zoning district RS-1
Section Sandside Block 105 Lot 1 Lot size (sq.ft.) 47,213

Request: [ ] Site Plan Review [ ] Final Site Plan Review [ ] Conditional Use [ ] Permitted Use
[ ] PUD (Planned Unit Development) [X] Subdivision Ordinance [ ] Vested Right [ ] Variance
2 lot subdivision approval

Anthony S. Mina
Jennifer L. Franz
Signature

July 3, 2024
Date

*** Attach supporting documentation.**

LEGEND:

- Ex. Rebar Flush
- Ex. Terra Cotta Monument
- Ex. CM
- Rebar Set Flush
- Water Meter
- Phone Ped.
- Fire Hydrant
- Transformer
- 10'x10' Turnaround

REVIEW OFFICER CERTIFICATE

State of North Carolina

County of Dare

I, _____, Review Officer of Dare County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

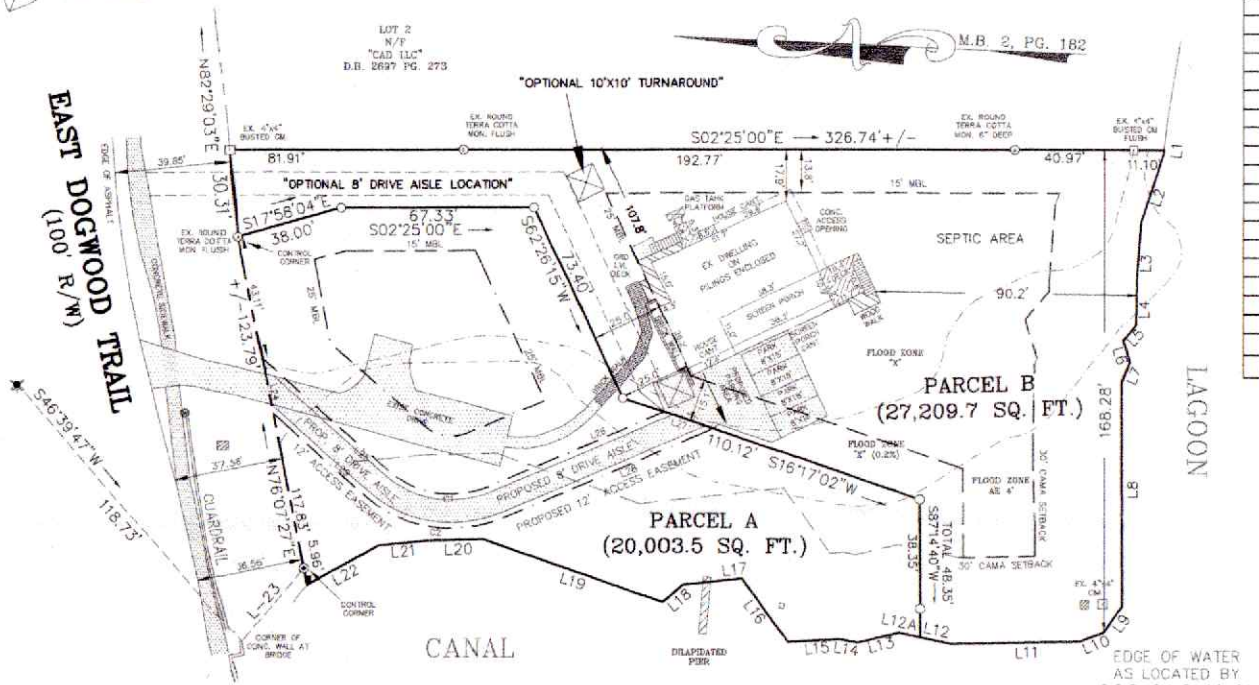
_____ Date

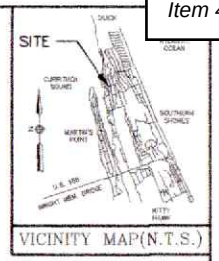
_____ Review Officer

EXEMPTION CERTIFICATE

This plat is exempt from subdivision regulations under N.C.G.S. 160 A-376 and the Town of Southern Shores Subdivision Ordinance, Section 30-2. (4)

_____ Town Official





LINE TABLE		
LINE	BEARING	LENGTH
L1	N86°02'33"W	1.29'
L2	N73°43'10"W	25.14'
L3	N87°48'49"W	20.94'
L4	S88°18'36"W	14.86'
L5	N51°30'23"W	7.18'
L6	S70°39'48"W	7.77'
L7	N71°10'54"W	7.47'
L8	S87°22'48"W	78.67'
L9	N57°12'36"W	10.97'
L10	N24°38'48"W	8.44'
L11	N03°27'34"W	44.69'
L12	N09°17'19"E	10.79'
L13	N15°30'59"W	14.70'
L14	N07°30'59"E	6.93'
L15	N05°24'26"W	17.93'
L16	N51°52'59"E	27.20'
L17	N08°17'08"W	21.40'
L18	N43°02'57"W	8.96'
L19	N16°45'38"E	66.51'
L20	N03°34'58"W	19.30'
L21	N07°45'26"W	17.15'
L22	N31°03'24"W	28.87'
L23	S51°51'33"E	33.46'
L12A	N09°17'19"E	7.75'

EASEMENT LINE TABLE	
LINE	BEARING/DIST.
L24	N76°07'27"E 19.74'
L25	S38°41'25"W 59.10'
L26	S25°09'16"E 66.33'
L27	S16°17'02"W 18.13'
L28	N25°09'16"E 79.92'
L29	N38°41'25"E 43.42'

EASEMENT CURVE DATA

C-1: R=34.00 L=37.89'
C=S06°46'05"W 35.96'

C-2: R=46.00 L=51.26'
C=N06°465'05"E 48.65'

NOTES:

Current Owners: Anthony Stocker Mina & Jennifer Lynn Franz

Address: 75 E. Dogwood Trail

Lot Coverage for Parcel A: 2,965.5 Sq. Ft. (14.82%)

Lot Coverage for Parcel B: 4,553.63 Sq. Ft. (16.74%)

Setbacks shown are as per RS 1 Zoning.

There are no geodetic control within 2000'.

Certifier hereon is not responsible for utilities and/or features that are not visible.

OWNER CERTIFICATE

We, _____, Owners of the property shown on this plat, agree to the division/recombination as shown.

_____ Owner _____ Owner

NOTARY CERTIFICATE

State of _____, County of _____

I, _____ a Notary Public of the County and State aforesaid, certify that

_____, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this____ day of _____, 2024.

_____ Notary Public

SURVEYOR'S CERTIFICATE:

I, M. Douglas Styons Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision; using the description found in DB 2689, PG 776 , that the boundaries not surveyed are clearly indicated as drawn from information found in MB 2 , PG 182; that the ratio of precision as calculated is at least 1: 10,000; and that this plat was prepared in accordance with G.S. 47-30 as amended. I also certify to the following:

This plat is of a survey of another category such as the recombination of existing parcels, a court-ordered survey or other except. to the definition of subdivision) No street right-of-ways are created.

Witness my original signature and seal this 26th day of June 2024.

P.L.S. L-3227

PRELIMINARY

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

Styons Surveying Services
2700 N. Croatan Hwy. Kill Devil Hills, NC. 27948 C-1697
Phone: (252) 441-1415 Fax: (252) 480-1182

Any unauthorized use or alteration of this document is prohibited. A red seal must be present for this to be an original document.

"MINA DIVISION"
REVISED DIVISION OF LOT 1 SOUTHERN SHORES
SOUNDSIDE BLOCK 105

SURVEYED FOR
ANTHONY S. MINA
and JENNIFER L. FRANZ

SCALE: 1" = 30'	ATLANTIC TOWNSHIP DARE COUNTY		SOUTHERN SHORES NORTH CAROLINA
FILE NO.: 24-065	DATE: 03-14-2024	REC. REF: M.B. 2, PG. 182	SHEET: 1 OF 1
DWG NO.: 24065S2R	REV.DATE: 5-28-24ADD PARKING	D.B. 2689, PG. 776	
FLOOD ZONE: SEE PLOT	PIN NO.: 023868721302	F.I.R.M.: 3720 9858 00 K	F.I.R.M. DATE: 6-19-20

EXHIBIT "A"

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
www.southernshores-nc.gov

June 5, 2024

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision

Dear Mr. Mina and Ms. Franz:

Following further review, the administrative decision to deny your application to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000) has been revised. However, the decision to deny the application has not been revised. The reason for the denial remains that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

EXHIBIT "B"

2. There is no drive aisle shown on proposed Parcel B providing access from E. Dogwood Trl. to the existing single-family dwelling. Town Code Section 36-163(4)a.1.ii. states that an eight-foot-wide drive aisle shall be provided, which must be separate from any parking spaces, such that no vehicle will be required to back into the public right-of-way.

3. There are no parking spaces shown on proposed Parcel B for the existing single-family dwelling. Town Code Section 36-163(4)a.1 requires three parking spaces for each dwelling unit with up to eight-person septic capacity and one additional space for each two persons of septic capacity, or fraction thereof, in excess of eight-person septic capacity up to 12-person septic capacity and one additional space for each person of septic capacity over 12.

Per Town Code Section 36-132(c) and Section 36-132(c)(1), the existing single-family dwelling on proposed Parcel B that encroaches the minimum side yard (setback) requirement has been determined legally nonconforming and it can remain as is or it can be enlarged or altered as long as the enlargement or alternation doesn't increase the nonconformity. As a result, the encroachment is no longer applicable to the decision to deny your application.

Should you wish to appeal this revised administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/bc-pb. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov. if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

EXHIBIT "B"

Public Records Request Regarding TCA-21-06 and ZTA-23-03

chestercountyla.

Sheila Kane <skane@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 20 at 5:07 PM

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03. **NOT REQUIRED**

2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.

    1. **Coastland Times Advertisement Invoices and copies of notices are attached. A ½ of a page size is NOT REQUIRED**

3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
    1. **Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.**

4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
    1. **NOT REQUIRED**
    2. **Communication with one property owner attached (Anthony Mina).**

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

11 Files 13.9MB

EXHIBIT "C"

Wes Haskett <whaskett@southernshores-nc.gov> May 21 at 2:27 PM
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.

(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section ____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ... ." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.

(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.

(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

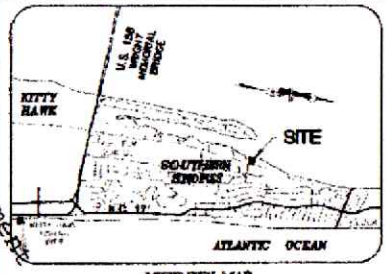
-----Original Message-----
From: Anthony Mina <[redacted]>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <[redacted]>; Phillip Hornthal <[redacted]>
Cc: David Kole <[redacted]>; David Kole <[redacted]>; Elizabeth Morey <[redacted]>; Phillip Hornthal <[redacted]>; Cliff Ogburn <[redacted]>; Jonathan Siegel <[redacted]>; Matt Cooke <[redacted]>; Eric Brinkley <[redacted]>; Darrell Brickhouse <[redacted]>; Tracy Mann <[redacted]>; Chris Simpson <[redacted]>; Richard Deaner <[redacted]>; Thomas Long <[redacted]>; Jason Thompson <[redacted]>; Andrew Spottswood <[redacted]>; Jennifer Couture <[redacted]>; FBI <[redacted]>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <[redacted]>; Elizabeth Morey <[redacted]>; Jasper Rogers <[redacted]>; cgarriss@kittyhawktown.net; cgarriss@kittyhawktown.net; Casey Vamell <[redacted]>; Mike Talley <[redacted]>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <[redacted]>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <[redacted]>;

EXHIBIT 10 D 11

PCI-279

Official Document

Recorded: 07/21/2016 10:36:40 AM
BY: Sharon Miller
Vanessa Mekeirel, Register of Deeds
Dare County, NC
NC Excise Tax: $0.00
Fee Amt: $21.00
Book PCI PAGE 279 (1)
78923 Pgs



VICINITY MAP
N.T.S.

REFERENCES:

1) M.B.P.C. PG. 28 (SUBDIVISION)
2) M.B.P.C. PG. 134 (AMENDED SUBDIVISION)
3) P.C. PG. 146 (ADDENDUM SUBDIVISION)
4) D.B. 440, PG. 180 (SOURCE DEED)
5) SURVEY FOR TRACIE A. MATTUSO & WIFE NANCY S. MATTUSO BY [illegible] DATED 7/26/16 BY W. LEWIS HASKETT, JR., P.L.S.

LEGEND:

ECM ⊡ - EXISTING CONCRETE MONUMENT
EIR ⊕ - EXISTING IRON ROD
EIP ○ - EXISTING IRON PIPE
SIR ● - SET IRON ROD
SMAG ⊡ - SET MAG NAIL
EMAG ⊡ - EXISTING MAG NAIL
CALC ◻ CALCULATED POINT
(T) TOTAL DISTANCE
(R) RADIAL DISTANCE

LOCAL JURISDICTION CERTIFICATE

THIS PLAT IS EXEMPT FROM SUBDIVISION REGULATIONS UNDER NCGS 160 A 376 (1) AND SECTION 3-2 OF THE TOWN OF SOUTHERN SHORES SUBDIVISION ORDINANCE.

W. Lewis Haskett
TOWN OFFICIAL
7-26-16
DATE

NOTES:

PROPERTY ADDRESS: [illegible]
PROPERTY PIN: [illegible] (PARCEL #'S) LOTS 43 THRU 45
LOT 43 = 0.3988 ACRES OR 17,371 SF
LOT 44 = 0.3962 ACRES OR 17,257 SF
LOT 45 = 0.3907 ACRES OR 17,017 SF
AREA CALCULATED BY COORDINATE METHOD
LOT SUBJECT TO EASEMENTS & COVENANTS OF RECORD
PROPERTY SUBJECT TO A FULL AND ACCURATE TITLE SEARCH
LOT MAY BE IN AN AREA OF ENVIRONMENTAL CONCERN. INDIVIDUAL PERMITS MAY BE REQUIRED
SEWAGE AS PER TOWN OF SOUTHERN SHORES AND MAY BE VARIED.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF DARE COUNTY, THAT I HEREBY FREELY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREA SHOWN ON THIS PLAT AS STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE, AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE, AND THAT I WILL MAINTAIN SUCH AREAS UNTIL SUCH OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY. ALL PROPERTY SHOWN ON THIS PLAT AS DEDICATED FOR A PUBLIC USE SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH USE IS APPROVED BY THE APPROPRIATE PUBLIC AUTHORITIES IN THE PUBLIC INTEREST.

Jessica Pinson-Hayden
JESSICA PINSON-HAYDEN, TRUSTEE
7/21/16
DATE

Jalene M. Dorris, A NOTARY PUBLIC OF Dare COUNTY, NORTH CAROLINA, DO HEREBY CERTIFY THAT Jessica Pinson Hayden PERSONALLY APPEARED BEFORE ME THIS DATE AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING CERTIFICATE.
WITNESS MY HAND AND OFFICIAL SEAL THIS 21st DAY OF July 2016.
NOTARY PUBLIC: Jalene M. Dorris
MY COMMISSION EXPIRES: 10/30/19

JALENE M. DORRIS NOTARY PUBLIC DARE COUNTY, N.C.

GRAPHIC SCALE
0 50 100
(IN FEET)
1 inch = 100 ft.

CERTIFICATE OF SURVEY & ACCURACY

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, (BOOK AND PAGE) RECORDED IN M.B. 2, PG. 174 IN THE DARE COUNTY REGISTRY; THAT THE ERROR OF CLOSURE AS FIGURED FROM THE FIELD NOTES DOES NOT EXCEED 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOK AS NOTED; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I HEREBY CERTIFY THIS IS A RECOMBINATION OF EXISTING PARCELS OF LAND.

WITNESS MY ORIGINAL SIGNATURE, THIS 20th DAY OF JULY, 2016.

PLS

CERTIFICATE OF REVIEW OFFICER

STATE OF NORTH CAROLINA
COUNTY OF DARE

I, W. Lewis Haskett, REVIEW OFFICER OF DARE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

W. Lewis Haskett
REVIEW OFFICER
7-26-16
DATE

CONTROL CORNER

LINE TABLE

LINE	LENGTH	BEARING
L1	9.81'	N 21°17'40" W
L2	19.92'	N 40°40'15" W
L3	28.41'	N 72°43'38" W
L4	33.26'	N 07°22'38" W
L5	33.07'	N 33°48'51" W
L6	9.34'	N 41°16'24" W
L7	46.12'	N 48°27'05" W
L8	9.64'	S 86°47'24" W
L9	33.25'	S 81°41'18" W
L10	33.76'	N 87°36'26" W
L11	19.9'	S 86°30'00" W
L12	68.41'	N 03°44'11" E
L13	47.56'	N 41°16'24" W

REVISIONS
DATE | DESCRIPTION

Coastal
ENGINEERING & SURVEYING INC.

RECOMBINATION PLAT FOR:
JESSICA PINSON-HEYDEN, TRUSTEE
ATLANTIC TWSP. DARE COUNTY NORTH CAROLINA
LOTS 43-45, BLK H, SOUTHERN SHORES AMENDED SECTION "A"

DATE: 6/28/16 | SCALE: 1" = 100'
CHECKED: LTS | DRAWN: MMH
PROJECT NO: 52766.16
CAD FILE: S2716REC3
SHEET: 1 OF 1

EXHIBIT "E"

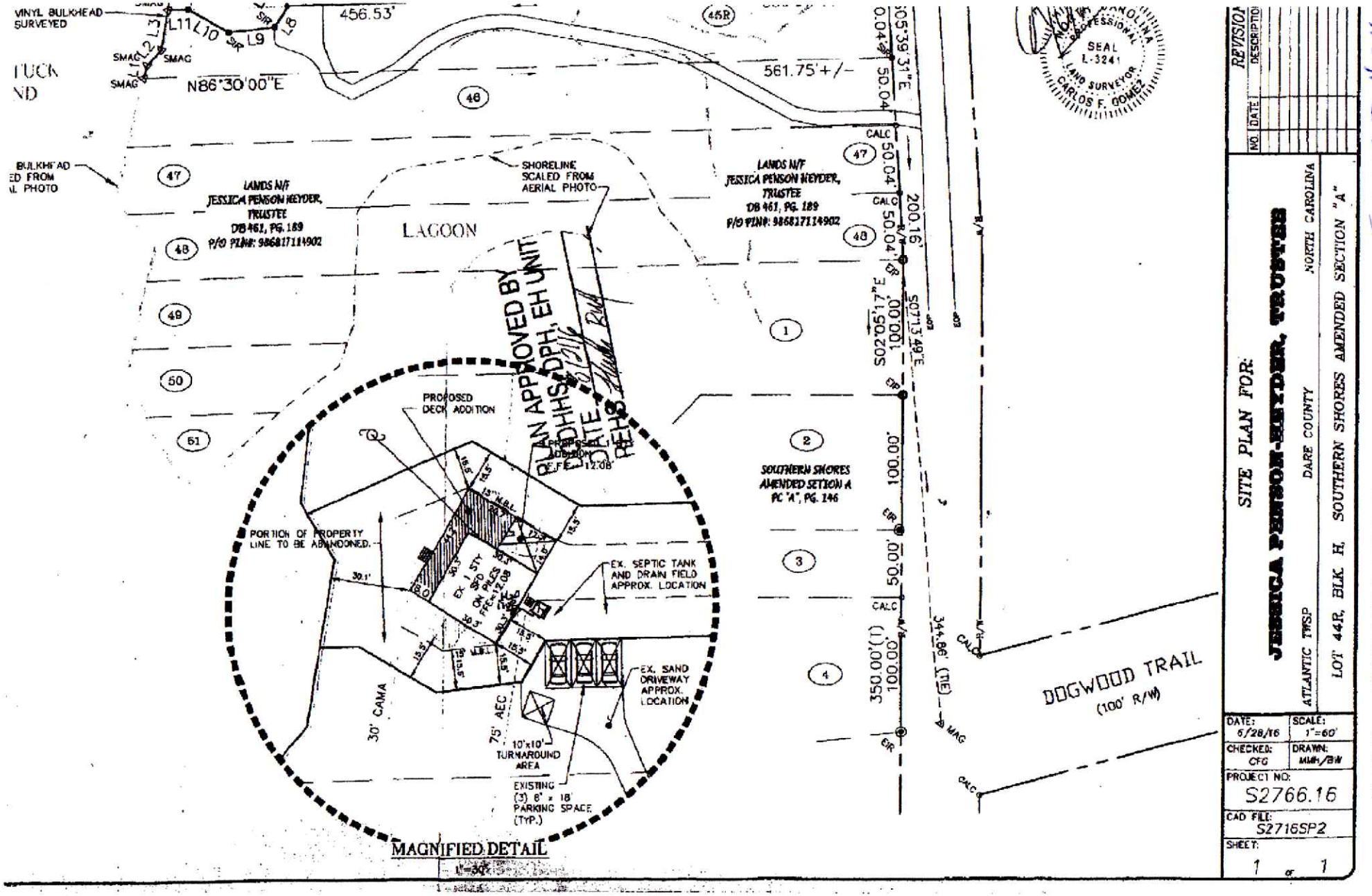

VINYL BULKHEAD SURVEYED
N86°30'00"E
456.53'
561.75'+/-
S05°39'31"E
50.04'
CALC
50.04'
200.16'
S02°05'17"E
100.00'
S07°13'49"E
100.00'
50.00'
350.00'(T)
100.00'
344.86' (TIE)
LANDS N/F JESSICA PENSON HEYDER, TRUSTEE DB 461, PG. 189 P/O PIN#: 986817114902
SHORELINE SCALED FROM AERIAL PHOTO
LAGOON
PLAN APPROVED BY DDHHS, DPH, EH UNIT SITE REVIEW
PROPOSED DECK ADDITION
PROPOSED LOWEST FLOOR ELEVATION F.F.E. = 12.08
SOUTHERN SHORES AMENDED SETION A PC "A", PG. 146
PORTION OF PROPERTY LINE TO BE ABANDONED.
EX. 1 STY SFD ON PILES F.F.E.=12.08
EX. SEPTIC TANK AND DRAIN FIELD APPROX. LOCATION
EX. SAND DRIVEWAY APPROX. LOCATION
30' CAMA
75' AEC
10'x10' TURNAROUND AREA
EXISTING (3) 8' x 18' PARKING SPACE (TYP.)
MAGNIFIED DETAIL
1"=30'
DOGWOOD TRAIL
(100' R/W)
SEAL L-3241
LAND SURVEYOR
CARLOS F. GOMEZ
REVISIONS
NO. DATE DESCRIPTION
SITE PLAN FOR:
JESSICA PENSON-HEYDER, TRUSTEE
ATLANTIC TWSP DARE COUNTY NORTH CAROLINA
LOT 44R, BLK H, SOUTHERN SHORES AMENDED SECTION "A"
DATE: 5/28/16
SCALE: 1"=60'
CHECKED: CFG
DRAWN: MMH/BW
PROJECT NO: S2766.16
CAD FILE: S2716SP2
SHEET: 1 of 1

EXHIBIT "E"

RE: Public Records Request (2) 06.10.2024

Wes Haskett <whaskett@southernshores-nc.gov> Jun 17 at 10:45 AM
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Sheila Kane <skane@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>

Good morning again, Mr. Mina. The lot with the address 233 N. Dogwood Trl. and the adjacent lots with the addresses of 0 N. Dogwood Trl. were created prior to the Town's incorporation in 1979.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, June 14, 2024 2:15 PM
To: Sheila Kane <skane@southernshores-nc.gov>
Cc: Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: Re: Public Records Request (2) 06.10.2024

Are you saying the (2) addresses 0 N. Dogwood Trail were created without any documentation?

