

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Thursday, July 6, 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** 6:00 pm

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

**MEMBERS ABSENT** John DeBoy  
Beth Midgett  
David Overton

### APPROVAL OF MINUTES

There being no corrections or additions to the minutes of the June 6, 2023 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as submitted. David Hines seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

At 6:01 p.m. Chairman Finelli outlined the procedure for making Public Comments. There were no public comments made at this meeting.

*Public Comment Closed at 6:02.*

### OLD BUSINESS

-None-

### NEW BUSINESS

***Special Use Permit Application No. 5-2023 for a 7 Unit Cluster Home Group Development at 0 Old Main Rd, Avon, NC (Parcel No.014690002) Applicant: William David Stowe***

William David Stowe (Applicant) & Mark Bissel (Engineer) were both present at the meeting.

Mr. Gillam, Planning Director addressed the Board. He comments are shown below:

A special use permit application and a site plan for a cluster home group development has been submitted by David Stowe. The property is located on Old Main Rd in Avon and is identified as parcel 014690002 in the Dare County Tax Records. The property is zoned R-2A, and at the time of the submittal, cluster homes were permitted as a special use. The application was received before the removal of cluster home use from 22 zoning districts including the R-2A district on May 17, 2023 at the Dare County Board of Commissioners meeting held at 5 p.m. Section 22-87 of the Dare County Ordinance establishes permit choice, if a permit application made for development approval is submitted and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. For this application the applicant is choosing the prior ordinance that established Cluster Homes in the R-2A as a special use and shall be reviewed subject to the requirements of Section 22-31.1. The special use permit shall serve as a site specific vesting plan subject to the requirements of Section 22-88.

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.

The proposed parcel area for the cluster home group development is 1.58 acres (68,963 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 1,200sq.ft of heated/conditioned space. The applicant is proposing to construct 7 two bedroom individual dwelling units on the 1.58 acres. The dwellings are proposed as 900 sq.ft and separated by 24 feet meeting the requirements of the ordinance.

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 20 foot paved road with a 30 foot right-of-way as depicted on the site plan to provide access to the dwellings.

The 1.58 acre parcel is currently vacant and free of improvements. The proposed improvements as shown on the site plan show a lot coverage area of 20,640sq.ft(29.93%) of the allotted 20,689sq.ft(30%) meeting the requirements of the ordinance for lot coverage limitations.

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. The applicant 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 7 individual septic systems. Before issuance of building permits the applicant will have to obtain 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, 50% of the required parking being of an impervious surface of concrete or asphalt. The applicant is proposing to construct the dwellings on pilings with parking for two vehicles on concrete underneath the dwelling. The required number of spaces for the development is 14 spaces.

An NCDOT driveway permit 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 draft Special Use Permit, Site Plan, and Fire Marshall's comments were provided to the board for their review. Mr. Gillam, Planning Director, then read the conditions from the draft Special Use Permit aloud. A copy of these documents are on file with the Planning Board Clerk.

**Discussion:**

Chairman Finelli discussed the water line and asked the applicant for clarifications on the measurements. Mr. Bissell answered that the water line should measure 8"x2".

Chairman Finelli then pointed out that even though there are parking requirements in the ordinance, there might be an issue with guest parking. He suggested incorporating additional parking, but it is not a requirement.

The applicant had no comments on the Draft Special Use Permit and agreed to the conditions.

Mr. Gillam stated that due to this being a site specific vesting plan, Section 22-88 established a time frame of 2 years to substantially commence work on the site. Mr. Gillam explained that there is no option to extend the time with a site specific vesting plan because you are falling under an ordinance that is no longer in effect.

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

Vote: Ayes – Unanimous

This item will be forwarded to the Dare County Board of Commissioners for their consideration and will be subject to quasi-judicial review at the Board of Commissioners level, which requires sworn testimony and other rules of procedure specific to quasi-judicial items.

**OTHER BUSINESS**

Mr. Gillam announced that the Planning Department has received the second completeness review of the Land Use Plan update from the State. He is in the process of reassembling it and within the next month or two it will have to be reviewed and recommended for adoption by the Planning Board and forwarded to the Board of Commissioners.

Terry Gore expressed his gratitude to Noah and the Planning Department staff. David Hines seconded Terry Gore's statement.

**ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:13 p.m.

Respectfully Submitted,



Gerri Ellington  
Planning Board Clerk

APPROVED: August 1, 2023



John Finelli  
Chairman, Dare County Planning Board