



## **Dare County Planning Board Meeting**

**Dare County Board of Commissioners Meeting Room  
954 Marshall C. Collins Drive  
Manteo, NC 27954**

**February 7, 2023**

### **Amended Agenda**

- I. Call to order **6:00 PM**
- II. Administer Oath of Office - Reappointments
- III. Roll call  
John Finelli, Chairman  
Beth Midgett  
David Overton  
Terry Gore II  
Buddy Shelton  
David Hines  
John DeBoy
- IV. Approval of minutes for the January 3, 2023 meeting
- V. Public Comment
- VI. Old Business
- VII. New Business
  - a. Preliminary Plat Review, 2 Lot Minor Subdivision, Lorraine H. Burrus, 57161 Pricilla Curve Road. (Parcel No. 015538000)
  - b. Preliminary Plat Review, 5 Lot Minor Subdivision, Murray Bay, 52185 Mare Vista Drive. (Parcel No. 014896000)
  - c. Special Use Permit Application No. 3-2023 for The Villages at Old Wharf Road Cluster Home Group Development at 0 Old Wharf Rd (Parcel No. 025921000), Wanchese, NC, Applicant Brad Alexander
- VIII. Other Business
- IX. Adjournment

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, January 3, 2023. This meeting was held in the Dare County Board of Commissioners meeting room located at the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

**CALL TO ORDER** 5:59pm

**MEMBERS PRESENT** John Finelli, Chairman Beth Midgett  
Buddy Shelton  
David Hines  
Terry Gore II John DeBoy

**MEMBERS ABSENT** David Overton

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the November 14, 2022 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. Buddy Shelton seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

Marc Jorrens, a Colington resident, emailed the Planning Board comments regarding the wedding venue planned for 100 Raptor Point located at the end of Swan View Dr. A copy is on file with the Planning Board Clerk.

Public comment section closed at 6:01p.m.

### OLD BUSINESS

-None-

### NEW BUSINESS

***Special Use Permit Application No. 1-2023 for a Storage Warehouse, High and Dry Storage at 0 NC 12 Hwy. (Parcel No. 031013001), Buxton, NC, Applicant John Canning***

John Canning, Applicant, was present at the meeting.

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Noah Gillam, Planning Director, addressed the Board. He announced that High and Dry, LLC submitted a Special Use Permit (SUP) application for a group development of storage warehouses located in Buxton, NC. The parcel is zoned C-3 Commercial, which allows for all uses permitted in the C-2 Commercial District, which includes storage warehouses subject to a Special Use Permit review. Mr. Gillam noted that the proposal will also be subject to the regulations of Section 22-31, Group Developments of the Dare County Zoning Ordinance. He noted that a 30 ft x 50 ft metal building is currently located on the property and Mr. Canning currently uses the remaining vacant area of the property as a commercial storage yard for boats, trailers, and recreational vehicles.

Mr. Gillam explained that the applicant is seeking to add a 4,263 square foot addition to the existing 1,500 square foot structure and construct a second 939 square foot structure. He stated that the structures will be divided into self-storage units which will range in size from 10' ft x 10' ft which will consist of non-climate controlled units, to 10' ft x 25' ft which will have climate and non-climate controlled units. Mr. Gillam then specified that the site is accessed off an existing 20' ft easement which will need to be improved to its entirety to a 20' ft easement with a dust free surface that is capable of carrying the weight of emergency vehicle apparatus.

Additionally, the site plan has been reviewed by the Fire Marshal and conditions have been added to the draft SUP to address his concerns.

Mr. Gillam expressed that it is staff's recommendation that before forwarding to the Board of Commissioners that the site plan be updated to show the location of the gated access to the property.

Lastly, Mr. Gillam stated that the following conditions have been added to the SUP:

1. The proposed self-storage units shall not be occupied for dwelling, office space, or otherwise occupied. Staff suggests the applicant provides a copy of a rental agreement that includes this prohibition.
2. Security fencing around the commercial storage area of the property shall remain in place.
3. Any lighting installed on the property shall be adjusted or shielded to prevent a glare on the adjacent right-of-ways and adjoining properties.

A copy of the site plan and draft SUP were provided to the Board for their review.

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Chairman Finelli asked Mr. Canning to explain the traffic pattern. Mr. Canning responded by stating that there are the two trailer parks in front of the proposed site plan. There is a right-a-way in between them that starts with a concrete driveway for roughly 150' ft and then there are millings that go down the remainder of the hill. The road is mostly 20' ft wide, whereas some of it is not. The Fire Chief of Buxton has visited the site to provide guidance on widening of the areas that do not meet the requirements.

Chairman Finelli then asked where the access gate is going to be located, Mr. Canning answered by stating it will be located on the southeast side of the building.

The dumpster pad was then discussed by the Board and Mr. Canning. Mr. Gillam stated that the dumpster pad can be discussed at a staff level with the Public Works Department.

The Planning Board reviewed the draft SUP and deemed the conditions and site plan to be reasonable and appropriate subject to the following additional condition:

1. The site plan be updated to show the location of the gated access to the property.

This item will be forwarded to the Dare County Board of Commissioners for their consideration.

***Special Use Permit Application No. 2-2023, for a Pet Crematory at 208 Williams Dr. (Parcel No. 018789000), Kill Devil Hills, Applicant Pam Anderson***

Savannah Newbern, Planner, addressed the Board. She stated that Pamela Anderson submitted a Special Use Permit (SUP) application for a proposed pet crematory as an accessory use to the existing pet grooming and kennel facility, Ocean Sands K9 Resort. The parcel is zoned R-2b, which is an Alternative Medium Density Residential District. Mrs. Newbern expressed that a text amendment adopted by the Board of Commissioners on November 7, 2022, set conditions by which this use shall comply and the conditions have been incorporated in the draft Special Use Permit which include:

1. a 200-foot setback from residential dwellings.
2. the incinerator shall be contained inside a building,
3. a licensed/certified crematory operator shall be on staff,

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4. cremation services shall be limited to domesticated animals, livestock shall not be permitted,
5. the use shall comply with all applicable Local, State, and Federal laws and rules and all applicable licenses and permits shall be obtained and a copy provided to the Planning Department

Additionally, the site plan has been reviewed and approved by the Fire Marshal and no additional comments were provided.