Thank you,
Anthony Stocker Mina

On Friday, June 14, 2024 at 01:37:01 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Mr. Mina:

The clerk's office can provide you with copies of public records, existing documents that the town has in its custody and control. There is no subdivision document related to 233 N. Dogwood/O Dogwood; therefore, no public record.
If it is information you are seeking, I would encourage you to simply call the proper department at town hall and ask your questions.

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, June 14, 2024 12:07 PM
To: Sheila Kane <skane@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: Re: Public Records Request (2) 06.10.2024

I'm sorry, maybe my request was worded wrong. Can you please provide me the information relating to the lots addressed as 0 dogwood trail being created. Thank you, Anthony S Mina

On Friday, June 14, 2024 at 09:06:09 AM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

EXHIBIT "E"

On June 10, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

- Subdivision plat for 233 N. Dogwood Trail and each lot next to 233 N. Dogwood Trail, currently addressed as 0 N. Dogwood Trail. Lot width requirements at the time of 233 N. Dogwood Trail lot subdivision.

Following review of your request, no records exist pertaining to your request.

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

EXHIBIT "E"

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
www.southernshores-nc.gov

July 16, 2024

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision (Application 1 Received on July 3, 2024)

Dear Mr. Mina and Ms. Franz:

This letter shall serve as denial of your application (Application 1 received on July 3, 2024) to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000). The reason for the denial is that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because both lots do not front upon a public road. Town Code Section 30-96(f) states that all lots shall front upon a public road.

Your application that was submitted on April 29, 2024 is considered withdrawn. Should you wish to appeal this administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/bc-pb. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov. if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

Town of Southern Shores

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July 16, 2024

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision (Application 2 Received on July 3, 2024)

Dear Mr. Mina and Ms. Franz:

This letter shall serve as denial of your application (Application 2 received on July 3, 2024) to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000). The reason for the denial is that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

Your application that was submitted on April 29, 2024 is considered withdrawn. Should you wish to appeal this administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/bc-pb. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov. if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

STAFF REPORT

To: Southern Shores Planning Board
Date: October 21, 2024
Case: VA-24-01
Prepared By: Wes Haskett, Deputy Town Manager/Planning Director

GENERAL INFORMATION

Applicant: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Property Owners: Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Requested Action: Variance to seek relief from Town Code Section 30-96(f), Lots and Town Code Section 36-202(d), Dimensional Requirements to allow a subdivision of the property located at 75 E. Dogwood Trl.

PIN #: 986817213502
Location: 75 E. Dogwood Trl.
Zoning: RS-1 Single-Family Residential District

Existing Land Use: **"**Residential"

Surrounding Land Use & Zoning:

North- Residential; RS-1, Single-Family Residential District
South- Canal
East- Residential; RS-1, Single-Family Residential District
West- Canal

Physical Characteristics: Developed (existing single-family dwelling)

Applicable Regulations: Chapter 30, Subdivision Ordinance: Section 30-6, Exceptions, Section 30-96(f), Lots and Section 30-97, Design Standards. Chapter 36, Zoning Ordinance: Section 36-57, Definition of Specific Terms and Words, Section 36-202(d), Dimensional Requirements, and Article XII, Board of Adjustment

ANALYSIS

The Applicant is requesting a Variance to seek relief from Town Code Section 30-96(f) and 36-202(d) to allow a subdivision of 75 E. Dogwood Trl. On July 3, 2024, the Applicant submitted two applications to subdivide the subject property. The first application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because both lots did not front upon a public road. Town Code Section 30-96(f) states that all lots shall front upon a public road. The denial was not appealed.

The second application was also denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2). Specifically, the proposed lots did not meet the zoning requirements for properties located in the Town's RS-1, Single-Family Residential zoning district and as a result did not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots did not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

The denial was not appealed.

In accordance with N.C.G.S. 160D-705(d), Town Code Section 36-367 in the Town's Zoning Ordinance establishes that the Planning Board, when performing the duties of the Town Board of Adjustment, shall vary any of the provisions of the Zoning Ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the Variance, no reasonable use can be made of the property.

- There is no unnecessary hardship. The property is zoned single-family residential. There is a single-family dwelling which exists on the property. The Applicant's desire to upgrade and improve the existing structure is not restricted by the ordinance sections sought to be varied. Additionally, the size of the lot could allow for an addition to the existing single-family dwelling and/or an accessory building with living space which could also increase the value of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

- The alleged hardship by the Applicant is not peculiar to the property and rather is one of personal circumstances. The Applicant's application fails to demonstrate how the alleged hardship is peculiar to the property. The Applicant makes false allegations that Town Staff illegally adopted zoning requirements and was helping a real estate scam which are not related to the property's size, location, or topography.

(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

- The Applicant claims that the unnecessary hardship is the result of Town Staff not meeting notification requirements for a Town Code Text Amendment that was adopted on August 3, 2021 and a Zoning Ordinance Text Amendment that was

adopted on June 6, 2023 and because Town Staff withheld material information prior to the Applicant's purchase of the property.

- All applicable notification requirements established in N.C.G.S 160D-601 and in the Town's Zoning Ordinance were satisfied prior to adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Text Amendment. Neither amendment was appealed.
- Town Staff reviewed several sketches showing the Applicant's ideas for a subdivision of the property between May 1, 2023 and June 1, 2023 and never confirmed that any of them met all applicable requirements (which would have been advisory and not subject to judicial review). The Applicant moved forward with the purchase of the property on July 7, 2023.

(4) The requested Variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

- The RS-1, Single-Family Residential zoning district is established to provide for the low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area. The district is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses. In order to meet this intent, the density of population in the district is managed by establishment of minimum lot sizes, building setback and height limits, parking regulations and maximum occupancy limits for single-family residences used as vacation cottages.
- The Applicant claims that the spirit, purpose, and intent of the ordinance will be able to be utilized by granting a Variance from illegally adopted zoning code(s) and because Town Staff is involved with a false pre-tense real estate scam.
  - The Town Code Tex Amendment that was adopted on August 3, 2021 removed the possibility of creating lots that only have frontage on an access easement. The intent of the Town Code Text Amendment was to eliminate the possibility of subdividing property that did not have frontage on a public street, as directed by the Town Council at the June 1, 2021 Town Council meeting, which was a result of a preliminary subdivision plat application that was considered by the Town Council on June 1, 2021.
  - The Zoning Ordinance Text Amendment that was adopted on June 6, 2023 established that lots created after June 6, 2023 in the RS-1, Single-Family Residential zoning district shall be 100 ft. wide measured from the front lot line at right angles to the rear lot line. The intent of the Zoning Ordinance Text Amendment was to clarify Town Staff's interpretation of the Town's lot width requirements by making them unambiguous, as directed by the Town Council at the March 21, 2023 Town Council meeting, which was a result of an appeal application that was considered by the Planning Board, performing the duties of the Board of Adjustment, on October 5, 2022.
  - Town Staff believes that granting the requested Variance would be inconsistent with the spirit, purpose, and intent of the ordinance.

NORTH CAROLINA BOARD OF ADJUSTMENT

TOWN OF SOUTHERN SHORES Case: VA-24-01

In Re: Application for a Variance by Anthony S. Mina for 75 East Dogwood Trail (Pin # 986817213502)

ORDER

THIS MATTER was heard before the Town of Southern Shores Board of Adjustment (the "Board") on October 21, 2024, after due notice as required by law was provided. At issue was the application for a variance (the "Application") by Anthony S. Mina for 75 East Dogwood Trail, Pin # 86817213502. Present were W. Jay Wheless, Board Attorney; Lauren Arizaga-Womble, Town Attorney; Wes Haskett, Deputy Town Manager/Planning Director; and the Applicant, Anthony S. Mina, appearing pro se. Jennifer L. Franz was sent notice of the hearing, but did not appear.

On October 15, 2024, Mr. Mina submitted a motion to preclude variance hearing scheduled for October 21, 2024 due to Southern Shores' alleged conspiracy to falsify material information to the public and Planning Board, grant applicant's variance from section 30-96(f) and section 36-202(d) and refund applicant's $350 variance application fee. ("motion to preclude").

Prior to the commencement of proceedings, the Board Attorney, Mr. Wheless, made a conflict inquiry of the Board. There were no conflicts noted. It was documented Chairman Ward previously made a complaint to Town Staff regarding potential sign posting violations at or near the subject property after Chairman Ward was notified of the same by community members. Chairman Ward did not participate in enforcement or have any other involvement regarding the Applicant or subject property following the written complaint. Chairman Ward confirmed he could be fair and impartial and had no preconceived opinions regarding the variance requests before the Board. There was no objection by any party regarding the impartiality of any member of Board.

At the time this matter was called for hearing, Mr. Mina requested the Board first consider his motion to preclude. The Board considered this request and then tabled ruling on the motion to preclude until the end of the hearing, following the full presentation of evidence. All parties consented to this procedure.

Based on a review of the record proper and the evidence and arguments presented, the Board of Adjustment makes the following:

FINDINGS OF FACT

1. Anthony S. Mina and Jennifer L. Franz are the owners of record for 75 East Dogwood Trail. The property was purchased on July 7, 2023.

2. The subject property is a 47,000 square foot lot with an existing single-family residence thereon. The property is zoned RS-1, single-family residential.

3. Mr. Mina testified that prior to executing a contract for the subject property, he communicated with Town Staff and realtors about his desire to subdivide the property. Both Town Staff and the realtors reported to Mr. Mina it may be possible, but he must submit a proposed plan at the time of the formal subdivision application.

4. On June 1, 2023, Mr. Mina became aware of the proposed Town Code text amendment to establish a minimum lot width of 100 feet in Town Code Section 36-202(d). The Amendment was adopted by Town Council on June 6, 2023, and Mr. Mina was notified of the change on June 7, 2023.

5. On July 6, 2023, the seller of the subject property offered Mr. Mina an option by the seller of the subject property an option to terminate the contract with a full refund of due diligence money due to the change in the Town Code and the impact it could have on a potential

subdivision of the property. On July 7, 2023, Mr. Mina declined the offer and proceeded with the closing.

6. On July 3, 2024, Mr. Mina submitted two applications to subdivide the subject property.

7. On July 16, 2024, the Town denied both applications. The first application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-96(f), which requires both lots front a public road. The second application was denied because the proposed lots did not equal or exceed the standards in Town Code Section 30-97, which requires lot width of 100 feet in the RS-1 Single-Family Residential zoning district. The denials were not appealed by Mr. Mina.

8. On August 30, 2024, Mr. Mina, filed a variance application seeking relief from Town Code Section 30-96(f), Lots, or Town Code Section 36-202(d), Dimensional Requirements, to facilitate the subdivision of the subject property.

9. The current standards in Town Code Section 30-96(f) and Town Code Section 36-202(d) were adopted on August 3, 2021, and June 6, 2023, respectively. The aforesaid Town Code sections remain in full force and effect.

10. Mr. Mina desires to subdivide the property, sell the new lot and use the proceeds to upgrade his residence. Mr. Mina has experience in home renovations and has engaged in substantial home makeover projects in Pennsylvania. Mr. Mina testified that he is familiar with complying with local code standards. Mr. Mina contends the inability to subdivide his property creates a personal financial hardship.

11. Mr. Mina contends his variance should be summarily granted in his motion to preclude in that:

a. He was told by Outer Banks Realty that a subdivision was possible;

b. Wes Haskett did not tell him about the Town Code Text Amendment to Section 36-202(d) until June 1, 2023;

c. Southern Shores did not comply with notice requirements for Town Code Section 30-96(f) and Town Code Section 36-202(d) in that Wes Haskett did not give notice to the U.S. Army's Duck Facility and he did not post notice pursuant to Town Code Section 36-414(b);

d. Wes Haskett has made false reports to law enforcement agencies;

e. Wes Haskett, Cliff Ogburn and Town Attorney, Phil Hornthal, are violating federal law, state law and the Southern Shores Town Code and Ethics Policy;

f. Wes Haskett's staff report is false; and

g. Southern Shores lacks jurisdiction and forcing Applicant to pay $350 for a variance hearing substantiates a criminal conspiracy to steal $350 from Applicant and harass applicant with unenforceable codes.

12. There has been no competent evidence presented to support Applicant's motion to preclude. There is no evidence of fraud, criminal conspiracy or misconduct by Town Staff.

13. There is no legal authority upon which the Board can grant Applicant's motion to preclude to avoid Town Code and state law requirements to consider and grant a variance.

14. Applicant's motion to preclude should be denied.

15. There is no unnecessary hardship that results from the strict application of the ordinance in that:

a. The property is zoning single-family residential and there exists a single-family residence on the property;

b. Mr. Mina's desire to upgrade and improve the existing structure is not restricted by the ordinance sections from which he is requesting a variance;

c. The size of Mr. Mina's parcel could allow for an accessory building with living space in addition to the single-family dwelling, which could also increase the value of his property;

d. There are other expansions in use or site improvements which could be made to Mr. Mina's property without a variance; and

e. Other than his unsubstantiated allegations of fraud and conspiracy, the only hardship alleged by Mr. Mina is financial in that he cannot subdivide his property, sell the new lot, and use the proceeds to upgrade his home.

16. Mr. Mina's alleged hardship does not result from conditions that are peculiar to the property, such as location, size or topography in that:

a. The subject property is approximately 47,000 square feet with approximately 150 foot of road frontage;

b. The subject property is similar to other properties in the neighborhood, including but not limited to being located near/on the canal and lagoon and zoned single-family residential;

c. Mr. Mina's alleged hardship is financial and one of personal circumstances;

d. The ordinance sections Mr. Mina seeks to vary are applicable to all residential parcels in the Town, whereby the conditions which prevent the subdivision are common to the neighborhood and general public; and

e. Mr. Mina alleges Town Staff is engaged in a real estate scam, multiple conspiracies and fraud. These allegations are not relevant to the standards for a variance and there is no evidence of the same.

17. The alleged hardship is a result of actions taken by the applicant or property owner in that:

a. Mr. Mina contends the alleged hardship was created by the Town through illegally adopting the Town Code sections he seeks to vary. The current standards in Town Code Section 30-96(f) and Town Code Section 36-202(d) were lawfully adopted on August 3, 2021, and June 6, 2023, respectively;

b. Town Staff conducted preliminary reviews of several sketches from Mr. Mina for a subdivision of the subject property between May 1, 2023 and June 1, 2023. Town Staff provided advisory comments to Mr. Mina and advised a formal application would be required to determine if his proposed subdivision was allowable;

c. On June 1, 2023, Town Staff notified Mr. Mina of the proposed Town Code text amendment to establish a minimum lot width of 100 feet in Town Code Section 36-202(d). The Amendment was adopted by Town Council on June 6, 2023, and Mr. Mina was notified of the adopted change on June 7, 2023;

d. On July 6, 2023, Mr. Mina was given an opportunity to rescind the offer to purchase the subject property with a full refund of his due diligence funds prior to closing on the subject property and declined to do so; and

e. On July 7, 2023, Mr. Mina proceeded with the purchase of the subject property with specific knowledge of town regulations, and did not make his purchase contingent on subdivision approval.

18. The requested variance is inconsistent with the spirit, purpose, and intent of the ordinance in that:

a. RS-1, single- family residential zoning district is established to provide for low-density development of single-family detached dwellings in an environment which preserves sand dunes, coastal forests, wetlands, and other unique natural features of the coastal area;

b. RS-1 is intended to promote stable, permanent neighborhoods characterized by low vehicular traffic flows, abundant open space, and low impact of development on the natural environment and adjacent land uses;

c. The Town Code meets the intent of the RS-1, the density of population in the district is managed by establishment of minimum lot sizes, building set back and height limits, parking regulations and maximum occupancy limits for single-family residences used as vacation cottages;

d. Town Code Section 30-96(f) was adopted on August 3, 2021, removing the possibility of creating lots that only have frontage on an access easement. The intent of the Town Code amendment was to eliminate subdivisions where new lots did not have frontage on a public street; and

e. Town Code Section 36-202(d) was adopted on June 6, 2023, to clarify the definition of lot width to be 100-foot wide measured from the front lot lines at right angles to the rear lot line. The intent of the Town Code amendment was to clarify the Town Code lot width requirements which was prompted by an appeal of a formal staff determination in October 2022.

Based on the foregoing Findings of Fact and the additional findings of fact incorporated with the following Conclusions of Law, the Board makes the following:

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear and consider the Application.

2. Notifications of the hearing on the Application were appropriately provided as required by law.

3. The parties consented to the individual members of the Board hearing the application after inquiries regarding members conflicts of interest.

4. There is no legal authority upon which the Board can grant Applicant's motion to preclude to avoid Town Code and state law requirements to consider and grant a variance.

5. Applicant's motion to preclude should be denied.

6. Unnecessary hardship would not result from the strict application of the Town Code.

7. The alleged hardship is not a result of conditions that are peculiar to the property, such as location, size, or topography.

8. The alleged hardship is a result of actions taken by the applicant or the property owner.

9. The requested variance is inconsistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice would not be achieved if a variance was granted.

10. The requested variance will not authorize the initiation of a nonconforming use of land.

11. The Board acknowledges that there are or may be numerous conclusions of law set forth in the section of this Order denominated "Findings of Fact," and the Board hereby ratifies and accepts any such conclusions of law contained in the same.

Based on the foregoing Findings of Fact and Conclusions of Law, it is, therefore, **ORDERED, ADJUDGED, and DECREED, by a unanimous vote, the Applicants' Motion to Preclude and Application for Variance request are DENIED.**

Entered in open session the 21st day of October 2024 and signed this 19th day of November 2024.

ANDY WARD, Chairman
Town of Southern Shores
Board of Adjustment

Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949
Phone 252-261-2394 / Fax 252-255-0876
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GENERAL APPLICATION FORM
TOWN OF SOUTHERN SHORES, NC 27949

Date: 1/6/2025 **Filing Fee: $50/lot** **Receipt No.** **Application No.**

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- [X] **Chapter 30. Subdivisions-Town Code**
- [ ] **Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District**
- [ ] **Chapter 36. Article IX. Planned Unit Development (PUD)**
- [ ] **Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units ***
- [ ] **Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use**
- [ ] **Chapter 36. Article X. Section 36-303 Fees**
- [ ] **Chapter 36. Article X. Section 36-304-Vested Rights**
- [ ] **Chapter 36. Article XIV. Changes and Amendments**

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant
Name Anthony S. Mina
Address: 75 E. Dogwood Trail
Southern Shores, NC 27949
Phone 610-842-3905 Email chestercountylawn@yahoo.com

Applicant's Representative (if any)
Name
Agent, Contractor, Other (Circle one)
Address
Phone Email

Property Involved: X Southern Shores ___Martin's Point (Commercial only)
Address: 75 E. Dogwood Trail, Southern Shores, NC 27949 Zoning district RS-1
Section Soundside Block 105 Lot 1 Lot size (sq.ft.) 47,213.24

Request: __ Site Plan Review __Final Site Plan Review __Conditional Use __Permitted Use
__PUD (Planned Unit Development) X Subdivision Ordinance __Vested Right __ Variance
X LOT SUB DIVISION APPRIVAL OF "EXHIBIT A"

Anthony S. Mina
Signature

January 6, 2025
Date

*** Attach supporting documentation.** - 5 page signed Application in support with EXHIBITS A-W

ANTHONY S MINA

75 E DOGWOOD TRAIL

SOUTHERN SHORES, NC 27949

610 842 3905

chestercountylawn@yahoo.com

January 6, 2025

RE: 75 E. Dogwood Trail Subdivision Application Based On New Evidence From Wes Haskett Dated October 14, 2024, October 21, 2024, October 30, 2024 & November 19, 2024 Proving Notification Requirements Needed Prior To Zoning Amendments Being Effectuated On 75 E Dogwood Trail Were Not Complied With As Wes Haskett Claims To Believe. This Application is submitted based on the new evidence and Wes Haskett's contradictions which indicate Wes Haskett either lacks the reading comprehension skills and intelligence to decide sub division applications or Wes Haskett is intentionally harassing Applicant with unenforceable zoning codes and zoning codes not being enforced on other property owners in a real estate scam.

PLEASE NOTE THAT DARE COUNTY PROPERTY TAXES ARE DUE JANUARY 6, 2025 AND DESPITE APPLICANT'S PROPERTY BEING DOWNZONED FROM SUB-DIVIDABLE BY RIGHT TO UNSUBDIVIDABLE (AS PER WES HASKETT'S JULY 16, 2024 DENIAL) WES HASKETT HAS REFUSED TO ORDER A TAX REASSESSMENT FOR DEVALUING THE PROPERTY. AS SUCH, WES HASKETT IS ALSO IN VIOLATION OF TAX FRAUD LAWS WITH HIS SUB-DIVISION DENIALS. PLEASE SEE "EXHIBIT X"

Applicant, Anthony S. Mina's Sub Division Application Dated January 6, 2025 Must Be Approved Based On The New Evidence And In Support Thereof, Applicant Avers The Following:

1. Applicant submitted a plat for sub division approval prepared by Douglas Styons to Southern Shores on July 3, 2024. A true and correct copy of the plat is attached hereto as Exhibit "A".
2. On July 16, 2024 Wes Haskett denied the subdivision plat for one reason, Wes Haskett claimed a zoning code adopted on June 6, 2024 requiring 100' lot width was effective at 75 E. Dogwood Trail. A true and correct copy of the denied subdivision application is attached hereto as Exhibit "B".
3. On October 14, 2024 Wes Haskett claimed in his VA-24-01 Staff Report "All applicable notification requirements established in N.C.G.S. 160D-601 and in the Town's Zoning Ordinance were satisfied prior to the adoption of the August 3, 2021 Town Code Text Amendment and June 6, 2023 Zoning Ordinance Amendment."
4. Wes Haskett's March 31, 2023 lot width amendment (which was the only reason Applicant's July 3, 2024 subdivision Application with "Exhibit A" was denied) was

scheduled to be heard by the Planning Board on May 15, 2023. A true and correct copy of the May 15, 2023 Planning Board Agenda is attached hereto and marked "Exhibit C".

