

## MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Monday, October 8, 2018. 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  
   Michael Barr                      Beth Midgett  
   Terry Gore II                      Charles Read, Jr.

**MEMBERS ABSENT**            David Overton

### APPROVAL OF MINUTES

Chairman Finelli asked to insert the phrase *at a previous meeting* before the name *Duke Geraghty* on page 3 of the September 24, 2018 minutes. Michael Barr made a motion to approve the minutes with this correction. Terry Gore seconded this motion.

Vote: Ayes – Unanimous

### PUBLIC COMMENT

Three people spoke regarding the conditional use permit application for a group development in Hatteras Village.

Daniel Ansell is a resident of and serves on a local homeowners board in Hatteras Village. He researched group development practices. General concerns include traffic, septic, runoff, and precedence in permitting this use. Mr. Ansell read from the 2009 Dare County Land Use Plan Update, including "It is the goal of Dare County to shape the growth of unincorporated villages in a manner that retains their historical character... Commercial land use should be neighborhood or village oriented not regional or urban." An increase from two to three structures is a 50% increase in density of structures. The number of proposed bedrooms may increase 25%. The Land Use Plan directs us to protect development in unincorporated Dare County and prevent development like other areas where there is close, high-density growth. The implementation and structure needs to be considered for the group development. This permit could set a precedent for group developments to be implemented on other properties in the area. The true impact needs to be considered. The increase in density and development seems to be outside the spirit and vision of the Land Use Plan.

John Head of Colony Realty Corporation in Frisco spoke next. He is the listing agent on one of the properties being discussed tonight. The current owners purchased the property on the Friday before Hurricane Isabel, 15 years ago. They have struggled to sell the property for many years since. The corporation requesting the group development permit is buying two adjacent properties and combining them to make this a feasible project for the community. The east side of Hatteras Village has not been developed anywhere close to what it was prior to Hurricane Isabel. It's not back to the density we had then.

Emmet Wood owns a house in Hatteras Estates and lives in Raleigh. He enjoys vacationing and fishing on Hatteras Island and his family has been here since the 1930's. Mr. Wood does not like the development of big homes and pools on the oceanfront. This is why he has a home on Hatteras Island and not in Nags Head. Eighty-five homeowners use the access to the ocean. The group development will change the character of Hatteras. Mr. Wood would like to see less density.

The public comment portion of the meeting closed at 6:15 p.m.

#### **OLD BUSINESS**

-None-

#### **NEW BUSINESS**

##### ***Subdivision Review, 760 E. R. Daniels Road, Wanchese, Edith B. Gaskill***

Ray Meekins of Seaboard Surveying was present on behalf of the property owner.

Noah Gillam said the site is 2.05 acres and is being subdivided into two lots. The smallest lot is 17,772 square feet. It is zoned Wanchese Residential. There is an existing structure on proposed lot 1. Lot 2 is vacant. This subdivision creates no non-conformities.

Ray Meekins said this is pretty straight-forward and just over the threshold for administrative review.

Michael Barr made a motion to approve the subdivision as presented.

Terry Gore seconded the motion.

Vote: Ayes – Unanimous



***Conditional Use Permit Application, Group Development, 56693 and 56669 NC Highway 12, Hatteras Village, Hatteras Shores***

Mike Robinson, Engineer, and Sumit Gupta, SAGA Construction, were present.

Noah Gillam said SAGA Construction applied for a conditional use permit for a group development in Hatteras Village. The property is zoned C-2H and group developments are allowed as a conditional use. The proposed site is currently two separate parcels that will be combined. The group development will consist of three single family dwellings that will be located on individual footprint sites. The site plan shows the proposed configuration which is in compliance with section 22-31 of the zoning ordinance. Staff will continue to review the project and ensure compliance with zoning regulations. A copy of the site plan was sent to the Dare County Fire Marshal and his concerns have been forwarded to Mr. Robinson. Several members of the community contacted the Planning Department with concerns about the adjacent beach access easement and this can be addressed in the permit conditions.

Beth Midgett said an agent at her realty office has a listing for one of the properties included in this application. After discussion, it was decided there is no need to recuse Ms. Midgett from these proceedings.

Chairman Finelli explained that the Planning Board review is done to ensure compliance with county zoning standards. The Planning Board will make a recommendation to the county commissioners and the commissioners have the authority to approve or deny the request. The Planning Board does not review each specific detail on the plan but will look at the concept of one piece of property as a group development with three building sites. Additional reviews take place by the appropriate agencies during the building process. State statutes do not allow the Planning Board to regulate what rooms are on the interior of the house, including how many bedrooms there are. The determining factors for that are usually lot size and wastewater regulations. This is a commercial property and the property owner has the option to build a commercial use, such as a hotel, which would allow 60% lot coverage. With the group development/single family dwelling use, lot coverage is limited to 30%. When the request moves forward to the county commissioners, there will be additional opportunity for public comment.

Chairman Finelli said some of the setbacks on the plat are for C-2 zoning, others are for a group development. He asked if the plat could show only the group development setbacks. Mr. Robinson said yes that can be changed. Mr. Robinson also said the existing structure on the property will be removed. Michael Barr asked if the stable line of vegetation indicated on the plat has been approved by CAMA. Mr. Robinson said he

does not believe so. Charles Read asked about the Fire Marshal's concerns. Mr. Robinson said the property is 1,300 linear feet from the water tower, there will be a flow test, and any requirements of the Dare County Fire Marshal will be met.

Chairman Finelli said there is a 10' wide deeded access adjacent to this property that is used by the people of Hatteras Estates. He recommended requiring a fence at least 4' high along the property line beside the access. The applicant said that will not be a problem. Chairman Finelli said the walkways to the seashore will need to comply with state and federal requirements and they may only allow one walkway. He also understands there may be some limitations on swimming pools so that is something the applicant will need to look into. Chairman Finelli questioned the pool fence location in the common area. Noah Gillam said restrictive covenants will be required that grant open space/common area so the fence will need to be included within the envelope of the structure's building site.

Terry Gore made a motion to recommend approval of the conditional use permit with the addition of a 4' fence along the east property line and compliance with the flow test as required by the Dare County Fire Marshal.

Michael Barr seconded the motion.

Vote: Ayes – Unanimous

This will be considered by the Board of Commissioners at their meeting on November 5, 2018.

#### **OTHER BUSINESS**

-None-

#### **ADJOURNMENT**

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

Vote: Ayes – Unanimous

The meeting adjourned at 6:40 p.m.

Respectfully Submitted,



Sharon L. Flatt  
Planning Board Clerk

APPROVED: November 13, 2018



John Finelli  
Chairman, Dare County Planning Board