Ms. Newbern noted that the proposed plan complies with the applicable standards from the Dare County Code of Ordinances. She also expressed that per planning staff research, the State of North Carolina does not regulate pet crematoriums and the incinerator proposed does not require a permit from the North Carolina Department of Environmental Quality.

Ms. Newbern announced that the proposed hours of the operation are 8AM to 5PM and the pet crematory will be located inside a 10'ft by 10'ft metal structure. She explained that the structure as proposed complies with the 200' foot setback from neighboring dwellings, as well as the applicable dimensional standards for the zoning district R-2B.

Pamela Anderson, Applicant, noted that the incinerator needs a 10'ft x10'ft space but the actual enclosed structure is going to be larger. Mr. Gillam confirmed with Ms. Anderson that the building will not be larger than the proposed concrete pad.

A copy of the site plan and draft SUP were provided to the Board for their review.

Pamela Anderson, Applicant, agreed to the conditions as presented.

The Planning Board reviewed the draft SUP and deemed the conditions and site plan to be reasonable and appropriate.

This item will be forwarded to the Dare County Board of Commissioners for their consideration.

***Preliminary Plat Review, 5 Lot Subdivision, Mark Reconnu, 109 Old NC 345  
(Parcel No. 025009000), Manteo, NC***

Pulled from Agenda.

**DRAFT**

### **OTHER BUSINESS**

Buddy Shelton asked the Board if they need to come up with a standard language for sending Special Use Permits to the Board of Commissioners. Chairman Finelli expressed that Noah, Planning Director, had given them a draft motion previously and the key wording is Reasonable and Appropriate.

### **ADJOURNMENT**

There being no further business before the Dare County Planning Board, a motion to adjourn was made by Buddy Shelton and seconded by Terry Gore.

Vote: Ayes – Unanimous

The meeting adjourned at 6:18 p.m.

Respectfully Submitted,

Skyler Foley  
Planning Board Clerk

APPROVED: Feb. 7, 2023

John Finelli  
Chairman, Dare County Planning Board

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## SUBDIVISION FACTSHEET

Planning Board – February 7, 2023 Preliminary Plat Review

**NAME:** Burrus Subdivision  
**LOCATION:** Hatteras, NC  
**SITE SPECIFICS:** Total site area: 4.732 acres  
Number of proposed lots: 2  
Smallest lot area: 56,635 square feet  
Zoning: R2-AH District

**STREETS:**

No new road improvements are needed to access the proposed lots. Lot A and Lot B will be accessed from the existing NCDOT maintained secondary route Pricilla Curve Road.

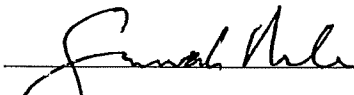
**UTILITIES:**

Water: Dare County central water system  
Sewer: Individual on-site septic systems  
Stormwater: No state permits required per NC Department of Environmental Quality

**STAFF COMMENTS:**

The size of the parent parcel exceeds the threshold for administrative approval. The proposed lots exceed the minimum lot size requirements for the R2-AH zoning district. The proposed lots are currently vacant. The CAMA 30' buffer and all minimum building setback lines are shown on this plat. All applicable state and federal permits, including wetland fill permits from the US Army Corp, shall be obtained and a copy provided to the Dare County Planning Department.

The requested action is a motion to approve: "I move that the preliminary plat for the Burrus subdivision be granted approval."

  
Savannah Newbern

1-30-23  
Date



## SUBDIVISION FACTSHEET

Planning Board – February 7, 2023 Preliminary Plat Review

**NAME:** Murray Bay Subdivision  
**LOCATION:** Frisco, NC  
**SITE SPECIFICS:** Total site area: 2.10 acres  
Number of proposed lots: 5  
Smallest lot area: 16,386 square feet  
Zoning: S-1 District

### **STREETS:**

Lots 4A and 4B are accessed from an existing 20' wide easement. An extension of this existing 20' access easement is proposed for Lots 4C, 4D, and 4E. The applicant states in Note 12 on the preliminary plat they intend to improve the entire access easement with gravel capable of handling emergency and trash collection vehicles.

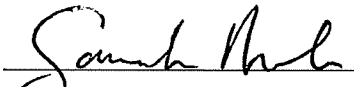
### **UTILITIES:**

Water: Dare County central water system  
Sewer: Individual on-site septic systems  
Stormwater: No state permits required per NC Department of Environmental Quality

### **STAFF COMMENTS:**

The size of the parent parcel exceeds the threshold for administrative approval. The proposed lots exceed the minimum lot size requirements for the S-1 zoning district. The proposed lots are currently vacant, except for Lot 4A which is developed with one single-family detached dwelling and two manufactured homes. Lot 4A is the largest proposed lot at 22,176 square feet. The CAMA 30' buffer and all minimum building setback lines are shown on this plat. All applicable state and federal permits, including wetland fill permits from the US Army Corp, shall be obtained and a copy provided to the Dare County Planning Department.

The requested action is a motion to approve: "I move that the preliminary plat for the Murray Bay subdivision be granted approval."

  
Savannah Newbern

1-30-23  
Date



COUNTY OF DARE  
Department of Emergency Management  
Office of the Fire Marshal  
P.O. Box 1000, Manteo, North Carolina, 27954

Steven R. Kovacs, NC-CFI  
Deputy Emergency Manager/Fire Marshal

(252) 475-5750

To: Savannah Newbern, Planner  
From: Steven R. Kovacs, Fire Marshal  
Date: January 30, 2023  
Re: Murray Bay subdivision

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I have reviewed the submitted site plan and have the following comments:

- All roads shall be constructed of a material so to have an all-weather surface capable of carrying the imposed weight of fire apparatus of at least 75,000 pounds.
- All roads shall be maintained with the noted width of at least 20 feet and the clear height of 13-feet 6-inches, and an all-weather surface. This shall be noted on the final recorded plat.
- There shall be no parking allowed on the roads within the subdivision. Signs and surfacing markings shall be as specified by the Dare County Fire Marshal's Office.
- The road length exceeds 150-feet and will require a turn around area for fire apparatus. This area must meet the requirements noted above and allow for a fire apparatus 40-foot in length to turn around. This shall also have no parking signage.
- There needs to be a fire hydrant within 400-feet of the structures along the travel path of the fire apparatus. Currently the plan does not show the location of the closest fire hydrant. Based on GIS review the distance exceeds the 400-feet and a fire hydrant will need to be installed in the area of the road access to Mare Vista Drive.
- The needed water fire flow for the proposed subdivision at this time is 1,000 gallons per minute. This is based on a 20-foot separation as noted below. Dwellings not exceeding 2-stories in height which includes parking area underneath (as one story) and overall square footage of 4,800 square feet or less. Any changes to these conditions would change the needed fire flow requirements. Documentation shall be provided prior to approval showing that the required fire flow can be obtained. This must be included and recorded on the final plat.