5. Town Code 36-362(b) provides: *Notices.* Notice of hearings conducted pursuant to this article shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing; **(ii) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing;** (iii) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and (iv) **to any other persons entitled to receive notice as provided by this CHAPTER.** In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. A true and correct copy of Town Code Section 36-362 governing the Planning Board/Board of Adjustments is attached hereto and marked "Exhibit D".
6. A Southern Shores Public Records Request Response dated June 20, 2024 states mailed letters were not provided for the May 15, 2023 Planning Board hearing on Wes Haskett's March 31, 2023 lot width amendment and Posted Notice was not placed at 75 E. Dogwood Trail. A true and correct copy of the Southern Shores Public Records Request Response is attached hereto and marked "Exhibit E".
7. On October 30, 2024 Wes Haskett responded to a Southern Shores Public Records Request for proof of notification pursuant to Town Code 36-362(b) for the May 15, 2023 Planning Board meeting and **WES HASKETT FALSELY CLAIMED** "The Planning Board did not hold a hearing for TCA-21-06 on July 19, 2021 or ZTA-23-03 on May 15, 2023 because no hearings were required (hearings were subsequently required and held by the Town Council). There also was no posted or mailed notices for the Planning Board's consideration of TCA-21-06 on July 19, 2021 and ZTA-23-03 on May 15, 2023 because they weren't required". A true and correct copy of **WES HASKETT'S FALSE CLAIMS** is attached hereto and marked "Exhibit F".
8. **THE TRUTH IS** Wes Haskett knows the Planning Board heard his March 31, 2023 lot width amendment on May 15, 2023 pursuant to Town Code 36-415 and recommended approval because Wes Haskett emailed Applicant on June 1, 2023 and stated "...we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and Town Council will be holding a public hearing on June 6th. A true and correct copy of Wes Haskett emailing Plaintiff's details from the May 15, 2023 Planning Board hearing is attached hereto and marked "Exhibit G".
9. **FOR SOME REASON THE MINUTES FOR THE MAY 15, 2023 PLANNING BOARD HEARING AREN'T ON SOUTHERN SHORES WEBSITE, WHERE THEY SHOULD BE PROVING THE PLANNING BOARD HEARD WES HASKETT'S MARCH 31, 2023 LOT WIDTH AMENDMENT.**
10. **UNFORTUNATELY FOR WES HASKETT'S FALSE STATEMENTS,** the June 6, 2023 Town Council meeting minutes state "The Planning Board recommended approval of the application (4-1) at the May 15, 2023 Planning Board Meeting." A true and correct copy of pages 7-9 from the June 6, 2023 Town Council Minutes is attached hereto and marked "Exhibit H"
11. Southern Shores Town Code does not define "hearing" and in the United States of America a hearing is an opportunity to be heard, as Wes Haskett had his opportunity to be heard by the

Planning Board on May 15, 2023 and received a recommended approval of his lot width amendment.

12. Town Code 36-414(a) provides: The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.
13. **Town Code 36-414(b) provides: In addition and where a zoning map amendment is proposed, the town shall cause to be placed a sign on the subject property announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning.**
14. Southern Shores Town Code does not define "zone/zoning/rezoning" and in the United States of America changing subdividable property to unsubdividable property is rezoning the characteristic of the property.
15. Wes Haskett did not place a sign on 75 E. Dogwood Trail announcing the date, time, and place of the public hearing for the purpose of notifying persons of the proposed rezoning to rezone 75 E. Dogwood Trail from "subdividable by right of property owner" to "unsubdividable" (**WES HASKETT FALSELY CLAIMS IN HIS JULY 16, 2024 SUBDIVISION DENIAL THAT A JUNE 6, 2023 LOT WIDTH AMENDMENT APPLIES TO 75 E DOGWOOD TRAIL BUT PUBLIC RECORDS PROVE THE NOTIFICATION PRE-REQUISITES REQUIRED TO EFFECTUATE A ZONING AMENDMENT WEREN'T MAILED TO OR POSTED AT 75 E DOGWOOD TRAIL AND ALSO ARE NOT IN THE 75 E DOGWOOD TRAIL FILE, MAKING THE JUNE 6, 2023 LOT WIDTH AMENDMENT UNENFORCABLE AT 75 E DOGWOOD TRAIL (BECAUSE 75 E DOGWOOD TRAIL WAS NOT THE SUBJECT PROPERTY UNDER TOWN CODE NOTIFICATION REQUIREMENTS)**
16. **Wes Haskett and/or his attorney Lauren Womble fraudulently misrepresented the language (under oath) of Town Code 36-414(b) at the October 21, 2024 (after being informed of the Fraud Insurance Claim Against Wes Haskett) Variance hearing** in their claims that notification requirements for the June 6, 2023 lot width amendment were complied with prior to Wes Haskett denying the July 3, 2024 lot sub-division application submitted by Applicant.
17. **WES HASKETT MADE A FALSE REPORT TO LAW ENFORCEMENT ON MAY 21, 2024 IN VIOLATION OF N.C.G.S. 14-225** claiming he had a legal basis to amend zoning code on June 6, 2023 at 75 E. Dogwood Trail but, **WES HASKETT FRAUDULENTLY DELETED TOWN CODE NOTIFICATION REQUIREMENTS AT SECTION 36-414(b) AND OMITTED NOTIFICATION REQUIRMENTS AT TOWN CODE 36-362(b).** A true and correct copy of Wes Haskett's false report to law enforcement is attached hereto and marked "Exhibit I".
18. **WES HASKETT'S ABUSE OF ZONING CODES (IN A MANNER DIFFERENT THAN ENFORCMENT AGAINST OTHER PROPERTY OWNERS) IS A CONTINUING PATTERN OF**

CORRUPTION PROVING WES HASKETT HAS AN UNDISCLOSED SPECIAL INTEREST IN 75 E DOGWOOD TRAIL.

19. During the month of May, 2023 when Wes Haskett was supposed to have posted notice at effected properties of the lot width amendment he claims now effects 75 E Dogwood Trail **WES HASKETT WAS FRAUDULENTLY HIDING THE LOT WIDTH AMENDMENT FROM APPLICANT WHEN APPLICANT AND WES HASKETT EMAILED 4 TIMES ABOUT THE SUBDIVISION AT 75 E DOGWOOD TRAIL AND/OR LOT WIDTH REQUIRMENTS********DURING THIS TIME OF FRAUDULENT CONCEALMENT THE PREVIOUS OWNER NEGOTIATED AN ADDITIONAL $75,000 FROM APPLICANT FOR A LOT THAT WAS SUBDIVIDABLE, AS PROVEN BY "EXHIBIT B"********* A true and correct copy of Wes Haskett's 4 emails to Applicant are attached hereto and marked "Exhibit J"
20. Wes Haskett signed a plat at 172 Ocean Boulevard and a plat at 233 N. Dogwood Trail that did not meet setback and/or lot width requirements but Wes Haskett is harassing Applicant with a lot width amendment at 75 E. Dogwood Trail that has never been effectuated at 75 E. Dogwood Trail with notification prior to a hearing and also was harassing Applicant with a set back encroachment claim for months until Applicant filed a building permit to remove Wes Haskett's claimed setback encroachment (Wes Haskett said the setback encroachment no longer prevented the subdivision one day after Applicant filed a building permit to remove 1' of his house). **A TRUE AND CORRECT COPY OF WES HASKETT'S UNDISCLOSED SPECIAL INTEREST IN 75 E DOGWOOD TRAIL AND HARASSMENT OF APPLICANT WITH ZONING CODES NOT BEING ENFORCED ON OTHER PROPERTY OWNERS IS ATTACHED HERETO AND MARKED "EXHIBIT K".**
21. **WES HASKETT CLAIMED 233 N. DOGWOOD TRAIL AND THE 0 DOGWOOD TRAIL ADJACENT LOTS WERE CREATED PRIOR TO THE TOWN'S INCORPORATION IN 1979 BUT A SECOND PUBLIC RECORDS REQUEST PROVED WES HASKETT SIGNED THE PLAT ON 7-21-16.** A true and correct copy of Wes Haskett's claim and 7-16-2016 signed plat is attached hereto and marked "Exhibit L".
22. Applicant requested a complete copy of the records from 170 & 172 Ocean Boulevard but Applicant was unable to find the complaint made against Wes Haskett for approving a plat without setback requirements being complied with. A true and correct copy of the complaint made against Wes Haskett's plat approval is attached hereto and marked "Exhibit M".
23. **WES HASKETT AND CLIFF OGBURN HARASSED APPLICANT WITH SIGN CODES NOT BEING ENFORCED ON OTHER PROPERTY OWNERS 365 DAYS A YEAR TO INTERFERE WITH APPLICANT ADVERTISING HIS WORK/REAL ESTATE SIGN AT 75 E DOGWOOD TRAIL.** A true and correct copy of the harassment and proof other property owners were not forced to remove their signs is attached hereto and marked "Exhibit N".
24. Wes Haskett stated on June 7, 2023 that he believed the lot width amendment approved on June 6, 2023 was "unambiguous and will prevent future subdivisions and recombinations with higher densities". A true and correct copy of Wes Haskett's June 7, 2023 email is attached hereto and marked "Exhibit O".
25. Wes Haskett is aware that taking the right to subdivide is "downzoning" and reduces property value, yet Wes Haskett refuses to request a property tax reduction. A true and correct copy of a tax fraud complaint made against Wes Haskett is attached hereto and marked "Exhibit X

26. Dare County Property taxes are due January 6, 2025 and **WES HASKETT IS COMMITTING TAX FRAUD BY DENYING THE 75 E DOGWOOD TRAIL SUBDIVISION SINCE HE DID NOT REDUCE TAXES.**
27. Wes Haskett was notified that Jason Portnoy was handling a fraud complaint filed against Wes Haskett with Applicant's insurance company on October 15, 2024 and that Variance documents can be emailed to Jason Portnoy at jportnoy@invtitle.com. **WES HASKETT'S FALSE CLAIMS THAT NOTIFICATION REQUIREMENTS WERE COMPLIED WITH TO EFFECTUATE A LOT WIDTH AMENDMENT AT 75 E DOGWOOD TRAIL CONSTITUTE INSURANCE FRAUD.** A true and correct copy of Applicant's notification of the insurance fraud claim against Wes Haskett is attached hereto and marked "Exhibit Y".

CONCLUSION

Wes Haskett claims to have effectuated a lot width amendment at 75 E Dogwood Trail, but the new evidence proves Wes Haskett did not effectuate a lot width amendment at 75 E. Dogwood Trail with the notification pre-requisites which require posted notice at the property and mailed notice to the property owner. Wes Haskett is either a complete fraud that is harassing Applicant with zoning codes differently than other property owners, when he is not helping Linda Lauby scam Applicant for $75,000 by hiding the lot width amendment OR Wes Haskett is so extremely incompetent that all the evidence indicating he is now hiding the May 15, 2023 Planning Board hearing requiring notice is just some big misunderstanding that **WES HASKETT MUST CORRECT PURSUANT TO THE TOWN ETHICS POLICY WHICH REQUIRE THE LAW TO BE OBEYED, INTEGRITY TO BE UPHELD, IMPROPRIETY (AND THE APPEARANCE OF IMPROPRIETY) TO BE AVOIDED AND THE TOWN'S MONEY TO BE SPENT IN THE INTERESTS OF ALL TAX PAYERS.** A true and correct copy of the Town's Ethics Policy is attached hereto and marked "Exhibit W".

The bottom line is Wes Haskett can't spend the town's money on his legal expenses unless they correct his wrong-doing and **WES HASKETT IS GUILTY OF TAX FRAUD, CORRUPTION, A FALSE REPORT TO LAW ENFORCMENT AND INSURANCE FRAUD** if Wes Haskett does not decide Applicant's sub-division application using only properly effectuated zoning code.

Date: January 6, 2025

Signed: _____
Anthony S Mina

"EXHIBIT A"

LEGEND:

- Ex. Rebar Flush
- Ex. Terra Cotta Monument
- Ex. CM
- Rebar Set Flush
- Water Meter
- Phone Ped.
- Fire Hydrant
- Transformer
- 10'x10' Turnaround

REVIEW OFFICER CERTIFICATE

State of North Carolina

County of Dare

I, _____, Review Officer of Dare County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

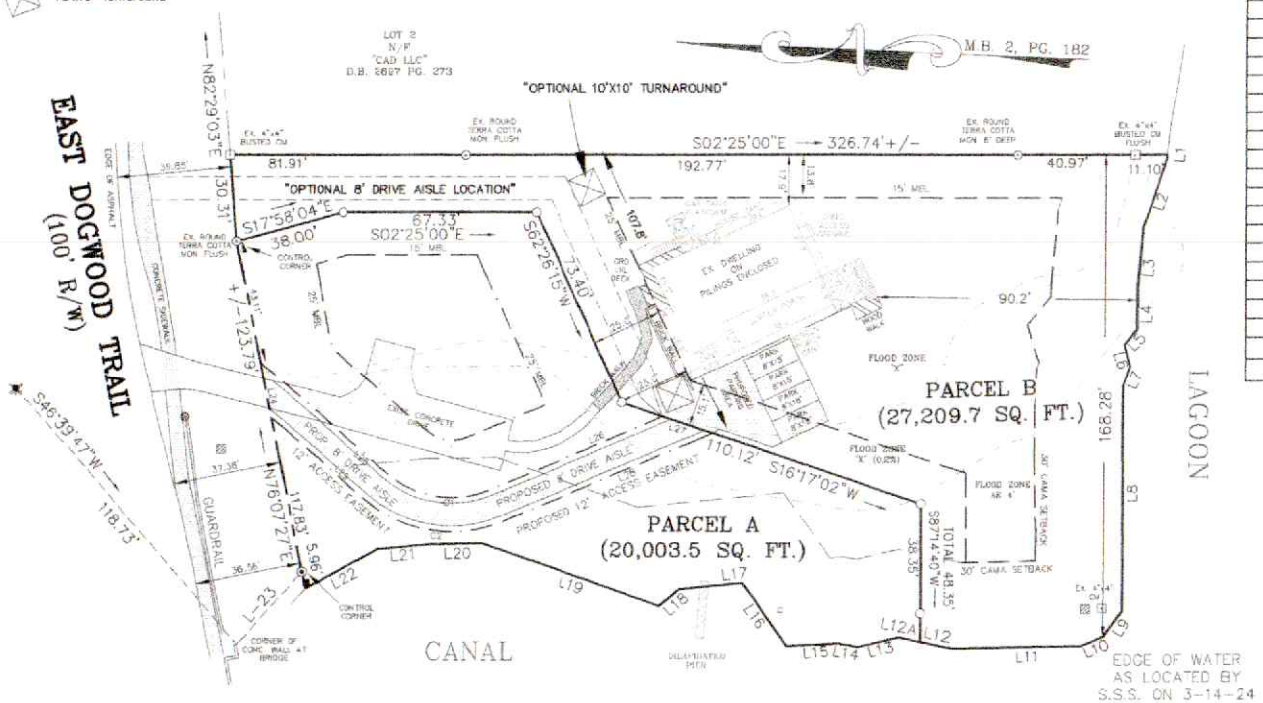
_____ Date

_____ Review Officer

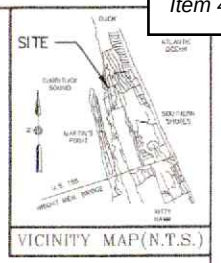
EXEMPTION CERTIFICATE

This plat is exempt from subdivision regulations under N.C.G.S. 160 A-376 and the Town of Southern Shores Subdivision Ordinance, Section 30-2. (4)

_____ Town Official



LINE TABLE		
LINE	BEARING	LENGTH
L1	N86°02'33"W	1.29'
L2	N73°43'10"W	25.14'
L3	N87°48'49"W	20.94'
L4	S88°18'36"W	14.86'
L5	N51°30'23"W	7.18'
L6	S70°39'48"W	7.77'
L7	N71°10'54"W	7.47'
L8	S87°22'48"W	78.67'
L9	N57°12'36"W	10.97'
L10	N24°38'48"W	0.44'
L11	N03°27'34"W	44.69'
L12	N09°17'19"E	10.79'
L13	N15°30'59"W	14.70'
L14	N07°30'59"E	6.93'
L15	N05°24'26"W	17.93'
L16	N51°52'59"E	27.20'
L17	N08°17'08"W	21.43'
L18	N43°02'57"W	8.96'
L19	N16°45'38"E	66.51'
L20	N03°34'58"W	19.30'
L21	N07°45'26"W	17.15'
L22	N31°03'24"W	28.87'
L23	S51°51'33"E	33.46'
L12A	N09°17'19"E	7.75'



EASEMENT LINE TABLE	
LINE	BEARING/DIST.
L24	N76°07'27"E 19.74'
L25	S38°41'25"W 59.10'
L26	S25°09'16"E 66.33'
L27	S16°17'02"W 18.13'
L28	N25°09'16"E 79.92'
L29	N38°41'25"E 43.42'

EASEMENT CURVE DATA

C-1: R=34.00 L=37.89'
C=S06°46'05"W 35.96'

C-2: R=46.00 L=51.26'
C=N06°465'05"E 48.65'

NOTES:

Current Owners: Anthony Stocker Mina & Jennifer Lynn Franz

Address: 75 E. Dogwood Trail

Lot Coverage for Parcel A: 2,965.5 Sq. Ft. (14.82%)

Lot Coverage for Parcel B: 4,553.63 Sq. Ft. (16.74%)

Setbacks shown are as per RS 1 Zoning.

There are no geodetic control within 2000'.

Certifier hereon is not responsible for utilities and/or features that are not visible.

OWNER CERTIFICATE

We, _____, Owners of the property shown on this plat, agree to the division/recombination as shown.

_____ Owner _____ Owner

NOTARY CERTIFICATE

State of _____, County of _____

I, _____ a Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this____ day of _____, 2024.

_____ Notary Public

SURVEYOR'S CERTIFICATE:

I, M. Douglas Styons Jr., certify that this plat was drawn under my supervision from an actual survey made under my supervision; using the description found in DB 2689, PG 776 , that the boundaries not surveyed are clearly indicated as drawn from information found in MB 2 , PG 182; that the ratio of precision as calculated is at least 1: 10,000; and that this plat was prepared in accordance with G.S. 47-30 as amended. I also certify to the following:

This plat is of a survey of another category such as the recombination of existing parcels, a court-ordered survey or other except. to the definition of subdivision; No street right-of-ways are created.

Witness my original signature and seal this 26th day of June 2024.

P.L.S. L-3227

PRELIMINARY

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

Styons Surveying Services
2700 N. Croatan Hwy. Kill Devil Hills, NC. 27948 C-1697
Phone: (252) 441-1415 Fax: (252) 480-1182

Any unauthorized use or alteration of this document is prohibited. A red seal must be present for this to be an original document.

"MINA DIVISION"
REVISED DIVISION OF LOT 1 SOUTHERN SHORES
SOUNDSIDE BLOCK 105

SURVEYED FOR
ANTHONY S. MINA
and JENNIFER L. FRANZ

SCALE: 1" = 30'	ATLANTIC TOWNSHIP DARE COUNTY		SOUTHERN SHORES NORTH CAROLINA
FILE NO.: 24-065	DATE: 03-14-2024	REC. REF: M.B. 2, PG. 182	SHEET: 1 OF 1
DWG NO.: 2406552R	REV.DATE: 6-26-24ADD PARKING	D.B. 2689, PG. 776	
FLOOD ZONE: SEE PLOT	PIN NO.: 009868172113502	F.I.R.M.: 3720 0868 00 K	F.I.R.M. DATE: 6-19-20

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
www.southernshores-nc.gov

July 16, 2024

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision (Application 2 Received on July 3, 2024)

Dear Mr. Mina and Ms. Franz:

This letter shall serve as denial of your application (Application 2 received on July 3, 2024) to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000). The reason for the denial is that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

EXHIBIT "D"

Your application that was submitted on April 29, 2024 is considered withdrawn. Should you wish to appeal this administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/bc-pb. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov. if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

EXHIBIT "B"

Southern Shores Planning Board Meeting
May 15, 2023 at 5:00 PM
Pitts Center, Southern Shores Town Hall Complex

AGENDA

I. **Call to Order**

II. **Pledge of Allegiance**

III. **Approval of Agenda**

IV. **Approval of Minutes** – February 22, 2023

V. **Public Comment**

VI. **Old Business**

A. ZTA-22-08, a Zoning Text Amendment application submitted by Casey Varnell on behalf of Pledger Palace, CDEC, Inc. to amend Town Code Sections 36-57 and 36-207(b) to allow Shared space-Occupancy Dwellings in the C, General Commercial zoning district

B. ZTA-23-03 PB 01, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend Town Code Sections 36-57, 36-202(d)(2), 36-203(d)(2), 36-204(d)(2), 36-205(d)(2), and 36-206(d)(2) to clarify the Town's current lot width requirements

VII. **New Business**

A. ZTA-23-04, a Zoning Text Amendment application submitted by Matthew Huband to amend Town Code Sections 36-207(c)(1)b., 36-207(c)(1.5)b., 36-207(c)(11)j., 36-207(c)(11)k., 36-207(d)(7), and 36-207(d)(8) to establish a 50 ft. setback requirement for restaurants from planned unit developments, a 50 ft. setback requirement for drive-through facilities or establishments (small) from planned unit developments, a 50 ft. setback requirement for mixed use group developments from planned unit developments and residential districts, a 50 ft. setback requirement for commercial buildings and facilities from planned unit developments, a 20 ft. buffer requirement where a mixed use group development abuts a residential district or planned unit development, and a 20 ft. buffer requirement where a commercial use or zone abuts a residential district or planned unit development

VIII. **Public Comment**

IX. **Planning Board Member Comments**

X. **Announcements**

XI. **Adjourn**

"EXHIBIT C"

Sec. 36-362. - Meetings of the board of adjustment.

(a) *Generally.* All meetings of the board shall be held at a regular place and shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, an indication of that fact. Any party may appear in person or be represented by an attorney.

(b) *Notices.* Notice of hearings conducted pursuant to this article shall be mailed to: (i) the person or entity whose appeal, application, or request is the subject of the hearing; (ii) to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; (iii) to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and (iv) to any other persons entitled to receive notice as provided by this chapter. In the absence of evidence to the contrary, the town may rely on the Dare County tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

(c) *Burdens.* The burdens of production, persuasion and proof for all quasi-judicial decisions of the board lie with the applicant or appellant seeking such a decision.

(d) *Fees.* A fee in accordance with the regularly adopted fee schedule of the town shall be paid to the town for each notice of appeal or variance application to cover the administrative expenses involved. A notice of appeal or variance application shall not be deemed complete and filed until such time as the associated fees have been paid. The time to file a completed notice of appeal or variance application and associated fee will be extended for 15 days to receive payment of the fee upon an applicant's timely submission of a notice of appeal or application for variance that is otherwise complete. No hearing will be scheduled before the board until a completed application and fee have both been received.

(Ord. No. 2014-04-01, art. III, 4-1-2014)

"EXHIBIT D"

Public Records Request Regarding TCA-21-06 and ZTA-23-03

chestercountyla

Sheila Kane <skane@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 20, 2024 at 5:07 PM

Dear Mr. Mina:

On June 17, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

Public Records Request Regarding TCA-21-06 and ZTA-23-03

1. A copy of the letters mailed to the owner of 75 E. Dogwood Trail and proof of receipt of mail informing the owner of TCA-21-06 and ZTA-23-03. **NOT REQUIRED**

2. A paid receipt for the advertising of TCA-21-06 and ZTA-23-03 in the Coastland Times (or other newspaper of general circulation) at least 1/2 of a newspaper page size.

    1. **Coastland Times Advertisement Invoices and copies of notices are attached. A ½ of a page size is NOT REQUIRED**

3. A copy of the posted notices of TCA-21-06 and ZTA-23-03, paid receipts for printing the notices of TCA-21-06 and ZTA-23-03 and location of all posted notices of TCA-21-06 and ZTA-23-03.
    1. **Bulletin Board(s) notices have been attached (one inside and one outside Town Hall), as well as notice to the sunshine list, Town Newsletter, meeting notices/agenda/ packets all listed on the town website. There are no "paid receipt for printing", see above for newspaper advertisement charges.**

4. A copy of all communication to property owners informing them of TCA-21-06 and ZTA-23-03 and the addresses of the property owners receiving the communication.
    1. **NOT REQUIRED**
    2. **Communication with one property owner attached (Anthony Mina).**

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

11 Files 13.9MB

"EXHIBIT E"

FW: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

Phillip Hornthal <phornthal@hrem.com> Oct 30, 2024 at 2:57 PM
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Sheila Kane <skane@southernshores-nc.gov>

Mr. Mina:

Please find attached and below the Town's response to your earlier, above referenced, Public Records Request.

Thank you.

Phil Hornthal

L. Phillip Hornthal, III
Attorney at Law
Direct: 252.698.0214
Office: 252.335.0871
Fax: 252.335.4223 Attn: P. Hornthal
Email: phornthal@hrem.com

301 East Main Street
Elizabeth City, NC 27909

www.hrem.com

HREM LLP
HORNTHAL, RILEY, ELLIS & MALAND
ATTORNEYS AT LAW

Click here to read our Disclaimer,
Legal Notices & Privacy Policy

From: Sheila Kane <skane@southernshores-nc.gov>
Sent: Wednesday, October 30, 2024 2:09 PM
To: Phillip Hornthal <PHornthal@hrem.com>
Subject: FW: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

>>Warning! The source of this email is from outside of the firm.<<
Phillip:

On October 24, 2024, Mr. Mina filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

• All notification records including paid receipts of posted notice and postal records (including letters sent) pursuant to Section 36-362(b) for the May 15, 2023 Planning Board/Board of Adjustments hearing on Wes Haskett's 3/31/2023 zoning amendment application and the zoning amendment (including Planning Board/Board of Adjustments meeting notification) notifications for the 8/3/2021 zoning amendment.

Please find all records that pertain to this request attached. Also, a response from Wes Haskett can be seen in the email below, explaining the notice requirements.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

"EXHIBIT F"

From: Wes Haskett <whaskett@southernshores-nc.gov>
Sent: Wednesday, October 30, 2024 10:37 AM
To: Sheila Kane <skane@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: FW: Public Records Request For Proof Of Notification Pursuant To Sec. 36-362(b) For Wes Haskett's Amendments

See attached documents to be included with the response to Mr. Mina's request below. The Planning Board did not hold a hearing for TCA-21-06 on July 19, 2021 or ZTA-23-03 on May 15, 2023 because no hearings were required (hearings were subsequently required and held by the Town Council). There also were no posted or mailed notices for the Planning Board's consideration of TCA-21-06 on July 19, 2021 and ZTA-23-03 on May 15, 2023 because they weren't required.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

9 Files 9.3MB

- 7-19-21 PB Mtg Public Notice.pdf 78kB
- 7-14-21 PB Mtg Notice.pdf 346kB
- 7-19-21 PB Mtg Sunshine List Notice.pdf 416kB
- 5-15-23 REVISED PB Mtg Public Notice.pdf 133kB
- 5-10-23 PB Meeting Notice.JPG 59kB
- 8-3-21 TC Mtg Public Notice.pdf 79kB
- Published Notices.pdf 5MB
- Additional Planning Board mtg Notices.pdf 1MB
- August 3 2021 Council Mtg. Notices.pdf 2MB

"EXHIBIT F"

RE: 75 E Dogwood Trail Subdivision

chestercountyla

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

Jun 1, 2023 at 9:44 AM

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

On Tuesday, May 30, 2023 at 04:41:19 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. Thank you for sending the drawing. How much frontage would Lot B have and at what point is it 100 ft. wide?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
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From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

I really only want enough street frontage to build some walls at the beginning of the driveway like in the attached picture. I'll be able to give you a much more accurate subdivision plan after I purchase 75 E Dogwood Trail and get some legal advice about all my possible subdivision plans. But I am thinking that I may want both lots sharing one driveway opening that I own, if zoning code allows a subdivi plan like this (if not Lot A could use the existing driveway).

"EXHIBIT G"

Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

Thank you for your help.

Anthony S Mina

1 File 2.2MB

5-16-23 ZTA-23-03 Lot Width.pdf
2MB

" EXHIBIT G

Resident Mike Stone asked to speak. His family currently have 10-14 of the pie shaped/ flag shaped lots that would be affected. The minimum lot size is still 20,000, which is a large lot. That should be adequate.

Town Attorney Lauren Arizaga-Womble closed the public hearing.

Motion: Mayor pro tem Neal moved to deny ZTA-23-03 with the recommendation to send it back to the Planning Board specifically addressing the setback requirement and the location of that setback requirement.
Second: Council Member Sherlock
Vote: 2-3, Opposed by Council Members Holland & Batenic & Mayor Morey

The Town Attorney asked if there was a motion in the alternative.
MOTION: Mayor Morey moved to approve ZTA-23-03 and acknowledge it is consistent with the Land Use Plan.
Second: Council Member Batenic
Vote: 3-2, opposed by Mayor pro tem Neal and Council Member Sherlock

9. Town Manager's Recommended Budget FY2023-2024 -
   a. Public Hearing -purpose of receiving input from citizens wishing to comment on the proposed budget for FY2023-2024
   b. Consideration of Budget Ordinance #2023.06.01
   c. Amendment to the Unreserved Fund Balance Policy

Town Manager Ogburn stated the budget was presented on May 2nd and it's been advertised in the clerk's office since that date. There so as I said in my staff reported that it's been advertised for five weeks, which is well beyond the minimum amount of time. There are no changes that staff recommended, the public would be commenting on what was submitted on May 2nd.

Town Attorney Lauren Arizaga-Womble opened the public hearing. Hearing no comment, she closed the public hearing.

Mayor Morey proposed a change. She proposed an amendment that changes the annual contribution for canal maintenance, which is a restricted capital reserve fund, from $50,000 to $75,000. She stated if the town needs to do maintenance on canals it's going to require a large capital outlay and we ought to be putting a little bit more money into that bucket.

Town Manager Ogburn recommended making a budget amendment for $25,000 now and keeping the $50,000 as proposed in the budget, effectively accomplishing the same thing.

All council agreed that the budget was well presented.

Motion: Mayor Morey moved to adopt budget ordinance 2023.06.01 as presented (Budget Ordinance FY 2023-2024 Budget)
Second: Council Member Holland

"EXHIBIT H"

At the March 21, 2023 Town Council meeting, Council directed Town Staff to draft a Zoning Text Amendment (ZTA) to amend the Town's minimum lot width requirements in all of the residential zoning districts so that the requirements are unambiguous. The proposed amendments include a new definition of "lot width" in Section 36-57 which is the horizontal distance between the side lot lines of a lot. The proposed amendments also include amendments to Sections 36-202(d)(2), 36-203(d)(2), 36-204(d)(2), 36-205(d)(2), and 36-206(d)(2) that establish that the minimum lot width for lots created after XX-XX-XXXX (date of adoption, if adopted) is measured from the front lot line at right angles to the rear lot line.

The Town's currently adopted Land Use Plan contains the following Policy that is applicable to the proposed ZTA:

- **Policy 2:** The community values and the Town will continue to comply with the founder's original vision for Southern Shores: a low-density residential community comprised of single-family dwellings on large lots (served by a small commercial district for convenience shopping and services located at the southern end of the Town. This blueprint for land use naturally protects environmental resources and fragile areas by limiting development and growth.

RECOMMENDATION

Town Staff has determined that the proposed amendments are consistent with the Town's currently adopted Land Use Plan and Town Staff recommends approval of the application. The Planning Board recommended approval of the application (4-1) at the May 15, 2023, Planning Board meeting. With respect to the date to be determined, that is proposed that existing lots that aren't 100 ft. wide from the front lot line to the rear lot line aren't rendered nonconforming, if this is adopted. That date will essentially become the effective date.

We realize that these requirements are stricter than what has been in place, but we believe that they're unambiguous and will prevent future subdivisions and recombination's with higher densities. If adopted, we can consider future amendments to allow pie-shaped lots or other irregularly shaped lots.

Town Attorney Lauren Arizaga-Womble stated staff brought this ZTA forward to try and fix a problem with some ambiguity that was in the in the code.

Mayor pro tem Neal stated the ambiguity is with the front setback and it would be simpler to fix the front setback at one static location rather than editing all these individual things.

Council Member Holland stated this basically clears up the issue that occurred on Skyline. Planning Director Haskett stated that is correct.

Mayor Morey stated staff was directed to remove the ambiguity and this ZTA does that.

Mayor pro tem Neal stated this is creating non-conforming lots.

Town Attorney Lauren Arizaga-Womble stated those lots will be grandfathered. They will be dated and grandfathered. If they are subdivided or recombine the new requirements will need to be met.

"EXHIBIT H"

Council Member Holland asked how the Council can protect this group of residents.

Town Attorney Lauren Arizaga-Womble reminded council that they cannot ask site specific questions and that the ZTA applies to the entire town and that the only thing before council this evening is the ZTA.

Mayor pro tem Neal asked about the zoning map. Planning Director Haskett stated the map currently shows the western third of Southern Shores Landing commercial, the rest RS-10. The GIS consultant is updating the map as history shows the area is all zoned commercial.

Town Attorney Lauren Arizaga-Womble closed the public hearing.

Motion: Council Member Batenic moved to deny ZTA-23-04 as presented and even though it is in compliance with the current Land Use Plan.
Second: Mayor pro tem Neal
Vote: 5-0

Mayor Morey stated this was a really difficult challenging issue before Council and staff has worked very hard on this, as have the Town attorneys. In the end, she believes that it's best for the town to not be limited to what the ZTA says and perhaps in some cases we could get more than a 50-foot setback to between residential uses and Commercial uses.

Mayor Morey called for a 5-minute recess.
6:50-6:55 pm.

8. Public Hearing-ZTA-23-03, a Zoning Text Amendment application submitted by the Town of Southern Shores to amend Town Code Sections 36-57, 36-202(d)(2), 36-203(d)(2), 36-204(d)(2), 36-205(d)(2), and 36-206(d)(2) to clarify the Town's current lot width requirements.

Town Attorney Lauren Arizaga-Womble opened the public hearing and called on staff for a report.

Town Planner Wes Haskett presented the staff report which read as, On October 5, 2022, the Board considered APA-22-01, an appeal application that was submitted by Adam Ward to appeal the Zoning Administrator's decision to deny approval of a recombination plat for the property located at 55 Skyline Rd. The main reason for the denial was that Town Staff believed that the proposed lots did not meet the Town's 100 ft. minimum lot width requirement for the RS-1, Residential zoning district as established in Town Code Section 36-202(d)(2). Town Code Section 36-202(d)(2) currently requires a minimum lot width of 100 feet measured at the building setback line.

Town Code Section 36-57 defines "building setback line" as a line parallel to or concentric with the street right-of-way establishing the minimum allowable distance between such right-of-way and the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, gutters and similar fixtures. The Board voted to affirm the Zoning Administrator's decision (3-2) to deny approval of the recombination plat and the applicant subsequently appealed the Board's decision to Superior Court which resulted in a Consent Order.

"EXHIBIT H"

RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Divisio n

chestercountyla

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>, Phillip Hornthal <phornthal@hrem.com>, Cliff Ogburn <cogburn@southernshores-nc.gov>

May 21, 2024 at 2:27 PM

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.
(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section ____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ... ." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.
(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.
(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Cc: David Kole <dkole@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Jonathan Slegel <jslegel@southernshores-nc.gov>; Matt Cooke <mcooke@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Tracy Mann <tmann@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner <rdeaner@southernshores-nc.gov>; Thomas Long <tlong@southernshores-nc.gov>; Jason Thompson <JThompson@southernshores-nc.gov>; Andrew Spottswood <jspottswood@southernshores-nc.gov>; Jennifer Couture <jcouture@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@kittyhawktown.net>; cgarriss@kittyhawktown.net; cgarriss@kittyhawktown.net; Casey Varnell <varnell@ncobxlaw.com>; Mike Talley <mike.talley@kittyhawktown.net>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <dryan@chesco.org>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <mmoskowitz@chesco.org>;

"EXHIBIT I"

mkichline@chesco.org; mkichline@chesco.org
Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

My concerns are the following:

Wes Haskett and Philip Hornthal are not in touch with reality and a danger to other people's physical and emotional well being. Wes Haskett has refused to answer how he believes he is legally changing land use with a zoning amendment since last summer. Changing land use from a 2 single home property (with a subdivision by right) to a 1 single home property causes land value monetary damages to some Southern Shores tax payers of significantly more than $100,000. In the real world $100,000 is easily the difference between life and death. $100,000 can be the difference between the medical care someone needs and accepting that their life is coming to an end. If you walk into a bank demanding $100,000 you are lucky if you are not killed. Wes Haskett and Philip Hornthal refuse to explain how they legally think they can cause some Southern Shores home owners more than $100,000 in monetary damages with a zoning code amendment which changes land use. Applicant without a doubt will not be committing any crimes in response to Wes Haskett and Philip Hornthal stealing land value from Southern Shores home owners, but has serious concerns that Wes Haskett and Philip Hornthal are a danger to the physical and emotional well being of others and should be involuntarily committed to a psychiatric hospital for evaluation. Applicant will give Wes Haskett and Philip Hornthal 48 hours to explain how they legally are changing land use without an eminent domain transaction and highly suggests law enforcement not to wait half as long.

Anthony Stocker Mina

PS When I testified in front of Federal Judge Edward G Smith against Chester County's labor trafficking conspiracy against me I explained that the conspirators designed me a spin move. 172 and 174 S. Dogwood Trail appear to me to be another example of the pre-meditated conspiracy which I am expected to use certain evidence against corruption a specific way. I will let law enforcement figure out if the home owners are pawned because of meanings within their names or play a role in the conspiracy that repeatedly forces me in the middle of government scandals as a way of hiding Pennsylvania's corruption like I am their undercover internal affairs guerilla. Since there is a white crosstour at 172 S. Dogwood Trail and I live in the Dick White house I feel like I am being forced in the middle of a whole lot of crossing without being paid (as Wes Haskett tries stealing more than $100,000 of land value from my family).

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: "dkole@southernshores-nc.gov" <dkole@southernshores-nc.gov>; "dkole@southernshores-nc.gov" <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Cc: "jslegel@southernshores-nc.gov" <jslegel@southernshores-nc.gov>; "mcooke@southernshores-nc.gov" <mcooke@southernshores-nc.gov>; "ebrinkley@southernshores-nc.gov" <ebrinkley@southernshores-nc.gov>; "dbrickhouse@southernshores-nc.gov" <dbrickhouse@southernshores-nc.gov>; "tmann@southernshores-nc.gov" <tmann@southernshores-nc.gov>; "csimpson@southernshores-nc.gov" <csimpson@southernshores-nc.gov>; "rdeaner@southernshores-nc.gov" <rdeaner@southernshores-nc.gov>; "tlong@southernshores-nc.gov" <tlong@southernshores-nc.gov>; "jthompson@southernshores-nc.gov" <jthompson@southernshores-nc.gov>; "jspottswood@southernshores-nc.gov" <jspottswood@southernshores-nc.gov>; "jcouture@southernshores-nc.gov" <jcouture@southernshores-nc.gov>; FBI <https://urldefense.proofpoint.com/v2/url?u=http-3A__philadelphia.complaints-40ic.fbi.gov&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=MC7so4jnUv2wQVmuCXwrNDEXrEJP6m_gEAAQ-fd9yY4&m=TQWcd4upmdpDWor5Elvu-VPS6KMBlb1TxzMPffo1sUbknm1nCViAZWOdX9lh_Avm&s=yAv20roTd3d7ho9dh-7FKKJNW1Ak6eZiWMSReU0JdrU&e=>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Andrea C. Powell <andrea.powell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@kittyhawktown.net>; "cgarriss@kittyhawktown.net" <cgarriss@kittyhawktown.net>; "cgarriss@kittyhawktown.net" <cgarriss@kittyhawktown.net>; Casey Varnell <varnell@ncobxlaw.com>; Mike Talley <mike.talley@kittyhawktown.net>; "mike.palkovics@kittyhawktown.net" <https://urldefense.proofpoint.com/v2/url?u=http-3A__mike.palkovics-40kittyhawktown.net&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=MC7so4jnUv2wQVmuCXwrNDEXrEJP6m_gEAAQ-fd9yY4&m=TQWcd4upmdpDWor5Elvu-VPS6KMBlb1TxzMPffo1sUbknm1nCViAZWOdX9lh_Avm&s=gzBaldFoRtIddun_nM_CzkWY-GJQZ6p-Ou6cFa-rlUw&e=>; "mike.palkovics@kittyhawktown.net" <https://urldefense.proofpoint.com/v2/url?u=http-3A__mike.palkovics-40kittyhawktown.net&d=DwIFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_CdpgnVfiiMM&r=MC7so4jnUv2wQVmuCXwrNDEXrEJP6m_gEAAQ-fd9yY4&m=TQWcd4upmdpDWor5Elvu-VPS6KMBlb1TxzMPffo1sUbknm1nCViAZWOdX9lh_Avm&s=gzBaldFoRtIddun_nM_CzkWY-GJQZ6p-Ou6cFa-rlUw&e=>; "chambers_of_chief_judge_sanchez@paed.uscourts.gov" <chambers_of_chief_judge_sanchez@paed.uscourts.gov>; "chambers_of_judge_edward_g_smith@paed.uscourts.gov" <chambers_of_judge_edward_g_smith@paed.uscourts.gov>; "chambers_of_judge_pappert@paed.uscourts.gov" <chambers_of_judge_pappert@paed.uscourts.gov>; "chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov" <chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov>; "chambers_of_judge_timothy_j_savage@paed.uscourts.gov" <chambers_of_judge_timothy_j_savage@paed.uscourts.gov>; Dryan <dryan@chesco.org>; "cccommissioners@chesco.org" <cccommissioners@chesco.org>; "cccommissioners@chesco.org" <cccommissioners@chesco.org>; "jmaxwell@chesco.org" <jmaxwell@chesco.org>; "jmaxwell@chesco.org" <jmaxwell@chesco.org>; Marian Moskowitz <mmoskowitz@chesco.org>; "mkichline@chesco.org" <mkichline@chesco.org>; "mkichline@chesco.org" <mkichline@chesco.org>; Wes Haskett <whaskett@southernshores-nc.gov>

Sent: Friday, May 17, 2024 at 05:35:45 PM EDT
Subject: Criminal Conspiracy Being Committed By Wes Haskett And Southern Shores

Dear Law Enforcement,

"EXHIBIT I"

RE: 75 E Dogwood Trail Subdivision

chestercountyla.../Inb

Jun 1, 2023 at 9:44 AM

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

A

Good morning. The main issue is the setback encroachment. The lot widths as shown may be ok per our current lot width requirements but I can't confirm that without seeing them on a plat prepared by a surveyor However, we have been discussing amending our current lot width requirements. The Town Planning Board recommended approval of the attached amendments on May 15th and the Town Council will be holding a public hearing on June 6th. If the proposed amendments are adopted, I can say that the lots as drawn would not be in compliance. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

Wes Hasketts July 16th, 2024 sub-division denial (variance "Exhibit 1B") confirmed lot widths met town code as the drawing referenced in this email was provided on a plat prepared by a surveyor and is found as Variance "EXHIBIT 2B"

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 31, 2023 7:58 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E Dogwood Trail Subdivision

Good Morning,

The attached drawing shows lot B with a 100' front set back.

The attached drawing is not drawn exactly to scale. I anticipate wanting to keep the street frontage of lot B only wide enough to install a driveway with walls on each side of the driveway so I can landscape the driveway entrance myself. I expect the street frontage of Lot B to be under 35'.

Thank you for your help,
Anthony S Mina

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Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT ADMITTING ON JUNE 1, 2023 THE LOT WIDTH REQUIREMENTS FOR A SUBDIVISION WERE MET, BUT THEN TELLING APPLICANT FOR THE 1ST TIME THAT LOT WIDTH REQUIREMENTS OF 100' AT THE FRONT BUILDING SETBACK LINE WERE BEING CHANGED ON JUNE 6, 2023 TO REQUIRE THE ENTIRE LOT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 26, 2023 12:21 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E Dogwood Trail Subdivision

Hello,

I've attached a subdivision plan I sketched to give you an idea of one idea I had that I believe meets Southern Shores zoning requirements. (I am still deciding whether I would remove 1' of the existing 75 E Dogwood Trail structure, purchase 1' of property from 73 E Dogwood Trail or request a variance).

"EXHIBIT 1"

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TO BE 100' WIDE. (ATTACHMENT EXPLAINED PROPOSED ZONING AMENDMENT

Lot A has 20,000 sq. ft and lot B has 28,853 sq. ft.
Both lots will have 100 ft width at the front set back.

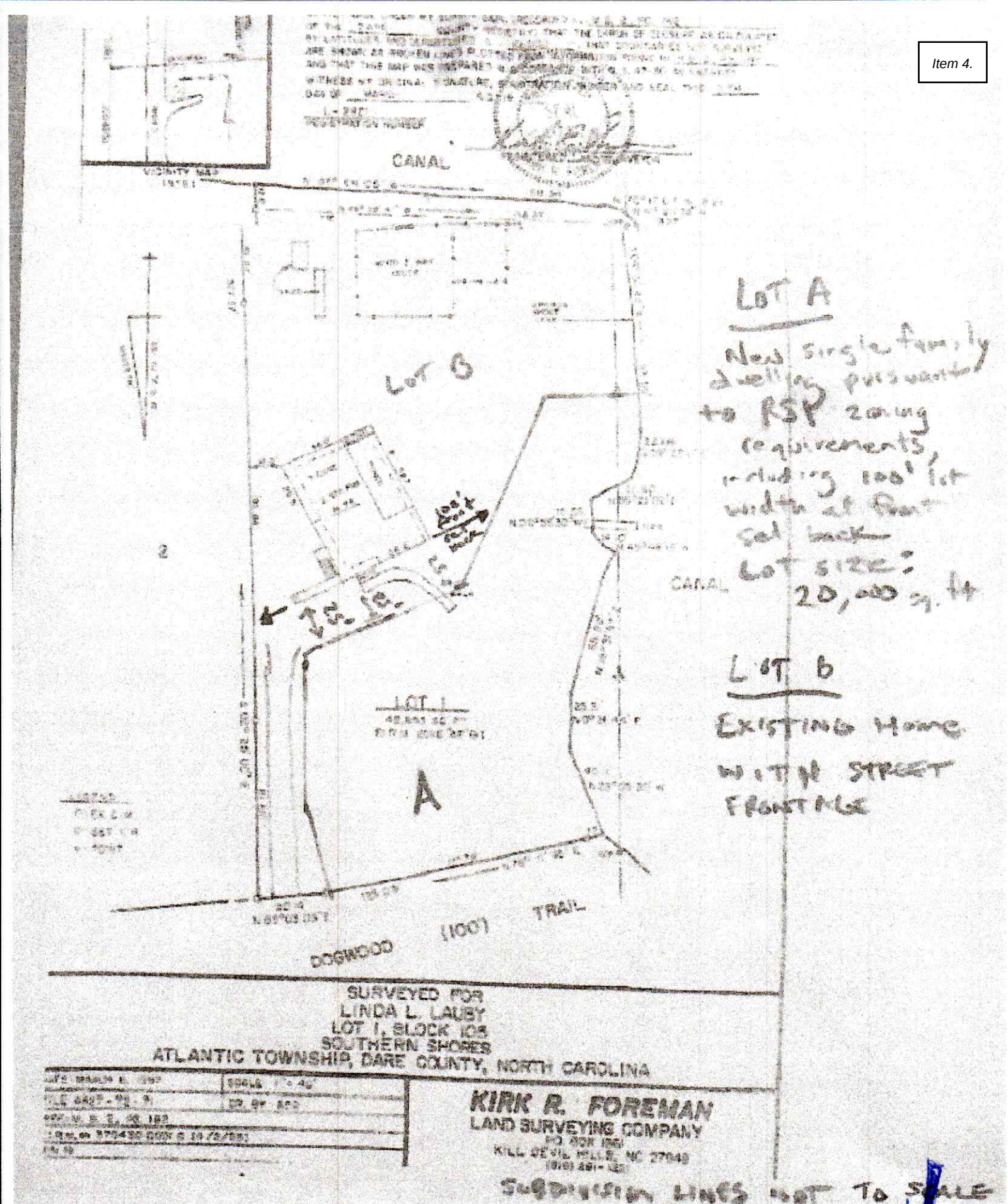
Thank you for your help.