*For 1- and 2-family dwellings not exceeding 2 stories in height, the following needed fire flows shall be used shall be based on distance between the two homes:*

<i>DISTANCE BETWEEN BUILDINGS NEEDED FIRE FLOW</i>	
<i>More than 30 feet</i>	<i>500 gpm</i>
<i>21 – 30 feet</i>	<i>750 gpm</i>
<i>11 – 20 feet</i>	<i>1,000 gpm</i>
<i>0 – 10 feet</i>	<i>1,500 gpm</i>

*For 1- and 2-family dwellings, exceeding the two-story height or with an effective area greater than 4,800 square feet the needed fire flow will be calculated the same as commercial projects.*

- Need to obtain current with test data and provide documentation that the designed waterline shall be capable of providing the needed fire flow requirement as previously noted.
- Need to note street names and addressing which must be approved by this office and coordinated with Dare County 911.
- All water lines for the fire hydrants and basic road improvements must be installed and approved prior to the commencement of any home construction. Roads must remain clear during construction for emergency vehicle access.

*\* Please understand that approval of any documents in no way relieves the owner, the architect, the engineer, or the contractor from the responsibility of violations of governing codes and regulations not found by our office. When such violations are found they must be corrected.*





## County of Dare

P.O. Box 1000 | Manteo, North Carolina 27954 | 252.475.5000

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January 30, 2023

### MEMORANDUM

TO: DARE COUNTY PLANNING BOARD

FROM: Noah Gillam *NG*

RE: The Village at Old Wharf Road Cluster Home Group Development Special Use Permit

A special use permit application and a site plan for a cluster home development has been submitted by Brad Alexander of Aria Construction. The property is identified as parcel 025921000 in the Dare County Tax Records, and is located on Old Wharf Rd in Wanchese. The parcel is zoned Wanchese Village Residential (VR) and cluster homes are permitted as a special use. Mr. Alexander is currently under contract to purchase the property from the current owner James V Daughtry. As part of the special use permit application Mr. Alexander has provided a letter from Mr. Daughtry that gives him permission to apply for a special use permit on the parcel for the construction of a Cluster Home Group Development. It shall be noted that a special use permit shall run with the land and not be affected by a change in ownership of the property.

A cluster home development is defined in Section 22-2 of the Dare County Zoning Ordinance as a residential group development project consisting of more than one residential dwelling on one parcel of land whereby the dwellings are occupied on a long-term basis. Such developments are subject to review and approval according to the provisions of Section 22-31.1 of the Dare County Zoning Ordinance. Long-term occupancy is defined in the County Zoning ordinance as a residential dwelling that is occupied and used for residency and housekeeping purposes for a period of 31 days or more.

In June of 2018 at the request of the Outer Banks Chamber of Commerce the Dare County Board of Commissioner tasked the Dare County Planning staff and Planning Board to draft proposed amendments that would facilitate the development of residential structures for year-round housing thereby creating more housing opportunities in a

variety of structures. In following months the Planning Board and Planning staff developed a set of proposed amendments and conducted a public hearing on the proposed amendments. One of the proposed amendments was the cluster home development ordinance. The proposed amendments were forwarded to the Board of Commissioner in October 2018, and after a public hearing the Board of Commissioner voted to adopt the amendments. As a result cluster homes were added as special use in twenty four zoning districts in Dare County.

In April of 2019, six months after the adoption of the cluster home language into twenty-four zoning districts the Board of Commissioners instructed planning staff to draft language that would expand cluster homes into other zoning districts. The Planning Board in June of 2019 conducted a public hearing on the proposed amendments that would add cluster home developments as special uses in eight additional zoning districts. The Planning Board recommended approval of the amendments and the amendments were forwarded to the Board of Commissioners for review. On September 16, 2019 the Board of Commissioners held a public hearing on the proposed language, at the close of the hearing the Commissioners voted to approve the amendments expanding cluster homes as special use into eight additional zoning districts. As a result of the 2018/2019 amendments cluster home developments were added as special uses in ten of the Wanchese zoning districts.

The parcel for the proposed cluster home group development is 10.53 acres (458,715 SQ FT). Section 22-31.1 allows for lot coverage of 30% of the total lot area and any dwelling constructed as part of the cluster home development shall not exceed 1,200 square feet of heated/conditioned space. The applicant is proposing to construct 60 individual dwelling units on the 10.53 acre parcel. The dwellings will be divided between two and three bedrooms, twenty-four of the dwellings will be three bedrooms with 1,120 square feet of conditioned space, and thirty-six dwellings will be two bedrooms with 960 square feet of conditioned space. The proposed site plan shows the dwellings being separated by the 15 foot minimum requirement.

Section 22-31.1 requires that cluster home developments that cannot be properly serviced by emergency or service vehicles from an existing abutting road or street, shall be made accessible to such vehicles from a 30ft right-of-way with 20 feet of paved improvements. The applicant is proposing to install a centralized 22 foot wide paved main access road with 30 feet of right-of-way, with the individual units being accessed off of six 20 foot wide paved side streets with 30 feet of right-of-way terminating in cul-de-sacs as depicted on the site plan. The proposed improvements as shown on the site plan show a built upon area of 28.16% (129,925 SQ FT) of the allotted 30% (137,614 SQ FT) meeting the requirements of the ordinance.

The 10.5 acres parcel is currently vacant and vegetated with a mix of hardwoods and pine trees. The property was surveyed on December 6, 2022 by Seaboard Surveying. As part of the surveying process the applicant had a wetland delineation completed on the property by George Wood of Environmental Professionals. The delineation confirmed three pockets of wetlands totaling 4,032 square feet. It is the applicant

intention to fill these wetlands. Before ground disturbing activities occur, copies of the Army Corp of Engineers wetland fill permits shall be provided to the Dare County Planning Department. A condition has been added to the draft Special Use Permit to reflect this condition.

The area of disturbance for the proposed development will require the applicant to apply for erosion and sediment control permit and a stormwater management permit from the North Carolina Department of Environmental Quality. Dare County does not have a stormwater management ordinance and we rely on the States stormwater permit process. Mr. Alexander plans to manage stormwater runoff internal to the property through a series of basins and swales as depicted on the site plans grading and drainage plan. The State permits will be applied for once the applicant receives local approval, and copies of approvals shall be provided to the planning department before ground disturbing activities can occur. If after the States review a reduction to the proposed built upon area occurs those changes can be handled administratively. Section 22-65 of the Dare County Zoning Ordinance allows for minor modifications to approved Special Use Permits such as a reduction in lot coverage to be exempt from the full application and approval process and may be approved by the Planning Director in writing.

Wastewater for the proposed development will be handled by six onsite septic systems with ten units hooked to each system. Before issuance of building permits the applicant will have to apply for septic permits through Dare County Environmental Health. Copies of these permits shall be provided to the Planning Department as part of the building permit process.

Parking for cluster homes shall be provided at a rate of one parking space per bedroom of each cluster home, with 50% of the required parking being of an impervious surface of concrete or asphalt. The applicant is proposing to construct the dwellings on piling foundations with the required paved parking being underneath the dwellings. The remainder of the parking space will be constructed of gravel in front of the individual units. The total number of spaces required for the development is 144 spaces, and the site plan shows a total number of spaces equaling 204.

The Dare County Fire Marshal has reviewed the site plan and has provided comments. Per the fire marshal there shall be no parking allowed on the roads within the development, and signage indicating such shall be installed prior to dwelling construction activities. The site plan depicts an emergency vehicle access gate being installed along the property boundary that abuts Brinkly Dr (SR 1323). This gate shall have a clear opening of not less than 20 feet with a lock keyed to the Roanoke Island VFD Knox box key. There shall be "No Parking-Fire Lane" signs located on each side of the gate. All Roads shall be constructed of a material to have an all-weather surface capable of carrying the imposed weight of fire apparatus of at least 75,000 pounds. The needed fire flow for the proposed development is 1,000 gallons per minute; this will need to be certified before construction activities can begin on the property. Conditions



have been added to SUP that reflects the fire marshal requirements, and his comments are attached to this memo for the boards review.

Dare County Public Works reviewed the site plan and had concerns about the original proposal for dumpsters to be located in each of the six cul-de-sacs. The project engineer was able to design a centralized location at the end of the main road servicing the development. This centralized location alleviates sanitation trucks going down the six cul-de-sacs to provide trash pick-up. An updated site and utility plan page is included in the packet.

The applicant is proposing to install a vegetative buffer along the perimeter of the property, and 6-foot high privacy fence along the eastern boundary where the property directly abuts neighboring residential lots. The Cluster Home Ordinance does not require a vegetative buffer or fencing to be installed but since the applicant shows it on the site plan staff feels that it appropriate to add conditions to the draft SUP addressing the buffer. It is staff's recommendation that the applicant leave some of the existing hardwoods that surround the property and reinforce the buffer with indigenous deciduous and/or evergreen trees, and indigenous dense shrubs. Conditions have been added to the draft SUP that addresses the buffer.

NCDOT driveway permits will need to be obtained and provided to the Dare County Planning Department before construction activities can occur. A condition has been added to the draft SUP to reflect this item.

A copy of the as-built site plan will need to be recorded in the Register of Deeds once the infrastructure improvements have been completed. If it is the intention of the developer to sell the individual footprints of the structures, then homeowner's documents will be needed. Only the footprint of the structure can be conveyed to the individual owners with the remainder of the site designated as common area. The homeowner's documents shall include language that defines the occupancy of the structures as long-term as defined in the Dare County Zoning Ordinance (longer than 31 days). This information shall be noted on the site plan as well.

A draft SUP is attached to this memo for the Planning Boards review. Conditions can be added as part of the discussion before this is item is forwarded to the Board of Commissioners.

**DRAFT**



**Special Use Permit No. #6-2022**

Dare County Sections 22-27.7, 22-31.1, 22-65, & 22-70

**Application of:** Brad Alexander of Aria Construction & Development INC

On March xx, 2023 the Dare County Board of Commissioners considered the application of the Petitioner above named which application is on file with the Dare County Planning Department, and the Board finds as follows:

1. That the written application of Petitioner with attachments has been duly submitted to the Dare County Planning Department as required by Section 22-65 of the Dare County Code (hereinafter referred to as "Code");
2. That the application substantially complies with the requirements of the Code in that it requests uses permitted by special use permit under the Code subject to the quasi-judicial procedures set forth in Section 22-70, including; Cluster Home Developments
3. The subject property is zoned VR. This property is identified on the Dare County tax records as PARCEL 025921000 and located in the Wanchese Tax District.
4. That the Dare County Board of Commissioners is empowered under sections of the Code set out above to approve special uses and apply reasonable and appropriate conditions;
5. That the notice procedures of Section 22-72 of the Code have been implemented in the review of this Special Use Permit;
6. That upon the evidence received, the testimony presented, and the submitted written record, there are sufficient facts to support the issuance of this Special Use Permit according to the following terms and conditions:

**DRAFT**

**SPECIAL USE:** A Cluster Home Group Development consisting of 60 residential structures and associated infrastructure as depicted on the Appendix B Included as part of this Special Use Permit.