Anthony S Mina

1 File 2.2MB

5-16-23 ZTA-23-03 Lot Width.pdf
2MB

"EXHIBIT E"



LOT A

New single family dwelling pursuant to RSP zoning requirements, including 100' lot width at front set back

LOT SIZE: 20,000 sq. ft

LOT B

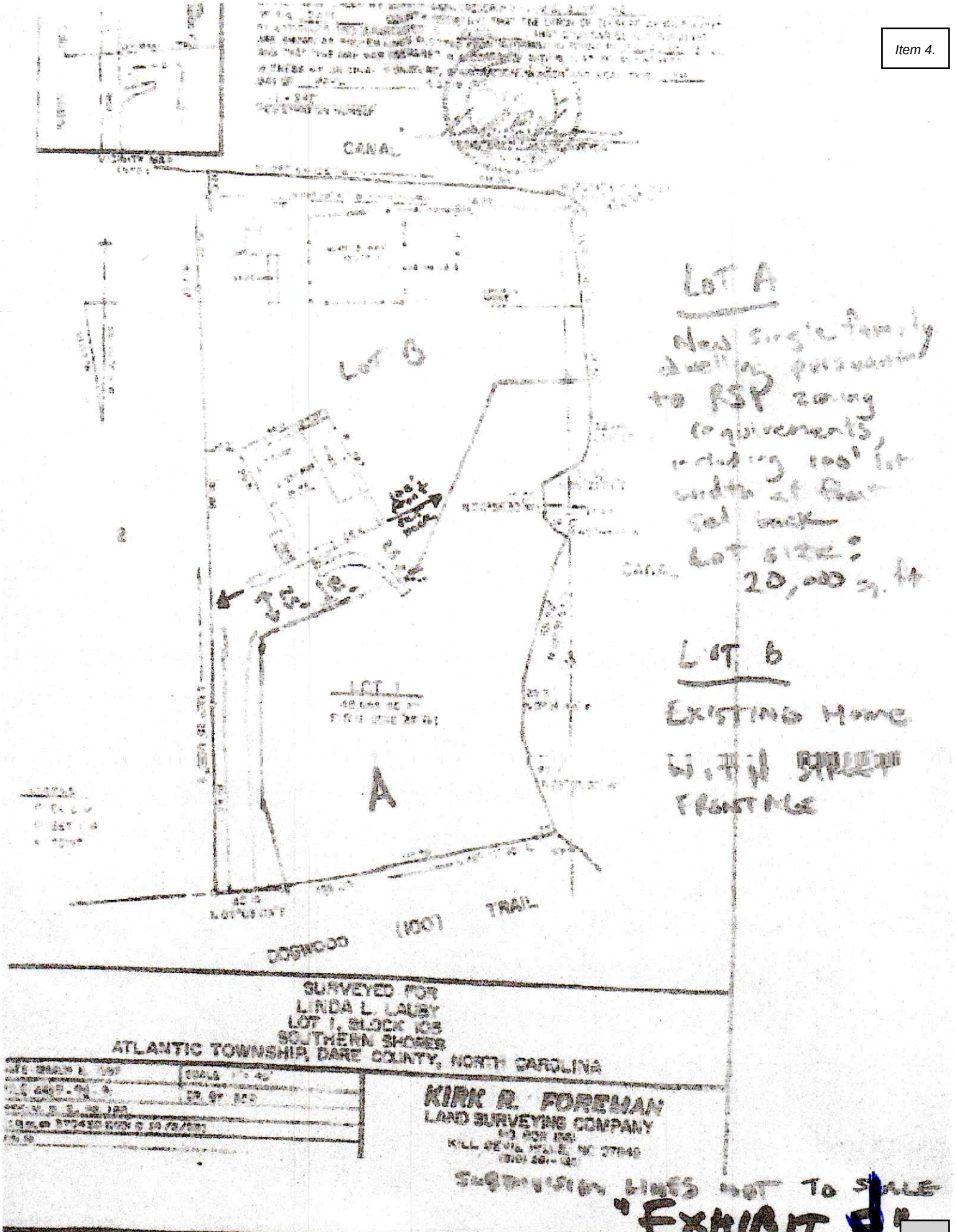
EXISTING HOME WITH STREET FRONTAGE

SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 105
SOUTHERN SHORES
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA

KIRK R. FOREMAN
LAND SURVEYING COMPANY
P.O. BOX 1961
KILL DEVIL HILLS, NC 27948
(919) 261-1621

SUBDIVISION LINES NOT TO SCALE

"EXHIBIT B"


CANAL
LOT B
LOT A
LOT 1
A
TRAIL
DOGWOOD
(100')
LOT A
New single family dwelling proposed to RSP zoning requirements, including 100' lot width at front set back
LOT SIZE: 20,000 sq. ft
LOT B
EXISTING HOME WITH 50' FRONTAGE
SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 108
SOUTHERN SHORES
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA
KIRK R. FOREMAN
LAND SURVEYING COMPANY
SUBDIVISION LINES NOT TO SCALE

"EXHIBIT D"

RE: 75 E. Dogwood Trail Subdivision

chestercountyla.../

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>

May 23, 2023 at 2:13 PM

Good afternoon. I had a good weekend and I hope the same for you. Purchasing land from the adjacent property owner (both properties and structures meet all requirements) or removing a portion of the building would resolve the setback issue. Can you please explain or show on a drawing how the Town's 100 ft. lot width requirement would be satisfied for both lots?

WES HASKETT
HIDING JUNE 6, 2023
LOT WIDTH AMENDMENT

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 22, 2023 12:41 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Subdivision

Hello,

I hope you had a good weekend.

I am writing you again about 75 E. Dogwood Trail. I apologize if I am asking a lot of questions. My last job in Pennsylvania was building an addition onto a house on a non-conforming lot and I feel like the job went smoothly because I asked the building inspector lots of questions before I even started getting my building plans (and as of right now, I still don't even live at 75 E Dogwood Trail).

Can I ask you how you would suggest I go about subdividing 75 E. Dogwood Trail if it was your property and you wanted to make it two properties (or how you think the smartest way to get Southern Shores approval would be)?

I believe my options are (assuming the house is 14' from the 73 E. Dogwood Trail property line):
- Remove one foot of the existing home (the back left corner of the home) and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

-Apply for a variance and make the lot farthest from the street similar to a "flag lot". 193 N. Dogwood Trail is the closest home with a small amount of public road frontage.

-Purchase a few square feet of property from 73 E. Dogwood Trail so the property line angles around the house of 75. E Dogwood Trail so there is at least 15' between the house and property line. Some examples of property lines literally wrapping around houses like I am describing are at. 233 N Dogwood Trail and 378 Sea Oats Trail. Then the lot would then again be subdivided with a "flag lot" in the back.

Thank you for your help,
Anthony S Mina

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https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1684773651-ibKTs-23fsY5&r_address=whaskett%40southernshores-nc.gov&report=1

"EXHIBIT 4"

Re: 75 E. Dogwood Trail Zoning Question

chestercountyla...

Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>

May 18, 2023 at 2:54 PM

Thank you for your help. I am not going to ask to meet with you next Tuesday to review my prosposed subdivision for 75 E. Dogwood Trail, but I hope to provide you the drawing of the subdivision before then. I will talk to you soon. Anthony S Mina

On Thursday, May 18, 2023, 01:51:04 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. See my responses below.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT HIDING JUNE 6, 2023 PROPOSED LOT WIDTH AMENDMENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, May 17, 2023 12:18 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Hello,

Thank you for your help.

-Could you please tell me which ordinance I need to read to understand the zoning requirements for subdividing a lot that has an existing structure that could possibly be 14' from the property line. See Town Code Section 30-97(2): https://library.municode.com/nc/southern_shores/codes/code_of_ordinances?nodeId=PTIICOOR_CH30SU_ARTIVMISTDEGE_S30-97DEST.

-Could you also please tell me about Southern Shores' procedure for asking Southern Shores to make an exception to their local code. For example, if I hired an attorney to file my applications and ask Town Council or Dare County to approve the subdivision. An exception would be in the form of a Variance. Our Town Planning Board considers Variances which are only granted if the applicant can demonstrate that there is a hardship involved if a Variance is not granted. See attached application which includes questions that address the criteria for granting a Variance.

75 E. Dogwood Trail can be divided so each property has street frontage and a 100' lot width at the front of the building (by making the existing lot similar to a "flag lot"). I would just prefer not to literally remove 1' of the existing home if the home was really built 14' from a property line that required 15'. Please submit a drawing showing what you have in mind, including the existing structure and measurements from existing and proposed property lines.

If you would like, I am available to meet with you to make sure I am creating a subdivision plan consistent with other approved subdivisions and existing zoning requirements. I am available to meet next Tuesday at 10:30 or 2:00 if you'd like to meet to discuss and review your drawing.

Thank you.
Anthony S Mina

On Wednesday, May 17, 2023, 11:31:21 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Anthony. I'm doing well and I hope the same for you. I don't believe that creating two lots that front E. Dogwood Trl. would work either, unfortunately. This is due to our minimum lot width requirement which is 100 ft. so both lots would have to be 100 ft. wide and front E. Dogwood Trl. However, I'd be glad to take a look at a sketch if you'd like to draw what you have in mind. The other issue is the existing structure not being at least 15 ft. from the side property line. Our ordinance requires compliance with all zoning requirements whenever new lots are created.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT HIDING JUNE 6, 2023 PROPOSED LOT WIDTH REQUIRENT

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, May 16, 2023 11:51 AM

EXHIBIT 5

To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: 75 E. Dogwood Trail Zoning Question

Good Morning,

I hope you are doing good. I'm a little confused about the Southern Shores local codes governing subdivision plans. Can you tell me why 75 E. Dogwood Trail could not be divided so each of the (2) new lots has street frontage. There is about 155' of street frontage and it does not matter to me if the lots shared the driveway or each had their own driveway. I believe that a second house could be built at 75 E Dogwood Trail and positioned so each lot has at least a 75' width at the side of the house closest to Dogwood Trail.

Thank you for your help,
Anthony S Mina

On Monday, May 1, 2023, 01:54:54 PM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good afternoon. I'm doing well and I hope the same for you. I don't think a subdivision of 75 E. Dogwood Trl. would be allowed per Town Code Section 30-96(f) in our Subdivision Ordinance which states: All lots shall front upon a public road. Let me know if you have any additional questions.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 1, 2023 12:50 PM
To: Kevin Clark <kclark@southernshores-nc.gov>; Kevin Clark <kclark@southernshores-nc.gov>; Marcey Baum <mbaum@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: 75 E. Dogwood Trail Zoning Question

Hello,

I hope you are doing good.

I have attached a survey with a sketch of a proposed subdivision for 75 E. Dogwood Trail and wanted to make sure I am correct to believe that the lot can be subdivided as a right to the homeowner because the lot is larger than one acre. The only thing I noticed that did not meet the current zoning code requirements is a 14' setback from the existing home to the property line on the left side (I believe there should be 15').

Could you please tell me anything that would prevent me from subdividing the 75 E. Dogwood Trail lot so I could build another house. I do not own the property but have made an offer on the property.

Thank you,
Anthony S Mina

CC Ashton Harrell, MM & J Law Firm

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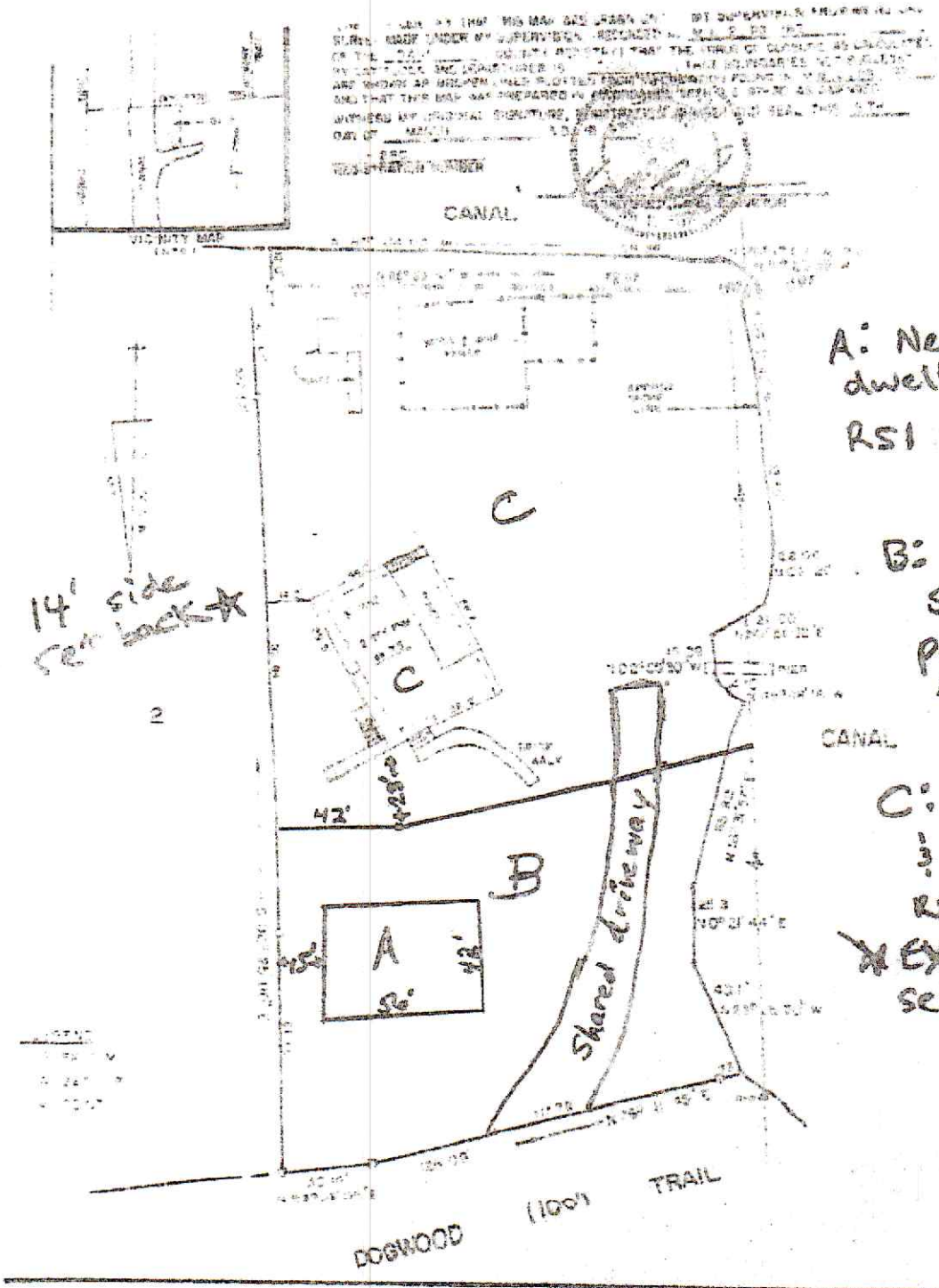
This email has been scanned for spam and viruses by Proofpoint Essentials. Clickhere to report this email as spam.

EXHIBIT E



SURVEYED FOR
LINDA L. LAUBY
LOT 1, BLOCK 105
SOUTHERN SHORES
ATLANTIC TOWNSHIP, DARE COUNTY, NORTH CAROLINA

ATE MARCH 9, 1987	SCALE: 1" = 40'
LE 6827 - T2 ?	DR BY SCB
REF M. B. 2, PG 162	
P.I.N. ex 9784-30-0601.5 (4/8/88)	

KIRK R. FOREMAN
LAND SURVEYING COMPANY
P.O. BOX 1962
KILL DEVIL HILLS, NC 27948
(919) 261-1221

EXHIBIT J

E

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
www.southernshores-nc.gov

PROOF OF WES HASKETT'S SPECIAL INTEREST IN 75 E. DOGWOOD TRAIL

June 5, 2024

Anthony S. Mina
Jennifer L. Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision

Dear Mr. Mina and Ms. Franz:

Following further review, the administrative decision to deny your application to subdivide Lot 1, Block 105 located at 75 E. Dogwood Trl. (parcel #021731000) has been revised. However, the decision to deny the application has not been revised. The reason for the denial remains that the proposed lots do not equal or exceed the standards in Town Code Section 30-97 of the Town's Subdivision Ordinance because the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1, Residential zoning district as established in the Town's Zoning Ordinance and incorporated into the Town's Subdivision Ordinance via Section 30-97(2).

Town Code Section 30-97(2) states that all lots in new subdivisions shall conform to the zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning chapter. It is not sufficient merely for the average lot to meet zoning requirements. Subdivisions must comply in all respects with the requirements of the zoning chapter in effect in the area to be subdivided and any other officially adopted plans. Specifically, the proposed lots do not meet the zoning requirements for properties located in the Town's RS-1 Residential zoning district and as a result do not equal or exceed the standards in Section 30-97 of the Town's Subdivision Ordinance because:

1. Town Code Section 36-202(d) of the Town's Zoning Ordinance requires a minimum lot width of 100 feet (measured from the front lot line at right angles to the rear lot line). Both of the proposed lots do not have a lot width of 100 feet measured from the front lot line at right angles to the rear lot line.

1" EXHIBIT K"

2. There is no drive aisle shown on proposed Parcel B providing access from E. Dogwood Trl. to the existing single-family dwelling. Town Code Section 36-163(4)a.1.ii. states that an eight-foot-wide drive aisle shall be provided, which must be separate from any parking spaces, such that no vehicle will be required to back into the public right-of-way.

3. There are no parking spaces shown on proposed Parcel B for the existing single-family dwelling. Town Code Section 36-163(4)a.1 requires three parking spaces for each dwelling unit with up to eight-person septic capacity and one additional space for each two persons of septic capacity, or fraction thereof, in excess of eight-person septic capacity up to 12-person septic capacity and one additional space for each person of septic capacity over 12.

Per Town Code Section 36-132(c) and Section 36-132(c)(1), the existing single-family dwelling on proposed Parcel B that encroaches the minimum side yard (setback) requirement has been determined legally nonconforming and it can remain as is or it can be enlarged or altered as long as the enlargement or alternation doesn't increase the nonconformity. As a result, the encroachment is no longer applicable to the decision to deny your application.

Should you wish to appeal this revised administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/bc-ph. Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov. if you have any questions or concerns.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney

"EXHIBIT K"

75 E Dogwood Trail

chestercountyla.../Sent

Anthony Mina <chestercountylawn@yahoo.com> Jun 4 at 2:18 PM
To: Marcey Baum <mbaum@southernshores-nc.gov>,
Southernshores Nc Info <irfo@southernshores-nc.gov>, Kevin Clark <kclark@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>

Hello,

Please find the attached building permit application to:
-repair first floor sagging problems, as needed.
-enlarge the foyer/first floor family room opening.
-replace a defective beam supporting the second floor family room floor.
-remove walls on each side of the 2nd floor fireplace.
-remove the section of 75 E. Dogwood Trail Wes Haskett claims prevents a lot subdivision plan from being approved.

Engineered approved plans for all the jobs are attached to this email.