**CONDITIONS:**

1. The cluster home group development shall operate as prescribed in the definition set forth in Section 22-31.1 of the Dare County Zoning Ordinance. The structures shall be constructed as depicted on the Appendix B and shall not be occupied or rented on a short-term basis (less than 31 days) as defined in Section 22-2 of the Dare County Zoning Ordinance.
2. All structural improvements shall be located in the dwelling footprints as recorded on the final plat. The conditioned space of each structure shall not exceed 1200 square feet in area.
3. The structures shall be located on the parcel in conformance with the setbacks of Section 22-27.7 and Section 22-31.1 of the Zoning Ordinance and the Dare County Flood Damage Prevention Ordinance.
4. A final site plan of the cluster home development depicting the footprint areas shall be recorded in the Register of Deeds. The cluster home sites may be transferred to individual owners with the remaining of the site dedicated as common area owned by a homeowners association or other similar entity. A copy of the signed special use permit shall be recorded with the final site plan. The homeowner's documents shall include language that defines the occupancy of the structure as long-term as defined in the Dare County Zoning Ordinance.
5. Building permits for the structures shall be secured within 36 months from date of Board of Commissioners approval. An as-built survey for the property shall be submitted to the Planning Department upon the completion of all of the structures to confirm compliance with the terms of the Dare County Zoning Ordinance. If the developer chooses to construct the structures at different times, then individual as-built surveys for each structure shall be required before any structure is certified for occupancy.
6. Roads internal to the development shall be paved and constructed as depicted on the approved site plan. The road shall be constructed to support 75,000 pounds as indicated by the Dare County Fire Marshal. Upon completion, road improvements shall be certified by a NC licensed engineer to meet the weight specification stipulated by the Fire Marshal. Road maintenance shall be the responsibility of the Petitioner or any homeowners association that is established for the cluster home development. The road



improvements shall be perpetually maintained to comply with the approved construction specifications. All roads shall be maintained with a clear height of 13-feet 6-inches.

7. There shall be no parking allowed on the roads within the development. No parking signs and surface markings shall be installed. This shall include the dumpster site location
8. The Emergency Vehicle gate on Brinkly Dr shall have a clear opening of not less than 20-feet with a lock keyed to Roanoke Island Volunteer Fire Department Knox box key. There shall be "No Parking-Fire Lane" signs located on each side of the gate per DCFMO requirements.
9. Fire hydrants shall be installed as noted on the site plan and in Dare County Fire Marshal comments dated November 8, 2022. The needed water fire flow shall be provided at a rate of 1,000 gallons per minute.
10. All Water lines for the fire hydrants and basic road improvements must be installed and approved by the DCFMO prior to the issuance of building permits. Roads shall remain clear during construction for emergency vehicle access.
11. Driveway permits or approvals from NCDOT shall be provided to the Planning Department before land disturbing activity can occur.
12. There shall be no staging of equipment or materials in or along the right-of-way of Old Wharf Rd (SR 1168), Brinkly Dr (SR 1323) and Hooper Ln.
13. A vegetative buffer shall be established in the applicable setbacks from property lines for the development. The vegetative buffer shall consist of a portion of the existing hardwoods present, and be reinforced with indigenous deciduous and/or evergreen trees, and indigenous dense shrubs. Vegetation shall be planted and maintained in a healthy, growing condition, and be perpetually maintained by the property owner or the homeowners association. Privacy fencing 6-foot in height and vegetative buffering shall be installed along the east property boundary as depicted on the site plan. Language shall be added to the homeowner's documents that reflect this condition.
14. All supplemental State and Federal permits shall be secured prior to ground disturbing activities. Copies of these permits shall be provided to the Dare County Planning Department.
15. No changes or deviation from the terms and conditions of the special use approval shall be made until written approval of the proposed changes or deviations has been obtained from Dare County. The quasi-judicial procedures set forth in the Code shall be followed for the review and approval of major modifications. Minor modifications as established in Section 22-70 of the Code may be authorized administratively by the Planning Director.

**DRAFT**

16. A violation of this Permit shall be a violation of the Code and the special use may be revoked by the Board of Commissioners. Special use approval shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any development regulation or any State law delegated to Dare County for enforcement purposes; or for false statements or misrepresentations made in securing special use approval. The same process for approval of a special use permit, including notice and hearing, shall be followed in the revocation of a special use permit.

17. All other terms and provisions of the Dare County Zoning Ordinance shall remain in full force and effect except as herein specifically permitted otherwise;

This \_\_\_\_\_ day of March 2023

SEAL:

COUNTY OF DARE

By: \_\_\_\_\_

Robert L Woodard Sr.  
Dare County Board of Commissioners

ATTEST:

By: \_\_\_\_\_

Cheryl Anby  
Clerk to the Board

**THIS PERMIT AND THE CONDITIONS HEREIN ARE ACCEPTED**

By: \_\_\_\_\_

Brad Alexander  
Aria Construction & Development INC

APPROVED AS TO LEGAL FORM

By: \_\_\_\_\_

Robert L Outten  
County Attorney

**DRAFT**



# COUNTY OF DARE

## Planning Department

P.O. Box 1000, Manteo, North Carolina 27954

### SPECIAL USE PERMIT APPLICATION

Manteo: (252) 475-5870

KDH Satellite: (252) 475-5871

Buxton: (252) 475-5878

Date: 10/21/2022 Application No. 6-2022

Property Owner/Petitioner: Aria Construction + Development Inc. / Brad Alexander

Address: P.O. Box 321 Creswell NC 27928

Telephone: 252-796-7737 Email: aria.obx@gmail.com

Review Fee Paid: 2950.00

Project Description: Affordable Housing 59 Unit Subdivision,  
Cluster Home Subdivision

1000 Sqft - 2-bedroom 1200 - 3-bedroom

#### Property Description:

Lot	Phase/Section	Block	Subdivision
Parcel: <u>025921000</u>			PIN: <u>979706482784</u>

**APPLICATION IS HEREBY** made to the Dare County Planning Department for consideration of a Special Use Permit in accordance with the provisions of the Dare County Zoning Ordinance

Section: 22-31.1 Special Use: CLUSTER HOME DEVELOPMENT

A site plan and other documents as required for review of the special use permit application shall be submitted to the Planning Department with the application. A special use permit application shall not be processed by the Planning Department until such time that all review fees have been paid and all necessary documents have been submitted. Once the application is determined to be complete, the Planning Department shall schedule review of the application as established in Section 22-65 and Section 22-70 of the Zoning Ordinance.

Special use permits are subject to quasi-judicial procedures and an evidentiary hearing before the Dare County Board of Commissioners. The notice procedures of Section 22-72 of the Zoning Ordinance shall be implemented by the Planning Department. Reasonable and appropriate conditions may be applied by the Board of Commissioners as part of the evidentiary hearing process.

Applicant: Brad Alexander Date: 10-21-22



10/27/22, 11:25 AM

James V. Daughtry  
PO BOX 406  
Saint Leonard, MD 20685  
410-917-4397

26 October 2022

Dare County Planning Commission  
P.O. Box 1000  
Manteo, NC 27954

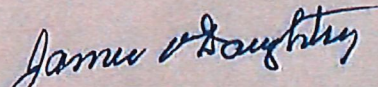
Dear Commissioners,

Reference: Parcel 025921000

I, James V. Daughtry, owner, have given Brad Alexander, Aria Construction & Development Inc of Creswell, NC permission to apply for a Special Use Permit for a Cluster Development on Parcel 025921000.

Please let me know if you have any questions.

Regards,

  
James V. Daughtry







**COUNTY OF DARE**  
**Department of Emergency Management**  
**Office of the Fire Marshal**  
P.O. Box 1000, Manteo, North Carolina, 27954

**Steven R. Kovacs, NC-CFI**  
Deputy Emergency Manager/Fire Marshal

(252) 475-5750

**To:** Noah Gilliam, Planning Director  
**From:** Steven R. Kovacs, Fire Marshal  
**Date:** November 8, 2022  
**Re:** The Cottages at Old Wharf Road

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I have reviewed the submitted site plan and have the following comments:

- There shall be no parking allowed on the roads within the subdivision. Signs and surfacing markings shall be as specified by the Dare County Fire Marshal's Office.
- The gate located on Brinkley Lane shall have a clear opening of not less than 20-feet with a lock keyed to Roanoke Island VFD Knox box key. There shall be "No Parking – Fire Lane" signs located on each side of the gate per DCFMO requirements.
- All roads shall be constructed of a material to have an all-weather surface capable of carrying the imposed weight of fire apparatus of at least 75,000 pounds.
- All roads shall be maintained with the noted width and the clear height of 13-feet 6-inches, and an all-weather surface. This shall be noted on the final recorded plat.
- The needed water fire flow for the proposed subdivision is 1,000 gallons per minute. This is based on homes with the noted 15-foot separation in between; dwellings not exceeding 2-stories in height, and overall square footage of 4,800 square feet. Any changes to these conditions would change the needed fire flow requirements. Documentation shall be provided prior to approval showing that the required fire flow can be obtained.
- Need to obtain current with test data and provide documentation that the designed waterline shall be capable of providing the needed fire flow requirement as previously noted.
- Need to note street names and addressing which must be approved by this office and coordinated with Dare County 911.
- All water lines for the fire hydrants and basic road improvements must be installed and approved prior to the commencement of any home construction. Roads must remain clear during construction for emergency vehicle access.

*\* Please understand that approval of any documents in no way relieves the owner, the architect, the engineer, or the contractor from the responsibility of violations of governing codes and regulations not found by our office. When such violations are found they must be corrected.*

## **SECTION 22-31.1 - CLUSTER HOME DEVELOPMENTS (Adopted 10-15-2018)**

Cluster home developments consist of more than one residential dwelling on one parcel of land whereby the dwellings are occupied on a long-term basis. These standards are designed to facilitate the development of cluster home projects in unincorporated Dare County subject to the following provisions. The following provisions shall apply:

**(a)** Cluster homes developments shall be subject to review and approval as special uses in the following zoning districts: R-2, R-2A, R-2B, R-2H, R2-AH, R-3, RS-6, RS-8, SP-2, SP-C VC-2, C-2, C-2-H, C-3, 1-1, S-1, CS, BT, RB, MLM, WVC, MC-1, MC-2, and Highway 345. Minimum lot size: 20,000 square feet in these zoning districts.

**(b)** Cluster homes developments shall be subject to review and approval as special uses in the following zoning districts: NH, RS-1, R-1, SNC, VR, WR1, MH-A, MH-B, ELR, and ELNH. Minimum lot size: 30,000 square feet in these zoning districts.

**(c)** Setbacks: Dwellings constructed as part of a cluster home development shall be subject to the setbacks of the applicable zoning district.

**(d)** Separation of dwellings: 15 feet.

**(e)** Lot coverage: 30% of the total lot area.

**(f)** Building height: Same as the applicable zoning district.

**(g)** Maximum size of dwelling: Any dwelling constructed as part of the cluster home development shall not exceed 1,200 square feet of heated/conditioned space.

**(h)** Parking: Parking for cluster homes shall be provided at a rate of one parking space per bedroom of each cluster home. Such parking may be provided at individual dwelling sites or in a congregate area for the entire development. Fifty percent (50%) of the required parking shall be of an impervious surface of concrete or asphalt (not to include asphalt millings or other similar products).

**(i)** Roads – cluster home developments that cannot be properly served by emergency or service vehicles from an existing abutting road or street, shall be made accessible to such vehicles from a 30' right-of-way with 20 feet of paved improvements.

**(j)** Ownership of cluster homes – cluster home sites may be transferred to individual owners with the remainder of the lot dedicated as common area owned by a homeowners association or similar entity. Cluster homes shall be occupied or rented on a for long-term occupancy as defined in Section 22-2 of the Zoning Ordinance.

**(k)** A copy of the approved special use permit for a cluster home development shall be recorded with the approved site plan of the development.

**(l)** Other reasonable and appropriate conditions to reflect individual specific site conditions may be applied to cluster home development as part of the special use review and approval process.

(Ord. passed 10-15-2018; Am. Ord. passed - - ; Am. Ord. passed 6-21-2021)



## SECTION 22-27.7 - WANCHESE VILLAGE RESIDENTIAL ZONING DISTRICT (VR)

Residential area located in the center of the village at Old School House Road and most roads intersecting from a portion of and north of E. R. Daniels Road.

**(a) Scope and intent:** The intent of the Wanchese Village Residential Zoning District is to preserve the traditional family-fishing atmosphere while protecting the environmentally-sensitive coastal wetlands and other unique features of the Village of Wanchese. This district provides for and encourages single-family residential land use that permits a traditional village business, whereby the property owner resides on the premises and carries on a business use on site of the primary residence. The traditional village business is identified as a commercial accessory use to the residential district and has long been associated with the Village of Wanchese. The district also supports mobile homes on an individual lot or parcel of land.