Thank you,
Anthony S Mina

3 Files 16.7MB

75DogwoodPermitApp.pdf
1MB

NC0519_Anthony Mina_ 75 E Dogwood Trail Kitchen Renovation REV 1_ Sealed.pdf
14MB

NC0519_Anthony Mina_ 75 E Dogwood_ 2nd Floor Ext Wall Revision_ Sealed.pdf
1MB

"EXHIBIT K"

— PLAN SUBMITTED TO REMOVE 1' SECTION OF HOUSE

Submittal Date: 6/4/24

Page 1 of 2
Page 2 is Building Plan Specification Form

TOWN OF SOUTHERN SHORES
PLANNING AND CODE ENFORCEMENT
5375 N. Virginia Dare Trail, Southern Shores, NC 27949
(252) 261-2394 phone (252) 255-0876 fax
www.southernshores-nc.gov

BUILDING/FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

***Applications WILL NOT be accepted until all required information is provided**

PROPERTY INFORMATION:

Project Address: 75 E. Dogwood Trl.
Lot Number: 1 Block: 105 Section: ____
Property ID Number (PIN #): 986817213507
Lot Area: 46,500 sq ft

Property Owner: Anthony S. Mina
Mailing Address: 75 E. Dogwood Trail
City: Southern Shores State: NC Zip Code: 27949
Tele #: 610-842-3905

Flood Zone (circle): AE 4 ft – AE 5 ft – AO 1 ft depth – AO 2 ft depth – VE 11 ft – VE 12 ft – VE 13 ft – Shaded X – Unshaded X
Base Flood Elevation: ____ ft / Plus 3ft of Freeboard or LES 8 ft = ____ ft = Regulatory Flood Protection Elevation
Zoning District: RS1 Septic Permit # ____ Permit Date: ____ # Person Septic Capacity ____
CAMA Permit required? Yes or (No) CAMA Permit # ____ CAMA AEC (circle): ____Estuarine Shoreline or _Ocean Hazard

CONTRACTOR INFORMATION: Home owner is doing work

Business Name: ____
Contractor Name: ____
Mailing Address: ____
City: ____ State: ____ Zip Code: ____
Business # ____ Cell # ____
Fax # ____ Email ____

NC G. C. Licensed Contractor ____ OR ____ Non-Licensed Contractor
NC G. C. License Number: ____
Limitation: ____
Classification: ____
Qualifier: ____

DESCRIPTION OF WORK: Make structural improvement to first floor widen family room/foyer doorway, remove walls on each side of second floor fireplace ~~and remove section of house Wes Haskett claims prevents the lot subdivision~~ Please see engineered approved plans for more information

PERMIT TYPE (X): ____ COMMERCIAL X RESIDENTIAL
____RESIDENCE ____2ND HOME ____RENTAL (> 30 days) ____VACATION COTTAGE (< 30 days)

TYPE OF CONSTRUCTION (X): ____NEW CONSTRUCTION ____ADDITION/EXPANSION X REMODEL/RENOVATION/REPAIR ____ACCESSORY ____OTHER

PROPERTY USE (X): X SINGLE FAMILY ____DUPLEX ____MULTI-FAMILY ____GOVERNMENT - INSTITUTIONAL ____COMMERCIAL

COMMERCIAL USE ONLY: ____CURRENT USE ____PROPOSED USE

SQUARE FOOTAGE AND/OR DIMENSIONS: 3543 GARAGE ____SHED ____SWIMMING POOL
____GAZEBO ____DUNE DECK ____RETAINING WALL ____BULKHEAD ____PIER/DOCK
____DECK(S) ____PORCH(ES) ____STORAGE ENCLOSURE ____OTHER

PROPOSED BUILDING AREA: n/a SQ FT - HEATED / LIVING AREAS (NEW SPACE)
____SQ FT - NON HEATED AREAS (NEW SPACE)

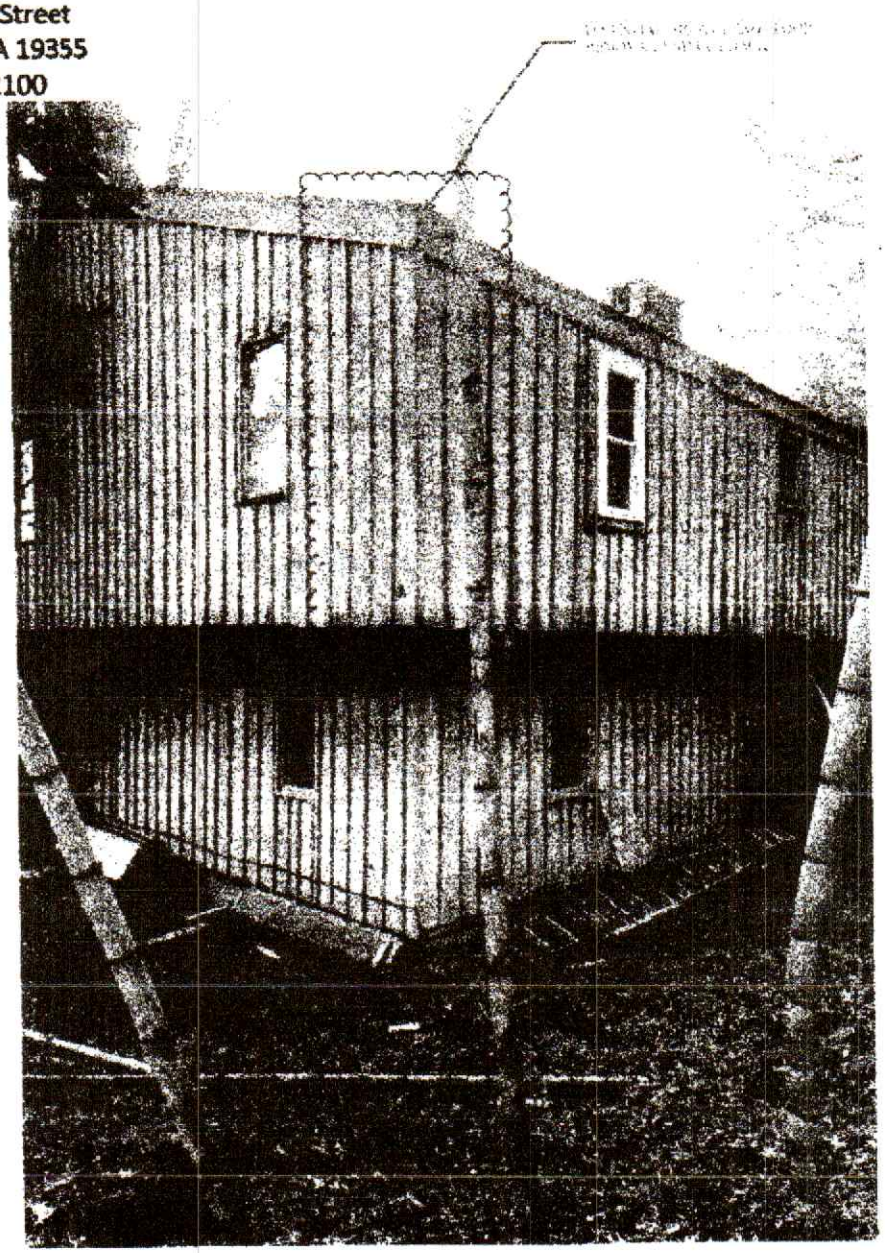
Asm $1600.— $1800.— COST OF REMODEL/RENOVATION/REPAIR - ONLY (DO NOT INCLUDE NEW SQ FT)
$1600.— $1800.— ESTIMATED CONSTRUCTION COST OF TOTAL PROJECT

NOTE: Although the Town of Southern Shores does not enforce or consider the effect of covenants in the various subdivisions of Southern Shores, applicants for a building permit should be advised that their building plans may be affected by subdivision covenants and are advised to consult with the appropriate property owners' association. You are strongly urged to obtain approval from the appropriate association before you apply for a permit and begin construction. Failure to do so could result in legal action by the association to enforce the covenants.

* Please note Wes Haskett now does not claim existing side set back distances prevent a lot subdivision so Applicant will not be removing any of the existing h

"EXHIBIT K"

UZMAN ENGINEERING, LLC
116 E. King Street
Malvern, PA 19355
(610) 320-2100



Due to the existing setback requirements, there are questions whether the existing 2nd floor cantilever is outside of the required property setback. Although the house has been there since 1970, the Homeowner has considered removing an approximate 1'-0" section of the 2nd floor cantilever corner to meet the requirements. The corner of the building would be removed, new 2x4 framing installed from 2nd floor to roof, flashing and roof patching as well as siding re-configuring to meet the setback. Uzman recommends the installation of Simpson Strong Hurricane ties to the revised roof rafters and SDS wood screws to the joists and built up 2x10 below. UE also recommends mid height blocking of the joists along with exterior sheathing nailed to the new studs @ 4" o.c. vert spacing.

ENGINEERED PLANS SUBMITTED NC0519
6/4/2024 TO REMOVE 1' OF REAR
CORNER OF HOUSE "EXHIBIT K"

Anthony Stocker Mina

5/24/2024

---- Forwarded Message ----
From: Phillip Hornthal <phornthal@hrem.com>
To: Anthony Mina <chestercountylawn@yahoo.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Friday, May 24, 2024 at 03:51:32 PM EDT
Subject: RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Mr. Mina:

You are free to submit any application you wish to submit. However, in response to your specific question, please understand that, unless all four reasons are satisfied, the proposal would be denied, and you would have the option to appeal.

I strongly suggest you consult with an attorney as I cannot give you legal advice, as attorney for the Town.

Thank you.

Phil Hornthal

REFUSAL TO ACCEPT SIDE SETBACK AS CONFORMING FROM TOWN ATTORNEY PHIL HORNTHAL ON BEHALF OF WES HASKETT AND SOUTHERN SHORES

L. Phillip Hornthal, III
Attorney at Law

Direct:252.698.0214

Office:252.335.0871

Fax:252.335.4223 Attn: P. Hornthal

Email:phornthal@hrem.com

301 East Main Street

Elizabeth City, NC 27909

www.hrem.com

Click here to read ourDisclaimer,
Legal Notices & Privacy Policy

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, May 24, 2024 2:27 PM
To: Phillip Hornthal <PHornthal@hrem.com>; Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Re: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

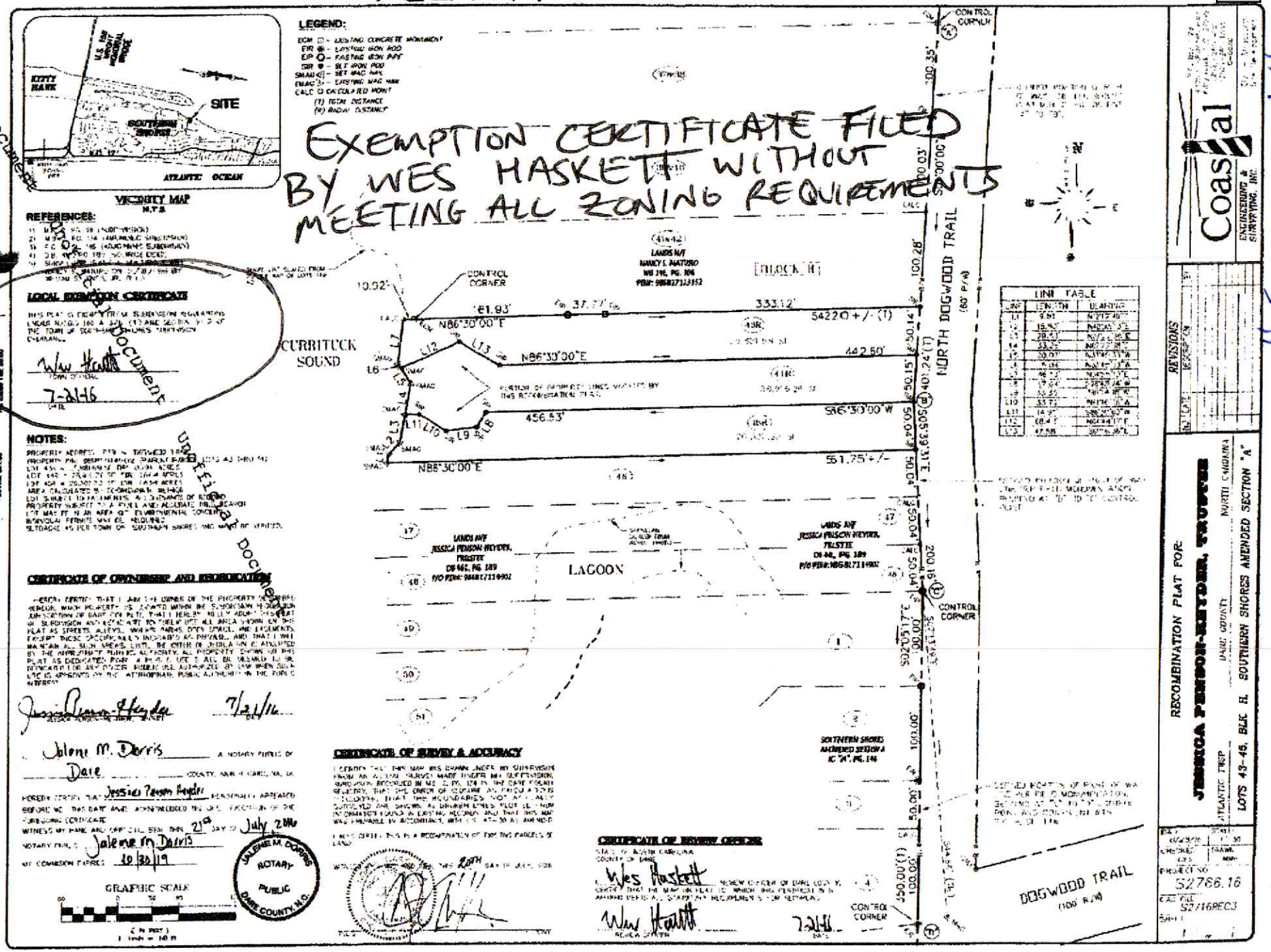
>>Warning: The source of this email is from outside of the firm.<<

Hello,

"EXHIBIT K"

PCI-279

Official Document

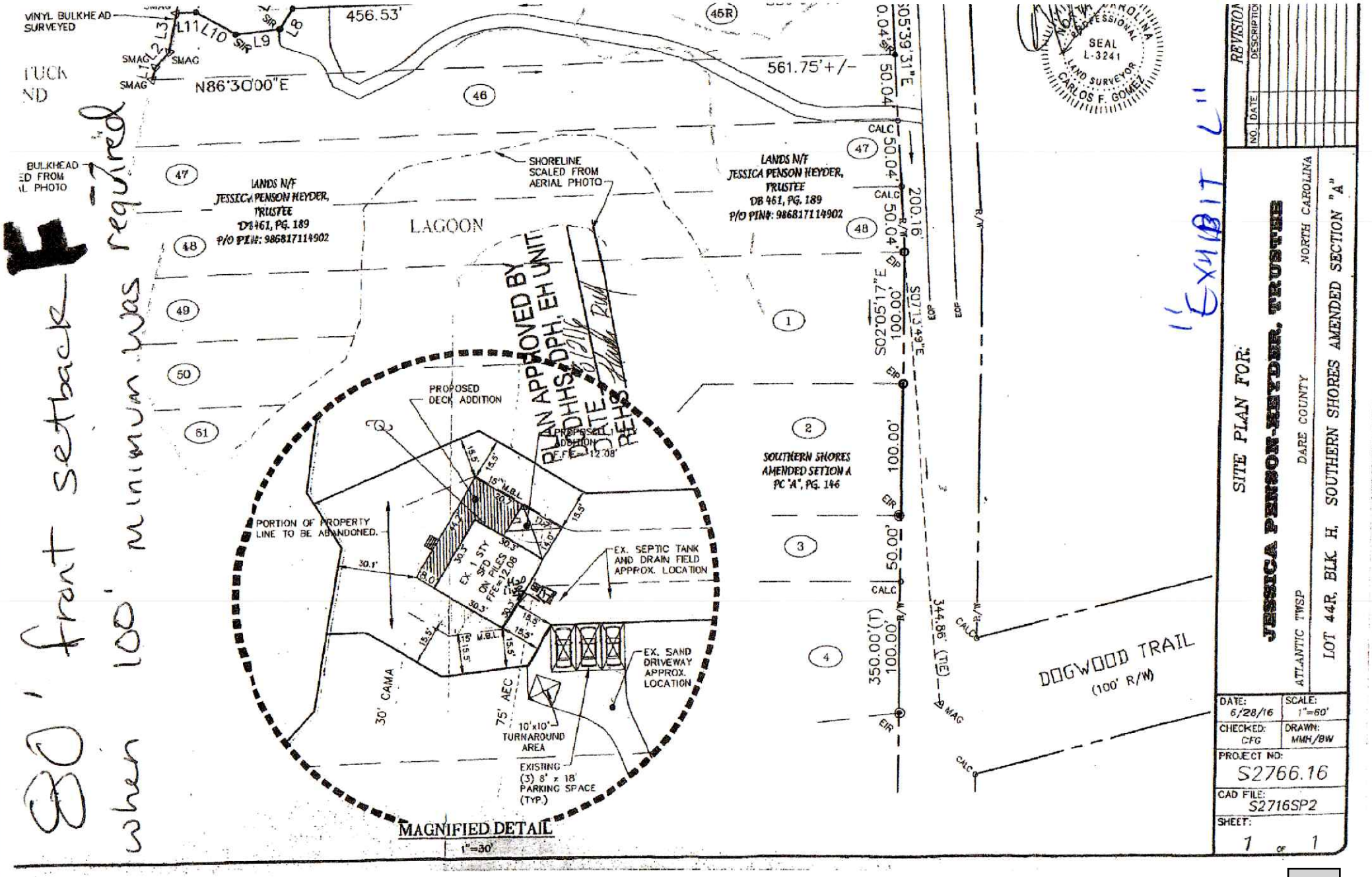


Recorded: 07/21/2016 10:36:40 AM
BY: Sheree Wilkins, Register of Deeds
Vernelle Middleton, Register of Deeds
Dare County, NC
Fee Amt: $21.00

BOOK PCI PAGE 279 (1)

EXHIBIT L-1

EXEMPTION CERTIFICATE FILED BY WES HASKETT WITHOUT MEETING ALL ZONING REQUIREMENTS



80' front setback - required when 100' minimum was

1' EXHIBIT L''

RE: Public Records Request (2) 06.10.2024

chestercountyla.../inbox

Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Sheila Kane <skane@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>, Phillip Homthal <phomthal@hrem.com>
Jun 17 at 10:45 AM

Good morning again, Mr. Mina. The lot with the address 233 N. Dogwood Trl. and the adjacent lots with the addresses of 0 N. Dogwood Trl. were created prior to the Town's incorporation in 1979.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

WES HASKETT LYING TO HIDE PLAT HE APPROVED WITHOUT ALL ZONING REQUIREMENTS BEING MET.

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, June 14, 2024 2:15 PM
To: Sheila Kane <skane@southernshores-nc.gov>
Cc: Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: Re: Public Records Request (2) 06.10.2024

Are you saying the (2) addresses 0 N. Dogwood Trail were created without any documentation?

Thank you,
Anthony Stocker Mina

On Friday, June 14, 2024 at 01:37:01 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Mr. Mina:

The clerk's office can provide you with copies of public records, existing documents that the town has in its custody and control. There is no subdivision document related to 233 N. Dogwood/O Dogwood; therefore, no public record.
If it is information you are seeking, I would encourage you to simply call the proper department at town hall and ask your questions.

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Friday, June 14, 2024 12:07 PM
To: Sheila Kane <skane@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: Re: Public Records Request (2) 06.10.2024

I'm sorry, maybe my request was worded wrong. Can you please provide me the information relating to the lots addressed as 0 dogwood trail being created. Thank you, Anthony S Mina

On Friday, June 14, 2024 at 08:06:08 AM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

"EXHIBIT L"

Dear Mr. Mina:

Wes Haskett

From: Ann Sjoerdsma <annsj@earthlink.net>
Sent: Sunday, January 8, 2023 8:36 AM
To: Wes Haskett
Cc: Cliff Ogburn
Subject: Pipkin recombination
Attachments: PC I, SL 354 (the 2017 Plat) (1).pdf

Jan. 8, 2023

Mr. Wes Haskett, Deputy Town Manager/Planning Director

Town of Southern Shores, NC

Dear Mr. Haskett:

I write to follow up with your request of Oct. 21, 2022 that I put into writing my objection to the recombination by the Pipkin family of lots 1-4, blk. 27, sec. 3 of Southern Shores, which the Town of Southern Shores approved Oct. 3, 2017. I represent myself and my three siblings, with whom I co-own the property at 172 Ocean Blvd., in this matter.

As you know, the result of the Pipkin family's 2017 recombination was the creation of two new lots, labeled A and B on the plat ("2017 Plat") submitted by Ashmead Pipkin. Lot B, which was/is vacant, is adjacent to our property, to the south, and is now known as 172 Ocean Blvd. A residential development, with the historic single family dwelling, "Pink Perfection," is situated on Lot A, which is now known as 170 Ocean Blvd. Both lots are in the RS-1 residential district.

A copy of the 2017 Plat is recorded at PC I, SL 354. I attach a copy with this correspondence for your convenience.

My siblings and I have directly observed that the location of the Pink Perfection dwelling and its garage on Lot A are closer than 15 feet to the newly created adjacent property line of Lot B, a clear violation of Town Code sec. 36-202(4)(a), which was in effect in 2017.

The 2017 Plat shows a side setback between the Pink Perfection dwelling and its garage and Lot B of 10.1 feet—well shy of 15 feet. Based on our observations, we believe that the setback distance is actually less than 10 feet. The recombination shown in the 2017 Plat, therefore, rendered Lot A nonconforming. The Town cannot allow this Town Code violation to continue, even if the Town may have mistakenly approved the lot boundary shown on the plat. (*See* City of Raleigh v. Fisher, 232 N.C. 629 (1950) (holding that a city or town shall not allow a mistakenly permitted use when the zoning regulations prohibit same).

Had the legally required side-yard setback standard been properly enforced at the time of the proposed recombination shown in the 2017 Plat, we contend that Lot B would have been nonconforming because it would not have been wide enough to meet the dimensional standard of Town Code sec. 202(d)(2), which mandates a lot width of 100 feet. Accordingly, the 2017 Plat was approved in error, and the Town should correct this mistake.

"EXHIBIT M"

My siblings and I strongly believe that the Town's mistake in allowing the nonconforming Lot A to be created has caused—or will cause—us damage. It is extremely important to us that the Town correct this error.

Thank you.

Sincerely yours,

Ann

Ann G. Sjoerdsma

232 N. Dogwood Trail

Southern Shores, N.C. 27949
(252) 256-0058

Attachment (1)

cc: Cliff Ogburn, Town Manager

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

"EXHIBIT M"

E

OCTOBER 21, 2024 PICTURE OF "OH-SO SANDY" SIGN PROVING CLIFF OGBURN AND WES HASKETT HAVE A SPECIAL INTEREST IN INTERFERING WITH APPLICANT'S WORK/REAL ESTATE NEEDS AT 75 E. DOGWOOD TRAIL BY ENFORCING SIGN CODES NOT ENFORCED ON OTHER SOUTHERN SHORES PROPERTY OWNERS

"EXHIBIT N"

RE: Public Records Request 06.21.2024_#15 Anthony Mina

chestercountyla.../In

Jul 17 at 11:44 AM

Cliff Ogburn <cogburn@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>, Wes Haskett <whaskett@southernshores-nc.gov>, info@southernshores-nc.gov <info@southernshores-nc.gov>, Sheila Kane <skane@southernshores-nc.gov>
Cc: Paula Sherlock <psherlock@southernshores-nc.gov>, Elizabeth Morey <emorey@southernshores-nc.gov>, David Kole <dkole@southernshores-nc.gov>, Mark Batenic <mbatenic@southernshores-nc.gov>, Robert Neilson <rneilson@southernshores-nc.gov>

Mr. Mina – Please open the attachment. Your request was answered in this document which has now been provided to you for the third time. The date and time the signs were addressed was between 7:48 am and 10:56 am on 6/20/24.

As I have stated before – the signs that were placed in the r/w in front of your property are not permitted, therefore no permit will be issued. Likewise, an encroachment agreement will not permit these signs to be placed in the r/w either.

It may be helpful for us to discuss the confusion and work through it in a phone call. Please feel free to contact me at 261-2394.

Thank you.

Cliff

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, July 17, 2024 10:33 AM
To: Cliff Ogburn <cogburn@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; info@southernshores-nc.gov; Sheila Kane <skane@southernshores-nc.gov>
Cc: Paula Sherlock <psherlock@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>
Subject: Re: Public Records Request 06.21.2024_#15 Anthony Mina

Southern Shores,

You are not answering my request which asks for the "date and time the signs were addressed". Please stop trying to deceive me with falsified records and violations of North Carolina law governing Public Records Requests. I would like the "date and time the signs were addressed". Anthony Stocker Mina

PS You have a Right of Way Encroachment Application of mine that has not been decided asking for permission for me to advertise my 75 E Dogwood Trail real estate opportunity. I'd appreciate the right of way encroachment application being approved...especially since I have just proved that Southern Shores is selectively prosecuting me for real estate signs (harassment) when other real estate signs in the right of way have been allowed by Southern Shores on a regular basis for years.

On Wednesday, July 17, 2024 at 10:03:06 AM EDT, Cliff Ogburn <cogburn@southernshores-nc.gov> wrote:

Good morning Mr. Mina –

I have attached two of your Public Records Requests dated June 20, 2024.

You provided the list of signs referenced as 1-6 in your request for information. We addressed the signs in violation of the Town Code on the list after you brought them to our attention. I responded in an email to you on June 20, 2024, that there are no permits issued for the signs referenced in 1-6 because the signs are either not permitted or a permit wasn't required. We have no record of names of people making complaints about these signs. The attached PDF was sent to you yesterday as part of the response to your request for information.

The other request asks for the names of the individuals that complained about the signs in the r/w in front of your property. We answered this request in the email provided by the Town Clerk dated July 17, 2024.

Based on my understanding of these requests we have provided you the information you requested.

Thank you.

EXHIBIT N

Cliff

E

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, July 16, 2024 10:51 PM
To: Sheila Kane <skane@southernshores-nc.gov>; info@southernshores-nc.gov; Cliff Ogburn <cogburn@southernshores-nc.gov>
Subject: Re: Public Records Request 06.21.2024_#15 Anthony Mina

Hello,

Thank you for the public records request response but my response asked for:

The name of the person making the complaint about signs referenced as 1-6 in Cliff Ogburn's public record request response dated 6/20/2024 and the date and time the "sign was addressed", according to Cliff Ogburn.