Furthermore, the district will promote stable, permanent neighborhoods, characterized by low vehicular traffic flows and low impact of development. The single-family district is designed to secure a comfortable, healthy, safe and pleasant environment for those who live there, as well as future development of such neighborhoods. The Wanchese Village Residential District serves to protect the fishing village atmosphere and family-oriented business way of life, which gives the village its attractiveness, both as a place to live and a place to visit.

**(b) Permitted uses:** Any use in existence on March 24, 2006 shall be allowed to continue in operation without seeking approval from Dare County, regardless if that use is listed as a permitted use or is listed as a special use in any of the Wanchese zoning districts. Additions or expansions of uses in existence on March 24, 2006 shall be subject to administrative review and approval by the Dare County Planning Department for compliance with the zoning regulations. Construction of additional principal use structures at existing business sites that would require a special use permit if not already established prior to March 24, 2006 shall trigger review and approval under the special use permit process.

The following uses shall be permitted by right and any use not permitted herein shall be deemed prohibited:

- (1) Detached single-family dwellings on individual lots.
- (2) Single-family mobile homes located on individual lots, provided:
  - a. Compliance with building code for mobile homes in a hurricane area.
  - b. Compliance with the requirements of the building inspector regarding skirting materials and skirting area.
- (3) Bed and breakfast homes.
  - a. Small bed and breakfast home as defined in Section 22-2.
  - b. Large bed and breakfast home as defined in Section 22-2.
- (4) Customary accessory uses associated with principal use, including windmills not to exceed height limit of this district, garages, sheds, swimming pools, tennis courts, commercial accessory business structures and any other structures associated with a residential use.
- (5) Accessory dwelling unit associated with principal residential use and referred to as a "guesthouse" is permitted, subject to compliance with all supplementary local, state and federal permit approvals and in addition to the following:
  - a. An accessory dwelling unit may be attached to the principal residence or may be detached from the principal residence. The size of an accessory dwelling unit, whether attached to or detached from the principal residence, shall not exceed 900 square feet of heated space.

- b.** An accessory dwelling unit, whether attached to or detached from the principal residence, shall be located on the site in conformance with the building setbacks of this zoning district.
  - c.** The owner of the property and/or family member shall occupy either the primary residence or accessory dwelling unit.
  - d.** One additional off-street parking space shall be required
  - e.** An accessory dwelling unit shall not be subdivided or segregated in ownership from the principal use structure.
  - f.** An outbuilding on a residential lot that exists at the time of adoption of this ordinance may be converted into an accessory dwelling unit, if lot coverage can be met for the accessory unit and the primary residence.
  - g.** The accessory dwelling unit shall be constructed according to all applicable state and federal regulations and local building code requirements, including federal floodplain elevation regulations if applicable.
  - h.** Once permitted, the property owner shall submit annual verification of year round occupancy of the principal use structure or the accessory dwelling unit to the Dare County Planning Department, if necessary.
  - i.** Travel trailers, recreational vehicles, and/or mobile homes shall not be used as accessory dwelling units.
  - j.** Accessory dwelling units shall not be used for any commercial or business activity.
- (6)** Traditional village business – A commercial accessory use conducted by owner and/or family member residing on the lot or parcel of the principal residence provided the following conditions are met:
- a.** Property owner and/or family member operates a business and resides on the premises.
  - b.** Merchandise produced on or off of the premises may be sold on premises.
  - c.** An accessory commercial building shall not exceed 1,200 square feet. In addition, 25% of the total floor area of the principal residence may be used for said business.
  - d.** One indirectly lighted freestanding sign, not to exceed 36 square feet, may be posted on the property.
  - e.** On-site parking for up to 4 spaces shall be provided on the site.
  - f.** Visual buffer: A 6-foot opaque wooden fence or vegetative buffer shall be provided for any business established after March 24, 2006. In some instances, existing dense shrubs, trees, and plants may provide screening.
  - g.** In the case where a property owner owns land that is contiguous to the principal residential use and accessory business, said land may be used as an extension and a part of the traditional village business use.
  - h.** The traditional village business shall be located a minimum of 15 feet from any front property line and a minimum of 10 feet from any side or rear property line. The setbacks found in subsection (d) of this district shall not apply.
  - i.** An average of 3 non-resident employees may be employed.

The following list of uses may be permitted as a traditional village business including, but not limited to:

- a.** Offices: business, financial, professional, and medical.
- b.** Retail/wholesale shops:



1. Antiques, furniture, and home decor.
  2. Apparel.
  3. Artist and art supplies.
  4. Bait and tackle supplies.
  5. Beehives.
  6. Books.
  7. Camera and photo supplies.
  8. Coffee/tea cakes, pies, bakery goods and edibles.
  9. Florist.
  10. Fruit and vegetable stand.
  11. Gifts and imports.
  12. Hobby goods.
  13. Hunting and fishing supplies.
  14. Jewelry.
  15. Leather goods.
  16. Millinery shop.
  17. Music shop.
  18. Photography equipment sales and service.
  19. Sewing shop/needle works, dry goods and supplies.
  20. Tack and equestrian associated sales.
  21. Toys.
  22. Upholstery.
  23. Woodcarving, ducks and other wildlife.
- c. Service establishments:
1. Automobile detailing.
  2. Barber and beauty shops including tanning and exercise facilities.
  3. Bicycle rentals with buffered storage area.
  4. Boarding of horses, equestrian associated activities according to state regulations.
  5. Boat building shop – (not to exceed 1,200 sq. ft. boat size limited to 36 ft.).
  6. Bricklayer.
  7. Bake shops – cakes, pastries, edibles and bakery goods.
  8. Carpenter/cabinet/wood-working.
  9. Catering business.