The response provided did not provide the information requested in the 6/20/2024 public records request.

Please provide me the information I requested pursuant to North Caroline law.

Thank you,
Anthony S Mina

On Tuesday, July 16, 2024 at 03:44:31 PM EDT, Sheila Kane <skane@southernshores-nc.gov> wrote:

Dear Mr. Mina:

On June 21, 2024 you filed a Request for Public Records from the Town of Southern Shores, specifically requesting:

1. • The name of the person making the complaint about signs referenced as 1-6 in Cliff Ogburn's public record request response dated 6/20/2024 and the date and time the "sign was addressed", according to Cliff Ogburn.

Anthony Mina Requested: Please provide me:
1) All permits issued to allow Beach Realty & Construction sign at 108 S. Dogwood Trail.
2) All permits issued to allow Vacation Bible School signs at "Welcome Southern Shores" entrance at S. Dogwood Trail.
3) All permits issued to allow Village Realty sign at 20 S. Dogwood Trail.
4) All permits issued to allow "join our team" sign at Duck Woods Country Club.
5) All permits issued to allow Beach Realty Sign and "Oh-So Sandy" sign at 16 E. Dogwood Trail.
6)All permits issued to allow Outer Banks Realty sign at 75 E. Dogwood Trail.

Cliff Ogburn Responded:
Response to the 6 locations you referenced in your email below:
1. *Not allowed in this location. This sign has been addressed.*
2. *Organizational leaders were notified and made aware of the regulations and given the same opportunity to comply on their own that you were.*
3. *Not allowed in this location. This sign has been addressed.*
4. *temporary sign legally placed – no permit required.*
5. *Not allowed in this location. These signs have been addressed*
6. *This sign does not exist at this location*

LIE

Please find all records that pertain to your request attached.

Please feel free to contact me if you have further questions.

Sheila Kane, CMC, NCCMC
Town Clerk
Town of Southern Shores
5375 N Virginia Dare Trail
Southern Shores, NC 27949
(252) 261-2394 phone
(252) 255-0876 fax
skane@southernshores.gov

"EXHIBIT N"

Re: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

chestercounty

Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>,
Elizabeth Morey <emorey@southernshores-nc.gov>

Jun 7, 2023 at 3:22 PM

Hello,

Thank you for the email.

Could you please tell me how Southern Shores residents and home owners were notified of the proposed amendment to the zoning code dated 3/31/2023 (the zoning code adopted last night). I asked my realtor Alan Creech and Southern Shores questions about Southern Shores zoning code prior to providing a $5000 due diligence fee and June 1, 2023 is the first time I was informed about the proposed amendment (75 E. Dogwood Trail was listed for sale as being potentially sub-dividable).

Could you please explain how and when Southern Shores "will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots". How will this next amendment reverse the fact that the amendment passed last night literally steals land value from Southern Shores residents that have been paying property taxes on enough square footage to sub-divide (In the world of finance, land is considered an asset and owning enough property to sub-divide is a financial plan that is taxed at a higher rate than owning not enough square footage to sub divide)?

Thank you for your help,
Anthony S Mina

On Wednesday, June 7, 2023 at 09:10:34 AM EDT, Wes Haskett <whaskett@southernshores-nc.gov> wrote:

Good morning, Mr. Mina. The Town Council voted 3-2 to approve the text amendment. That means that at this time, all new lot must be 100 ft. wide measured from the front lot line to the rear lot line. The meeting video recording will soon be available on YouTube here: https://www.southernshores-nc.gov/meetings. As I told the Town Council during the public hearing, we realize that these requirements are more strict than what has been in place, but we believe that they're unambiguous and will prevent future subdivisions and recombinations with higher densities. Town Staff will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, June 7, 2023 8:35 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Good Morning,

Could you please provide me the results to the vote to increase the street frontage zoning requirement to 100' per lot.

Thank you,
Anthony S Mina

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:
https://us1.proofpointessentials.com/index01.php?mod_id=11&mod_option=logitem&mail_id=1686141324-FWeUsGXDoMzC&r_address=whaskett%40southernshores-nc.gov&report=1

"EXHIBIT O"

Fw: Southern Shores Property Tax Fraud Scheme Involving The Deception Of Southern Shores Police Chief

Anthony Mina <chestercountylawn@yahoo.com> Jan 5 at 8:33 PM
To: Anthony Mina <chestercountylawn@yahoo.com>

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: "summer.stevens@thecoastlandtimes.com" <summer.stevens@thecoastlandtimes.com>; "summer.stevens@thecoastlandtimes.com" <summer.stevens@thecoastlandtimes.com>; "theresa.schneider@thecoastlandtimes.com" <theresa.schneider@thecoastlandtimes.com>; "theresa.schneider@thecoastlandtimes.com" <theresa.schneider@thecoastlandtimes.com>; "danielle.puleo@thecoastlandtimes.com" <danielle.puleo@thecoastlandtimes.com>; "danielle.puleo@thecoastlandtimes.com" <danielle.puleo@thecoastlandtimes.com>; "greg.clark@thecoastlandtimes.com" <greg.clark@thecoastlandtimes.com>; "greg.clark@thecoastlandtimes.com" <greg.clark@thecoastlandtimes.com>; Hannah Russ <hannah.russ@thecoastlandtimes.com>; "maryhelen.goodloemurphy@thecoastlandtimes.com" <maryhelen.goodloemurphy@thecoastlandtimes.com>; "maryhelen.goodloemurphy@thecoastlandtimes.com" <maryhelen.goodloemurphy@thecoastlandtimes.com>; "philip.ruckle@thecoastlandtimes.com" <philip.ruckle@thecoastlandtimes.com>; "philip.ruckle@thecoastlandtimes.com" <philip.ruckle@thecoastlandtimes.com>; "donna@islandfreepress.org" <donna@islandfreepress.org>; "joy@islandfreepress.org" <joy@islandfreepress.org>; "m.jurkowitz@yahoo.com" <m.jurkowitz@yahoo.com>; "l.jurkowitz@yahoo.com" <l.jurkowitz@yahoo.com>; "desk@wtkr.com" <desk@wtkr.com>; "nworshambagley@nexstar.tv" <nworshambagley@nexstar.tv>
Cc: Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Southernshores Nc Info <info@southernshores-nc.gov>; "davec@darenc.gov" <davec@darenc.gov>; "davec@darenc.gov" <davec@darenc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; "jeffrey.cruden@nccourts.org" <jeffrey.cruden@nccourts.org>; "jeffrey.cruden@nccourts.org" <jeffrey.cruden@nccourts.org>
Sent: Monday, July 22, 2024 at 11:27:37 AM EDT
Subject: Southern Shores Property Tax Fraud Scheme Involving The Deception Of Southern Shores Police Chief

Dear Dare County News Source,

I am writing you to make sure you are aware of a property tax fraud scheme Southern Shores government is committing against Southern Shores property owners.

The facts, which are supported by emails attached below are:

1) Southern Shores Deputy Town Manager Wes Haskett had Southern Shores town council approve a lot width requirement change on June 6, 2023 to "prevent future subdivisions" (as Wes Haskett indicated in his email attached below dated June 7, 2023).

2) Changing 2 single home lots (by right) to 1 single home lots (without the right to subdivide) is "downsizing", requires the property owners Notice and a reduction of property taxes due to the significant loss of land value.

3) Wes Haskett did not notify the property owners with posted notice on the effected properties as required by Town Code 36-414(b). What Wes Haskett did was delete town code 36-414(b) from the Notice Requirements and send an email to me, Southern Shores Police Chief David Kole and Southern Shores Mayor claiming the June 6, 2023 property width requirement change was properly adopted after properly notifying property residents (Wes Haskett's email had town code 36-414(b) deleted).

4) Wes Haskett also did not comply with notification requirements for an AMENDMENT OF ZONING CODE at:
-NC Art. 6 ss160D-601-requiring notice to US Army Bases within 5 miles such as the Duck Facility
-NC Art. 6 ss160D-602- requiring mailed notice to each effected property owner or 1/2 page sized advertising in the Coastland Times
(Wes Haskett claims NC Art. 6 ss160D-601 governing AMENDMENTS TO DEVELOPMENT REGULATIONS GOVERNS HIS AMENDMENT TO ZONING CODE)

5) The undeceptive way to prevent lot subdivisions is to adopt a zoning code prohibiting lot subdivisions after complying with all notification requirements. Wes Haskett intentionally tried preventing lot subdivisions with a lot width requirement change as he concealed the upcoming zoning amendment from me (I was asking Wes Haskett questions about Southern Shores zoning code from May 1, 2023 through May and on June 2, 2023 Wes Haskett told me the lot width on the property I entered into an agreement to purchase as a sub-dividable lot on May 7, 2023 wasn't going to be sub-dividable after June 6, 2023... During the month of May 2023 the old property owner negotiated an additional $75,000 from me for the sale price).

6) Dare County's tax department has not responded to my emails pertaining to the property value reduction in Southern Shores, but they received their first email from me last Friday and have yet to intentionally contribute to Southern Shores tax fraud scheme, to my knowledge.

Feel free to contact me with any questions,
Anthony S Mina

PS The Public Records Request below will prove whether or not Dare County's Tax Department has knowledge of Southern Shores scheme to steal property value and collect taxes on property value that does not exist due to the illegally adopted zoning code.

----- Forwarded Message -----
From: Anthony Mina <chestercountylawn@yahoo.com>
To: Wes Haskett <whaskett@southernshores-nc.gov>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Southernshores Nc Info <info@southernshores-nc.gov>
Cc: "davec@darenc.gov" <davec@darenc.gov>; "davec@darenc.gov" <davec@darenc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; "ncago@ncdoj.gov" <ncago@ncdoj.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; "olivia.s.hines@nccourts.org" <olivia.s.hines@nccourts.org>; Mark Batenic <mbatenic@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; "jeffrey.cruden@nccourts.org" <jeffrey.cruden@nccourts.org>; "jeffrey.cruden@nccourts.org" <jeffrey.cruden@nccourts.org>
Sent: Monday, July 22, 2024 at 08:58:00 AM EDT
Subject: Public Records Request Regarding Southern Shores Property Tax Fraud Scheme

Dear Southern Shores,

Please provide me:

1) A list of all properties reported to Dare County Tax Department for a property tax decrease due to the June 6, 2023 zoning amendment intended to prevent future lot subdivisions ("downsizing" 2 single family home lots-with a subdivision by right, to 1 single family home lots without the right to subdivide).

2)Proof that Southern Shores informed Dare County of the proposed amendment made without properly notifying effected residents as per:
-Town Code 36-414(b)- requiring posted notice at effected properties
-NC Art. 6 ss160D-601-requiring notice to US Army Bases within 5 miles such as the Duck Facility

"EXHIBIT X"

-NC Art. 6 ss160D-602- requiring mailed notice to each effected property owner or 1/2 page sized advertising in the Coastland Times

(Proof is needed to document Dare County's knowledge of the Southern Shores tax fraud conspiracy scheme Wes Haskett and Cliff Ogburn are running from the town office which benefits Dare County's tax department)

Thank you,
Anthony S Mina

PS Please immediately provide me my property tax credit for reducing the value of the land at 75 E. Dogwood Trail more than $100,000 without my permission or the previous owner's permission.
----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Wednesday, June 7, 2023 at 09:10:34 AM EDT
Subject: RE: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Good morning, Mr. Mina. The Town Council voted 3-2 to approve the text amendment. That means that at this time, all new lot must be 100 ft. wide measured from the front lot line to the rear lot line. The meeting video recording will soon be available on YouTube here: https://www.southernshores-nc.gov/meetings. As I told the Town Council during the public hearing, we realize that these requirements are more strict than what has been in place, but we believe that they're unambiguous and will prevent future subdivisions and recombinations with higher densities. Town Staff will be submitting another text amendment in the near future that may allow pie-shaped or other irregularly-shaped lots.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Wednesday, June 7, 2023 8:35 AM
To: Wes Haskett <whaskett@southernshores-nc.gov>
Subject: Zoning Amendment To Require 100' Street Frontage For Each Southern Shores Lot

Good Morning,

Could you please provide me the results to the vote to increase the street frontage zoning requirement to 100' per lot.

Thank you,
Anthony S Mina

----------Separate Email With Proof Wes Haskett Is Falsifying Records To Police Chief Kole and Mayor Morey----------

----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>
Sent: Tuesday, May 21, 2024 at 02:27:31 PM EDT
Subject: RE: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Good afternoon, Mr. Mina. My responses to your questions are as follows:

1. The Town of Southern Shores Town Code states:

Sec. 1-10. - Amendments to Code.
(a) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code. Such amendments may be in the following language: "That section _____ of the Code of Ordinances, Town of Southern Shores, North Carolina (or Southern Shores Town Code), is hereby amended to read as follows: ... ." The new provisions may then be set out in full as desired.

Sec. 36-414. Motion to amend.
(a) The town council may, on its own motion or upon motion or upon petition by any person within any zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal the regulations herein established or the maps which are part of this chapter, subject to the rules prescribed in this article. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Prior to adopting or rejecting any zoning amendment, the planning board shall adopt a statement describing whether its action is consistent with the adopted town comprehensive land use plan and explaining why the planning board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review. A notice of such hearing shall be given one a week for two successive calendar weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days nor more than 25 days prior to the date fixed for the hearing.

Sec. 36-415. Planning board action.
(a) Every proposed amendment, supplement, change, modification, or repeal to this chapter shall be referred to the planning board for its recommendation and report. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the town council may proceed in its consideration of the amendment without the planning board report. The town council is not bound by the recommendations, if any of the planning board.

Attached you will find documentation showing that the Town of Southern Shores legally amended the Town Code on June 6, 2023. The attachments included are:

- Zoning Text Amendment application ZTA-23-03.
- The advertised Planning Board agenda for May 15, 2023 when ZTA-23-03 was heard by the Planning Board.
- Screenshot of the required public notice for the May 15, 2023 Planning Board meeting from the May 10, 2023 edition of the Coastland Times newspaper.
- Screenshots of the required public notices for the June 6, 2023 public hearing for ZTA-23-03 from the May 24, 2023 and May 31, 2023 editions of the Coastland Times newspaper.
- The advertised Town Council agenda for June 6, 2023, when the public hearing was held.
- The minutes from the June 6, 2023 Town Council meeting.
- Ordinance 2023-06-03 enacted with the Mayor's signature.

"EXHIBIT X"

I've also attached the applicable North Carolina General Statutes that establish authority for municipalities to adopt and amend development regulations.

2. It appears that 172 and 174 S. Dogwood Trl. were created through a recombination of previously platted lots in 1999. At that time, there was only one structure which is currently situated on 174 S. Dogwood Trl. and the applicable side yard (setback) was 10 ft. The structure that is currently situated on 172 S. Dogwood Trl. was permitted in 2000 when the side yard (setback) requirement was still 10 ft. Other than removing the encroaching portion of the structure at 75 E. Dogwood Trl., documents required to make the encroachment conforming include a Zoning Text Amendment application (attached), $200.00 fee, and proposed language to amend the current side yard (setback) requirement or create an exemption for such situations. The application would have to follow the process noted above and it would have to be approved by the Town Council.

The Southern Shores Town Council has been and will always be the body that adopts and amends the Town's zoning requirements, not Town Staff such as myself. The Town Council directs Town Staff to draft amendments to the Town Code, such as ZTA-23-03 to amend the Town's lot width requirements, which they adopted.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

-----Original Message-----
From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Monday, May 20, 2024 12:12 PM
To: Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Cc: David Kole <dkole@southernshores-nc.gov>; David Kole <dkole@southernshores-nc.gov>; Elizabeth Morey <emorey@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Jonathan Slegel <jslegel@southernshores-nc.gov>; Matt Cooke <mcooke@southernshores-nc.gov>; Eric Brinkley <ebrinkley@southernshores-nc.gov>; Darrell Brickhouse <dbrickhouse@southernshores-nc.gov>; Tracy Mann <tmann@southernshores-nc.gov>; Chris Simpson <csimpson@southernshores-nc.gov>; Richard Deaner <rdeaner@southernshores-nc.gov>; Thomas Long <tlong@southernshores-nc.gov>; Jason Thompson <JThompson@southernshores-nc.gov>; Andrew Spottswood <jspottswood@southernshores-nc.gov>; Jennifer Couture <jcouture@southernshores-nc.gov>; FBI <philadelphia.complaints@ic.fbi.gov>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; Andrea C. Powell <andrea.powell@nccourts.org>; Elizabeth Morey <emorey@southernshores-nc.gov>; Jasper Rogers <jrogers@kittyhawktown.net>; cgarriss@kittyhawktown.net; cgarriss@kittyhawktown.net; Casey Varnell <varnell@ncobxlaw.com>; Mike Talley <mike.talley@kittyhawktown.net>; mike.palkovics@kittyhawktown.net; mike.palkovics@kittyhawktown.net; chambers_of_chief_judge_sanchez@paed.uscourts.gov; chambers_of_judge_edward_g_smith@paed.uscourts.gov; chambers_of_judge_pappert@paed.uscourts.gov; chambers_of_judge_mitchell_s_goldberg@paed.uscourts.gov; chambers_of_judge_timothy_j_savage@paed.uscourts.gov; Dryan <dryan@chesco.org>; cccommissioners@chesco.org; cccommissioners@chesco.org; jmaxwell@chesco.org; jmaxwell@chesco.org; Marian Moskowitz <mmoskowitz@chesco.org>; mkichline@chesco.org; mkichline@chesco.org
Subject: Questions Regarding Wes Haskett's Denial Of 75 E. Dogwood Trail Lot Sub-Division

Dear Wes Haskett,

I am writing you in response to the denial of my lot subdivision application which states "Feel free to contact me at (252) 261-2394 or whaskett@southernshores-nc.gov. if you have any questions or concerns".

My questions are:

1) How does Southern Shores believe taking a property right with a zoning amendment from a tax payer is legal? As paragraph 6 and Exhibit I of my subdivision application states, it is Applicant's position that an eminent domain transaction is required to change land use. Wes Haskett and Philip Hornthal have repeatedly refused to answer the aforesaid question. I have no evidence indicating Southern Shores is not intentionally violating eminent domain laws and stealing land value. It is not legal to use an illegally adopted zoning amendment (paragraph 1 of the denial-Town Code Section 36-202(d)) as a reason to deny my lot sub-division.

2) What zoning code permits the set back distance between 174 S. Dogwood Trail (the house with the white Crosstour) and 172 S. Dogwood Trail? It appears to me if Southern Shores wants to claim 75 E. Dogwood Trail encroaches in the required side set back (although I disagree with paragraph 2 of Wes Haskett's denial of lot sub-division) I should be filing my lot subdivision plan the same way 172 and 174 S. Dogwood Trail were permitted to build the homes so close to each other. What zoning code and/or documents need to be used to get 75 E. Dogwood Trail to be accepted as conforming to side set back requirements like 172 and 174 S. Dogwood Trail?

1 File 4.6MB

IMG_1806.jpeg
5MB

"EXHIBIT X"

Fw: 75 E. Dogwood Trl. Variance Materials With False Information From Wes Haskett

Anthony Mina <chestercountylawn@yahoo.com>
To: Southernshores Nc Info <info@southernshores-nc.gov>,
Wes Haskett <whaskett@southernshores-nc.gov>, Cliff Ogburn <cogburn@southernshores-nc.gov>,
Phillip Hornthal <phornthal@hrem.com>, Norwood Blanchard <norwood@cmclawfirm.com>
Cc: David Kole <dkole@southernshores-nc.gov>, Andrea C. Powell <andrea.powell@nccourts.org>,
olivia.s.hines@nccourts.org, olivia.s.hines@nccourts.org, olivia.s.hines@nccourts.org more...

Oct 15, 2024 at 2:20 PM

Hello Southern Shores,

I will not be providing my fiance, Jennifer Franz's email address to Southern Shores. Jennifer and myself moved to the Outer Banks to get away from small town corruption that preys on civilians and she does not need to be any part of Wes Haskett's fraud. If Southern Shores needs Jennifer Franz to sign a notarized statement indicating that she wants 75 E. Dogwood Trail subdivided, just like the sub-division applications I already submitted, I will get her to notarize my variance application.

Southern Shores can send copies of their Variance related documents to attorney Jason Portnoy at: jportnoy@invtitle.com. Mr. Portnoy is handling a fraud complaint I filed against Wes Haskett with my insurance company.

Thank you,
Anthony S Mina

----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>; Cliff Ogburn <cogburn@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>
Cc: David Kole <dkole@southernshores-nc.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org <olivia.s.hines@nccourts.org>; olivia.s.hines@nccourts.org <olivia.s.hines@nccourts.org>; FBI <philadelphia.complaints@ic.fbi.gov>; ncago@ncdoj.gov <ncago@ncdoj.gov>; ncago@ncdoj.gov <ncago@ncdoj.gov>; Planning Board <planningboard@southernshores-nc.gov>; Planning Board <planningboard@southernshores-nc.gov>; council@southernshores-nc.gov <council@southernshores-nc.gov>; council@southernshores-nc.gov <council@southernshores-nc.gov>; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>
Sent: Tuesday, October 15, 2024 at 01:52:06 PM EDT
Subject: RE: 75 E. Dogwood Trl. Variance Materials With False Information From Wes Haskett

Good afternoon, Mr. Mina. See attached application with page two that is not cut off. I will not revise the staff report nor will I answer any questions about your application prior to the hearing.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

From: Anthony Mina <chestercountylawn@yahoo.com>
Sent: Tuesday, October 15, 2024 9:58 AM
To: Cliff Ogburn <cogburn@southernshores-nc.gov>; Wes Haskett <whaskett@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>; Norwood Blanchard <norwood@cmclawfirm.com>
Cc: David Kole <dkole@southernshores-nc.gov>; Andrea C. Powell <andrea.powell@nccourts.org>; olivia.s.hines@nccourts.org; olivia.s.hines@nccourts.org; FBI <philadelphia.complaints@ic.fbi.gov>; ncago@ncdoj.gov; ncago@ncdoj.gov; Planning Board <PlanningBoard@southernshores-nc.gov>; Planning Board <PlanningBoard@southernshores-nc.gov>; council@southernshores-nc.gov; council@southernshores-nc.gov; Paula Sherlock <psherlock@southernshores-nc.gov>; Mark Batenic <mbatenic@southernshores-nc.gov>; Robert Neilson <rneilson@southernshores-nc.gov>; Matt Neal <mneal@southernshores-nc.gov>
Subject: 75 E. Dogwood Trl. Variance Materials With False Information From Wes Haskett

Mr. Haskett,

Thank you for the email.

Could you please rescan my Variance Application so the last sentence on page 2 which states "Wes Haskett started communicating with Applicant on May 1, 2023 and his withholding of material information allowed the previous owner to negotiate an additional $75,000 from applicant." is not cut off from my Variance Application.

Could you please provide me a staff report that does not falsely claim all town and state notification requirements were met when making the June 6, 2023 & August 3, 2021 zoning amendments when "Exhibit 2C" from Sheila Kane proves Southern Shores did not give Notice to the U.S. Army's Duck Facility pursuant to 160D-601(b), Wes Haskett did not get permission to down-zone on June 6, 2023 (change sub-dividable lots to non-sub-dividable lots) from the property owners and never received a unanimous vote for the zoning amendment Wes Haskett initiated AND SOUTHERN SHORES DID NOT HAVE POSTED NOTICE AT EFFECTED PROPERTY(S) AS REQUIRED BY TOWN CODE SECTION 36-414(b).