10. Computer and internet services.
  11. Concrete finishing business and equipment.
  12. Crab pot storage and other crabbing and commercial fishing gear.
  13. Crab shedders and associated operations.
  14. Craft production and retail sales.
  15. Electrician.
  16. Electronics.
  17. Excavating and equipment.
  18. Hardwood flooring, carpet, vinyl and ceramic tile installation.
  19. Heating and air.
  20. Historic home place tours and interpretation of village lifestyle.
  21. Home schooling.
  22. House and boat moving business.
  23. Landscape and lawn care.
  24. Music lessons.
  25. Outboard engine repair.
  26. Painter and dry wall.
  27. Photographer.
  28. Plumber.
  29. Potter, clay works, ceramics.
  30. Pressure washing business.
  31. Radio, TV broadcasting and film production studio.
  32. Roofer.
  33. Seafood sales as per North Carolina regulations.
  34. Small engine repair.
  35. Small trucking business – parking business truck on site.
  36. Taxidermist.
  37. Tree removal, stump grinding, log splitting and wood sales.
  38. Welding shop.
- (7) Agriculture farming, livestock, waterfowl, poultry and related activities for personal use.
  - (8) Crab pots, crab pot storage and other crabbing and commercial fishing gear.
  - (9) Small childcare home - as defined in Section 22.2.
  - (10) Private home antennas and on-site accessory business use antennas.

(11) County owned and leased facilities.

(12) Heritage gardens – designated areas of land leased to the public for gardening projects.

**(c) Special uses:** Any use in existence on March 24, 2006 shall be allowed to continue in operation without seeking approval from Dare County, regardless if that use is listed as a permitted use or is listed as a special use in any of the Wanchese zoning districts. Additions or expansion of uses in existence on March 24, 2006 shall be subject to administrative review and approval by the Dare County Planning Department for compliance with the zoning regulations. Construction of additional principal use structures at existing business sites that would require a special use permit if not already established prior to March 24, 2006 shall trigger review and approval under the special use permit process.

The following special uses and no other special uses may be permitted, subject to the requirements of this district and the regulations and requirements imposed by the Board of Commissioners as provided by Article IX of this chapter. Any use not permitted herein shall be deemed prohibited.

(1) Churches, cemeteries, schools and other public buildings.

(2) Church housing and recreation facilities that are under single ownership of the church are permitted on or off site of the principal church parcel. The site shall contain a minimum of 3 acres. Additional uses may include primary and secondary educational facilities with both indoor and outdoor activities. Church housing requirements shall be according to the standards of Sec. 22.31. for group housing.

(3) Elder in-home care, up to four non-related patients (private home nursing) provided the following minimum requirements are met:

a. Employee and visitor parking according to Section 22-56 in addition to 1 parking space for each non-resident employee.

b. Other reasonable conditions imposed by the Board of Commissioners.

(4) Pet grooming provided the following minimum requirements are met:

a. Must be owner and/or family occupied residential premises.

b. Day care only for grooming – hours of operation limited to 7:00 a.m. to 6:00 p.m.

c. No outdoor run facilities and no overnight guests (not a kennel).

d. Other reasonable conditions that may be imposed by Board of Commissioners.

(5) Public and/or private utilities (must provide vegetative buffer at least 10 feet in height).

(6) Small childcare center, large childcare center - as defined in Sec. 22.2 and only associated with a church, school or other public building.

(7) Cluster home developments subject to the provisions of Section 22-31.1.

**(d) Dimensional requirements for detached single-family dwellings, bed and breakfast homes, mobile homes and all other uses:**

(1) Minimum lot size:

a. Single-family lots with accessory dwelling units and accessory commercial structures used in association with a single-family use shall be of sufficient size to meet the requirements of the Dare County Environmental Health Department and to provide adequate setbacks for the single-family structure, accessory dwelling unit and all other accessory use structures.

Existing lots – All lots that were subdivided and recorded before March 24, 2006 shall meet the approval of the Dare County Environmental Health Department for well and on-site wastewater systems.

The setbacks and lot coverage standards of Section 22-27.18 shall apply to lots recorded before March 24, 2006.

**b. Newly platted lots -- For those lots subdivided and recorded after March 24, 2006:**

Single family lots:

15,000 square feet of soils not classified as coastal wetlands for lots connected to a central water supply.

20,000 square feet of soils not classified as coastal wetlands for lots connected to a private well.

(2) Minimum lot width: 75 feet at building setback line.

(3) Minimum front yard: 25 feet

(4) Minimum side yard: 10 feet; an additional 5-foot side setback for corner lots adjacent to a street. Lots less than 75 feet in width shall have an 8-foot side yard setback and an additional 5-foot setback for corner lots adjacent to a street.

(5) Minimum rear yard: 20 feet maximum, or 20% of lot depth.

(6) Lot coverage: 30% as defined in Section 22-2. Lot coverage of 50% may be authorized for those sites with an accessory dwelling unit and/or a traditional village business.

(7) Building height: 40 feet measured from 8 feet NAVD 1988 to the highest elevation of any feature of the structure or portion of the roof measured from the approximate center of the structure. For those properties where the natural grade exceeds 8 feet NAVD, building height shall be measured from the highest adjacent grade to the proposed structural footprint. Natural grade for calculation of the 40 feet building limit is defined as (1) natural ground elevation before any land disturbing activities; (2) unnatural ground elevation created by the placement of fill on a site before March 24, 2006; or (3) the re-grading of natural topographic conditions in preparation of construction activities. Overall height shall be measured from the approximate center of the structure to the highest elevation of the structure. Chimneys, lightning rods, weather vanes, wind gauges, and other similar roof appurtenances shall not be considered the highest portion of the roof. The pitch of the principal roof shall be no less than 4/12. Principal roof is defined as the largest section of the roof on the structure.

(8) Churches, schools, and other public buildings are exempt from the 10,000 square feet commercial building size.

**(e) Non-conforming uses and non-conforming structures:** The standards of Section 22-27.19 shall apply to this district.

**(f) Performance standards and other information shall apply to this district:** The standards of Section 22-27.20 shall apply to this district

**(g) The sections contained in Article I, Article III, Article VII, Article VIII and Article IX of the Dare County Zoning Ordinance shall apply to this district.**

NOTE: Existing commercial business use allowed to continue and not otherwise permitted in this district: Dog kennel in operation on premises at 104 Old Wharf Road is a breeding kennel for Bichons Frise puppies and West Hyland white terriers up to 25 pounds. The business use shall continue to operate in the VR district under the requirements of Section 22-27.18 for non-conforming uses and structures found in this district. (Adopted by the DCBC on March 24, 2006; amended 2-20-2017)

(Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021)