"EXHIBIT Y"

Could you please define the "spirit" of the town code for me?

Exhibit 6 of my Variance Application is the Code of Ethics for Town of Southern Shores Employees and since May 1, 2023 Wes Haskett and people working with Wes Haskett have refused to comply with:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of Southern Shores taxpayers in mind in the expenditure of these funds.

Being forced to spend $350 to ask for a variance from illegally adopted zoning codes violates theft and conspiracy laws. To me, the spirit of the town code should mean town employees/town council are attempting to preserve and enhance the natural beauty of Southern Shores with ethical standards meeting the town ethics policy. So far, Wes Haskett, Cliff Ogburn and Philip Hornthal have not done anything but hide pertinent information from property owners and when they were caught continued their deception of property owners in reports to people including law enforcement and the planning board.

Thank you,
Anthony S Mina

----- Forwarded Message -----
From: Wes Haskett <whaskett@southernshores-nc.gov>
To: Anthony Mina <chestercountylawn@yahoo.com>
Cc: Cliff Ogburn <cogburn@southernshores-nc.gov>; Phillip Hornthal <phornthal@hrem.com>
Sent: Monday, October 14, 2024 at 03:59:17 PM EDT
Subject: 75 E. Dogwood Trl. Variance Materials

Good afternoon, Mr. Mina. Please find the attached materials for your Variance application. Do you have an email address for Ms. Franz that I can use to send her the materials since she is a property owner who did not submit the application?

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
(252) 261-2394 (ph)
(252) 255-0876 (fx)
www.southernshores-nc.gov

1 File 11MB

VA-24-01 75 E. Dogwood Trl.pdf
11MB

"EXHIBIT Y"

Code of Ethics for Town of Southern Shores Employees

The proper operation of democratic government in the Town of Southern Shores requires that Public Officials and employees: a) be independent, impartial and responsible to the people, b) make decisions and policy in public, c) not use their position for personal gain and d) conduct all duties and direct all actions to maintain public confidence in the integrity of Southern Shores Government and its employees.

In recognition of these requirements a Code of Ethics and Standards of Conduct is hereby promulgated:

As an employee in the Town of Southern Shores:

1. I will always obey the law and will not try in any way to influence application of the law by any of the town's authorities or personnel.
2. I will always uphold the integrity and independence of my job.
3. I will always avoid any impropriety or the appearance of impropriety in all of my activities.
4. I will manage and spend the town's funds as if they were my own and will have the best interests of all Southern Shores taxpayers in mind in the expenditure of these funds.
5. I will always minimize the risk of conflict of my private life dealings with my official duties. This particularly applies to any private employment or service for private interests when incompatible with the proper discharge of my official duties.
6. I will never use my position to harass or adversely influence any of the Town's other employees.
7. I will always respond promptly to any concern brought to me by any employee or Town resident. In this regard I will grant no special consideration, treatment or advantage to any citizen beyond that which is available to any other citizen.
8. I will not engage in any contractual dealing with the Town or try to influence any such dealing on the behalf of any friend or relative.
9. I will accept no gift or other gratuity, including meals, from anyone that could do business with the Town or that is presently conducting business with the Town. This will also apply to any gift that a reasonable person believed was intended to influence an employee in the performance of official duties.

Exempted from the provision concerning gifts are advertising items or souvenirs of nominal value or meals furnished at banquets. Gifts between employees and their friends and relatives are also exempted.

"EXHIBIT W"

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
www.southernshores-nc.gov

January 21, 2025

Anthony S. Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Re: 75 E. Dogwood Trl. Subdivision (Application Received on January 6, 2025)

Dear Mr. Mina:

Res Judicata prohibits approval of your January 6, 2025, subdivision application. On July 3, 2024, you submitted a subdivision application proposing the same subdivision plan and plat. The July 3, 2024, application was denied on July 16, 2024, due to non-compliance with the Town of Southern Shores Zoning Ordinance. The application you submitted on January 6, 2025, does not present any material change such that the concerns warranting denial of the July 3, 2024, application remain unresolved. Should you wish to appeal this administrative decision per Town Code Section 36-366, the Town Planning Board (acting as the Board of Adjustment) will consider it following submittal of an appeal application and the applicable $350 fee within 30 days of receipt of this certified letter. The application can be found at https://www.southernshores-nc.gov/bc-pb.

Sincerely,

Wes Haskett, Deputy Town Manager/Planning Director
Town of Southern Shores

Cc: Cliff Ogburn, Town Manager
L. Phillip Hornthal, III, Town Attorney
Jennifer L. Franz

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
www.southernshores-nc.gov

March 6, 2025

Dear Property Owner:

Notice is hereby given that an evidentiary hearing (quasi-judicial) will be held by the Southern Shores Planning Board in the Pitts Center located at 5377 N. Virginia Dare Trail, Southern Shores, NC on Wednesday, March 19, 2025. A Special Planning Board meeting to hold the hearing will begin at 3:00 p.m. The purpose of the evidentiary hearing (limited to sworn, factual testimony) is for the Board, performing the duties of the Southern Shores Board of Adjustment, to consider APA-25-01, an appeal application submitted by Anthony S. Mina to appeal the Zoning Administrator's decision to deny Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl.

You are receiving this letter because the application concerns property adjacent to property owned by you or it concerns property immediately across the street from property owned by you. The appeal application is available for public inspection at Town Hall at 5375 N. Virginia Dare Trl., Southern Shores, NC 27949 and can also be found on the Town's website at https://www.southernshores-nc.gov/. For additional information or questions, please contact Town Hall at (252) 261-2394 or email whaskett@southernshores-nc.gov.

Sincerely,

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores

CERTIFICATE OF SERVICE

I, Wes Haskett, Deputy Town Manager/Planning Director of the Town of Southern Shores, do hereby certify that a copy of the public notice for APA-25-01, an appeal application submitted by Anthony S. Mina to appeal the Zoning Administrator's decision to deny Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl., hereto attached was mailed via certified U.S. mail to the persons listed below at the address indicated on the 6th day of January, 2025.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949
Phone: (252) 261-2394
Fax: (252) 255-0876

SERVED:

Cad LLC
135 Spindrift Ct.
Kitty Hawk, NC 27949

Capps, Benton P. Jr. Ttee
Capps, Susan A Ttee
72 Hickory Trl.
Southern Shores, NC 27949

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
www.southernshores-nc.gov

March 6, 2025

Jennifer Lynn Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

Dear Ms. Franz:

Notice is hereby given that an evidentiary hearing (quasi-judicial) will be held by the Southern Shores Planning Board in the Pitts Center located at 5377 N. Virginia Dare Trail, Southern Shores, NC on Wednesday, March 19, 2025. A Special Planning Board meeting to hold the hearing will begin at 3:00 p.m. The purpose of the evidentiary hearing (limited to sworn, factual testimony) is for the Board, performing the duties of the Southern Shores Board of Adjustment, to consider APA-25-01, an appeal application submitted by Anthony S. Mina to appeal the Zoning Administrator's decision to deny Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl.

You are receiving this letter because the application concerns property that is owned by you and you did not submit the appeal application. Enclosed you will find a copy of the materials for the hearing which can also be found on the Town's website at https://www.southernshores-nc.gov/. For additional information or questions, please contact Town Hall at (252) 261-2394 or email whaskett@southernshores-nc.gov.

Sincerely,

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores

CERTIFICATE OF SERVICE

I, Wes Haskett, Deputy Town Manager/Planning Director of the Town of Southern Shores, do hereby certify that a copy of the meeting materials for APA-25-01, an appeal application submitted by Anthony S. Mina to appeal the Zoning Administrator's decision to deny Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl., were mailed via certified U.S. mail to the person listed below at the address indicated on the 6th day of January, 2025.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949
Phone: (252) 261-2394
Fax: (252) 255-0876

SERVED:

Franz, Jennifer Lynn
75 E. Dogwood Trl.
Southern Shores, NC 27949

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
www.southernshores-nc.gov

March 6, 2025

Anthony Stocker Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

Dear Mr. Mina:

Notice is hereby given that an evidentiary hearing (quasi-judicial) will be held by the Southern Shores Planning Board in the Pitts Center located at 5377 N. Virginia Dare Trail, Southern Shores, NC on Wednesday, March 19, 2025. A Special Planning Board meeting to hold the hearing will begin at 3:00 p.m. The purpose of the evidentiary hearing (limited to sworn, factual testimony) is for the Board, performing the duties of the Southern Shores Board of Adjustment, to consider APA-25-01, your appeal application to appeal the Zoning Administrator's decision to deny your January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl.

Since you are currently banned from entering Town property, Town Attorney Phillip Hornthal will send you a Zoom meeting link and login information to attend the hearing remotely (via electronic mail to chestercountylawn@yahoo.com). Please send any/all evidence that you wish to enter into the record to Mr. Hornthal at phornthal@hrem.com no later than 3:00 p.m. on March 18, 2025. Enclosed you will find a copy of the materials for the hearing which can also be found on the Town's website at https://www.southernshores-nc.gov/. For additional information or questions, please email Phillip Hornthal at phornthal@hrem.com.

Sincerely,

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores

CERTIFICATE OF SERVICE

I, Wes Haskett, Deputy Town Manager/Planning Director of the Town of Southern Shores, do hereby certify that a copy of the meeting materials for APA-25-01, an appeal application submitted by Anthony S. Mina to appeal the Zoning Administrator's decision to deny Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl., were sent via electronic mail and certified U.S. mail to the person listed below at the mailing address and electronic mail address indicated on the 6th day of January, 2025.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949
Phone: (252) 261-2394
Fax: (252) 255-0876

SERVED:

Mina, Anthony Stocker
75 E. Dogwood Trl.
Southern Shores, NC 27949
chestercountylawn@yahoo.com

PUBLIC NOTICE

Notice is hereby given that an evidentiary hearing (quasi-judicial) will be held by the Southern Shores Planning Board in the Pitts Center located at 5377 N. Virginia Dare Trail, Southern Shores, NC on Wednesday, March 19, 2025. A Special Planning Board meeting to hold the hearing will begin at 3:00 p.m. The purpose of the evidentiary hearing (limited to sworn, factual testimony) is for the Board, performing the duties of the Southern Shores Board of Adjustment, to consider APA-25-01, an appeal application submitted by Anthony S. Mina to appeal the Zoning Administrator's decision to deny Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl. The appeal application is available for public inspection at Town Hall at 5375 N. Virginia Dare Trl., Southern Shores, NC 27949 and can also be found on the Town's website at https://www.southernshores-nc.gov. For additional information or questions, please contact Town Hall at (252) 261-2394 or email whaskett@southernshores-nc.gov.

CERTIFICATE OF SERVICE

I, Wes Haskett, Deputy Town Manager/Planning Director of the Town of Southern Shores, do hereby certify that a copy of the public notice for APA-25-01, an appeal application submitted by Anthony S. Mina to appeal the Zoning Administrator's decision to deny Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl. hereto attached was posted in the right-of-way adjacent to 75 E. Dogwood Trl. on the 6th day of March, 2025

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949
Phone: (252) 261-2394
Fax: (252) 255-0876

AMENDED CERTIFICATE OF SERVICE

I, Wes Haskett, Deputy Town Manager/Planning Director of the Town of Southern Shores, do hereby certify that a copy of the public notice for APA-25-01, an appeal application submitted by Anthony S. Mina to appeal the Zoning Administrator's decision to deny Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl., hereto attached was mailed via certified U.S. mail to the persons listed below at the addresses indicated on the 6th day of March, 2025.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949
Phone: (252) 261-2394
Fax: (252) 255-0876

SERVED:

Cad LLC
135 Spindrift Ct.
Kitty Hawk, NC 27949

Capps, Benton P. Jr. Ttee
Capps, Susan A Ttee
72 Hickory Trl.
Southern Shores, NC 27949

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
www.southernshores-nc.gov

March 6, 2025

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Sincerely,

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores

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
www.southernshores-nc.gov

March 6, 2025

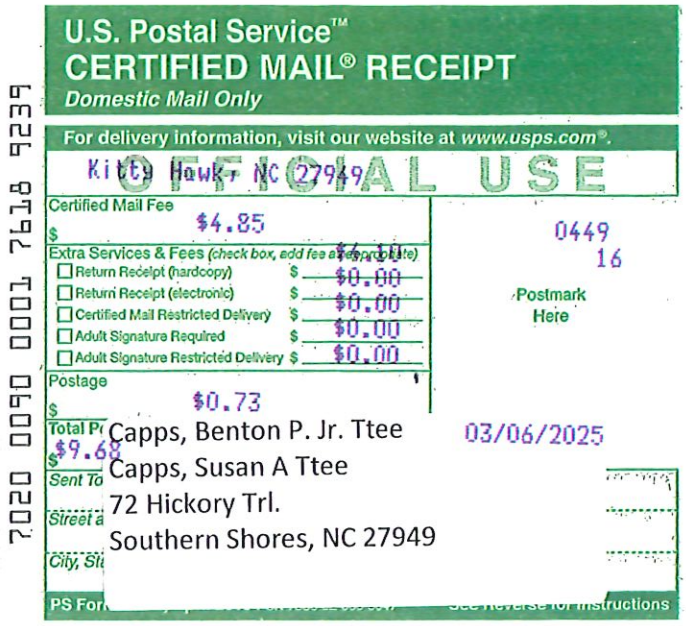
Dear Property Owner:

Notice is hereby given that an evidentiary hearing (quasi-judicial) will be held by the Southern Shores Planning Board in the Pitts Center located at 5377 N. Virginia Dare Trail, Southern Shores, NC on Wednesday, March 19, 2025. A Special Planning Board meeting to hold the hearing will begin at 3:00 p.m. The purpose of the evidentiary hearing (limited to sworn, factual testimony) is for the Board, performing the duties of the Southern Shores Board of Adjustment, to consider APA-25-01, an appeal application submitted by Anthony S. Mina to appeal the Zoning Administrator's decision to deny Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl.

You are receiving this letter because the application concerns property adjacent to property owned by you or it concerns property immediately across the street from property owned by you. The appeal application is available for public inspection at Town Hall at 5375 N. Virginia Dare Trl., Southern Shores, NC 27949 and can also be found on the Town's website at https://www.southernshores-nc.gov/. For additional information or questions, please contact Town Hall at (252) 261-2394 or email whaskett@southernshores-nc.gov.

Sincerely,

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores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Adult Signature Restricted Delivery $0.00
Postage
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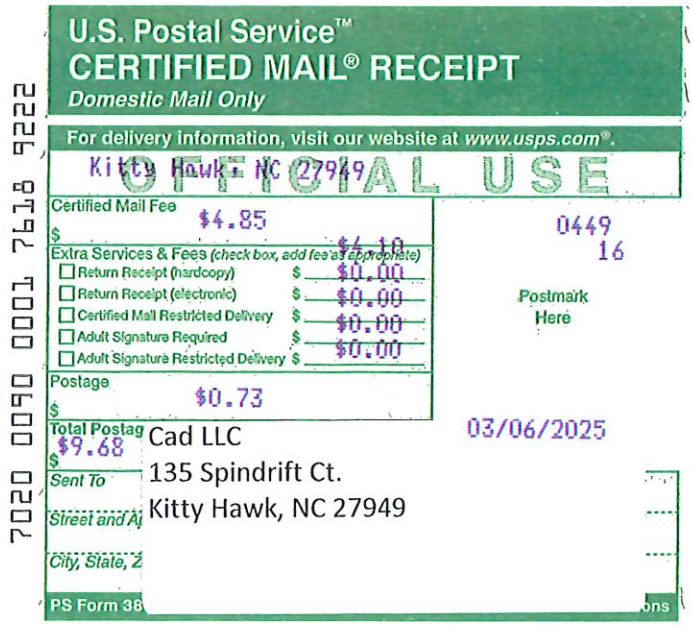
16
Postmark Here
03/06/2025
7020 0090 0001 7618 9239
Capps, Benton P. Jr. Ttee
Capps, Susan A Ttee
72 Hickory Trl.
Southern Shores, NC 27949


U.S. Postal Service™
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Kitty Hawk, NC 27949
OFFICIAL USE
Certified Mail Fee
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Extra Services & Fees (check box, add fee as appropriate)
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Kitty Hawk, NC 27949

AMENDED CERTIFICATE OF SERVICE

I, Wes Haskett, Deputy Town Manager/Planning Director of the Town of Southern Shores, do hereby certify that a copy of the meeting materials for APA-25-01, an appeal application submitted by Anthony S. Mina to appeal the Zoning Administrator's decision to deny Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl., were mailed via certified U.S. mail to the person listed below at the address indicated on the 6th day of March, 2025.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949
Phone: (252) 261-2394
Fax: (252) 255-0876

SERVED:

Franz, Jennifer Lynn
75 E. Dogwood Trl.
Southern Shores, NC 27949

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
www.southernshores-nc.gov

March 6, 2025

Jennifer Lynn Franz
75 E. Dogwood Trl.
Southern Shores, NC 27949

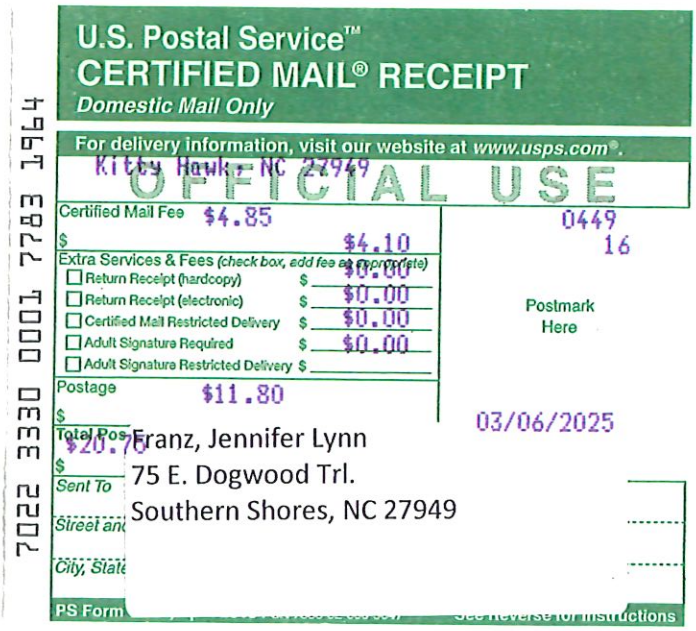
Dear Ms. Franz:

Notice is hereby given that an evidentiary hearing (quasi-judicial) will be held by the Southern Shores Planning Board in the Pitts Center located at 5377 N. Virginia Dare Trail, Southern Shores, NC on Wednesday, March 19, 2025. A Special Planning Board meeting to hold the hearing will begin at 3:00 p.m. The purpose of the evidentiary hearing (limited to sworn, factual testimony) is for the Board, performing the duties of the Southern Shores Board of Adjustment, to consider APA-25-01, an appeal application submitted by Anthony S. Mina to appeal the Zoning Administrator's decision to deny Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl.

You are receiving this letter because the application concerns property that is owned by you and you did not submit the appeal application. Enclosed you will find a copy of the materials for the hearing which can also be found on the Town's website at https://www.southernshores-nc.gov/. For additional information or questions, please contact Town Hall at (252) 261-2394 or email whaskett@southernshores-nc.gov.

Sincerely,

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores



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Sent To Franz, Jennifer Lynn

Street and 75 E. Dogwood Trl.

City, State Southern Shores, NC 27949

PS Form

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03/06/2025

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AMENDED CERTIFICATE OF SERVICE

I, Wes Haskett, Deputy Town Manager/Planning Director of the Town of Southern Shores, do hereby certify that a copy of the meeting materials for APA-25-01, an appeal application submitted by Anthony S. Mina to appeal the Zoning Administrator's decision to deny Mr. Mina's January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl., were sent via certified U.S. mail to the person listed below at the mailing address indicated on the 6th day of March, 2025.

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores
5375 N. Virginia Dare Trail
Southern Shores, NC 27949
Phone: (252) 261-2394
Fax: (252) 255-0876

SERVED:

Mina, Anthony Stocker
75 E. Dogwood Trl.
Southern Shores, NC 27949
chestercountylawn@yahoo.com

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
www.southernshores-nc.gov

March 6, 2025

Anthony Stocker Mina
75 E. Dogwood Trl.
Southern Shores, NC 27949

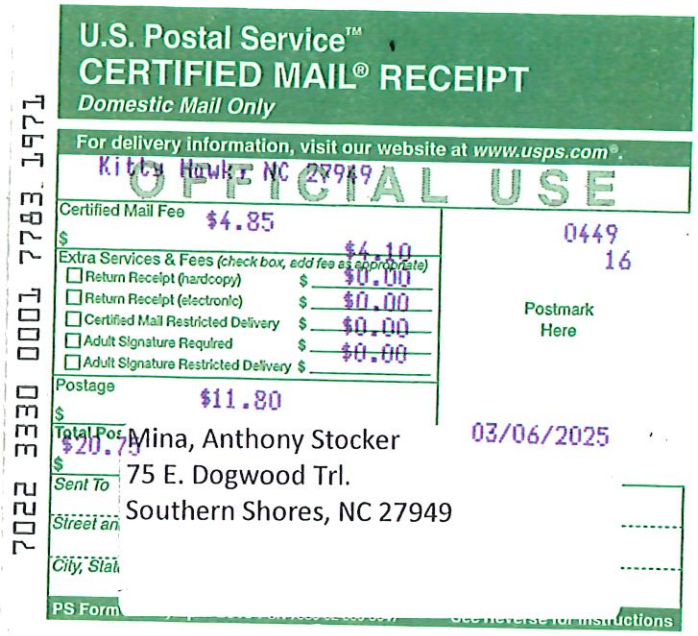
Dear Mr. Mina:

Notice is hereby given that an evidentiary hearing (quasi-judicial) will be held by the Southern Shores Planning Board in the Pitts Center located at 5377 N. Virginia Dare Trail, Southern Shores, NC on Wednesday, March 19, 2025. A Special Planning Board meeting to hold the hearing will begin at 3:00 p.m. The purpose of the evidentiary hearing (limited to sworn, factual testimony) is for the Board, performing the duties of the Southern Shores Board of Adjustment, to consider APA-25-01, your appeal application to appeal the Zoning Administrator's decision to deny your January 6, 2025 request to subdivide the property located at 75 E. Dogwood Trl.

Since you are currently banned from entering Town property, Town Attorney Phillip Hornthal will send you a Zoom meeting link and login information to attend the hearing remotely (via electronic mail to chestercountylawn@yahoo.com). Please send any/all evidence that you wish to enter into the record to Mr. Hornthal at phornthal@hrem.com no later than 3:00 p.m. on March 18, 2025. Enclosed you will find a copy of the materials for the hearing which can also be found on the Town's website at https://www.southernshores-nc.gov/. For additional information or questions, please email Phillip Hornthal at phornthal@hrem.com.

Sincerely,

Wes Haskett
Deputy Town Manager/Planning Director
Town of Southern Shores



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03/06/2025

Sent To Mina, Anthony Stocker

Street and 75 E. Dogwood Trl.

City, State Southern Shores, NC 27949

PS Form

See reverse for instructions